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Begin All Things By First Using The All

**COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION
85TH SESSION**

85 Session (11 Aug 2014 - 29 Aug 2014)

AUGUST 13-14, 2014

EXAMINATION OF THE UNITED STATES OF AMERICA

**EXAMINATION OF THE UNITED STATES 7TH, 8TH AND 9TH PERIODIC
REPORTS OF JUNE 2013**

Tendered to the CERD committee by :Chief:Nanya-Shaabu:Eil®©TM on behalf of the :At-sik-hata :Nation of :Yamasse-Moors. (2nd Month 10 day 69 Year, Yamassic Calendar) [July 24, 2004]

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See attachments at end of report in support of this presentment.



I. Introduction

On behalf The :At-sik-hata :Nation of :Yamasee-Moors stakeholders of the United States of America(and Canada) we give gratitude and appreciation for the offer and opportunity to tender this report to the CERD (“Committee”) for the review of 7,8 & 9 Periodic Reviews of the United States of America.

1. This Report will be our Nation’s response to the Government of the United States of America’s consistent Discrimination of Nubians[Misnomer: Negro, Black, African-Americans] Right to Claim their Indigenous Heritage and Right to Self-Determination.
2. This will report will also present Authoritative, Historical, Archaeological, Lawful and legal evidence proving in fact that Nubians[Misnomer:Negro, Black, African-Americans] of the United States of America were in fact also over hear before Christopher Columbus and before The Trans Atlantic Slave Trade. (Shown at the End of this Report).
3. This report will also present the Legal stalemate created by the U.S. Supreme Court ruling the U.S. Constitution can be voided in federal court by U.S.[Judges].This is further compounded by the Fact Nubians[Misnomer: Negro, Black, African-Americans] cannot be citizens of the united states of America.
4. This Report will also present the domestic legal stalemate/seizure created by the current U.S. Supreme Court decision is contrary to ICERD and its own mandate to promote Human Rights. Further compounding the problem, is the ‘Stateless’ position that Black, Negro, Colored, African-Americans’ are still currently in due to flaws and remedies brought forth, yet neglected,omitted,refused to be implemented by the government.
5. This Report will also present the fact that when Nubians[Misnomer: Negro, Black, African-Americans] present International Conventions, the United States of America has ratified, in the U.S. Courts do not honor the conventions and are not complying with International conventions.
6. This Report will also present to the committee that :our :Nation, as stake holders of the United States of America have not been contacted nor consulted by the government in relation to matters that effect us as Indigenous Peoples.

II. ICERD Relevant Articles

The Following ICERD Relevant articles related to this report are the following:

Article 1

1. In this Convention, the term " racial discrimination " shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end :

- (a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;
- (b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;
- (c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;
- (d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;

2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights :

- (a) The right to equal treatment before the tribunals and all other organs administering justice ;
- (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution ;
- (c) Political rights, in particular the rights to participate in elections to vote and to stand for election on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

- (d) Other civil rights, in particular :
 - (i) The right to freedom of movement and residence within the border of the State;
 - (ii) The right to leave any country, including one's own, and to return to one's country;
 - (iii) The right to nationality ;
 - (iv) The right to marriage and choice of spouse ;
 - (v) The right to own property alone as well as in association with others ;
 - (vi) The right to inherit;
 - (vii) The right to freedom of thought, conscience and religion;
 - (viii) The right to freedom of opinion and expression ;
 - (ix) The right to freedom of peaceful assembly and association;

Article 22

Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

The importance of the above referenced ICERD Articles is confirmed by U.S. House Joint Resolution 194 Apology to African Americans for Slavery(July 28, 2009); (H.Res. 194 - <http://www.gpo.gov/fdsys/pkg/BILLS-110hres194eh/pdf/BILLS-110hres194eh.pdf> :

“Whereas Africans forced into slavery were brutalized, humiliated, dehumanized, and subjected to the indignity of *being stripped of their names and heritage*”.

This leads into the following section regarding the Legal History of the United States of America.

III. Legal Background of the United States of America

On July 29, 2008 The United States Apologized to African Americans for slavery with the passing of the Following Resolutions:

“Whereas Africans forced into slavery were brutalized, humiliated, dehumanized, and subjected to the indignity of being stripped of their names and heritage”,
 (3) apologizes to African Americans on behalf of the people of the United States, for the wrongs committed against them and their ancestors who suffered under slavery and Jim Crow; and
 (4) expresses its commitment to rectify the lingering consequences of the misdeeds committed against African Americans under slavery and Jim Crow and to stop the occurrence of human rights violations in the future HJR-194
 (<https://www.govtrack.us/congress/bills/110/hres194/text>);

S.Con.Res. 26 (1) APOLOGY FOR THE ENSLAVEMENT AND SEGREGATION OF AFRICAN-AMERICANS.—The Congress—

(A) acknowledges the fundamental injustice, cruelty, brutality, and inhumanity of slavery and Jim Crow laws;

(B) apologizes to African-Americans on behalf of the people of the United States, for the wrongs committed against them and their ancestors who suffered under slavery and Jim Crow laws; and

C) expresses its recommitment to the principle that all people are created equal and endowed with inalienable rights to life, liberty, and the pursuit of happiness, and calls on all people of the United States to work toward eliminating racial prejudices, injustices, and discrimination from our society.

<http://www.gpo.gov/fdsys/pkg/BILLS-111sconres26rfh/pdf/BILLS-111sconres26rfh.pdf>

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx> June 18, 2009)

and

“ Whereas the United States Government condemned the traditions, beliefs, and customs of the Native Peoples and endeavored to assimilate them by such policies as the redistribution of land under the General Allotment Act of 1887 and the forcible removal of Native children from their families to faraway boarding schools where their Native practices and languages were degraded and forbidden”, “ To acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.”

SECTION 1. ACKNOWLEDGEMENT AND APOLOGY.

“Whereas Native Peoples are endowed by their Creator with certain unalienable rights, and that among those are life, liberty, and the pursuit of happiness “ ,

(4) apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States, HJ 3 IH (<http://www.gpo.gov/fdsys/pkg/BILLS-110hjres3ih/pdf/BILLS-110hjres3ih.pdf>) .

The Above domestic House resolutions, Senate Resolutions bills and codes are firmly related and connected to the ICERD and are obligatorily binding on the United States of America government as it clearly states in article 1:

“ the term " racial discrimination " shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

Publicly this is acceptable and agreeable, Privately and in actual practice, the opposite is the case.

IV. Definitions

One of the main reasons for a majority of confusion regarding Indigenous peoples and the state member in question is the failure to provide: clearly defined definitions of the words used when establishing treaties,

agreements, remedy and recourse. Upon examination of the etymology of the words being used in the English language, it be seen a pattern emerges that even though the definitions in modern times may have a different meaning, the etymology and Legal/Law definitions of the words used in the English language(some of the words, which originally come from other languages) has not; for this reason it is important that the definitions be clearly defined and agreed upon, for as can be seen what is said/used in the english language may be a totally different meaning from what is thought that the word is meant to mean. When proper investigation done it can be seen and realized that English word definitions, without properly defining the terms(which is interesting to note, since the United States Code and corresponding statutes generally have “definition(s)” or “terms” accompanying the Code or statute) is one of the major causes of ill will felt by Indigenous Peoples and a source of bad faith committed by the State Party when disputes arise. The constant actions of disregard, dishonor, denial and annulment/modification of agreements, conventions and treaties by the united states of America when a particular issue or dispute arises, which does not suite the u.s. corporations* interests, after agreements, conventions, treaties have been signed, has not changed in the past and it has not changed now.

CERD – Convention for the Elimination of Racial Discrimination(Committee)
<http://www.ohchr.org/EN/HRBodies/CERD/Pages/CERDIndex.aspx>

ICERD – International Convention on the Elimination of Racial Discrimination.
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

Dutch West India Company (Dutch: Geocroyeerde Westindische Compagnie, Dutch pronunciation: [ɣəʔəktroˈjɪrdə vɛstˈɪndisə kɔmpəˈɲi] or Dutch: GWIC; English: Chartered West India Company) was a chartered company (known as the "WIC") of Dutch merchants. Among its founding fathers was Willem Usselinx (1567–1647). On June 3, 1621, it was granted a charter for a trade monopoly in the West Indies (meaning the Caribbean) by the Republic of the Seven United Netherlands and given jurisdiction over the African slave trade, Brazil, the Caribbean, and North America. The area where the company could operate consisted of West Africa (between the Tropic of Cancer and the Cape of Good Hope) and the Americas, which included the Pacific Ocean and the eastern part of New Guinea. The intended purpose of the charter was to eliminate competition, particularly Spanish or Portuguese, between the various trading posts established by the merchants. The company became instrumental in the Dutch colonization of the Americas - Dutch West India Company From Wikipedia, the free encyclopedia http://en.wikipedia.org/wiki/Dutch_West_India_Company

http://www.etymonline.com/index.php?term=color&allowed_in_frame=0

color (n.) early 13c., "skin color, complexion," from Old French color "color, complexion, appearance" (Modern French couleur), from Latin color "color of the skin; color in general, hue; appearance," from Old Latin colos, originally "a covering" (akin to celare "to hide, conceal"), from PIE root *kel- (2) "to cover, conceal" (see cell).

For sense evolution, compare Sanskrit varnah "covering, color," related to vroti "covers," and also see chroma. Meaning "visible color, color of something" is attested in English from c.1300. As "color as a property of things," from late 14c. Old English words for "color" were hiw ("hue"), bleo.

color (v.)

late 14c.; see color (n.); earliest use is figurative. Related: Colored; coloring.

http://www.etymonline.com/index.php?allowed_in_frame=0&search=race&searchmode=none

race (n.3): "strong current of water," late 14c., perhaps a particular use of race (n.1), or from or influenced by Old French raz, which had a similar meaning, and which probably is from Breton raz "a strait, narrow channel;" this French source also may have given race its meaning of "channel of a stream" (especially an artificial one to a mill), which is recorded in English from 1560s.

race (n.2)

"people of common descent," a word from the 16th century, from Middle French race, earlier razza "**race, breed, lineage, family**" (16c.), possibly from Italian razza, of unknown origin (cognate with Spanish and Portuguese raza). Etymologists say no connection with Latin radix "root," though they admit this might have influenced the "tribe, nation" sense.

http://www.etymonline.com/index.php?allowed_in_frame=0&search=discrimination&searchmode=none

discrimination (n.) - 1640s, "the making of distinctions," from Late Latin discriminationem (nominative discriminatio), noun of action from past participle stem of discriminare (see discriminate). Especially in a prejudicial way, based on race, 1866, American English. Meaning "discernment" is from 1814.

Online Etymology Dictionary http://www.etymonline.com/index.php?l=i&p=15&allowed_in_frame=0 under letter „I“ click on number 16:

Indian "inhabit of India or South Asia," c.1300 (noun and adjective); applied to the native inhabitants of the Americas from at least 1553, on the mistaken notion that America was the eastern end of Asia. Red Indian, to distinguish them from inhabitants of India, is first attested 1831 (Carlyle) but was not commonly used in North America. More than 500 modern phrases include Indian, most of them U.S. and most impugning honesty or intelligence, e.g. Indian giver, first attested 1765 in Indian gift: An Indian gift is a proverbial expression, signifying a present for which an equivalent return is expected. [Thomas Hutchinson, "History of Massachusetts Bay," 1765] Meaning "one who gives a gift and then asks for it back" first attested 1892.

Bouvier's Law Dictionary Page 922: 1856 - http://www.republicsg.info/dictionaries/1856_bouvier_6.pdf

• INDIAN TRIBE. A separate and distinct community or body of the aboriginal Indian race of men found in the United States. • 2. Such a tribe, situated within the boundaries of a state, and exercising the powers of government and, • sovereignty, under the national government, is deemed politically a state; that is, a distinct political • society, capable of self-government; but it is not deemed a foreign state, in the sense of the constitution. • It is rather a domestic dependent nation. Such a tribe may properly be deemed in a state of pupilage and • its relation to the United States resembles that of a ward to a guardian. 5 Pet. R. 1, 16, 17; 20 John. R. • 193; 3 Kent, Com. 308 to 318; Story on Const. 1096; 4 How. U. S. 567; 1 McLean, 254; 6 Hill, 546; 8 • Ala. R. 48. •

INDIANS. The aborigines of this country are so called. • 2. In general, Indians have no political rights in the United States; they cannot vote at the general • elections for officers, nor hold office. In New York they are considered as citizens and not as aliens, • owing allegiance to the government and entitled to its protection. 20 John. 188, 633. But it was ruled • that the Cherokee nation in Georgia was a distinct community. 6 Pet. 515. See 8 Cowen, 189; 9 Wheat. • 673; 14 John. 181, 332 18 John. 506. • NOTE: There is NO Definition for Indigen – singular of the Plural Indigenus. In either Bouvier's Law Dictionary of Black's Law Dictionary.

Definition of Aboriginal http://www.etymonline.com/index.php?l=a&p=3&allowed_in_frame=0 under “A” click number 4.

- aboriginal (adj.) 1660s, "first, earliest," especially in reference to inhabitants of lands colonized by Europeans, from aborigines (see aborigine) + -al (1); specific Australian sense is from 1820. The noun is attested from 1767. Related: Aboriginally.

- aborigine (n.) 1858, mistaken singular of aborigines (1540s; the correct singular is aboriginal), from Latin Aborigines "the first ancestors of the Romans; the first inhabitants" (especially of Latium), possibly a tribal name, or from ab origine, lit. "from the beginning." Extended 1789 to natives of other countries which Europeans have colonized. Australian slang shortening Abo attested from 1922.

Definition of Treatise / Treaty

http://www.etymonline.com/index.php?l=t&p=30&allowed_in_frame=0 – Under “T” click number 31.

treaty (n.) late 14c., "treatment, discussion," from Old French traité "assembly, agreement, treaty," from Latin tractatus "discussion, handling," from tractare "to handle, manage" (see treat). Sense of "contract between nations" is first recorded early 15c.

Definition of Treaty 1856 Bouvier's 6th Edition - page 1970

http://www.republicsg.info/dictionaries/1856_bouvier_6.pdf

- TREATY, international law. A treaty is a compact made between two or more independent nations with a view to the public welfare treaties are for a perpetuity, or for a considerable time. Those matters which are accomplished by a single act, and are at once perfected in their execution, are called agreements, conventions and pactions.

Definition of Treaty - Black's Law Dictionary, 6th Edition, page 1502

- Treaty. A compact made between two or more independent nations with a view to the public welfare.

Definition of American - Online Etymology Dictionary

http://www.etymonline.com/index.php?l=s&p=51&allowed_in_frame=0 under “A” click on number 25

- American 1570s (n.); 1590s (adj.), from Modern Latin Americanus, from America (q.v.); originally in reference to what now are called Native Americans; the sense of "resident of North America of European (originally British) descent" is first recorded 1640s (adj.); 1765 (n.).

Definition of Black - Online Etymology Dictionary

http://www.etymonline.com/index.php?l=b&p=25&allowed_in_frame=0 – under “B” click Number 26

- black (adj.) Old English blæc "dark," from P.Gmc. *blakaz "burned" (cf. Old Norse blakkr "dark," Old High German blah "black," Swedish bläck "ink," Dutch blaken "to burn"), from PIE *bhleg- "to burn, gleam, shine, flash" (cf. Greek phlegein "to burn, scorch," Latin flagrare "to blaze, glow, burn"), from root *bhel- (1) "to shine, flash, burn;" see bleach (v.).

Definition of Black - Online Etymology Dictionary

http://www.etymonline.com/index.php?l=b&p=25&allowed_in_frame=0 – under “B” click Number 26

• black (n.) Old English blæc "the color black," also "ink," from noun use of black (adj.). From late 14c. as "dark spot in the pupil of the eye." The meaning "black person, African" is from 1620s (perhaps late 13c., and blackamoor is from 1540s). To be in the black (1922) is from the accounting practice of recording credits and balances in black ink.

http://www.etymonline.com/index.php?l=w&p=9&allowed_in_frame=0

white (n.) Old English hwit, from Proto-Germanic *khwitaz (cf. Old Saxon and Old Frisian hwit, Old Norse hvitr, Dutch wit, Old High German hwiz, German weiß, Gothic hveits), from PIE *kwintos/*kwindos "bright" (cf. Sanskrit svetah "white;" Old Church Slavonic sviteti "to shine," svetu "light;" Lithuanian sviesti "**to shine**," svaityti "**to brighten**").

As a surname, originally with reference to fair hair or complexion, it is one of the oldest in English, being well-established before the Conquest. Meaning "**morally pure**" was in Old English. Association with royalist causes is late 18c. Slang sense of "**honorable, fair**" is 1877, American English. The racial sense (adj.) of "of those races (chiefly European or of European extraction) characterized by light complexion" is first recorded c.1600. The noun in this sense ("white man, person of a race distinguished by light complexion") is from 1670s; whitey in this sense is recorded from 1828. White supremacy attested from 1902; white flight is from 1967.

Definition of Red

http://www.etymonline.com/index.php?l=w&p=9&allowed_in_frame=0

Letter R Number 11

red (1) Old English read, from Proto-Germanic *rauthaz (cf. Old Norse rauðr, Danish rød, Old Frisian rad, Middle Dutch root, German rot, Gothic rauþs), from PIE root *reudh- (cf. Latin ruber, also dialectal rufus "light red," **mostly of hair**; Greek erythros; Sanskrit rudhira-; Avestan raoidita-; Old Church Slavonic rudru, Polish rumiany, Russian rumjanyj "flushed, red," of complexions, etc.; Lithuanian raudas; Old Irish ruad, Welsh rhudd, Breton ruz "red"). The only color for which a definite common PIE root word has been found. The surname Read/Reid retains the original Old English long vowel pronunciation. The initial -e- in the Greek word is because Greek tends to avoid beginning words with -r-.

Definition of Yellow

http://www.etymonline.com/index.php?l=w&p=9&allowed_in_frame=0

Letter Y under 2

yellow (adj.) Old English geolu, geolwe, from Proto-Germanic *gelwaz (cf. Old Saxon, Old High German gelo, Middle Dutch ghele, Dutch geel, Middle High German gel, German gelb, Old Norse gulr, Swedish gul "yellow"), from PIE *ghel- "yellow, green" (see Chloe). Meaning "light-skinned" (of blacks) first recorded 1808. Applied to Asiatics since 1787, though the first recorded reference is to Turkish words for inhabitants of India. Yellow peril translates German die gelbe gefahr. Sense of "cowardly" is 1856, of unknown origin; the color was traditionally associated rather with treachery. Yellow-bellied "cowardly" is from 1924, probably a rhyming reduplication of yellow; earlier yellow-belly was a sailor's name for a half-caste (1867) and a Texas term for Mexican soldiers (1842, based on the color of their uniforms). Yellow dog "mongrel" is attested from c.1770; slang sense of "contemptible person" first recorded 1881. Yellow fever attested from 1748, American English (jaundice is a symptom).

Definition of Black - Online Etymology Dictionary

http://www.etymonline.com/index.php?l=b&p=25&allowed_in_frame=0 – under "B" click Number 27

• bleach (v.) Old English blæcan "bleach, whiten," from P.Gmc. *blaikjan "to make white" (cf. Old Saxon blek, Old Norse bleikr, Dutch bleek, Old High German bleih, German bleich "pale;" Old Norse bleikja, Dutch bleken, German bleichen "to bleach"), from PIE root *bhel- (1) "to shine, flash, burn" (cf. Sanskrit bhrajate "shines;" Greek phlegein "to burn;" Latin flamma "flame," fulmen "lightning," fulgere "to shine, flash," flagrare "to burn;" Old Church Slavonic belu "white;" Lithuanian balnas "pale"). The same root probably produced black; perhaps because both black and white are colorless, or because both are associated with burning. Related: Bleached; bleaching.

• bleach (n.) "act of bleaching," 1887; "a bleaching agent," 1898, probably directly from bleach (v.). The Old English noun blæce meant "leprosy;" Late Old English also had blæco "paleness," and Middle English had blech "whitening or bleaching agent."

Definition of Moor - Online Etymology Dictionary

http://www.etymonline.com/index.php?l=b&p=25&allowed_in_frame=0 – under “M” click Number 45

• Moor (n.) "North African, Berber," late 14c., from Old French More, from Medieval Latin Morus, from Latin Maurus "inhabitant of Mauritania" (northwest Africa, a region now corresponding to northern Algeria and Morocco), from Greek Mauros, perhaps a native name, or else cognate with mauros "black" (but this adjective only appears in late Greek and may as well be from the people's name as the reverse). Being a dark people in relation to Europeans, their name in the Middle Ages was a synonym for "Negro;" later (16c.-17c.) used indiscriminately of Muslims (Persians, Arabs, etc.) but especially those in India.

nationality (n.)

1690s, "national quality," from national + -ity (in some usages perhaps from French nationalité. As "fact of belonging to or being a citizen of a particular state," from 1828, gradually shading into "race, ethnicity."

Meaning "separate existence as a nation" is recorded from 1832. Related: Nationalities.

But I do love a country that loves itself. I love a country that insists on its own nationality which is the same thing as a person's insisting on his own personality. [Robert Frost, letter, April 21, 1919]

nationalization (n.)

1801, "act of rendering national in character," from nationalize + -ation. Meaning "act of bringing (property) under control of the national government" is from 1874.

nationalize (v.)

1800, "invest with a national character," from national + -ize. Meaning "bring under state control" is from 1869. Related: Nationalized; nationalizing.

http://www.etymonline.com/index.php?l=w&p=9&allowed_in_frame=0

Letter N under 3

native (adj.)

late 14c., "natural, hereditary, connected with something in a natural way," from Old French natif "native, born in; raw, unspoiled" (14c.) and directly from Latin natus "innate, produced by birth," from natus, pp. of nasci (Old Latin gnasci) "be born," related to gignere "beget," from PIE root *gene-/*gen- "to give birth, beget," with derivatives referring to familial and tribal groups (see genus). From late 15c. as "born in a particular place." From early 15c. as "of one's birth," also used from mid-15c. in sense of "bound; born in servitude or serfdom," also, as a noun "a bondsman, serf." Native American attested from 1956.

native (n.)

mid-15c., "**person born in bondage**," from native (adj.), and in some usages from Medieval Latin natus, noun use of natus (adj.). Cf. Old French naif, also "**woman born in slavery**." From 1530s as "person who has

always lived in a place." Applied from 1650s to original inhabitants of non-European nations where Europeans hold political power, e.g., of American Indians, by 1630s; hence, used contemptuously of "the locals" from 1800. Related: Natives.

United States and United States of America

<http://www.supremelaw.org/ref/dict/bldu1.htm#union>

UNION. By this word is understood the United States of America; as, all good citizens will support the Union.

UNITED STATES OF AMERICA. The name of this country. The United States, now thirty-one in number, are Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Wisconsin, and California.

The United States of America are a corporation endowed with the capacity to sue and be sued, to convey and receive property. 1 Marsh. Dec. 177, 181. But it is proper to observe that no suit can be brought against the United States without authority of law.

United States

Because Title 28 contains statutes which govern all federal courts, the consistent use of "United States" to refer to the federal government carries enormous weight. Title 28 is the latest word on this subject, as revised, codified and enacted into positive law on June 25, 1948. Moreover, the Supremacy Clause elevates Title 28 to the status of supreme Law of the Land.

To make matters worse and to propagate more confusion, the entity "UNITED STATES OF AMERICA" incorporated twice in the State of Delaware:

<http://www.supremelaw.org/cc/usa.inc>

<http://www.supremelaw.org/cc/usa.corp>

a " **Corporation** "

with a legislature was established,
with all the apparatus of a distinct government created (Incorporated) by
(Presidential) Legislative Act,
February 21, 1871
Forty-first Congress, Session III,
Chapter 62, page 419

On June 20, 1874, the President with advice of Senate abolished and replaced the 1871 government with a commission consisting of three persons.

18 Stat. at L. 116, chap. 337

A subsequent act approved June 11, 1878 (20 Stat. at L. 102, chap. 180) was enacted stating that the District of Columbia should 'remain and continue a municipal corporation,' as provided in 2 of the Revised Statutes relating to said District
(brought forward from the act of 1871)
<http://www.usavsus.info/>

United States of America

UNITED STATES OF AMERICA, INC. : Non-profit Delaware Corporation :
Incorporation Date 4/19/89 : File No. 2193946 Here are the additional details, available only by paying a fee to the Corporate registrations of Delaware: Please note that our dear friend V.K. Durham insists that the Registered Agent used for this transaction on April 19th, 1989 (a most significant date, eh, wot ?), is a Central Intelligence Agency front operation Entity Details ---- File Number: 2193946 Incorporation Date / Formation Date: 04/19/1989 (mm/dd/yyyy) Entity Name: UNITED STATES OF AMERICA, INC. Entity Kind: CORPORATION Entity Type: RELIGIOUS NONPROFIT Residency: DOMESTIC State: DE Status: VOID TAX INFORMATION Last Annual Report Filed: 1991 Annual Tax Assessment: \$ 0.00 Tax Due: \$ 110.50 Tax Status: DELINQUENT Total Authorized Shares: 0 REGISTERED AGENT INFORMATION Name: THE COMPANY CORPORATION Address: 271 www.state.de.us/corp/directweb.shtml

We have been lied to, our entire lives, that we are free. The United States is owned, lock, stock, and barrel, each of us as citizens of the United States is **owned**. The question to which I want the answer is: Who owns us? "*The few who understand the system, will either be so interested in its profits, or so dependent on its favors that there will be no opposition from that class, while on the other hand, the great body of people, **mentally incapable of comprehending the tremendous advantages...** will bear its burden without complaint, and perhaps without suspecting that **the system is inimical to their best interests.***"

- Rothschild Brothers' of London communiqué to associates in New York June 25, 1863.

Oxford pocket Dictionary page 379: **inimical** a. **hostile, harmful**; inimically adv.. [L (inimicus enemy)].

Definition of Government: Online Etymological Dictionary

http://www.etymonline.com/index.php?l=c&p=30&allowed_in_frame=0 under "G" click number 20

• govern (v.) late 13c., from Old French gouverner (11c., Modern French gouverner) "govern," from Latin gubernare "to direct, rule, guide, govern" (cf. Spanish gobernar, Italian governare), originally "to steer," a nautical borrowing from Greek kybernan "to steer or pilot a ship, direct" (the root of cybernetics). The -k- to -g- sound shift is perhaps via the medium of Etruscan. Related: Governed; governing.

• government (n.) late 14c., "act of governing or ruling;" 1550s, "system by which a thing is governed" (especially a state), from Old French gouvernement (Modern French gouvernement), from gouverner (see govern). Replaced Middle English governance. Meaning "governing power" in a given place is from 1702.

Definition of "Citizen": page 244 Black's law dictionary 6th Edition

• One who, under the constitutions and laws of the United States, or of a particular state, is a member of the political community, owing allegiance and being entitled to the enjoyment of full civil rights.

- “Citizens” are members of a political community who, in their associated capacity, have established or submitted themselves to the dominion of a government for the promotion of their general welfare and the protection of their individual as well as collective rights.

Definition of Govern(ment): Black’s Law Dictionary page 695, 6th Edition

- Govern. To direct and control the actions or conduct of, either by established laws or by arbitrary will; to direct and control, rule, or regulate, by authority. To be a rule, precedent, law or deciding principle for.
- Government. From the Latin gubernaculum. Signifies the instrument, the helm, whereby the ship to which the state was compared, was guided on its course by the “gubernator” or helmsman, and in that view, the government is but an agency of the state, distinguished as it must be in accurate thought from its scheme and machinery of government.

V. Verified Historical Back Ground and Identity of the First Peoples of the Americas

The ICERD states in Article 5(iii) the right to a Nationality. As has been show above in Sections II & III a corporation is not a Nation, nor it is a Nationality. For Blacks, African-Americans, Coloreds to become a “citizen” of the United States of America(and by assumption the United States”) is to become “property” of these corporations. It goes with saying that the Right to claim Native heritage(and Africans heritage, as it will be shown “African”, were in the Americas from south to the caribbean to North Americas before Columbia, Vespucci and the Vikings) by so-called “blacks”, “African-Americans” and “Coloreds” is clearly allowed by ICERD and ratified by said government of the United States of America.

This article published by the Saturday Evening Post of Sat. June 7 1828, reveals the true Identity and description of the Peoples of the Americas:

<http://www.sidneyrigdon.com/dbroadhu/PA/Phil1800.htm>

FOR THE SATURDAY EVENING POST.

FOUR LETTERS.

ON AMERICAN HISTORY.

By Prof. Rafinesque, to Dr. J. H. M’Culloh, of Baltimore.

FIRST LETTER.

You appear desirous to learn something more of my Researches on the Ancient and Modern History of North and South America. I feel willing and happy to be able to answer your inquiries, and even to suggest perhaps some new facts.

The continent of America has ever been the field of philosophical delusions, as Africa of fables and monsters, and Asia of religious creeds. All the various systems amd theories of monks and philosophers on the origin, climate, inhabitants, &c. of America, have been repeatedly destroyed by facts, and yet they find to this day many believers. To this day they speak and write of the Red men of America, **while there is not a Red Man, (nor never was,) in this continent.** To this day do they attempt to separate the American

languages from all others, while their roots and structure are exactly like many in the Eastern Continent.

When we are led by systems, or do not investigate and compare subjects in all their bearings, we are apt to fall into these delusive mistakes. But whoever will take the trouble, (as I have done,) to compare the features, languages, religions, customs, &c. of all the nations of the five parts of this world, Asia, Europe, Africa, Polynesia, and America, will find, (as I have found,) that mankind is a unity with many deviations of features, complexions, languages, religions, governments, civilizations, &c. all derived from single primitive types of those effect, and a common central focus.

To evince this result in a single but striking point, doubted to this day by superficial inquirers, it is sufficient to mention that **there were in America**, before Columbus came, **nations and tribes of the following complexions: coppered, tawny, olive, dusky, white or pale yellow, dark brown, and black;** (but none red unless painted,) and that all **these complexions are also found in Asia, in Polynesia, and in Africa.**

The native American Negroes or black Indians, have been seen in **Brazil, Guyana, Caraccas, Popayan, Choco, North California, &c.** Some of them, **such as the Aroras or Caroras of Cumana, were black, but with fine features and long hair, like the Jolofs and Gallas of Africa.** Others in New California, latitude 32, called *Esteros*, are like the *Hottentots, Numuquas, Tambukis*, and many other Nigritian tribes, not black, but dark brown, yet complete Negroes, with large thick lips, broad flat noses, and very ugly, with hair crisped or curly. **The Negro features belong to the form of the head rather than the colour, since [there] are in Africa, Asia, and Polynesia, black, brown, yellow, olive, coppery, (and even white) Negroes.**

The American Negroes of Quarenqua, in Choco, (the great level plain 900 miles long, 90 wide, separating the Andes of South America from the mountains of Panama,) **were black and with woolly heads in 1506.** *They are mentioned by Dangleria, and all the early accurate writers.* The last two travellers who have seen these Negroes, are Stevenson, (20 years travels in South America, London, 1825,) and Mollien, travels in Columbia, Paris, 1824.

Stevenson says that the Indians of Mannabi, comprising the districts of Esmeraldas, Rioverde, and Atacamas, on the sea shore of Popayan, are all Zambos, and produced by a ship full of Negroes who came in the country *before the Spaniards*, killed the former inhabitants, kept the women and formed a mixed race. They are tall, of a blackish colour, with soft curly hair, large eyes, flat noses, thick lips, &c.; *while the true Zambos, or modern offspring of Indians and Negroes are of a deep copper colour, with thick hair not curled, small eyes, sharp noses and good lips.*

In another part of the second volume of Stevenson, is the following passage: The *Puncays* of Riobamba, in Popayan, have a tradition that once before the Spanish came, they were invaded from the West by a nation of monkeys; and as the Spaniards came the same way, they took them also at first for monkeys!

In Mollien, the following notice is found: Two Indians of Choco, (whose true name is *Guana* or *Chuanas* nation,) where Dangleria's Negroes were found, are very ugly and black, and their language harsh and rough. Some words are given which may be

compared with other Negro languages. For instance, Man *hemeora*. Woman, *Decupera*. 1 Amba. 2 Numi. 3 Compa. 4 Aiapa. 5. Conambi, &c.

In the same quarter, or the west shore of Popayan, we have on record two other invasions by sea. The first is that of the giants mentioned by Lavega, in his history of Peru, and the second that of the *Skeres* nation, 500 years before Columbus, mentioned by Hervas, &c.

The white Indians of America have been seen almost every where, as well as the bearded Indians; to quote my authorities, would fill many pages. Many tribes in the Antilles, Florida, Guyana, Peru, Chili, &c. are represented as white as the Spaniards, by the early writers, who had no system to support like modern theorists, and many had bushy beards. In fact we find all the races, features, and complexions of mankind in America; and we find also out of it many nations with scanty beards, or plucking it as a troublesome appendage.

Thus the three great divisions of mankind, in regard to their complexion, were found in America, previous to the modern Colonization. These three races have erroneously been called *White*, *Red*, and *Black*, to which I have proposed to substitute the terms of *Pale*, *Tawny*, and *Dark*, which describe them completely; although it is not the colour, but rather the features, which distinguish them. The geographical corresponding appellations of *Caucasian*, *Imalian*, and *Nigritian* races may be equally objectionable, as well as the traditional names of *Japhetian*, *Semetic*, and *Ammonian* races, because they are based upon theoretical origins. Whatever be their names, although once very distinct, and probably the three primitive [deviations] of mankind, they have since, like their primitive languages, become so much entangled, intermixt, and changed, so as to have assumed many other shades; white, whitish, rosy, ruddy, tawny, brown, brownish, blackish, black, ebony, &c.

A similar confusion and intermixture has occurred with languages, which have split from primitive stocks into mother tongues, dead, holy, written, and spoken languages, dialects, and sub-dialects, &c. thus in the course of time, producing all the immense varieties of speech that have existed, or do yet exist. All of which, can, however, be traced to each other, by comparative philology deeply searched, in spite of theories and the apparent confusion or diversity and difficulties.

May, 1828.

C. S. RAFINESQUE.

Notes: (forthcoming)

Further Confirmation Native American tribes of the Knowledge of African presence in the Americas and the African relation to Native American Tribes is further supported by the following articles:

The Navajo use the inverted crescent as well. They call it a **Naja** symbol, which is a crescent shaped ornament which appears at the end of **every Squash Blossom Necklace**. **The Squash Blossom necklace** is a symbol of fertility to the **Hopi**, **Zuni**, **Navajo**, and Pueblo tribes of Arizona, and New Mexico (Fig 50). It also takes the form of an inverted crescent with the hand of **Fatima** at each end (Fig. 51).

As ratified by the United States of America to ICERD in Article 5

- (d) Other civil rights (iii) The right to nationality (vi) The right to inherit;
- (vii) The right to freedom of thought, conscience and religion;
- (viii) The right to freedom of opinion and expression ;
- (ix) The right to freedom of peaceful assembly and association

Black, African-American, Colored Peoples of the Americas are clearly within in their right as supported by the ICERD to claim their Indigenous heritage and associate with their Indigenous kindred and family.

Accurate descriptions of Native Americans have been published and archived among the most well known is the book called “America” by John Ogilby - <https://archive.org/download/America00Ogil/America00Ogil.pdf>

- Page 176, Chapter II Northern America
- Page 192, New Maryland
- Page 314 , Florida
- Page 238, Chapter V Mexico or New Spain
- Page 241, Chapter V. Mexico or New Spain
- Page 271, Panuco Chapter V
- Page 274, Tabasco, Section VI, Chapter V
- Page 277 , Tabasco Section VI, Chapter V
- Page 282, Galicua, Chapter VI
- Page 304-305 Chapter XI, The Island of North America, Terra Nova or New-Found Land with the Island of Assumption
- Page 470 , Chapter IV Chile
- Page 474, Paraguay Chap. V.
- Page 478, 482, 484, 489, 492, Brazil, Chap VII.,
- Page 625, Venezuela, Chap. IX

VI. Discrimination against Indigenous [Black, African-Americans, Colored] Native Americans

In its July 1, 2014 submission to the committee by the IITC(International Indian Treaty Council), the IITC tendered the following:

II .THE ICERD PROVIDES FOR PROTECTION FROM DISCRIMINATION REGARDING NATIVE AMERICAN’S RIGHTS TO CULTURE AND RELIGION

“ The Committee further recommends that the State party recognise the right of Native Americans to participate in decisions affecting them, and consult and cooperate in good faith with the indigenous peoples concerned before adopting and implementing any activity in areas of spiritual and cultural significance to Native Americans. While noting the position of the State party with regard to the United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295),

the Committee finally recommends that the declaration be used as a guide to interpret the State party's obligations under the [ICERD] relating to indigenous peoples."

The Papal Bull "Inter Caetera," issued by Pope Alexander VI on May 4, 1493, played a central role in the Spanish conquest of the New World. The document supported Spain's strategy to ensure its exclusive right to the lands discovered by Columbus the previous year. It established a demarcation line one hundred leagues west of the Azores and Cape Verde Islands and assigned Spain the exclusive right to acquire territorial possessions and to trade in all lands west of that line. All others were forbidden to approach the lands west of the line without special license from the rulers of Spain. This effectively gave Spain a monopoly on the lands in the New World.

*The Bull stated that any land not inhabited by Christians was available to be "discovered," claimed, and exploited by Christian rulers and declared that "the Catholic faith and the Christian religion be exalted and be everywhere increased and spread, that the health of souls be cared for and that barbarous nations be overthrown and brought to the faith itself." This "Doctrine of Discovery" became the basis of all European claims in the Americas as well as the foundation for the United States' western expansion. In the US Supreme Court in the 1823 case *Johnson v. McIntosh*, Chief Justice John Marshall's opinion in the unanimous decision held "that the principle of discovery gave European nations an absolute right to New World lands." In essence, American Indians had only a right of occupancy, which could be abolished.*

The Bull Inter Caetera made headlines again throughout the 1990s and in 2000, when many Catholics petitioned Pope John Paul II to formally revoke it and recognize the human rights of indigenous "non-Christian peoples."

<http://www.gilderlehrman.org/history-by-era/imperial-rivalries/timeline-terms/inter-caetera>

Given the History of the so-called Black, Negro, African-Americans & Coloreds in the United States of America and the Diaspora of the Americas, there is a genuine lack of enforcement, liability, accountability and effort on part of the State party(United States of America) to act in "good faith", right now, toward: of Black's African-Americans & Coloreds, especially when they claim their Indigenous heritage. The so-called Black, Negro, African-Americans & Coloreds, built the organic United States of America to what it is now; yet, they are looked upon with disdain and scorn. The discrimination by the United States of America does not appear to be ebbing, but increasing. Black, Negro, African-Americans & Coloreds that claim their Indigenous heritage are subjected to much more discrimination, scorn, scrutiny and persecution as the facts of their Indigenous claims are overshadowed and ignored by the bright lights and glamour of Hollywood's representation, movies and stories of who and what the original Native Americans looked like. When the facts are pointed out about the original Native Americans being actually of African Descent, cognitive dissonance takes over and the bad faith conduct of the United States of America continues its legacy in all its forms contrary to ICERD.

The Napoleonic Black Codes(<http://www.scribd.com/doc/55212595/Christian-Black-Codes-1724> The Christian Black Codes of 1724 are the resulting list of 54 Christian Protocols and Acts, written to augment and institutionalize the William Lynch Theories of 'Suppression and Control Methodologies'. These socialization tools are generally referred to as, 'The Black Codes'.), Jim Crow Laws(established after the so-called emancipation proclamation) the [Papal Bull of 1492(voided in 2008)] are Still on the books of the united states government, utilized and enforced publicly, while the United States of America says to the International

Community, also publicly, that they do not condone such legislations, statues, codes, rules, regulations and laws.

It has already been proven that “Africans” were in the Americas before Columbus(see: they came before Columbus, Dr. Ivan Van Sertima <http://www.amazon.ca/They-Came-Before-Columbus-Presence/dp/0812968174>) and confirmed by such “american” shows such as: National geographic, the Discovery channel(with the help and assistance of youtube). Also what is worthy of not is that Immigration Author, Center for Immigration Studies(CIS) Mark Krekorian Explains Why **Black People** Are *Not Considered American*(<http://atlantablackstar.com/2014/07/23/immigration-author-explains-black-people-considered-american-2/>).

Further evidence of the United States of America’s disregard to International Law, dishonor of ICERD and actions which are contrary to the United Nations Charter I bring the fact that putting this report together for our Nation was deliberately obstructed by the United States by its NSA, Facebook/CIA interference with my saving the electronic files of my report. I had to start from 8 hours prior, even though I had saved the file up to 9:20PM (MST) on July 23, 2014:

<https://www.facebook.com/notes/nanya-shaabu-eil/chiefnanya-eil-blocked-from-sending-icerd-report-to-cerd-committee-in-switzerland/10152628245542280>

:Chief:Nanya: Eil blocked from sending ICERD report to CERD Committee in Switzerland

July 24, 2014 at 4:59pm

Check the numbers!!(11 = Destruction) they got on my thumbdrive and gmail account(I saved twice my report twice in 2 different word formats and uploaded a copy and the files are GONE and ERASED!! --- Not on my thumbdrive nor on my gmail; when I was cutting and pasting pictures in my report- which i have taken out as they are not required - the pictures were pasted ALL BLACK!!) the report I was just about to finish up for CERD committee in switzerland, Due Tomorrow July 25, 2014- gregorian calendar. Now I have to START ALL OVER again; I saved the file up to 9:29pm [July 23 2014 - Gregorian Calendar] 2nd Month 10th day year 69 Yamassee Calendar. so I have to go back to 4:30PM and go from there. Someone(s), the Rothschilds, obviously does not want me to get my report Into the CERD Committee in switzerland.

So for those watching(C.I.A., DHS, CSIS, CSEC, FBI, etc.) I will use this as Evidence of Discrimination and your violation of Articles: 1,2, 5 & 22 of the International Convention against the Elimination of Racial Discrimination(not limited to the ICERD Convention), I much appreciate you all for the gang stalking and messing with my/our files/videos etc. This is more evidence we can present to ICERD, ICC etc. of your gangstalking of me and harrassment of :Our :Nation and ALL Indigenous Peoples/Nubians in the western Hemisphere[misnomer: Black, Colored, African-American] who wish to claim their Indigenous Standing and heritage here on Turtle Island, Atlan, Muu-Lan, Land of the Frogs,, Uvla, Hexian[MISNOMER:United States of America, United States, Canada & Mexico].

This is what we have to deal with when claiming our Indigenous Standing; yet the United States(federal corporation), United States of America(religious corporation) try to put a show onto the world they are advocates for Indigenous Rights and Humans Rights. This post/sharing of this photo will be Prima Facie EVIDENCE, Forensic Evidence and International Notice and Knowledge of Genocide Committed by the C.I.A., Canada CSIS, CSEC, DHS, etc.

Universal Consent Granted to all who see this post to forward. I shall make mention of this to my ICERD report.

This IS discrimination and Genocide by the United States, United States of America, Canada, and Their associated Business Partners. Universal Consent Granted to ALL who receive this to email, re-post here on facebook/c.i.a., twitter, scribd, linkedin, myspace, instagram etc., email, forward, Make videos etc. Once I complete my report to the CERD Committee in switzerland, I shall upload ASAP.

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as can be seen above the actions of the United States and the United States of America are treasonous, discriminatory with clear intent to obstruct international law.

- i) The question now the need to be asked is Why is the United States of America refusing in the face of a Planet of evidence that so-called “Blacks”, “Negros” “African-Americans” are in fact Indigenous and can self-identify and self-determine themselves as indigenous in accord with the ICERD?
- ii) Since by the actions of the United States of American “Blacks”, “Negros” “African-Americans” are not considered American, then what are they?
- iii) When “Blacks”, “Negros” “African-Americans” who no longer Identify themselves as U.S. Citizens have claimed their Indigenous heritage, why is there so much resistance?
- iv) When Indigenous [“Blacks”, “Negros” “African-Americans”] Native Americans Claim and assert their Indigenous Heritage, Why are they criminalized by the U.S. Justice System?
- v) When Indigenous [“Blacks”, “Negros” “African-Americans”] Native Americans Claim and assert their Indigenous Heritage in accord with International law, why does the Unites States of America discriminate against them, even when presented with evidence they have attended International functions and having lawful and legal documents to prove they are in fact Indigenous?

VII U.S. Legal Contradictions which are contrary to ICERD

The United States of America has already been defined as a corporation(religious entity; fictitious) this is further confirmed by former congressman Allen West admitting on FOX television that the “ President of the United States is a CEO of this corporation called the United States of America”(CONGRESSMAN, ALLEN WEST (FL), ADMITS AT THE :20SEC MARK U.S. President is CEO

www.youtube.com/watch?v=B8aWGweXoCk).

The next issue is that the United States is a federal corporation, these facts create an unresolved problem with the U.S. Justice / American Legal system and puts the government now in a position where it must clearly state and *define* which entity and which corporation is acting in all court situations happening in the U.S. Courts. It is known there are many facets of law: real estate, tax, civil, criminal(which is civil), family, corporate, business etc., the definitions presented at the beginning of this report show the contradictions within the U.S. Justice system and point out how can a convoluted, contradictory system uniformly “administer justice” and provide relief in accord with ICERD and not commit discrimination, when its corporate definitions clearly make the point that an *attorney represents the “state”(undefined) and not the “client”(assumed) and the first obligation of the attorney(for the U.S Corporation) is to the “state”*.

Facts to take note of now regarding the U.S. Legal Justice System:.

- i) The problem now with the U.S. Court system is now that the constitution can be declared VOID in federal Court, by U.S. Federal Judges. This was decided by the U.S. Supreme Court on January 18, 2011(ATLANTA, Jan. 18, 2011 /PRNewswire-USNewswire/ -- The U.S. Supreme Court issued a landmark decision that serves **to allow judges to void the Constitution in their courtrooms**. The decision was issued on January 18, 2011, and the Court did not even explain the decision (Docket No. 10-632, 10-633, and 10-690). One word decisions: DENIED. <http://www.prnewswire.com/news-releases/us-supreme-court-issues-landmark-decision-constitution-is-void-114157799.html>). This problem automatically allows for U.S. Judges to violate the ICERD, specifically articles 1,2 & 5 as mentioned in this report.
- ii) This has trickled down to State courts(On January 31, 2011 Judge Donald R. Venezia, Bergen County New Jersey, announces in open court that he suspends the U.S. constitution whenever he pleases. <https://www.youtube.com/watch?v=D2Z16vQIBwg>).
- iii) The U.S. Congress has **not been bound by the constitution** of the United States(a corporate constitution, which is not the same as the constitution for the united states of America – organic constitution) since May 11 1955(**Congressional Record page A3220** entered on the house record by Carl B. Rix, Preident of the American Bar Association:

Congress is no longer bound by its constitutional system of delegated powers. Its only test is under the obligatory power to promote human rights in these fields of endeavor: Civil, political, economic, social and cultural. These are found in Articles 55 and 56 of the Charter of the United Nations, a ratified and approved treaty. They are being promoted in all parts of the world by the United Nations. Congress may now legislate as an uninhibited body with no shackles of delegated powers under the Constitution. Our entire system of a government of delegated powers of Congress has been changed to a system of undelegated powers without amendment by the people of the United States. The authority for these statements is found in a volume entitled Constitution of the United States of America, Annotated, issued in 1953, prepared under the direction of the Judiciary Committee of the Senate of the United States and under the chairmanship of Prof. Edward S. Corwin of Princeton, aided by the legal staff of the Library of Congress. This is the conclusion on page 427 of the Annotations: "In a word, the treaty power cannot purport to amend the Constitution by adding to the list of Congress' enumerated powers, but having acted, the consequence will often be that it has provided Congress with an opportunity to enact measures which, independently of a treaty, Congress could not pass, and the only question that

can be raised as to such measures will be whether they are 'necessary and proper' measures for the carrying of the treaty in question into operation." It will be noted that one of the principal cases cited is that of the Migratory Bird case.

These conclusions are those also of a committee of the New York State Bar Association, of which former Attorney General Mitchell and Mr. John W. Davis were prominent members.

iv) Gold Fringe Flags in U.S. Courts contrary to ICERD.

Flags

GOLD FRINGED FLAG

The flags displayed in State courts and courts of the United States have gold or yellow fringes. That is your WARNING that you are entering into a foreign enclave, the same as if you are stepping into a foreign embassy and you will be under the jurisdiction of that flag. The flag with the gold or yellow fringe has no constitution, no laws, and no rules of court, and is not recognized by any nation on the earth, and is foreign to you and the United States of America.

MILITARY FLAG WITH THE GOLD FRINGE

Martial Law Flag "Pursuant to 4 U.S.C. chapter 1, §§1, 2, & 3; Executive Order 10834, August 21, 1959; 24 F.R.6865; a military flag is a flag that resembles the regular flag of the United States, except that it has a YELLOW FRINGE border on three sides. The President of the United States designates this deviation from the regular flag, by executive order, and in his capacity as Commander-in-Chief of the military. The placing of a fringe on the national flag, the dimensions of the flag and the arrangement of the stars in the union are matters of detail not controlled by statute, but are within the discretion of the President as Commander in Chief of the Army and Navy." **34 Ops. Atty. Gen. 83.**

President, Dwight David Eisenhower, by **Executive Order No.10834**, signed on August 21, 1959 and printed in the Federal Register at **24 F.R. 6865**, pursuant to law, stated that: "A military flag is a flag that resembles the regular flag of the United States, **except that it has a yellow fringe border on three sides.**"

THE LAW OF THE FLAG

The Law of the Flag, an International Law, which is recognized by every nation of the planet, is defined as:

"... a rule to the effect that a vessel is a part of the territory of the nation whose flag she flies. The term is used to designate the RIGHTS under which a ship owner, who sends his vessel into a foreign port, gives notice by his flag to all who enter into contracts with the ship master that he intends the Law of that Flag to regulate those contracts, and that they must either submit to its operation or not contract with him or his agent at all." Ref.:

Ruhrstrat v. People, 57 N.E. 41

By the doctrine of "four cornering" the flag establishes the law of the country that it represents. For example, the embassies of foreign countries, in Washington D.C., are "four cornered" by walls or fencing, creating an "enclave." Within the boundaries of the "enclave" of the foreign embassy, the flag of that foreign country establishes the jurisdiction and law of that foreign country, which will be enforced by the Law of the Flag and international treaty. If you enter an embassy, you will be subject to the laws of that country, just as if you board a ship flying a foreign flag, you will be subject to the laws of that flag, enforceable by the "master of the ship," (Captain), by the law of the flag.

When you enter a courtroom displaying a **gold or yellow fringed flag**, you have just entered into a foreign country, and you better have your passport with you, because you may not be coming back to the land of the free for a long time. **The judge sitting under a gold or yellow fringe flag becomes the "captain" or "master" of that ship or enclave and he has absolute power to make the rules as he goes.** *The gold or yellow fringe flag is your warning that you are leaving your Constitutionally secured RIGHTS on the floor outside the door to that courtroom.*

This is exactly why so many judges are appointed, and not elected by the people. The Federal judges are appointed by the President, the national military commander in chief. The State judges are appointed by the Governors, the state military commanders. The judges are appointed because **the courts are military courts and civilians do not "elect" military officers.**

Under martial law, you are presumed guilty until proven innocent.

This is blatantly against the ICERD, UN Charter, UN Declaration on the Rights of Indigenous Peoples and the UN Declaration on Human Rights.

So upon entering the U.S. Corporate courts, the actions of the court are to treat anyone who enters as guilty and to assume and presume they are guilty. The current system as it has been set up is prejudicial and is contrary to the ICERD and UN Charter which the United States of America (religious corporation) has ratified and agree to honor. This also brings up the fact that Crimes against humanity violations committed by the U.S. (federal corporation) Justice system as they have full knowledge they are going to deny sue process against Indigenous peoples if the issue that is in controversy is to their benefit; also known domestically as Genocide, Racketeering and Piracy.

- v) There are no Judicial courts in America and there has not been since 1789. Judges do not enforce Statutes and Codes. **Executive Administrators enforce Statutes and Codes.** (FRC v. GE 281 US 464, Keller v. PE 261 US 428, 1 Stat. 138-178). There have **not been any Judges in America since 1789.** There have just been Administrators. (FRC v. GE 281 US 464, Keller v. PE 261 US 428 1Stat. 138-178) 10. According to the GATT you must have a Social Security number. House Report (103-826).

Manifest Destiny/ Doctrine of Destiny which has been used and is still being used in the U.S. Courts (and Canada, as Canada is a corporation registered in Washington, D.C. on the U.S. Securities and Exchange Commission, see attached UPR report by :At-sik-hata :Nation of :Yamasee-Moors) as is known as the Marshall trilogy which purported that Indians are not allowed to own land nor have title to land.

Johnson & Graham's Lessee v. McIntosh, 21 U.S. 8 Wheat. 543 543 (1823)

Johnson & Graham's Lessee v. McIntosh

21 U.S. (8 Wheat.) 543

ERROR TO THE DISTRICT

COURT OF ILLINOIS

Syllabus

A title to lands under grants to private individuals made by Indian tribes or nations northwest of the River Ohio in 1773 and 1775 cannot be recognized in the courts of the United States.

Discovery the original foundation of titles to land on the American continent as between the different European nations by whom conquests and settlements were made here. Recognition of the same principle in the wars, negotiations, and treaties between the different European powers. Adoption of the same principle by the United States.

The exclusive right of the British government to the lands occupied by the Indians has passed to that of the United States. Foundation and limitation of the right of conquest.

Application of the principle of the right of conquest to the case of the Indian savages. Nature of the Indian title, as subordinate to the absolute ultimate title of the government. Effect of the proclamation of 1763.

Further, it is not disclosed to Indigenous Peoples and non-Indigenous peoples grievances can be taken directly to the Pope.

**"If you've got a problem with New York City
being the capital of the world,
take it up with the Pope."**

As the mayor of New York City, Rudolph Giuliani was as controversial as he was determined to revitalize "the greatest city in the world." Never one to pull punches, he did things the way they *had* to be done, not the way everyone else thought they should be done.

But during the chaotic aftermath of the Sept. 11, 2001, terrorist attack on the World Trade Center, Giuliani's courageous actions and bold decisiveness propelled him from his place as the leader of a city under siege to the beloved Mayor of America. On that day and for many days afterward, he stood up and spoke with strength and compassion — and for that he will be remembered by not only New Yorkers, but all Americans.

Now, in his own words, readers can experience the wisdom, inspiration, and genuine "New Yawk" attitude that have brought Rudolph Giuliani from the tough streets of Brooklyn to the carnage of Ground Zero and into the annals of history.

The Pope can abolish any law in the United States. (Elements of Ecclesiastical Law Vol.1 53-54) (40 Things every American should know - <http://home.iae.nl/users/lightnet/world/essays.htm>).

With these facts presented it is clear to see that the U.S. Legal system and its courts are in disarray at worst and tangled web of deception, corruption, treason, fraud and Discrimination at best.

VIII Rebuttal United States of America Report

In its introduction I. Section 2. The United States alleges it has "*made great strides over the years in overcoming the legacies of slavery, racism, ethnic intolerance, and destructive laws, policies, and practices relating to members of racial and ethnic minorities*", however, contrary to the numerous laws, codes, rules,

statutes, legislation passed by the United States and its allegation to honor International Laws, Treaties & Conventions², “the rule of law” and “values”(both of which are not defined) there is still an apparent private resistance, masked by public diplomacy, seen more and more by the International Community, to abide by the ICERD when these very same laws are utilized by Indigenous Peoples dealing with discrimination.

Complicating this is the fact that according to the April 9, 1864 Congressional Record “ *No descendant of Africans can be a Citizen of the united states of America*; the original 13th amendment with 20 sections was never lawfully recalled and the U.S. Supreme Court 1857 Dred Scott decision which preceded this, has **never** been overturned. This makes so-called “Blacks”, “Negros” “African-Americans” U.S. Subjects/Slaves/Chattel Property/Debtors/ Economic Serfs residing on a Plantation and is still robbing them of their identity to claim their Indigenous standing. The fact that the United States has had to file 3 CERD reports simultaneously(which were overdue), when the CERD Committee has repeatedly asked for them and the member finally has responded after all these years, shows a lack of honor, trust and respect toward the United Nations, the ICERD and the Cerd Committee.

2. “ *Our nation’s Founders, who enshrined in our Constitution their ambition “to form a more perfect Union,” bequeathed to us not a static condition, but a perpetual aspiration and mission.*”

As pointed out in the previous paragraph, this current state of affairs as published by the United States has currently been left unsolved, disregarded, dismissed, ignored, unacknowledged by the United States of America and the United States. Further compounding the problem which is still a static condition for those Indigenous People and Nations who do not choose, and are within their right, to classify themselves as “Black”, Negro, or “African-American”, is lack of clear definition when referring to either: the United States, United States of America as shown:

a) the United States is a (15) “United States” means—

(A) a Federal corporation;

(B) an agency, department, commission, board, or other entity of the United States; or

(C) an instrumentality of the United States. (<http://www.law.cornell.edu/uscode/text/28/3002>)

b) <http://www.supremelaw.org/letters/us-v-usa.htm>

All Titles of the United States Code (USC) are strictly meant for the United States and none of the 50 states of the Union. Each of the 50 states have their own constitutions and laws. See Hepburn v. Ellzey, 2 Cranch, 445, 452, and John Barron v The Mayor and City of Baltimore 32 U.S. 243 (1833). These last two cases clearly state that the United States is not the 50 states of the Union.

<http://www.supremelaw.org/ref/dict/bldu1.htm#union>

See Paragraph 5 quoted here:

"5. The United States of America are a corporation endowed with the capacity to sue and be sued, to convey and receive property. 1 Marsh. Dec. 177, 181. But it is proper to observe that no suit can be brought against the United States without authority of law."

Note that the plural verb "are" was used, providing further

evidence that the "United States of America" are plural, as implied by the plural term "States". Also, the author of that definition switches to "United States" in the second sentence. This only adds to the confusion, because the term "United States" has three (3) different legal meanings:

<http://www.supremelaw.org/decs/hooven/hooven.htm#united.states>

However, the decision cited above is Justice Marshall issuing dictum, and it is NOT an Act of Congress. Here, again, be very wary of courts attempting to "legislate" in the absence of a proper Act of Congress. See 1 U.S.C. 101 for the statute defining the required enacting clause:

<http://www.law.cornell.edu/uscode/1/101.html>

And, pay attention to what was said in that definition here: **"no suit can be brought against the United States without authority of law"**. That statement is not only correct; it also provides another important clue: Congress has conferred legal standing on the "United States" to sue and be sued at 28 U.S.C. 1345 and 1346, respectively:

<http://www.law.cornell.edu/uscode/28/1345.html>

<http://www.law.cornell.edu/uscode/28/1346.html>

Congress has NOT conferred comparable legal standing upon the "United States of America" to sue, or be sued, as such.

Furthermore, under the Articles of Confederation, the term "United States of America" is the "stile" or phrase that was used to describe the Union formed legally by those Articles:

Articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

Article I. The Stile of this Confederacy shall be "The United States of America."

Article II. Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled."

When section VII of this report and is read and compared to the governments response, it is clear to see that the United States of America, United States and the U.S. Legal System and their courts have clearly not informed

the CERD committee of the contradictions, flaws, deficiencies in its courtrooms. The United States of America has also failed to inform the CERD committee that because of its numerous contradictions and deficiencies in its court operations that it does not have a system in place to address the U.S. Justice system's failure to accept Indigenous Native Americans who are of African Descent rights and their right to claim their Indigenous heritage as protected by ICERD Article 5, UNDRIP, Presidential Proclamation 7500 and Presidential Executive Order 1307, et.al.

A. Definitions of racial discrimination in domestic law and the Convention

7. Definition of racial discrimination in domestic law. Existing U.S. constitutional and statutory law and practice provide strong and effective protections against discrimination on the bases covered by article 1 of the Convention in all fields of public endeavour, and provide remedies for those who, despite these protections, become victims of discrimination.¹ For discussion of U.S. constitutional provisions and laws providing protections against racial and ethnic discrimination, please see sections II and III of the common core document.

8. Prohibition of discriminatory effects or disparate impact. With regard to paragraph 10 of the Committee's concluding observations, although establishing a race discrimination violation of the U.S. Constitution requires proof of discriminatory intent, many U.S. civil rights statutes and regulations go further, prohibiting policies or practices that have discriminatory effects or disparate impact on members of racial or ethnic minorities or other protected classes. In cases involving disparate impact analysis, the inquiry is whether evidence establishes that a facially neutral policy, practice, or procedure causes a significantly disproportionate negative impact on the protected group and lacks a substantial legitimate justification. When facts support the use of disparate impact analysis,

1 As noted in the 2007 Report, although the definition used in Article 1(1) of the Convention contains two specific terms ("descent" and "ethnic origin") not typically used in U.S. federal civil rights legislation and practice, no indication exists in the negotiating history of the Convention that those terms encompass characteristics not already subsumed in the terms "race," "colour," and "national origin" as those terms are used in existing U.S. law. The United States thus interprets and intends to carry out its obligations under the Convention on that basis.

2 In 2001, the Supreme Court held in *Alexander v. Sandoval*, 532 U.S. 275 (2001), that section 602 of Title VI, authorizing promulgation of regulations to enforce the disparate impact provisions of the statute, failed to provide for a private right of action to bring certain disparate impact claims in federal court. Thus, such claims must be brought by the government. Private individuals may file administrative complaints alleging disparate impact with the federal agency that provides funds to the recipient, and such complaints can result in voluntary settlements with the agency, agency decisions to terminate funds, or agency referrals to DOJ for litigation. In 2011, the President sent a legislative proposal to Congress that included restoration of the private right of action under Title VI.

12. Differential treatment based on citizenship or immigration status. The United States strongly shares the Committee's view that citizens and noncitizens alike should enjoy protection of their human rights and fundamental freedoms. Although the Convention by its terms does not apply to "distinctions, exclusions, restrictions or preferences made by a State Party between citizens and

non-citizens,” as a general matter the United States believes that every State must be vigilant in protecting the rights that noncitizens enjoy in the State, regardless of immigration status, as a matter of applicable domestic and international law.

13. As the common core document makes clear, the United States has one of the most open immigration systems in the world. Aliens within the United States, regardless of their immigration status, enjoy substantial protections under the U.S. Constitution. Many of these protections are shared on an equal basis with citizens, including protections against racial and national origin discrimination. The guarantee of equal protection of the laws addition to constitutional protections, which, for example, make it unlawful to deny elementary and secondary school children in the United States a free public education on the basis of their immigration status, see, e.g., *Plyler v. Doe*, 457 U.S. 202 (1982), many federal statutes prohibit discrimination against noncitizens.

Article 2

A. Brief description of legal framework and general policies

17. Racial discrimination by the government is prohibited at all levels. Prohibitions cover all public authorities and institutions as well as private organizations, institutions, and employers under many circumstances. For a description of the general legal framework and policies addressing racial discrimination, see paragraphs 142-175 of the common core document.

18. Recent laws relating to discrimination, including discrimination based on race, colour, and national origin, or minority groups, include:

- The Lilly Ledbetter Fair Pay Act, signed by President Obama in 2009, provides that the statute of limitations for bringing a wage discrimination claim, including claims alleging wage discrimination based on race or national origin, runs from the time an individual is “affected by application of a discriminatory compensation decision including each time wages, benefits, or other compensation is paid.” The law overrides a Supreme Court decision in *Ledbetter v. Goodyear Tire & Rubber Co.*, 500 U.S. 618 (2007).
- The Genetic Information Non-discrimination Act of 2008 governs the use of genetic information in health insurance and employment decisions. Protected genetic information includes genetic services (tests, counselling and education), genetic tests of family members, and family medical history. As it relates to racial and ethnic discrimination, this law prohibits an insurer or employer from refusing to insure or employ someone with a genetic marker for disease associated with certain racial or ethnic groups, such as sickle cell trait.
- The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009 (Shepard-Byrd Act) creates a new federal prohibition on hate crimes, 18 U.S.C. 249; simplifies the jurisdictional predicate for prosecuting violent acts undertaken because of, inter alia, the actual or perceived race, colour, religion, or national origin of any person; and, for the first time, allows federal prosecution of violence undertaken because of the actual or perceived gender, disability, sexual orientation or gender identity of any person.

25. Other agencies, such as ED, HUD, DOL, EEOC, HHS and the Department of Homeland Security (DHS) also enforce non-discrimination laws related to race, colour, and national origin against public entities. Descriptions of these laws and their enforcement are found in other sections of this report and in paragraphs 159-175 of the common core document.

26. To give effect to the undertaking to prohibit and bring to an end racial discrimination by any persons, groups, or organizations: Civil rights laws, including 42 U.S.C. 1981 and 1982 and Titles II and VII of the Civil Rights Act of 1964, prohibit private actors from engaging in racial discrimination in making contracts or property transactions, such as the sale or rental of private property, the formation or terms of employment contracts, admission to private schools, and access to public facilities. In addition, enforcement against private parties who engage in discrimination is pursued under the Fair Housing Act and the Equal Credit Opportunity Act; Title VI of the 1964 Civil Rights Act (entities that receive federal funds); Executive Order 11246 (federal contractors and subcontractors); and the INA (discrimination on the basis of national origin or, for certain classes of “protected individuals,” citizenship status). See paragraphs 159-175 of the common core document and other sections of this report for examples of such cases.

27. To give effect to the undertaking not to sponsor, defend or support racial discrimination by any persons or organizations. The U.S. government does not sponsor, defend, or support racial discrimination, and the Constitution, laws, and policies provide protections in this regard at all levels in the United States. See, e.g., <http://www.justice.gov/iso/opa/ag/speeches/2012/ag-speech-1208101.html>.

32. With regard to the recommendation in paragraph 13 of the Committee’s concluding observations that the United States establish appropriate mechanisms to ensure a coordinated approach towards the implementation of the

Convention at the federal, state, and local levels, the United States fully agrees that mechanisms designed to strengthen coordination are critical, and numerous such mechanisms do exist. The framework within which human rights are promoted and coordinated in the United States is described in paragraphs 124-130 of the common core document. All federal agencies with mandates related to non-discrimination, including DOJ, EEOC, ED, HUD, DHS, DOL and others, coordinate within the federal government, as well as with state and local authorities, human rights commissions, and non-governmental entities. For example, a hallmark of DOJ's civil rights work in this Administration is partnership and collaboration – strengthening relationships with other agencies, state Attorney General offices throughout the nation, and community and civil society partners to leverage resources and coordinate efforts to maximize impact. DOJ/CRT coordinates enforcement of Title VI of the Civil Rights Act of 1964 and assists other agencies with Title VI and other enforcement responsibilities, ensuring that recipients of federal financial assistance (including state and local governments) do not discriminate in their programs, including on the basis of race, colour and national origin. Over the last four years, DOJ has provided training, technical assistance, and counsel to civil rights offices in federal government agencies, and has reviewed other agencies' Title VI implementing regulations and guidance. DOJ has also created a Title VI Interagency Working Group, which facilitates interagency information sharing to strengthen Title VI enforcement efforts at the federal level. Additionally, several of the UPR Working Groups and the Equality Working Group were created with a view to further strengthening coordination and U.S. domestic implementation of human rights treaty obligations and commitments related to non-discrimination and equal opportunity.

Article 3

Information on the legislative, judicial, administrative or other measures that give effect to the provisions of article 3, in particular

34. Measures to prevent, prohibit, and eradicate all practices of racial segregation. The United States condemns racial segregation and apartheid and undertakes to prevent, prohibit, and eradicate all practices of this nature. No such policies or practices are permitted, and it remains the U.S. position that such practices should be condemned and eradicated wherever found.

36. Measures to prevent and avoid as much as possible the discrimination prohibited under the Convention, in particular in the areas of education and housing. It is of concern that, in some cases, minorities are concentrated in areas or communities that may have sub-standard living conditions and/or services, and one of the missions of civil rights laws and authorities in the United States is to ensure that such situations are not the result of discriminatory policies or practices (direct or disparate impact) related to housing, education or other areas receiving federal financial assistance.

41. Education: The United States also actively addresses de facto segregation in education – an issue not unrelated to residential segregation. Despite the promise of the *Brown v Board of Education* decision, far too many students still attend segregated schools with segregated faculties or unequal facilities. Even those enrolled in racially diverse schools too often are assigned to single-race classes, denied equal access to advanced courses, disciplined unfairly due to their race, or separated by race in prom and homecoming events. To ensure equal educational opportunities for all children, DOJ and ED enforce laws, such as Titles IV and VI of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, the Patsy T. Mink Equal Opportunity in Education Act of 1972 (Title IX), and the Rehabilitation Act of 1973, that prohibit discrimination in education, including on the basis of race, colour and national origin. DOJ/CRT monitors and seeks further relief, as necessary, in approximately 200 school districts that had a history of segregation and remain under court supervision. For example, since May 2011, CRT has been actively litigating to ensure that the Cleveland, Mississippi school district meets its long overdue obligation under U.S. law to desegregate its schools. CRT has argued that schools on the west side of the railroad tracks, which had been de jure segregated White schools until 1969 when the federal court ordered them to desegregate, still retain their character and reputation as White schools more than forty years later, while the formerly legally segregated schools on the east side of the tracks remain all Black/African American. Only one mile separates the all Black/African American schools from the high school and middle school with substantial White enrolments. CRT successfully asked the court to order the district to devise a new plan to desegregate its middle school and high school student bodies, as well as the faculties in all its schools. At a recent hearing, DOJ/CRT objected to the district's proposed plan and urged the court to order the immediate and effective desegregation of the middle and high schools.

Article 4

A. Information on the legislative, judicial, administrative or other measures that give effect to the provisions of article 4, including enactment and enforcement of laws

47. With regard to article 4 and paragraph 18 of the Committee's concluding observations, the United States is deeply committed to combating racial discrimination. The United States has struggled to eliminate racial discrimination throughout our history, from abolition of slavery to our civil rights movement. We are not at the end of the road toward equal justice, but our nation is a far better and fairer place than it was in the past. The

CERD/C/USA/7-9

23

50. In short, we protect freedom of expression not only because it is enshrined in our Constitution as the law of the land, but also because our democracy depends on the free exchange of ideas and the ability to dissent. And we protect freedom of expression because the cost of stripping away individual rights is far greater than the cost of tolerating hateful words. We also have grave concerns about how empowering government to ban offensive speech could easily be misused to undermine democratic principles.

65. With regard to prevention of racial discrimination in the criminal justice system, the United States acts to assess and address the indicators of racial discrimination; eliminate laws that discriminate; develop training and other programs to foster dialogue and promote tolerance; and ensure equal access to law and justice at all stages of the complaint and hearing process. While laws and systems are in place to ensure equality of access to and treatment in the criminal justice system, the United States recognizes that racial and ethnic disparities continue to exist. Statistics relating to the crime rates of persons belonging to some minority groups, treatment of minorities in some cases by law enforcement personnel, and the proportion of minority persons in the justice and prison systems indicate the need for further understanding of the issues and for continued vigilance to make further progress in pursuing the goal of equality.

81. In addition to the U.S. Constitution, several federal statutes and regulations impose limits on the use of race or ethnicity by law enforcement, and the Obama Administration has vigorously relied on these tools to respond to such unlawful practices. These include Title VI of the Civil Rights Act of 1964 (prohibiting discrimination in all federally assisted programs or activities), and 42 U.S.C. 14141 (allowing suits against police departments for injunctive relief if they are engaging in a pattern or practice of unlawful conduct). Between 2009 and 2012, DOJ/CRT opened 15 investigations of police departments and currently is pursuing more than two dozen open investigations – the largest number at any one time in history, and involving larger police departments than ever before. In 2012 alone, CRT entered into far reaching, enforceable agreements with six jurisdictions to address serious policing challenges, the most agreements reached in a single year. If a violation is determined to exist, DOJ works with the law enforcement agency to revise policies and procedures and to provide training to ensure the constitutionality of police practices. Recent cases have included: the investigation of the New Orleans Police Department described above under article 5; an investigation of the Seattle Police Department that found an unlawful pattern or practice of excessive force and also raised concerns about discriminatory policing, leading to a court-approved settlement in September of 2012; and an investigation of the East Haven, Connecticut Police Department that found a pattern or practice of discriminatory policing against Hispanics/Latinos, targeting them for discriminatory traffic enforcement, leading to a settlement agreement providing for comprehensive reforms. The East Haven Police Department announced that the Department had hired its first Latino officer – a highly qualified bilingual woman, who will assist with building ties to the immigrant community.

B. Security of person and protection by the State against violence or bodily harm

87. The U.S. Constitution and laws provide protection against violence or bodily harm through statutes such as the Violent Crime Control and Law Enforcement Act of 1994, the Civil Rights Acts, and federal "hate crimes" laws. Hate crimes are discussed under article 4, above.

91. The Administration aggressively enforces laws against police brutality and discriminatory policing. As noted above, DOJ investigates police departments, prisons and other institutions to ensure compliance with the law and brings legal action where necessary against both institutions and individuals. DOJ has convicted 254 such defendants for

125. In enforcing the Fair Housing Act, Title VI of the Civil Rights Act of 1964, Section 109 of the Housing and Community Development Act of 1974, and Section 3 of the Housing and Urban Development Act of 1968, the

HUD Office of Fair Housing and Equal Opportunity (HUD/FHEO) receives complaints, investigates cases, and engages in active outreach to lenders, housing providers, home-seekers, landlords, tenants, and others
17 For example, Hoffman Plastic Compounds, Inc. v. NLRB, 535 U.S. 137 (2002) placed a narrow limitation on a single remedy for a violation of the National Labor Relations Act in saying that undocumented workers may be denied back pay as a remedy for unfair labor practices for work not performed where such employment was secured through fraud and in violation of U.S. immigration law. The decision, however, does not preclude a range of other remedies that help to compensate and protect undocumented workers.
concerning their rights and obligations. In many regions, FHEO also authorizes and provides funding for state or local fair housing enforcement agencies to receive and investigate complaints, as long as the state or local government can show that its fair housing law provides protections substantially equivalent to those of the Fair Housing Act. At the end of 2012, there were 96 Fair Housing Assistance Program (FHAP) agencies in 38 states and the District of Columbia, three of which enforced fair housing laws for both city and county jurisdictions. In 2012, HUD made about \$7.5 million available to FHAP agencies nationwide to partner with local entities in additional fair housing enforcement and outreach beyond their normal FHAP enforcement work, such as more effective testing, outreach to address housing segregation, and efforts to diminish LEP barriers

I reiterate that Putting this ICERD report on the United States of America was challenging as there were numerous efforts to Stop me from completing this report to the committee for our Nation. So as can re read from above the United States of America is still continuing it actions contrary to Cerd.

IX Conflicts of Interest in the U.S. Legal System

Attorney & judges of the United States are Agents of the crown and answer to the [Queen] of England to

- i) Regina v. Jah <http://mtrial.org/node/133> A short video highlighting "queen" Elizabeth 2 promising to uphold "The Laws of God", which forbid her, parliament, or anyone else from legislating. She has broken this binding contract, and thus the contract is voided, meaning she has no actual authority to bring victimless, legislated charges against anyone.(
<http://www.youtube.com/embed/oNnyctcE4eQ>)

Elizabeth Alexandra Mary Windsor MountBatten Battenburg has been proven to be a fraud in an English court and is therefore not Queen. Elizabeth Windsor cannot legislate, has no authority and by fault,fraud and default neither can her heirs,assigns, agents, representatives, barristers, solicitors and attorneys; Therefore, never having been Lawfully crowned, she has NO authority to put the defendant on trial and the judge has NO authority to try him, because the judge's "authority" comes from her(<http://mtrial.org/node/133>).

this includes the United States courts as they take their orders from her and operate under the Royal Courts of Justice in London. (Regina v. Jah Jury Verdict Apostilled by :At-sik-hata :Nation of :Yamassee-Moors <http://www.scribd.com/doc/95182934/ReginavJahVerdictApostilleAHNYM>).

This current state of affairs in the U.K. Courts, applies to the United States Courts and its system as such the Administrators [Judges(sic)], congressmen, senator(under the Vatican) are agents of [Queen] Elizabeth II and as such put them in conflict as all proceedings are not guaranteed to give free, prior and informed consent as mandate by UNDRIP in conjunction with the UN Charter and the ICERD.

X Recommendations

The :At-sik-hata :Nation of :Yamassee-Moors recommends to the committee that the United States of America provide the following:

- Give full disclosure of its operational origins, produce legal title for its corporations, who granted it to operate on Indigenous Land.
- The Difference between the United States and the United States of America and How these corporations co-exist and how they deal with Discrimination against Indigenous Native Americans[MISNOMER:Black, Negro, African-Americans].
- How it acquired the land it operates on, the bill of sale and if under treaty which treaties it has honored.
- Show evidence how so-called Black's Negros, African-Americans cannot be Indigenous and Native American(sic).
- Show where the United States and the United States of America, has contacted us as its stakeholder and required by the ICERD.
- Provide statistics of those so-called Black's Negros, African-Americans who **are** Indigenous and the treatment, the Corporations of the United States and the United States of America have given them.
- Provide statistics of those so-called Black's Negros, African-Americans who **are Indigenous and the treatment**, the Corporations of the United States and the United States of America have given them.

XI Conclusion

It is apparent by the conduct of the Corporations of the United States and the United States of America, they still have a long way to go in accepting the fact that those so-called Black's Negros, African-Americans are in fact Indigenous not only in Africa, Asia, Europe and South America, but here as well. Discrimination against those so-called Black's Negros, African-Americans who claim their Indigenous standing is **still** an ongoing problem on the land we know as: Turtle Island, Atlan, Muu-lan, Land of the Frogs, Egypt of the West(coined by Abraham Lincoln), Uvla, Hexian (<http://sites.google.com/site/authenticexport/atsikhata-1>). the Corporations of the United States and the United States of America need to face this fact, accept it and solve the fact that they have a problem not discriminating against so-called Black's Negros, African-Americans who claim their Indigenous standing in accord with ICERD.

With the Spirit of Our Ancestors Guiding and assisting us, I Most Humbly Honor the CERD Committes time and accepting our report.

:Maku:Nanya-Shaabu:Eil / :Chief:Brown-Eyes:Hawk

:At-sik-hata :Nation of :Yamassee-Moors

Cc: via email Docip, Switzerland

Cc: Andrea Carmen, International Indian Treaty Council(IITC)

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went to North Africa during this period. Between 1930 and 1933 he continued his studies in Europe. Beginning in 1935, Rogers served as war correspondent for the *Pittsburgh Courier* during the Italian aggression in Ethiopia. He contributed to such publications as the *Crisis*, *American Mercury*, *Survey Graphic*, and the *Journal of Negro History*. He wrote and published at least fifteen books and pamphlets. Rogers was a field anthropologist; he travelled to sixty different nations. W.E.B. DuBois wrote that, "No man living has revealed so many important facts about the Negro race as has Rogers."⁷

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2. Mr. James Cage for arranging the John G. Jackson interviews.
3. John G. Jackson and the Citadel Press for excerpts from *Introduction to African Civilizations*.
4. Karen A. Johnson for production assistance and proofing in "The Moors in Antiquity" and "The Empire of the Moors."

Notes

1. Chancellor Williams is perhaps even more blunt about the ethnicity of the Moors. He writes, "Now, again, just who were the Moors? The answer is very easy. The original Moors, like the original Egyptians, were Black Africans. As amalgamation became more and more widespread, only the Berbers, Arabs and Coloureds in the Moroccan territories were called Moors, while the darkest and black skinned Africans were called 'Black-a-Moors.' Eventually, 'black' was dropped from 'Blackamoor.' In North Africa—and Morocco in particular—all Muslim Arabs, mixed breeds and Berbers were readily regarded as Moors. The African Blacks, having had even this name taken from them, must contend for recognition as Moors." Chancellor Williams, *The Destruction of Black Civilization*, revised edition (Chicago: Third World Press, 1976), 221.
2. Quoted by John G. Jackson, *Ages of Gold and Silver* (Austin: American Atheist Press, 1990), 140.
3. Lady Flora Shaw Lugard, *A Tropical Dependency* (New York: Barnes & Noble, 1964), 55-56.
4. Stanley Lane-Poole, *The Moors in Spain* (London: T. Fisher Unwin, 1887), viii.
5. Arnold J. Toynbee, *A Study of History*, vol. 1 (London: Oxford University Press, 1934), 226.
6. J.C. deGraft-Johnson, *African Glory* (Baltimore: Black Classic Press, 1986), 68-70.
7. W.E.B. DuBois, *The World and Africa* (New York: International Publishers, 1965), xi.

Introduction

this dark age to an end, meanwhile recivilizing the Christian barbarians of Europe.

During the Golden Age of Islam, the Moorish Empire, with territory in both Africa and Europe, was the most advanced state in the world. The specific contributions of this era have been well stated by Lady Flora Louisa Shaw Lugard:

Throughout the dark period of the Middle Ages, when the Catholic Church was asserting its claim to dominate the conscience of the western world. . . all that was independent, all that was progressive, all that was persecuted for conscience's sake took refuge in the courts of Africa. Art, science, poetry, and wit found congenial homes in the orange-shaded arcades of the college of Fez, in the palaces of Morocco, and in the exquisite gardens of Tripoli and Tunis. (p. 73)

Although some Eurocentric historians claim that the Moorish state was founded by a dynasty of Arabs, who were members of the white race, others refute this fact. To cite John D. Baldwin, a member of the American Oriental Society:

At the present time Arabia is inhabited by two distinct races, namely descendants of the old Adite, Kushite, or Ethiopian race, known under various appellations, and dwelling chiefly at the south, the east, and in the central parts of the country, but formerly supreme throughout the whole peninsula; and the Semitic Arabians--Mahomet's race--found chiefly in the Hejaz and at the north. In some districts of the country these races are more or less mixed and since the rise of Mahometanism, the language of the Semites, known to us as Arabic, has almost wholly superseded the old Ethiopian or Kushite tongue, but the two races are very unlike in many respects, and the distinction has always been recognized by writers on Arabian ethnology. To the Kushite race belongs the purest Arabian blood, and also that great and very ancient civilization whose ruins abound in almost every district of the country. (pp. 73-74)

Although Baldwin offered no evidence that Arabia was the original home of the Ethiopians, Ethiopian culture prevailed in ancient Arabia. In fact, Dr. Bertram Thomas, former Prime Minister to the Sultan of Muscat and Omen noted that:

Thousands of inscriptions have been collected in southwest Arabia. . . They are in a character which resembles Ethiopic and is not related to the Arabic character which indeed, it antedates by a thousand years. . . The languages of Ethiopia and of the southern kingdoms were, moreover kindred languages, and there was trade and other intercourse between these peoples. . . If indeed the two peoples were not of kindred origin, neither perhaps were "Arabs" in the familiar sense of the word. (pp. 13-14)

Introduction

Dr. Thomas further comments:

The original inhabitants of Arabia. . . were not the familiar Arabs of our own time, but a very much darker people. A protonegroid belt of mankind stretched across the ancient world from Africa to Malaya. This belt, by environmental and other evolutionary processes, became in parts transformed, giving rise to the Hamitic peoples of Africa to the Dravidian peoples of India, and to an intermediate dark people inhabiting the Arabian peninsula. In the course of time two big migrations of fair-skinned peoples came from the north, one of them the mongoloids, to break through and transform the dark belt of men beyond India, and the other, the caucasoids, to drive a wedge between India and Africa. (p. 339)

In ancient times, Africans in general were called Ethiopians; in medieval times most Africans were called Moors; in modern times some Africans were called Negroes. The Ethiopians were named by the Greeks. The word Ethiopia means "burntface," from the Greek names *ethios + face*. This description referred to the dark complexion of these Africans, which the Greeks attributed to sunburn. In the literature on Africa, Africans are commonly identified in two groups: one progressive, the other, backward. The progressive peoples are called Hamites, Kushites, Moors, etc., whereas the backward ones are called Negroes. The word Negro comes from the Latin word *niger*, meaning black. Hamites, Kushites, and Moors were also black, but they have been inducted into the white race.

The word Negro was manufactured during the Atlantic Slave Trade; or to put it another way, there are many species of small fish in the ocean; when put into cans they are called sardines. There are no free fish called sardines; they only get that name when canned. No free Africans were called Negroes; they got that name only after being enslaved. A fish becomes a sardine when imprisoned in a can, and Africans became Negroes when they were put in chains. According to American law, anybody with an African ancestry, however remote, is a Negro. To follow this logic, since the human race originated in Africa, everyone in the world is a Negro. A word so vague as this does not mean anything at all.

The first Islamic incursion into Africa was in 640 A.D., when General Amru captured Egypt. The Saracenic conquest was assisted by the Christians of Alexandria, who opposed the tyrant of Byzantium. These Christian heretics paid tribute to the caliph, repaired roads and bridges, and supplied provisions to the invaders. After a siege of fourteen months, Alexandria surrendered to the army of Amru in 642 A.D. A report to Caliph Omar listed the splendors of Alexandria and men-

Interior and the Census Department of Washington D.C.,¹⁹ since 1894 acknowledges the existence of nineteen tribes in South Carolina claimed by the Creek Nation, a Muscogean Confederation, that at one time inhabited at least half of the state.

The Yamassee or Jamassi (also referred to as the Amogarikakan and the Amacarisse and/or the Amercario) were listed among the nineteen tribes "as being of dark complexion, found widely scattered among the inhabitants of North and South America." They were "supposed to have been immigrants from Africa prior to the European discovery of America, whom D'Allyon persisted in slave hunting about Beaufort, South Carolina in 1520," having captured Francisco de Chicora at about this time.²⁰ Allyon referred to the Yamassee or Jamassi (also implied as the

NEGRO LAW OF SOUTH CAROLINA.

CHAPTER I.

The Status of the Negro, his Rights and Disabilities.

SECTION 1. The Act of 1740, sec. 1, declares all negroes and Indians, (free Indians in amity with this Government, negroes, mulattoes and mestizoes, who now are free, excepted) to be slaves:— the offspring to follow the condition of the mother: and that such slaves are chattels personal.

SEC. 2. Under this provision it has been uniformly held, that color is *prima facie* evidence, that the party bearing the color of a negro, mulatto or mestizo, is a slave: but the same *prima facie* result does not follow from the Indian color.

SEC. 3. Indians, and descendants of Indians are regarded as free Indians, in amity with this government, until the contrary be shown. In the second proviso of sec. 1, of the Act of 1740, it is declared that "every negro, Indian, mulatto and mestizo is a slave unless the contrary can be made to appear"—yet, in the same it is immediately thereafter provided—"the Indians in amity with this government, excepted, in which case the burden of proof shall lie on the defendant," that is, on the person claiming the Indian plaintiff to be a slave. This latter clause of the proviso is now regarded as furnishing the rule. The race of slave Indians, or of Indians not in amity to this government, (the State,) is extinct, and hence the previous part of the proviso has no application.

SEC. 4. The term negro is confined to slave Africans, (the ancient Berbers) and their descendants. It does not embrace the free inhabitants of Africa, such as the Egyptians, Moors, or the negro Asiatics, such as the Lascars.

SEC. 5. Mulatto is the issue of the white and the negro.

SEC. 6. When the mulatto ceases, and a party bearing some slight taint of the African blood, ranks as white, is a question for the solution of a Jury.

p. L. 163.
7 Stat. 327.

The State vs. Harden, (note.)
3 Spear's, 153.
Nelson vs. Whitmore, 1 Rich's, 324.

Miller vs. Dawson & Brown, (Indley's Rep. 174.)
State vs. Belmont, decided in Charleston, Jan., 1848.
P. L. 161.
7 Stat. 393.

Giddon's Egypt, Esparto Perrott and others, 1 Con. Rep. by Mill, 194 5.
The State vs. Scott, 1 Bail, 273.
State vs. Hayes, 1 Bail, 276.
The State vs. Scott, 1 Bail, 274.
The State vs. Davis & Hanna, 2 Bail, 576. The State vs. Cuntley, 2 Hill, 615.

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Bureau de Documentation, de
Recherche et d'information
des Peuples Autochtones
14, Avenue de Trarctay
CH-1209 Genève
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17/05/05, #3(a), 53

ABDUR KULL SHAAUYAAT BY WAH SAAMUS TEMT-TA

Collected at the Permanent Forum 2005



From The Desktop of :Nanya-Shaabu:El:☉ Maku(Chief) of the At-sik-hata
Clan of Yamassee Native American Moors
For the Autochthons of the
At-sik-Hata Clan
Yamassee Native Americans, Original Carib, Seminole, Arawak,
Shoshoni, Washita Mound Builders.

To: Secretariat of the Permanent Forum on Indigenous Peoples
From: :Nanya-Shaabu:El:☉
Re: Question, Comments and Concerns, Regarding ways to improve the Second Decade
of Indigenous Peoples.

Greetings, I look forward to the 4th session on the Permanent forum on Indigenous
Peoples being held in New York and trust matters pertaining to Indigenous People can
and will be resolved, will be applied and assimilated.

I have the Following Questions:

What can the Permanent forum on Indigenous Peoples give to Indigenous Peoples that
when laws, treaties and conventions are broken or violated, there will be penalties or
consequences and restitution to Indigenous Peoples for acts committed against them in
violation of International Laws, Treaties and restitutions to Indigenous Peoples for acts
committed against them, in violation of International Laws, Treaties and Conventions.

What Policing Body does the Permanent Forum on Indigenous Peoples, Have to enforce
the Various International Laws, Treaties and Conventions relating to Indigenous Peoples?

Are there currently any organ bodies that enforce the Various International, Laws,
Treaties and Conventions relating to Indigenous Peoples

Recommendations

According to the : Office of the High Commissioner for Human Rights Fact sheet No. 9(Rev.1) The Rights of Indigenous Peoples: "Indigenous or aboriginal Peoples are so-called because they were living on their lands before settlers came from elsewhere; they are the descendants - according to one definition- of those who inhabited a country or geographical region at the time when people of different cultures or ethnic origins arrive, the new arrivals later becoming dominant through conquest, occupation, settlement or other means."

With this public acknowledgement from the Office of the High Commissioners for Human Rights, Autochthonous[Indigenous] Peoples should not pay for anything: no rents no leases, no mortgages, no bill, no expense, no debts nothing as All commerce(Business, entertainment, meetings, Property, land etc.) is being done on our land and as such that makes us by default - NATURAL CREDITORS without the land, nothing cannot be done, nothing cannot be built and nothing cannot be established. An International Credit account for Autochthonous[Indigenous] Peoples will be created for Autochthonous[Indigenous] Peoples to operate without restriction in their personal and private affairs. This International Credit account, will allow ALL Indigenous Peoples to properly establish, re-create and maintain their own economy, customs, traditions and heritage, without financial hindrance, restrictions on their ability to provide for families and nations and the danger or fear of being coerced into perpetual , unpayable debt , under the current world colonial debt based system and economy,. Being that All world Governments, Corporations and Religious Entities have established their corporation, religions and artificial entities upon our land, We as Indigenous Peoples have had our land taken from us , do the only reasonable restitution is Unlimited Credit.

Recommendations

We as Autochthonous[Indigenous] Peoples have a right to have a voice on the Security Council as all decisions being made in the world affecting all Peoples in general and Autochthonous [Indigenous] Peoples specifically, are being done on our - Indigenous Peoples- land as the Original Inhabitants of this planet we have a Right to be informed of what decisions, Military and other wise are being decided. To Push us to the side and ignore our concerns is itself Tantamount to Genocide and Apartheid by the United Nations itself, which would make the United Nations Guilty of violating its own charter and Constitutions and all International, Treaties , laws and conventions. We as the Autochthonous[Indigenous] Peoples of the Planet called Earth will be heard, respected and have full participation, voting powers and disclosure of the events happening here on the planet.

Best, Regards
In truth

:Nanya-Shaabu:El:® - C/O 1981 Fletcher Street
At-sik-Hata, Atlan NON-DOMESTIC
[Macon, Georgia 31204 u.s.A]

2006 UNPFII Intervention delivered on the Floor of the United Nations in New York

(AM) May 16th, 2006, Item 3, # 40
[Wanya-Shuborice (R)]



Begin All Prayer and Thinking by Using All

Greetings, Madame Chair members of the Permanent forum on Indigenous Issues and All Indigenous Peoples and organization participating in the Universal Event.

As Chief of the At-sik-hata Clan of Yamassee Native American Moors it is my pleasure and my honor to address this permanent forum.

In reference to the milleneum goals of the permanent forum, I state the following recommendations to the Permanent Forum:

1. an acknowledgment and recognition that there peoples who are of African Descent living here in the Americas(North , South, Central and the Caribbean) of their inherent right to the Indigenous Standing, provided by International laws , treaties and conventions.
2. address the issue and the fact that there were and are peoples of African descent here in the Americas prior to Christopher columbus' arrival.
3. honest and truthful education promotion and marketing of the fact that Peoples of African Descent were here in the Americas and have an inherent right to claim themselves as Indigenous and tribal as other peoples of this western hemisphere and that that right be honored, respected, recognized and accepted.
4. Peoples of this western hemisphere allowed revoke their corporate/colonial citizenship as is their right and establish their own Indigenous communities as is stated in the various ECOSOC conventions , International laws and treaties.
5. Peoples who are of African Descent living here in the Americas, the ability to establish their own financial and economic systems that allow them to not be subject to an Alien debt-based economy they are forced to utilize under duress.

Statement of Justifications for Recommendations:

It is apparent at this forum that the reality of indigenous people in the western hemisphere, who may not fit a certain criteria according to the status quo but do know their origins, whether they are here in the u.s. of A(before it was called that but was known as Atlan, Amexem, land of the frogs etc.) , canada or the caribbean , seem to be looked upon as imposters which is a paradoxical view. The Historical verification of the beginning of life on this planet began in what is called Africa as verified by National Geographic ; Nova ; PBS and other scientific and educational programs. The Mitochondria DNA which is inherent in all peoples upon this planet comes from one place and one place only Africa. Even though I and people like myself may not be peoples who were born or raised in Africa, the DNA can be traced back to that original spot via our melanin and the ability to produce it. The Education system is created, promoted , endorsed and marketed by some of the governments here at the United Nations, so in all honesty it would be naive to think and believe that an oppressor would actually teach that they have stolen the land from the oppressed and thereby admit guilt.

Another fact is that people who would be classified as African but were here originally were forced to be classified as BLACK were known by various names such as: the yamassee, seminole, washitaw, garifuna(caribs), locono(arawak) etc. who mixed in with the Native peoples that were originally here known as morenos or called moors over in Europe. The Internet has millions of pages of documented evidence from scholars and anthropologists, verifying the existence of people who today would be called African-Americans or Blacks , existing here the North , South and Central America and the Carribcan, their fathers and mothers were called the Olmecs also known as the rubber people from Uganda who crossed over here when the land was one, who gave rise to the Aztecs, Incas and Mayans as well as every other modern day peoples. The History and extent of these people extends from America to the Pacific to Asia to Europe. When evidence of this nature is shown, it is received with ridicule and scorn which is contrary to what the charter and mission of the united nations and the permanent forum on indigenous issues is supposed to be

about. At this forum, Indigenous peoples rights, protection against discrimination, self-identification as indigenous or tribal, should be fully respected by the United Nations and this Forum. I find the tolerance level here at this forum for those of us of African descent born, in this western hemisphere surprising, disappointing, discriminating, dishonorable and hypocritical.

It is not my fault I was born on this part of the world, however, my lineage goes back to the Caribbean which originally comes from the Nile river which flows to and from Kemet called Egypt or Egyptos by the Greeks on the land mass originally called the Sudan (the word Africa being of Greek and Arabic origin). It is a known fact that indigenous people run from persecution, so how can I not say or not have a right to be indigenous due to the fact that my family decided to move and have a better life for themselves. Would a second generation refugee from Darfur be considered NOT Indigenous because they are forced to assimilate in order to have a better life for themselves and in the process become citizen of another nation? Indigenous people since the advent of Columbus and the colonial way of life have been forced against their will to participate in a debt-based economy utilizing the system of pledging and hypothecation just in order that they may survive and not be annihilated; so how can poverty be eliminated when Indigenous Peoples are being forced to use a system that is not part of their culture heritage and tradition. The minerals are extracted from the land and processed and sold yet the Indigenous peoples who live upon the land are being forced to move, vacate and give up their rightful property and then the same minerals are sold back to the Indigenous people, from where it originally came, that is theft of a highly immoral nature and an unconscionable contract.

In Closing, the relief sought is with this Statement of Justification for My Recommendations is for the instant equitable and fair treatment of peoples of African descent who identify as Indigenous, in accord with ALL international, treaties, conventions and covenants which allow that. Those of us who live in North America, South America, Central America and the Caribbean must be given the same consideration, respect and tolerance as other request of us, since we have Accepted For Value, the offers presented and tendered to us by the United Nations and various international laws, treaties covenants and conventions. We have the same DNA running through our veins as our brothers and sisters from the African continent, the only difference is the areas and environment we have been raised in. We as people who are descendants of Africans who either travelled here by boat before 1099 AD; those of us who were kidnapped and brought here in the Americas and the Caribbean by the 1400, 1500 and 1600 European slave trades; and those who were already on these shores called land of the frogs or were called the rubber people over 10,000 BC, by simply walking over, declare our Inalienable and Unalienable Right to reclaim our Indigenous Standing. Our blood, DNA and Melanin speaks to our age and our place on this planet. Any lack of consideration or tolerance by the United Nations or this Permanent Forum is clearly a Dishonor to US of African descent here in the Americas and Caribbean, presently but to those of us who made, shaped and formed the basis of science, technology, mathematics, health, physics, astronomy, chemistry and everything else that makes this world what it is was in the past and what it will be in the future and we will not be denied our Rights as Given to us by the Creator of the Universe, our Ancestors will not allow it, Our Descendants will not allow it, Mother Nature is voicing her displeasure presently and the Creator of the Universe will correct this problem if it is not fixed and will balance out this equation.

I Humbly thank you, Madame Chair members of the Permanent forum on Indigenous Issues and All Indigenous Peoples and organization participating in this Universal Event, for your time, consideration, tolerance and respect of Peoples of African descent born here in the America and the Caribbean as we are truly as Indigenous and Autochthonous as everyone here.

Amun-Re, Amun-Re, Amun-Re



<http://www.newworldorderreport.com/News/tabid/266/ID/4337/The-USA-is-a-non-profit-RELIGIOUS-Corporation-The-IRS-CIA-Federal-Reserve-and-Social-Security-are-also-corporations.aspx>
U.S.A. is a Religious Non-Profit Corporation

In Response To: Constitution Cancelled !! U.S. is a Corporation!! (ironwolf)

Our own ironwolf has begun this thread, by finding this information on the official site of Delaware, "the First State".

: UNITED STATES OF AMERICA, INC.
: Non-profit Delaware Corporation
: Incorporation Date 4/19/89
: File No. 2193946

Here are the additional details, available only by paying a fee to the Corporate registrations of Delaware: Please note that our dear friend V.K. Durham insists that the Registered Agent used for this transaction on April 19th, 1989 (a most significant date, eh, wot ?), is a Central Intelligence Agency front operation Entity Details ----
File Number: 2193946 Incorporation Date / Formation Date: 04/19/1989
(mm/dd/yyyy)

Entity Name: **UNITED STATES OF AMERICA, INC.**

Entity Kind: **CORPORATION**

Entity Type: **RELIGIOUS NONPROFIT**

Residency: DOMESTIC State: DE

Status: VOID TAX INFORMATION Last Annual Report Filed: 1991

Annual Tax Assessment: \$ 0.00 Tax Due: \$ 110.50

Tax Status: **DELINQUENT**

Total Authorized Shares: 0

REGISTERED AGENT INFORMATION

Name: THE COMPANY CORPORATION

Address: 2711 CENTERVILLE ROAD SUITE 400

City: WILMINGTON

County: NEW CASTLE

39

United States District Court

Middle District of North Carolina
Post Office Box 2708
Greensboro, North Carolina 27402

John S. Brubaker, Clerk

June 28, 2006

TELEPHONE:
CIVIL (336) 332-6030
CRIMINAL (336) 332-6020
ADMIN (336) 332-6015

Embassy of At-Sik-Hata Clan of
Indigenous Yamassee Native American Moors
C/O General Delivery
US Post Office
Ellenwood, GA 30294

Mr. Bey-El:

We are returning the three enclosed money orders because no filing fee is required.

Sincerely,

John S. Brubaker

By: 
Deputy Clerk

UNITED NATIONS
HUMAN RIGHTS COMMISSION
UPR SUBMISSION UNDER GENERAL ASSEMBLY RESOLUTION 60/251

CHIEF :Nanya-Shaabu:El, :At-sik-hata Nation of Yamassee Moors
UPR SUBMISSION RE UNITED STATES OF AMERICA

PART I – BACKGROUND

1. The At-sik-hata Nation of Yamassee Moors is an Indigenous [Sovereign & Tribal] Nation as Defined by Presidential Proclamation 7500 (See Letter to U.S. President George W. Bush – published at <http://tarite9.tripod.com/> and recognized as such by the Various Instrumentalities of the UNITED STATES (Federal Court for the Middle District of North Carolina) which includes the UNITED STATES OF AMERICA (see U.S. Secretary of State Document Number 06021440-3 of May 22 2006 – <http://naturalcredit.tripod.com>) United States Code Title 28 USC 1360 and whose land includes (but is not limited to) : Georgia, North Carolina, South Carolina, Alabama, Florida and Tennessee. We are the Indigenous Peoples of the aforementioned lands with the geographic coordinates: 33° 36' 36" North latitude; -84° 17' 17" West Longitude.
2. 1715 Yamassee Uprising and the Trail of Tears is a historical event, which has been acknowledged by the U.S. Congress passing the following Resolutions HJR-3(HJ 3 IH), HJR-194 & S. Con. Res 26, in which the U.S. Federal Government under the Command of U.S. President Andrew Jackson rounded up our peoples be they: Yamassee, Hichiti, Choctow, Cherokee, Moor, Olmec, Seminole, Yuchi, Washitaw and forced them to walk west to Oklahoma away from their traditional lands which were illegally & unlawfully usurped by the United States.
3. Prior to the Passing of the aforementioned U.S. Congressional Bills and the United Nations Declaration on the Rights of Indigenous Peoples, Our Nation has had the most resistance from the United States / United States of America in exercising our Right of Self-Determination. This despite the fact the United States / United States of America has passed Presidential Executive Orders(13107 – Implementation of Human Rights Treaties) and Presidential Proclamation (PP 7500) guaranteeing our right to exercise our Tribal Sovereignty and Self-Determination.
4. The 1857 U.S. Supreme Court Decision Sanford vs. Scott, known as the Dred Scott Decision, which has never been overturned, has made it clear that no descendant of Africans can be a Citizen of the United States of America. This current state of Affairs leaves those Descendants of “Africans /Moors”, who are unfamiliar with International Law, the United Nations second Decade of the World’s Indigenous Peoples and the fact that they can now self-identify themselves as Indigenous or Tribal, unable to have a Nationality or the ability to identify and claim their Indigenous Heritage in accord with House Joint Resolution 194.
5. The legal limbo created by the Dred Scott decision of 1857, coupled with the Jim Crow laws and the Christian Black Codes – 1794, which are still used to this day, has put the descendants of Africans living in America in a stateless position. This has caused these Descendents of Africans to rely on the United States courts which have a history of biased judgments and decisions against not only Africans but Native Americans as well.
6. There is documented evidence and historical facts that numerous African /Moor slaves were taken in as runaways from Europeans, became accepted into Native American / Indian Tribes or married into Indian / Native Tribes. Those African /Moor Slaves who were adopted by Native American / Indian Tribes

were protected by Native / Indian Tribes and had become family and part of the Native / Indian Tribes all over the United States of America. This would make the Africans / Moors & the Indians ethnically the same.

7. All over America many African-Americans claim not only their African heritage but Indian Ancestry as well. Many African-American families have Indian roots in any one of the various tribes in America such as: Cherokee, Choctaw, Yamasse, Yuchi, Seminole, Washitaw, Lumbee, Creeks etc.
8. HJR -194 in the 110th Congress 1st session on February 27 2007 acknowledges that African-Americans were stripped of their names and heritage.
9. July 8 2003 President George W. Bush acknowledged in a trip to Goree Island, Senegal, that slavery "*was one of the greatest crimes of history*".
10. The U.S. House of Representatives (3) expressed: "*its commitment to rectify the lingering consequences of the misdeeds committed against African-Americans under slavery and Jim Crow and to stop the occurrence of human rights violations in the future.*"
11. The North West Ordinance enacted by Congress in 1787, which begins with the Phrase, "The utmost good faith shall always be observed toward the Indians".

North American History – Points of History.

12. Four Letters on American history, Published Nov. 17 1827 No.7 By. Prof. Rafinesque to Dr. J.H. M'Culloh of Baltimore where he states: " To this day they speak and write of the Red men of America, while there is not a Red Man,(nor never was) in this continent. " *To this day do they attempt to separate the American languages from all others, while their roots and structure are exactly like many in the Eastren Continent.*" Further "*it is sufficient to mention that there were in America, before Columbus came, nations and tribes of the following complexions: coppered, tawny, olive, dusky, white or pale yellow, dark brown and black; (but none red unless painted) and that all these complexions are also found in Asia, in Polynesia, and in Africa.*"
<http://www.sidneyrigdon.com/dbroadhu/PA/Phil1800.htm#011327>
13. 1836 Treaty of Marrakesh provided that Moors (Africans from Morocco Living)were to be treated as equal citizens of the United States of America. http://avalon.law.yale.edu/19th_century/bar1836t.asp
14. May 2004 issue of National Geographic call the Olmec "*The Mother culture of Meso-American Civilization.*" Page 71.

Right Under the Declaration to Claim Indigenous Rights

15. The United States of America / United States has consistently fought and resists, to this day, African-Americans claiming their Indigenous Status. We from the At-sik-hata Nation of Yamasse Moors in accord with International Law have declared and proclaimed our Indigenous Rights. Our documentation has been legally recognized, acknowledged certified, authenticated and confirmed as correct, yet we still face persecution, apartheid, genocide, rape and kidnapping for manifesting our Indigenous rights as we are entitled to by law. It is well known that Africans in America who claim their Indigenous Status as Native American / Indian are subjected to persecution, ridicule, discrimination, genocide, abuse and scorn as if that is not possible they could be Native American /Indian, yet Modern History is now unearthing and uncovering facts to prove the assumption by America to be contrary to archaeological evidence.

16. Congressional Record Page A 3220 of May 11 1955, mandates that the U.S. congress must promote Human Rights in these Five (5) fields of Endeavor: Civil, Political, Cultural, Economic & Social. The fact that this year the United States must submit a report to the HRC is evidence that the United States of America is grossly prejudicial, irresponsible, negligent, obstructive and tardy in following the Mandate as laid out by it own congress and its mandate as it is obligated to under the United Nations Charter, Articles 55 & 56.

Part II Submissions

The United States of America is deliberately violating its owns laws, Presidential Proclamations and Presidential Executive Orders, Treaties and International laws it has signed and resists African-Americans from claiming their Indigenous, Native American / Indian heritage and persecutes those African-Americans who do declare and Claim their Indigenous Rights in accord with International Law.

17. Definition of the United States of America: UNITED STATES OF AMERICA, INC.
Non-profit Delaware Corporation, Incorporation Date 4/19/89 File No. 2193946, : UNITED STATES OF AMERICA, INC. ; Non-profit Delaware Corporation ; Incorporation Date 4/19/89 ; File No. 2193946 ; Entity Name: UNITED STATES OF AMERICA, INC. ;Entity Kind: CORPORATION , Entity Type: RELIGIOUS NONPROFIT ;Residency: DOMESTIC State: DE ; Status: VOID TAX INFORMATION Last Annual Report Filed: 1991 ; <http://www.state.de.us/corp/directweb.shtml>
18. Definition of the United States: (15) "United States" means—
(A) a Federal corporation; (B) an agency, department, commission, board, or other entity of the United States; or (C) an instrumentality of the United States.
http://cfr.law.cornell.edu/uscode/28/uscode_sec_28_00003002----000-.html
19. Domestic Definition of Genocide in United States - USC Title 18 Section 1091
(a) Basic Offense.— Whoever, whether in time of peace or in time of war, in a circumstance described in subsection (d) and with the specific intent to destroy, in whole or in substantial part, a national, ethnic, racial, or religious group as such— (1) kills members of that group; (2) causes serious bodily injury to members of that group; (3) causes the permanent impairment of the mental faculties of members of the group through drugs, torture, or similar techniques; (4) subjects the group to conditions of life that are intended to cause the physical destruction of the group in whole or in part; (5) imposes measures intended to prevent births within the group; or (6) transfers by force children of the group to another group; or attempts to do so, shall be punished as provided in subsection (b). (d) Required Circumstance for Offenses.— The circumstance referred to in subsections (a) and (c) is that— (1) the offense is committed within the United States; or (2) the alleged offender is a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)). (e) Nonapplicability of Certain Limitations.— Notwithstanding section 3282 of this title, in the case of an offense under subsection (a)(1), an indictment may be found, or information instituted, at any time without limitation.

Kidnapping and Genocide by the United States of America

20. The Kidnapping in November 14 2007 of Clan mother :Diani-Naja:Bey-El - <http://kidnapped.tripod.com> by the State of Georgia / Fulton County Georgia and its Public Officials. The kidnapping and forced displacement of Chief :Nanya-Shaabu:El on May 22 2006 in the State of North Carolina by forcibly removing him from his land [in the State of Georgia] and place him in another area [Alberta, Canada] on Great Turtle Island By U.S. Immigration / I.C.E. with the Knowledge (Title 42 USC § 1986) from the U.S. Department of State back in 2004 that he is in fact an American Indian Born in Canada possessing 50 percentum of the blood of the American Indian Race (INA § 289.1-3, Title 8 USC § 1359). See: <http://tarite9.tripod.com>. These are obvious examples of the genocide carried out by the

United States of America and their Public Officials and shows America's total disregard for their own laws and International laws. See: Title 18 USC § 1091 – Genocide and <http://indigenous9.tripod.com>.

21. Sovereign – as defined by DHS Manual - Department of Homeland Security Domestic-extremism-Manual. (U) black nationalism (U//FOUO) A term used by black separatists to promote the unification and separate identity of persons of black or African American descent and who advocate the establishment of a separate nation within the United States. Note – the United Nations Declaration on the Rights of Indigenous Peoples, see articles 2, 3, 4, is in obvious conflict with the DHS definition.
22. Black Codes. (usu. Cap.) Hist. 1. Antebellum state laws enacted to regulate slavery. 2. Laws enacted shortly after the Civil War in the ex-Confederate states to restrict the liberties of the newly freed slaves to ensure a supply of inexpensive agricultural labor and to maintain white supremacy. See the Black Codes of 1865.
23. Traffic, N.: 1. *Commerce; trade; the sale or exchange of such things as merchandise, bills and money*. 3. People or things being transported along a route. Black's Law Dictionary – Eighth Edition page 1534. Slavery: 1. *A Situation in which one person has absolute power over the life, fortune, and liberty of another*. Black's Law Dictionary – Black's Law Dictionary – Eighth Edition page 1422.
24. **Kidnapping:** *At common law, the crime of forcibly abducting a person from his or her own country and send the person to another. This offense amounted to false imprisonment aggravated by moving the victim to another country*. Black's Law Dictionary – Eighth Edition page 886.
25. Respectus - in old English & Scotch Law: *respite, delay, continuance of time; postponement*.
26. A Clearly Defined Definition of Terms of what the United States of America means by their commitments to the Conventions, Rule of law and respect of International Law and Human Rights, should be clearly presented, explained, disclosed and revealed by the Member State.
27. Therefore Nationality and Ethnicity of our Nation cannot be coerced, defined or manipulated by the United States of America as it is a corporation which does not exist, except, in the contemplation of law.
28. We have the inherent right to classify or re-classify ourselves, nationalize ourselves and claim our historical legacy, due to the state of citizen-less / stateless limbo, and the systematic and systemic, deliberate , threat, duress and coercion being conducted by the federal foreign corporation and religious corporation known as the U.S. and the U.S.A., respectively. UNDRIP, HJR-194 , JHR-3 (HJ 3 IH) and S. Con. Res 26 establishes in law, directly from the U.S. Congress and the U.S. Senate, to allow us to not only claim our Indigenous identity, but to fully express it as such in accord with the United Nations Charter, UNDRIP , All International Instruments and Domestic Laws.
29. The United States of America's history and record of continually dishonoring, disregarding and refusing to abide by the International commitments and domestic laws it claims to have full respect for , would land any other C.E.O. of a Corporation in Jail for a numerous violations of law. The U.S. and its arsenal of corporate financial lobbyists, appears to make certain that it will not be held accountable, nor be held to account, for its past and present deeds of genocide, apartheid, rape, forced displacement, ethnic cleansing and cultural annihilation conducted against our nation on our land.
30. The United States of America, a religious corporation, wants to still perpetuate its Religious Christian ideology on our Nation. We are the Descendants of the original Indigenous People / Inhabitants on this land mass known as Turtle Island / Land of the Frogs / Egypt of the West (coined by U.S. President Abraham Lincoln). The admission that the U.S.A. is a religious corporation leaves to be desired whether

the true intent of the U.S.A. is Peace or really another ploy, based on its past actions, to slowly wipe out our people. This is in total contradiction to Presidential Proclamation 7500, Congressional record page A 3220 and Presidential Executive Order 13107

Conclusion

31. In addition with the Aforementioned Presidential documents noted the Papal Bulls, 'Doctrine of Discovery', Christina Black Codes, the Indian Act and related instruments in use by the United States of America, it appears that these corporations are saying or agreeing to abide by what is sanctioned and which they have endorsed on paper as their honorable intention to conduct themselves accordingly and appropriately, however, upon further investigation and examination the U.S.A. privately are still conducting the practices that have been long established albeit in a less obvious manner.
32. We have declared ourselves Indigenous & Tribal and Claim our Indigenous rights as we are entitled to in accord with HJR-194 and HJR-3. We still face an uphill battle in the United States of America. We who have declared and claim our Indigenous rights face, skepticism, ridicule and scorn for daring to declare themselves Indigenous although the congressional records and apologies from the U.S. Congress allow us to do so, since in America's legal system we are looked upon as not having a legal or lawful status/citizenship. We of the At-sik-hata Nation of Yamasee Moors are not citizens the United States of America (a Religious Corporation) and as such are entitled to full protection in accord with the constitutional rights and the International rights we are entitled to. Our declaration of our Indigenous rights puts us in conflict mostly and consistently with the: U.S. Courts, the U.S. government and the local, state U.S. government agencies.

Recommendations (Relief Sought).

33. For the United States of America to adopt, assimilate, incorporate and implement the UNDRIP Declaration domestically and to that the state therein are made aware of the legal responsibility of obedience to the United Nations Declaration on the Rights of Indigenous Peoples.
34. For the United States of America to Immeadiately incorporate domestically its legal obligations to honor and protect tribal Sovereignty as defined by Presidential Proclamation 7500 and Presidential Executive Order which is in accord with Articles 2,3,4 of the United Nations Declaration on the Rights of Indigenous Peoples.
35. For the United States of America to teach the unbiased education and truthful knowledge of the origins of the Native Americans / Indians in the Americas.
36. For the HRC to hold United States of America accountable and to compensate, restitute, and answer to the various instruments, treaties and International Law related to the Indigenous Peoples in America(sic), which we Call Great Turtle Island, Atlan, Amexem, Land of the Frogs, Egypt of the West and forthwith correct its failure to honor said documents and its lack of obedience.

This Presentment has been Honorably Tendered. U.C.C. § 1-308 All Rights Reserved. UNILOS Art. 19.

Chief :Nanya-Shaabu:El

At-sik-hata Nation of Yamasee Moors

53° 34' 00" N. Lat; 113° 31' 00" W. Long [GD STN MAIN, EDMONTON AB T5J 2G8]

780-271-9199 Email: truenative9@yahoo.com kemit19@gmail.com

By the President of the United States of America

A Proclamation

The strength of our Nation comes from its people. As the early inhabitants of this great land, the native peoples of North America played a unique role in the shaping of our Nation's history and culture. During this month when we celebrate Thanksgiving, we especially celebrate their heritage and the contributions of American Indian and Alaska Native peoples to this Nation.

Since our Nation's birth, pluralism and diversity have been hallmarks of the American experience and success. In 1782, the Founding Fathers chose as our national motto "E Pluribus Unum," which means "out of many, one." Today, America's unity, derived from a mix of many diverse cultures and people, grandly embodies the vision expressed by our Founders. American Indian and Alaska Native cultures have made remarkable contributions to our national identity. Their unique spiritual, artistic, and literary contributions, together with their vibrant customs and celebrations, enliven and enrich our land.

As we move into the 21st century, American Indians and Alaska Natives will play a vital role in maintaining our Nation's strength and prosperity. Almost half of America's Native American tribal leaders have served in the United States Armed Forces, following in the footsteps of their forebears who distinguished themselves during the World Wars and the conflicts in Korea, Vietnam, and the Persian Gulf.

Their patriotism again appeared after the September 11 attacks, as American Indian law enforcement officers volunteered to serve in air marshal programs. On the local level, American Indians and Alaska Natives are strengthening their communities through education and business development, opening the doors to opportunity, and contributing to a brighter future for all.

My Administration will continue to work with tribal governments on a sovereign to sovereign basis to provide Native Americans with new economic and educational opportunities. Indian education programs will remain a priority, so that no American child, including no Native American child, is left behind. We will protect and honor tribal sovereignty and help to stimulate economic development in reservation communities. We will work with the American Indians and Alaska Natives to preserve their freedoms, as they practice their religion and culture.

During National American Indian Heritage Month, I call on all Americans to learn more about the history and heritage of the Native peoples of this great land. Such actions reaffirm our appreciation and respect for their traditions and way of life and can help to preserve an important part of our culture for generations yet to come.

Now, Therefore, I, George W. Bush, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim November 2001 as National American Indian Heritage Month. I call upon the people of the United States to observe this month with appropriate programs and activities.

In Witness Whereof, I have hereunto set my hand this twelfth day of November, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-sixth.



GEORGE W. BUSH

Administration of
William J. Clinton, 1998

/

Dec. 10

**Executive Order 13107—
Implementation of Human
Rights Treaties
December 10, 1998**

By the authority vested in me as President by the Constitution and the laws of the United States of America, and bearing in mind the obligations of the United States pursuant to the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), and other relevant treaties concerned with the protection and promotion of human rights to which the United States is now or may become a party in the future, it is hereby ordered as follows:

Section 1.

Implementation of Human
Rights Obligations.

(a) It shall be the policy and practice of the Government of the United States, being committed to the protection and promotion of human rights and fundamental freedoms, fully to respect and implement its obligations under the international human rights treaties to which it is a party, including the ICCPR, the CAT, and the CERD.

(b) It shall also be the policy and practice of the Government of the United States to promote respect for international human rights, both in our relationships with all other countries and by working with and strengthening the various international mechanisms for the promotion of human rights, including, inter alia

, those of the United Nations, the International Labor Organization, and the Organization of American States.

Sec. 2.

Responsibility of Executive Departments and Agencies.

(a) All executive departments and agencies (as defined in 5 U.S.C. 101–105, including boards and commissions, and hereinafter referred to collectively as “agency” or “agencies”) shall maintain a current awareness of United States international human rights obligations that are relevant to their functions and shall perform such functions so as to respect and implement those

obligations fully. The head of each agency shall designate a single contact officer who will be responsible for overall coordination of the implementation of this order. Under this order, all such agencies shall retain their established institutional roles in the implementation, interpretation, and enforcement of Federal law and policy.

(b) The heads of agencies shall have lead responsibility in coordination with other appropriate agencies, for questions concerning implementation of human rights obligations that fall within their respective operating and program responsibilities and authorities or, to the extent that matters do not fall within the operating and program responsibilities and authorities of any agency, that most closely relate to their general areas of concern.

Sec. 3.

Human Rights Inquiries and Complaints.

Each agency shall take lead responsibility in coordination with other appropriate agencies, for responding to inquiries, requests for information, and complaints about violations of human rights obligations that fall within its areas of responsibility or, if the matter does not fall within its areas of responsibility, referring it to the appropriate agency for response.

Sec. 4.

Interagency Working Group on Human Rights Treaties.

(a) There is hereby established an Interagency Working Group on Human Rights Treaties for the purpose of providing guidance, oversight, and coordination with respect to questions concerning the adherence to and implementation of human rights obligations and related matters.

(b) The designee of the Assistant to the President for National Security Affairs shall chair the Interagency Working Group, which shall consist of appropriate policy and legal representatives at the Assistant Secretary level from the Department of State, the Department of Justice, the Department of Labor, the Department of Defense, the Joint Chiefs of Staff, and other agencies as the chair deems appropriate. The principal members may designate alternates to attend meetings in their stead.

(c) The principal functions of the Interagency Working Group shall include:

(i) coordinating the interagency review of any significant issues concerning the implementation of this order and analysis and recommendations in connection with pursuing

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION.

SATURDAY, APRIL 9, 1864.

NEW SERIES.....No. 94.

The learned Senator from Massachusetts, I apprehend, has made a very radical mistake in regard to the application of this language of the French constitution. The purpose for which this language was used in the original constitution of the French republic of 1791, was to abolish nobility and privileged classes. It was a mere political reformation relating to the political rights of Frenchmen, and nothing else. It was to enable all Frenchmen to reach positions of eminence and honor in the French Government, and was intended for no other purpose whatever. It was never intended as a means of abolishing slavery at all. The Convention of 1794 abolished slavery by another and separate decree expressly putting an end to slavery within the dominions of the French republic and all its colonies.

Now, sir, I wish as much as the Senator from Massachusetts in making this amendment to use significant language, language that cannot be mistaken or misunderstood; but I prefer to dismiss all reference to French constitutions or French codes, and go back to the good old Anglo-Saxon language employed by our fathers in the ordinance of 1787, an expression which has been adjudicated upon repeatedly, which is perfectly well understood both by the public and by judicial tribunals, a phrase, I may say further, which is peculiarly near and dear to the people of the Northwestern Territory, from whose soil slavery was excluded by it. I think it is well understood, well comprehended by the people of the United States, and that no court of justice, no magistrate, no person, old or young, can misapprehend the meaning and effect of that clear, brief, and comprehensive clause. I hope we shall stand by the report of the committee.

Mr. SUMNER. My proposition is withdrawn, the Chair understands.

Mr. DAVIS. I was going to make one remark in relation to the proposed verbiage of the Senator from Massachusetts. I think that that Senator and all Senators ought to be very guarded in the terms they adopt when they take \$500,000,000 of property from other people, in which they have no interest themselves, and propose to give them no compensation for it. When the Parliament of England liberated the slaves in the West Indies they appropriated £20,000,000 as compensation to their owners.

Sir, the owners of no property of that value ever voluntarily disposed themselves of it. Whenever any such legislation as that has taken place in the world the legislation has been of a power and by a people that did not own the property. If at the commencement of the war of 1812 a proposition had been made, by legislation or by a change of the Constitution, to take all the shipping interest of New England, and the other States had been strong enough to carry such a measure in the form of legislation or amendment of the Constitution, there did not live a man within the States of New England at that time but what would have been in open revolt against it.

Here are these gentlemen, uninterested in slave property, and, with the exception of one or two in this body, having no interest whatever in it, who actually come up and propose to amend the Constitution and take that property from a great number of people more loyal than themselves, more true to their Government, more true to the true principles of the Constitution and the Union, without making them one cent's worth of compensation for that property. Everything is as smooth as a marriage bell when men who do not own the property propose to take it from those who do own it. It makes no odds what the amount of it is, or in what manner it is to be done, if it is just in accordance with their will. Whatever may be the origin of that will it is all fair, all proper, all politic.

Mr. President, the proposition that I assume I believe to be irrefragably true, that the power of amending the Constitution does not authorize the abolition of slavery. I deny that the power of amendment is illimitable. I deny that it carries every power which the amending power may choose to exercise. I deny that the power of

amendment carries the power of revolution. It is an absurdity to say that this power of amendment will impart the power to change the Government and to establish a monarchy if the different departments and authorities authorized to enact the amendment choose to adopt it. It cannot be done legitimately at any rate.

Mr. President, if the men who are to pass this amendment were as much interested in this property as those who are opposing it here and elsewhere, there is not one of them but would be found in opposition to it. It is a very beautiful operation, to be sure. "They say to us, 'We will take from you your property; we will make you no compensation for it; and we will do it under the power to amend the Constitution.'" Sir, property is a matter of State or domestic institution. The General Government have not legitimately, and were never intended to have, any jurisdiction or authority over the subject of property. What subjects should constitute property, how it should be regulated, whether it should exist and continue in one subject or be discontinued in another subject, are questions which were never intended to be intrusted to the General Government. That is a great and fundamental feature of our Federal and State system of governments. The proposed amendment takes that principle to be true in relation to but one subject of property; but if it strikes at it in relation to one subject of property, it may in relation to all.

The power of amendment as now proposed to be exercised imports a power that would revolutionize the whole Government, and that would invest the amending power with a faculty of destroying and revolutionizing the whole Government. In my judgment, it is absurd to say that the power of amendment, which is simply a power to reform, a power to improve, imports and authorizes the exercise of a power to destroy.

I think, if gentlemen are determined to abolish the property in slaves, they have as much right so to amend the Constitution as to make compensation to the owners of the property as they have to deprive the owners of that property of them. If they think the abolition of slavery and the depriving of so many loyal owners of such a large amount of property is such an exercise of authority as that the permanent good of the nation requires it to be done, they ought to have the grace, the justice, the magnanimity to make provision for a reasonable compensation to the owners of that property which they take from the owners. They have as much power to make the compensation as they have to take the property from them.

But, sir, in a closing word, I make my protest against men who have no interest in such a large amount of property as the slave property owned by the loyal people of the United States, undertaking to seize this property without any compensation, ruthlessly, unjustly, and in defiance of the guarantee of property and of justice that the Constitution and Government of the United States gave to all its people. Although I know that the protest of an angel would not be heard, much less the protest of as feeble a worm as I am, I make my last protest against a class of gentlemen, against a portion of the people of the United States, against the great preponderating sectional power of the United States, depriving loyal owners of millions of property, without having the justice, the magnanimity, or the grace to make the least provision for compensation, as the English Parliament did to the slaveholders in the West India islands.

Mr. DOOLITTLE. I should be glad if I had the time to reply to some of the remarks of the Senator from Kentucky; but I will forbear doing so, hoping that we shall see come a vote. On some future occasion I may answer him.

THE VICE PRESIDENT. The Senator from Massachusetts may withdraw his amendment, if there be no objection.

Mr. SUMNER. It is entirely within my power, as the yeas and nays have not been ordered. THE VICE PRESIDENT. It is within the

province of the Senator to withdraw it without the consent of the Senate, as no vote has been had upon it, and the yeas and nays have not been ordered. The amendment is withdrawn.

Mr. SAULSBURY. I wish to know whether the amendment I sent up some time since is now in order.

THE VICE PRESIDENT. That will be in order as a substitute; but all the other amendments are first in order.

Mr. SAULSBURY. I offer mine as a substitute for the whole. THE VICE PRESIDENT. The Chair so understood the Senator. If no other amendment be offered the Senator from Delaware proposes to strike out all of the words reported by the committee, and to insert what will be read.

The Secretary read, as follows:

ARTICLE XIII.

Sec. 1. All persons shall have the right peaceably to assemble and worship God according to the dictates of their own conscience.

Sec. 2. The use of the public press shall not be obstructed; but criminal publications made in one State against the lawful institutions of another State shall not be allowed.

Sec. 3. The right of citizens to free and lawful speech in public assemblies shall not be denied. Access of citizens to the ballot box shall not be obstructed either by civil or military power. The military shall always be subordinate to the existing judicial authority over citizens. The privilege of the writ of *habeas corpus* shall never be suspended in the presence of the judicial authority.

Sec. 4. The militia of a State or of the United States shall not be employed to invade the lawful rights of the people of any of these several States; but the United States shall not be thereby deprived of the right and power to detect and protect its property and rights within the limits of any of the States.

Sec. 5. Persons held to service or labor for life, in any State under the laws thereof, may be taken into any Territory of the United States south of north latitude 36° 30' and the right to such service or labor shall not be impaired thereby, and the territorial Legislature thereof shall have the exclusive right to make and shall make all the laws, rules and regulations for the protection of such right, and also for the protection of such persons; but Congress or any territorial Legislature shall not have power to impair or abolish such right of service in the said Territory while in a territorial condition without the consent of all the States south of said latitude which maintain such service. Sec. 6. Involuntary servitude, except for crime, shall not be permanently established within the District set apart for the seat of Government of the United States; but the right of sojourn in such District with persons held to service or labor for life shall not be denied.

Sec. 7. When any Territory of the United States south of north latitude 36° 30' shall have a population equal to the ratio of representation for one member of Congress, and the people thereof shall have formed a constitution for a republican form of government, it shall be admitted as a State into the Union, on an equal footing with the other States; and the people may in such constitution either prohibit or sustain the right to involuntary labor or service, and alter or amend the constitution at their will.

Sec. 8. The right of representation in section two, article one, of this Constitution, shall not be altered without the consent of all the States maintaining the right to involuntary service or labor south of latitude 36° 30', but nothing in this Constitution or its amendments shall be construed to deprive any State south of said latitude 36° 30' of the right of abolishing involuntary servitude at its will.

Sec. 9. The regulation and control of the right to labor or service in any of the States south of latitude 36° 30' is hereby recognized to be exclusively the right of each State within its own limits; and this Constitution shall not be altered or amended to impair this right of each State without its consent. *Provided*, This article shall not be construed to absolve the United States from rendering assistance to suppress insurrections or domestic violence, when called upon by any State, as provided in section four, article four, of this Constitution.

Sec. 10. No State shall pass any law in any way interfering with or obstructing the recovery of fugitives from justice, or from labor or service, or any law of Congress made under article four, section two, of this Constitution; and all laws in violation of this section may, on complaint made by any person or State, be declared void by the Supreme Court of the United States.

Sec. 11. As a right of comity between the several States south of latitude 36° 30' the right of transit with persons held to involuntary labor or service from one State to another shall not be obstructed, but such persons shall not be brought into the States north of said latitude.

Sec. 12. The traffic in slaves with Africa is hereby forever prohibited on pain of death and the forfeiture of all the rights and property of persons engaged therein; and the descendants of Africans shall not be citizens.

Sec. 13. Alleged fugitives from labor or service, on request, shall have a trial by jury before being returned. Sec. 14. All alleged fugitives charged with crime committed in violation of the laws of a State shall have the

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The "Bar" Treaty of 1947

Effectively Tying the Bar Associations of the Respective Pan-American States Together and subverting our Constitution to United Nations International Law

Today an attorney is a sworn officer of the court, and by his own admission, as that officer, his duty is to impose the will of the state against the citizen.

AMERICAN BAR ASSOCIATION

(Organized at Saratoga Springs New York, August 21, 1878)

Its object shall be to advance the science of jurisprudence, promote the administration of justice and uniformity of legislation and of judicial decision throughout the Nation, uphold the honor of the profession of the law, encourage cordial intercourse among the members of the American Bar and to correlate the activities of the Bar organizations of the respective States on a representative basis, in the interest of the legal profession and of the public throughout the United States. (ABA Constitution, Article 1)

REPORT OF THE SPECIAL COMMITTEE FOR PEACE AND LAW THROUGH UNITED NATIONS (relative to the Bar Treaty of 1947)

RECOMMENDATIONS*

Resolved, That the American Bar Association notes with approval the further progress made, within the structure and Charter of the United Nations, at the recent Inter-American Conference for the Maintenance of Continental Peace and Security, held at Quitindinia in Brazil, in implementing the Act of Chapultepec and strengthening further the spirit of friendly consultations and of submission to law-governed procedures, as well as the means of united self-defense, throughout the Americas, against aggressions from outside and for the prevention of the causes of disputes and misunderstandings among the nations of this hemisphere. The Association hails with particular satisfaction the Inter-American Treaty of Reciprocal Assistance, signed at Rio de Janeiro on September 2 by the representatives of nineteen American republics, as a concrete demonstration of what can be accomplished within the framework of the United Nations, by nations which are willing to submit themselves to the rule of law and to agree to act together for mutual assistance and defense against aggression clearly defined.

The Association commends this Treaty to the consideration of the Delegation of the United States in the General Assembly of the United Nations and to like-minded peoples because of its clear and specific statement and limitation of its scope and purposes and especially its acceptance of the principles of decision by a vote of two-thirds of the member nations on major questions (a majority vote on some others), with a party to a dispute between members excluded from voting on it, no nation required to use armed force without its consent, and no right or power on the part of any nation to "veto or block the defined procedures for pacific settlement of controversies within the Americas and for united action in the exercise of the inherent right of individual or

collective self-defense recognized by Article 51 of the Charter, against aggression from any source, anywhere within a Continental American zone defined in the treaty.

Resolved Further, That the American Bar Association hails with especial satisfaction the progress made at Quitindinia and Rio de Janeiro because it has been fostered actively and substantially by lawyers of the Americas, through their respective bar associations and learned academies of the law; and that this Association pledges its continued support, through its own activities and its participation in the Inter-American Bar Association, in behalf of the objectives of the treaty and in behalf of peace, understanding, mutual assistance and self-defense, and the prevalence of the rule of law, throughout the Americas.

Resolved Further, That the American Bar Association favors and urges the earliest practicable ratification of the Inter-American Treaty of Reciprocal Assistance by the Senate of the United States.

*** These recommendations were adopted by the House of Delegates**

II

Resolved, That the American Bar Association expresses its gratification that the General Assembly of the United Nations has before it for consideration and action a notable report by its distinguished committee, which submits definitive plans for the progressive development and the eventual statement or codification of the rules and principles of international law.

Resolved Further, That if the International Law Commission proposed by the report is authorized by the General Assembly and elected by the United Nations, this Association as an accredited organization long at work in the field shall tender and render to the Commission and the Secretariat such assistance as they desire that this Association shall undertake, through its constituted committees and sections as hitherto voted by the House of Delegates and in close cooperation with The Canadian Bar Association, to the continuance of which this Association pledges its best efforts.

III

Resolved, That the American Bar Association expresses again its considered opinion to be that the interests of peace, justice and law throughout the world will best be advanced through the continuance of united, outspoken support of the United Nations by the American people, and that efforts to strengthen and extend international organization, cooperation and control of matters which are international in their scope should be undertaken within the framework of the United Nations and on the basis of undivided support of that organization.

Resolved Further, That the American Bar Association urges that lawyers and other citizens shall do all they can in their home communities to maintain an informed public opinion in favor of working through the United Nations for accomplishing the great objectives of the Charter and the Statute of the International Court of Justice.

IV

Resolved, That while the American Bar Association has recognized and urged, at the time of the adoption and ratification of the Charter in 1945 and since, that strengthening amendments in several respects will be needed and should be considered in the light of experience, the Association respectfully submits to the Delegation of the United States in the General Assembly of the United Nations the Association's opinion that at the present juncture there is an especial need that, through agreed-on interpretations of the Charter in the procedural rules or

through the formulation and adoption of specific amendments of the Charter if need be, it shall be assured that two-thirds or other substantial majority of the nations which wish to submit themselves to the rule of law and accomplish the pacific settlement of international disputes can take effective action against aggression and do so within the procedures of the United Nations, beyond the power of a minority to "veto" and prevent the action of such a majority in these respects.

Resolved Further, That although the American Bar Association hopes that all members of the United Nations will accede to the principles of effective action by substantial majorities, such as have lately been accepted by nineteen republics of this hemisphere, all of which are members of the United Nations, the Association respectfully submits to the Delegation of the United States in the General Assembly the Association's considered opinion that any such amendments, if proceeded with, should be specific and sufficient to accomplish the above-stated purpose, and that consideration should be given to so conditioning their submission for ratification as to make clear the intention of the ratifying members to put them into effect between themselves if and when they are ratified by at least two-thirds of the member States.

V

Resolved, That the American Bar Association expresses the keen interest of its members in the proposed International Trade Organization and its proposed Charter, to be given final form and approval at a conference to convene in Havana, Cuba, on November 21; and the Association recommends that when copies of the proposed Organization and Charter become available, the same should be studied carefully and thoroughly by the Congress and the people of the United States, and also reported on to the House of Delegates by the Section of International and Comparative Law, the committee on Commerce, and the Committee for Peace and Law Through United Nations, as hitherto directed by the House.

Resolved Further, That the American Bar Association is of the opinion that if the final form of the Organization and Charter would place binding obligations on its members, the membership of the United States in the Organization and Charter should become effective only when the same are submitted by the President and ratified by the Senate as a treaty; and in view of the effect of prospective provisions upon American tariffs, reciprocal arrangements, and financial obligations, only when approved also by the House of Representatives of the United States.

VI

Resolved, That the American Bar Association is of the opinion that the foreign policy of the United States should continue to be in all respects developed, decided and unitedly supported, without division on party lines or regard for differences on other issues; and that the members of the Association should to that end cooperate in bringing about in their respective communities informative public discussions of all questions entering into the foreign policy of our country, and should take the lead in behalf of an informed and united support of that policy.

Resolved Further, That the American Bar Association endorses and supports the action of the Government of the United States in giving assistance to the Government of Greece, in the exercise of the right of the United States under Article 51 of the Charter to take individual and collective action in defending against an armed attack upon a member of the united Nations.

Resolved Further, That the American Bar Association endorses and supports in principle the proposal of the Government of the United States that the nations of Europe which need financial and other assistance from the United States in the restoration of their economy and the maintenance of their governments against aggressions

and infiltrations shall first mobilize their own resources in helping themselves and each other and shall establish their own organized means of cooperating with each other for the removal of trade barriers and for the maintenance of united action by themselves against aggression and propaganda from outside their border; and that the extent of the financial needs of such nations and the extent of their cooperation in such a policy shall be ascertained and made known, before the United States undertakes commitments.

VII

Resolved, That officers of the American Bar Association are authorized to transmit copies of the above resolutions when adopted or of such of them as may be appropriate, to officials and committees of the United Nations, to officers of the Government of the United States, to members of the Senate and House of Representatives, and to other associations and organizations with which this Association is cooperating, including all organizations represented in the House of Delegates.

REPORT

The matters covered by our recommendations have been so closely followed by American lawyers that this report will be brief. Their background has been from time to time reported to the members of our Association through its Journal.

The matters dealt with are of the utmost importance to all the people of our country and of the world. The General Assembly of the United Nations re-convened in New York City on September 16, for sessions which seem likely to be decisive as to the future of the existing international organization. The present prospect is that the Congress of the United States will be called in special session in November or December to make decisions on new and urgent phases of the foreign policy of our country and authorize action to effectuate that policy.

Under the conditions existing in the world today, your committee is of the opinion that its recommendations, and the action of our Association through the House of Delegates should be only such as will support and assist those who, in our Government and in the United Nations, are working earnestly for peace and law, and will help to unite, not divide, American public opinion.

Against the background of a troubled and troubling world, two heartening events of the present month are first noted:

1. At Rio de Janeiro, Brazil, on September 2, the representatives of the Governments of all the American republics, who constitute more than one-third of all of the members of the United Nations, agreed upon, and nineteen of them signed and the two others will sign, the Inter-American Treaty of Reciprocal Assistance, significant provisions of which are referred to in our recommendations Nos. 1 and 4 and are hereinafter briefly discussed.
2. The General Assembly of the United Nations has on its calendar for action during its current sessions, the comprehensive report and recommendations of the distinguished committee which it created last December to formulate and submit definitive plans for the progressive development, and the eventual codification, of the rules and principles of international law, in a form and content adapted to the needs of the post war world. For members of our Association who long have worked earnestly for such an objective, this further progress toward the definitive formulation of international law under the authority of the United Nations is an encouraging step at a time when many other advances seem to be stalled.

Law Abiding Nations and Submission to the Rule of Law

Your committee has felt the need for a phrase of characterization that can be used in place of "peace-loving Nations," to denote those governments and peoples which are willing to submit themselves to the rule of law in international affairs and conform to it. Secretary Hull's "peace loving nations" of the 1943 Moscow Conference and Declaration will not do. All nations claim to be "peace loving," and all or most of them are- some of them only on their own terms. "Law-abiding nations" may be the best phrase. Its appropriation from internal, community life is apt. What is meant by a law-abiding citizen of a city or town is well known. The individual who breaks the peace or considers himself above the law is readily found out. To "abide" the law and legal procedures and not to take the law and one's claimed rights into one's own hands is a good English phrase and a recognized test.. In world affairs, the law-abiding nations are:

1. Those which believe that peace, freedom and security can be secured best (and probably only) through the rule of law.
2. Those which wish and intend, in a cooperative spirit and through their chosen representatives, to formulate, establish and support the supremacy of rules and principles of law, orderly adjudication, and impartial enforcement.
3. Those that by their agreements and their acts stand pledged to abide by and conform to the laws which majorities have duly established after the views of majorities and minorities have been democratically expressed and duly considered.

The law-abiding citizen of a community does not insist or expect that his disputes or rights shall be settled by "negotiations" or by political support from the powerful or by discussions at the political level. He instinctively and by habit obeys the law as he understands it to be : if disagreement or dispute as to it arises, he goes to court and abides the decision.

The policeman who finds a bully beating up a little man does not ask for debate: "Is his aggression justified?" He asks only: "Is there a law against it?" If he thinks there is, he stops the attack, hauls the aggressor or both parties to court, and lets the law and the judge decide.

So it should be with nations. The international community should become law-abiding. The chairman of your committee has made some check as to whether "law-abiding" has similar connotation in the community life of Canada and Great Britain. Like understanding seems to prevail.

The Charter of the nations entrusts the development and codification of international law to the General Assembly. That body is at work on that task. Progress in the Assembly cannot be blocked by any "veto." For an authoritative body of jurisconsults to state and declare international and world law will give it great weight and force, will make it a standard to which law-abiding nations will repair. To give it binding force in the sense that domestic legislation is law will be a second step, but hardly difficult on the part of nations that are minded to pledge themselves to abide the rule of law.

Your committee submits the following brief comment on its principal recommendations:

RECOMMENDATION No. 1: AS TO THE INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE

Nineteen American republics, (1) constituting more than one-third of the status in the British Commonwealth of Nations, the Dominion of Canada did not take part in the Conference or sign the Treaty, but provision was made for its accession or cooperation, if Canada so desires and decides. In any event, Canada and the United States have for many months been taking practical steps for the defense of North America against attack, and have long resorted to friendly and peaceful means of settling whatever disputes or problems arise between them.

Of far reaching importance is the fact that the Treaty of Rio de Janeiro contains a clear definition of elementary acts of aggression which are outlawed in advance and are not left to ex post facto debate and political action subject to the "veto," as is the case in the Charter of the United Nations. A further gain is the recognition and specific and basic averment that "the American regional community affirms as manifest truth that juridical organization is a necessary prerequisite of security and peace and is founded on justice and moral order" (Preamble).

In this and other respects, the significance of what has been accomplished by the nations of the Americas may well be commended at this time to the American Delegation in the United Nations and to the world. The principles, purposes, and practical effectiveness of the Charter have been assured as to the Western Hemisphere. What has been amicably agreed on and done here to outlaw war of aggression, assure the settlement of disputes by juridical or other peaceful means, and provide for the common defense against attack, exemplifies what can be done under the Charter. That more than one-third of the members of the United Nations bind themselves to accept decisions by a two-thirds vote on actions within that specific and limited field, with out a "veto" power on the part of any nation, 'may be also a hopeful augury as well as example. The sole limitation on collective action so determined is that no nation "shall be required to use armed force without its consent" (Treaty, Article 20), by its vote or otherwise.

The Treaty may thus offer an opportunity, in that it denotes the support of the United States and other members of the United Nations, in this hemisphere, for principles which might solve some of the major difficulties under the Charter. No nation will be obligated to participate in sanctions of a military character unless it has voted for that or otherwise consented. One of the reasons urged for granting and retaining the "veto," for the five principal powers, has been that the United States should not put itself in a position where it might be called on to furnish and use, without its own consent, its armed forces to enforce non-unanimous decisions.

Your committee recommends that the Association favor the speedy ratification of the Treaty. (3)

RECOMMENDATION No. 2: AS TO THE INTERNATIONAL LAW COMMISSION AND THE PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW

The report of the General Assembly's committee, as submitted to the members of the United Nations and now pending before the General Assembly at Flushing Meadows, as summarized in the July JOURNAL (33 A.B.A.J. 727-730 (1947) and published in full in the August JOURNAL (33 A.B.A. J. 831-835 (1947)

The recommended task is to be entrusted in the first instance, as our Association recommended in 1945, before the San Francisco Conference (31 A.B.A.J. 227-228; May, 1945) and again to the State Department in May of 1947 (33 A.B.A.J. 728; July, 1947), to an International Law Commission of fifteen specially qualified jurists and jurisconsults who will be nominated by the member nations on a basis which will tend to assure that none will name only its own nationals. (4) They will be elected by the General Assembly and the Security Council, in the same manner as judges of the International Court of Justice are elected (4) this also as recommended by our Association (31A.B.A.J. 227-228; May, 1945).

A statement or codification of the principles and rules of present-day international law, prepared and issued under the auspices of a body elected in a manner similar to that in which the members of the World Court are elected, would have great authority and influence among states which were willing to submit themselves to the rule of law in the international sphere, irrespective of its adoption and promulgation as a unilateral agreement having a binding legal force.

Your committees' recommendation extends an assurance of our Association's cooperation with the International Law Commission and the Secretariat, if the International Law Commission is created. In assistance to that work and in order that submissions by our Association in cooperation with The Canadian Bar Association shall reflect the considered opinion of lawyers in all parts of the two countries, it is expected that the regional group conferences under the auspices of the two bar associations will be resumed before the year ends. Eight such conferences in the series were held in March through May (33 A.B.A.J. 562(1947)).

**RECOMMENDATION No.3:
AS TO UNITED AMERICAN SUPPORT FOR THE UNITED NATIONS AND FOR
WORKING THROUGH THE UNITED NATIONS TO STRENGTHEN IT**

Our Association has repeatedly declared for united, undivided support of the United Nations and its Charter by the American people. Such a declaration is opportune and well justified at this juncture. "Fidelity to the United Nations" was declared by President Truman at Rio de Janeiro to be the cornerstone of American policy. It has profoundly affected and changed that policy, in that organized cooperation with other nations has become a primary objective.

Up to the present time, the United Nations has been in more than a few respects less effective than had been fondly hoped when the Charter was signed. Perhaps too much was expected of it too soon, by some; the machinery and procedures for consultations and organized cooperation cannot of themselves make all nations law-abiding or instill immediately a purpose to get along together amicably despite conflicting ideologies.

Memories may be short-lived. Probably good-will and a spirit of understanding and cooperation are more manifest today among more nations than was the case during the first ten or more years after World War I. Even in the conspicuous and highly provocative controversies in which the United Nations has appeared to make little or no headway in the absence of its General Assembly, many observers have felt that the aggravations were less acute because the disputants were face to face and around a table, and had to state and argue their claims in as friendly an atmosphere as could be created.

Beyond a doubt, the rift between the East and the West has thus far created serious obstructions, which existing procedures and powers have not overcome, But the United Nations provides the only forum in which the spokesmen for the two "spheres" are continually brought together; for discussion which is amicable in spirit although animated and at times divisive. Especially in view of what has recently been accomplished under the Charter and within the framework of the United Nations, your committee is of the opinion that efforts to strengthen the Charter and extend the effectiveness of international organization and cooperation should in any event go forward on the basis of supporting the United Nations rather than of abandoning or rejecting the existing international organization.

**RECOMMENDATION NO. 4:
AS TO AMENDMENTS OF THE CHARTER OF THE UNITED NATIONS**

The General Assembly is in session in New York City. Before its present convocation ends, the proposal of amendments of the Charter seems certain to receive the consideration of leaders and delegates in that "town meeting of the world."

Ever since the signing and ratification of the Charter in 1945, our Association has been of the opinion that strengthening amendments will be needed and should be sought as experience made it advisable. At the appropriate time, if the United States Delegation in the Assembly indicates that the judgment and recommendations of our Association are desired or will be considered, your committee will be prepared to submit specific suggestions.

At the present time, your committee is of the opinion that action by our Association will not advisably go beyond the recommendations which accompany this report. The Treaty between the American republics which comprise more than one-third of the members may open or point way to interpretations or amendments which will enable prompt and effective action by a two-thirds vote or other substantial majority. The Charter's requirement of unanimity of action among the five nations having permanent representation in the Security Council has given to serious problems. (5) More than a third of the members of the United Nations, including the United States have agreed that no such "veto" is needed among any of the nations of this hemisphere, in fulfilling the paramount purposes of the Charter.

It should of course be recognized that the "vetoes" interposed have been within the rights of the principal powers under the Charter. No claim that they violated the provisions of the Charter could be made. On the other hand, many of them are regarded as violating both the spirit and the letter of the assurances which the five principal powers gave at the San Francisco Conference, as to the extent and purposes for which they would use the veto. (6)

Certainly the San Francisco Conference determined and declared that if a "veto" was interposed as an amendment of the Charter desired by the great majority of the member nations, that majority was not to be without remedy. (7)

The expressed attitude of the United States, before, and during the first days of the meeting of the General Assembly, is that (8) "We are not unalterably opposed to every proposal for a revision of the Charter although we believe that there is at the present time no need for major revisions of the Charter or for a change in the general character of the United Nations.

"Many articles of the Charter have not yet been brought into play and given life and meaning by practical application. None of the principal organs have as yet fully exerted the authority and influence which are possible under the existing Charter. The members themselves as represented in the General Assembly have by no means exhausted the potentialities of the Charter in finding ways and means of overcoming obstruction and of meeting their common problems While we might be willing to accept certain amendments to the Charter, we believe that rapid progress can be made in the immediate future within the general framework which we now have and we shall ourselves make proposals for utilizing more fully existing machinery."

The nature and scope of the proposals by the United States to fulfill "the potentialities of the Charter," to find "ways and means of overcoming obstruction," and to accomplish "rapid progress". . . in the immediate future within the general framework which we now have," have not been made public at this writing. (9) Basically, they seek the strengthening of the General Assembly to an extent that its present session "may begin a new phase in the life of the United Nations." Said Secretary Marshall:

"The General Assembly is the forum in which this skepticism must be forestalled and the forum in which our disagreements must be resolved. The great moral and political forces of the world must somehow be brought to bear with full effect through the General Assembly."

The American proposals will doubtless include all or most of those which Delegate Herschel V. Johnson informally submitted to the Security Council on August 27, to show the extent to which agreed-on clarifications and amendments of the Council's procedural rules could remove obstacles to effective action, without amendment of the Charter. (10) If these changes had been in effect, they would not have barred the "vetoes" which have been interposed.

Another proposal favored by some nations is that, through agreement or through amendment of the Charter if need be, the "veto" shall apply only to sanctions and enforcement measures by the Security Council and shall not apply to steps for fact-finding and the peaceful settlement of disputes. This change would have barred all or most of the "vetoes" which have been blocking action for investigations and efforts to settle disputes.

If amendments of the Charter are not proceeded with and the law-abiding nations have to consider and decide as to what individual and collective action they can agree on and take, within the framework of the Charter and pursuant to its Article 51, a considered suggestion has been made for a supplementary agreement or protocol for mutual defense against defined aggression, to be effective among the ratifying nations when two-thirds of them have ratified. (11)

All but one of the members of your committee are of the present opinion that such amendments as may be developed and decided on by the General Assembly shall be submitted under Article 108 of the Charter for ratification and that a General Conference under Article 109 should not be called at this time, for the drafting of amendments. A possible alternative or compromise, in the event that the General Assembly is of the opinion that the formulation of amendments should be considered but that its calendar for its present regular session is too heavy and congested, has been suggested, to the effect that the General Assembly vote to meet in special session early in 1948 to consider amendments, any proposals for amendment to be filed with the Secretary-General in advance and by him circulated among the member nations. This would be in lieu of the calling of a Conference under Article 109, which would as a practical matter be made up of substantially the same persons as are delegates to the General Assembly.

Your committee does not at this time pass upon any of these proposals as such. The amendments previously recommended by the House of Delegates are along lines which appear to be worthy of consideration now. There is every prospect that the whole subject will be spiritedly and thoroughly considered in conferences of the delegations and on the floor of the General Assembly. An important objective is that the power of the great majority of the member nations to act together to outlaw war, prevent and punish aggression, and provide for the peaceful settlement of pro-vocative disputes, shall be assured beyond doubt. In the opinion of many observers, the present critical issues among the nations go much deeper than anything that could at present be coped with through amendments of the Charter.

RECOMMENDATION No. 5: AS TO THE PROPOSED INTERNATIONAL TRADE ORGANIZATION AND ITS CHARTER

Because rehabilitation of the world's shattered economy and the relief of peoples from hunger, want, unemployment and despair are essential to the restoration of lasting peace and the rule of law, American lawyers are naturally interested in proposals to deal with international economic problems and those of international trade and commerce through cooperative action under the auspices of an agency of the United

Nations. The provisions of a Charter creating and implementing such an international Trade Organization may also have important effects on industry and commerce, in respects which are of interest and concern to lawyers. [\(12\)](#)

Considerable preparatory work as to the Charter of the proposed International Trade Organization has been done at a conference in session in Geneva, Switzerland, since April; but the Charter will be given its final form in a Conference to be convened in Havana, Cuba, on November 21. The form in which the draft Charter will emanate from the Geneva Conference is not yet available for study by your committee, It is known that the document has been largely changed from the form in which it was taken to Geneva, after a few hearings in this country.

The House of Delegates asked your committee, along with the Committee on Commerce and the Section of International and Comparative Law, to study and report to the House concerning the International Trade Organization and its proposed Charter.

Under these circumstances, your committee is of the opinion that it would plainly be premature for the committee or the House at this time to pass upon any phases of the International Trade Organization or its proposed Charter. Present action by the House of Delegates may appropriately, in the opinion of your committee, call the attention of the profession and the public to the importance of the subject, recommend a careful study of the Charter when copies of it are available, and declare in favor of its being submitted for ratification by the Senate as a treaty, and for action upon it also by the House of Representatives, for reasons indicated in our submitted resolution.

Because of their large relationships to tariffs, revenues, and other fiscal matters, as well as their probable legislative consequences, the projected provisions of the Charter appear to be such as to come within the intent and practice under the Constitution that the House of Representatives shall act as to such matters.

RECOMMENDATION No. 6: AS TO THE FOREIGN POLICY OF THE UNITED STATES

Our first resolution is for a re-affirmance of our Association's stand that the foreign policy of the United States should be developed, decided on, supported and carried forward, by a United country, without division on party lines. [\(13\)](#)

Our second resolution proposes support of the action of our Government in giving assistance to the Government and people of Greece, under Article 51 of the Charter; Your committee believes that this basic feature of our country's policy should have the endorsement of our Association and the support of the American people. [\(14\)](#)

Our final resolution as to foreign policy proposes to declare support for stated basic principles which are believed to be fundamental for a soundly-conceived plan for the economic rehabilitation of the shattered economy of Europe, for our own protection against aggressions and infiltrations which might otherwise come so near our shores and "region" as to menace all nations of the America. The basic principle underlying American assistance in money, food, farm equipment, fertilizer, and other essentials of a free economy, shall be that the free nations of Europe shall first organize and cooperate to help themselves and each other, on the hard road back to stability, independence, solvency and peace.

In the opinion of a majority of your committee, the "Marshall Plan" has not yet at this writing been given sufficiently definite and particularized form to enable or warrant a declaration approving it as such and by name. But it seems to be highly essential that the organized bar, and individual lawyers throughout our country,

shall do all they can to bring it about that the principles and reasons underlying the American policy toward Europe shall be understood and approved by the people. Resolutions which declare and endorse the vital principles may serve this purpose better than an endorsement by name of a plan which has not yet been published in a definitive form.

THE SECOND REPORT BY THE COMMISSION AS TO INTERNATIONAL CONTROL OF ATOMIC ENERGY

Action by the United Nations for effective international control of the production and use of atomic energy for war purposes is still "stalled" by the attitude of the Soviet Union. The second report of the United Nations Atomic Energy Commission, created by the General Assembly at its organizational session in London in February of 1946, was filed this month. A definitive plan supported by the Nations, including the United Kingdom, France, China and the United States, was approved by the votes of ten members of the Commission and transmitted to the Security Council.

Russia voted against it and gave notice on September 6 that it would not waive the "veto" when the report comes before the Security Council.

Poland protested the report but "abstained" from voting against it in the Commission. The "sticking-point" is that the Soviet Union insists that only the Security Council shall decide all questions of sanctions, enforcement, etc., as to violators of the proposed convention for prohibition or control of atomic weapons in war, and insists further that there be no waiver or modification of its "veto" power in the council as to action against violators. [\(15\)](#)

This all-important issue will thus be blocked in the Security Council, but will receive spirited consideration at some stage of the crucial session of the Assembly.

Proposals have been made that the nations which are willing to submit themselves to international control and to international and world law on the subject shall proceed with their convention and give all ratifying nations its benefit and protection.

Your committee reports that in view of the pressure of urgent business before the Senate of the United States at the short session of the Congress which adjourned on July 26, no efforts were made by your committee to obtain the introduction and passage of a Senate resolution for an amended or superseding American Declaration. to eliminate the Connally reservation as to American acceptance of the "optional" jurisdiction of the World Court. Such action by the Senate was recommended by the House of Delegates at its February session on the recommendation of your committee. (see 33 A.B.A.J. 249, 400-401, 430 (1947).

Several members of the Senate expressed their interest in the subject and their attention to initiate corrective action at an opportune time.

In conclusion, your committee calls special attention to the declarations in several of its resolutions, as to the need that lawyers everywhere shall do all they can to aid the development of public understanding of the issues involved and an informed public opinion in support of our country's policy in foreign affairs.

Exhibit 1

Elizabeth R

I solemnly promise and swear to govern the Peoples of the United Kingdom of Great Britain and Northern Ireland, Canada, Australia, New Zealand and the Union of South Africa, Pakistan and Ceylon, and of my Possessions and the other Territories to any of them belonging or pertaining, according to their respective laws and customs.

I will to my power cause Law and Justice, in Mercy, to be executed in all my judgements.

I will to the utmost of my power maintain the Laws of God and the true profession of the Gospel. I will to the utmost of my power maintain in the United Kingdom the Protestant Reformed Religion established by law. And I will maintain and preserve inviolably the settlement of the Church of England, and the doctrine, worship, discipline, and government thereof, as by law established in England. And I will preserve unto the Bishops and Clergy of England, and to the Churches there committed to their charge, all such rights and privileges as by law do or shall appertain to them or any of them.

The things which I have here before promised, I will perform and keep.

So help me God.

242 • BEHOLD A PALE HORSE William Cooper ---

http://www.stopthecrime.net/docs/William_Cooper-Behold_a_Pale_Horse1991.pdf

This should help you understand how our laws are being made and who is making them! ASK YOUR SENATORS, CONGRESSMEN AND STATE LEGISLATORS IF THEY ARE AWARE OF THESE FACTS.

The following statement was made by Mr. Carl B. Rix of Milwaukee, former president of the American Bar Association, before a Senate subcommittee which was hearing testimony on the proposed Bricker Amendment.

It was entered into the House Record by Hon. Lawrence H. Smith, Wisconsin, on May 11, 1955.

CONGRESSIONAL RECORD (page A3220)

Statement of Carl B. Rix, Milwaukee, Wisconsin:

I appear in favor of the amendments.

Congress is no longer bound by its constitutional system of delegated powers. Its only test is under the obligatory power to promote human rights in these fields of endeavor: Civil, political, economic, social and cultural. These are found in Articles 55 and 56 of the Charter of the United Nations, a ratified and approved treaty. They are being promoted in all parts of the world by the United Nations.

Congress may now legislate as an uninhibited body with no shackles of delegated powers under the Constitution. Our entire system of a government of delegated powers of Congress has been changed to a system of undelegated powers without amendment by the people of the United States.

The authority for these statements is found in a volume entitled Constitution of the United States of America, Annotated, issued in 1953, prepared under the direction of the Judiciary Committee of the Senate of the United States and under the chairmanship of Prof. Edward S. Corwin of Princeton, aided by the legal staff of the Library of Congress. This is the conclusion on page 427 of the Annotations: "In a word, the treaty power cannot purport to amend the Constitution by adding to the list of Congress' enumerated powers, but having acted, the consequence will often be that it has provided Congress with an opportunity to enact measures which, independently of a treaty, Congress could not pass, and the only question that can be raised as to such measures will be whether they are 'necessary and proper' measures for the carrying of the treaty in question into operation."

It will be noted that one of the principal cases cited is that of the Migratory Bird case.

These conclusions are those also of a committee of the New York State Bar Association, of which former Attorney General Mitchell and Mr. John W. Davis were prominent members.

Replying to your letter Oct. 12th, also CHALLENGE for November,

The Universal Declaration of human rights was adopted by the UN General Assembly of the United Nations 65 years ago this week.

The solution to the Israel / Palestinian problem starts and ends, as it eventually did in South Africa, with the restoration of human rights.

Now the world's attention rightfully turns to the Garrison State of Israel where apartheid still rules and 650,000 Israel settlers are illegally living in Palestine territory.

By Allen L Roland

Ed. note: President Carter tells the truth. Desmond Tutu, Nelson Mandela, Dr. Mahathir and many others have done so for decades. The toothless paper tigers and diplomats at the United Nations and the United States Government and others whom Mainstream Media parade daily as paragons of diplomacy do not even have the power or the courage to demand access to Gaza, the world's largest open-air prison, which they and Palestine hold as rights of passage under International Law, and human rights.

The Palestinian disintegration plot thickens as Gaza is recently flooded with sewage and conspiracies ~ which only Israel, Mahmoud Abbas's Palestinian Authority, and the military-controlled Egyptian government obviously condone and enjoy.

See report at: <http://www.intrepidreport.com/archives/11543#sthash.ISqMCbKK.oFdKOWVl.dpuf>

Achin Vaniak, Calcutta Telegraph, spelled out his impression of this Garrison State after visiting Jerusalem and the occupied territories a few years ago ~ *“What has always intrigued me was how and why Israelis from top to bottom (with the exception of a small minority) could be so brutal, uncaring and unashamed about what their country was doing’. My visit gave me the answer. **Israel is a garrison state with a garrison mentality.** Israelis see themselves as victims because there are powerful forces (mainly internal but also external) **that help create, sustain and embellish the myth about the perpetual victimhood of Israel and of the Jews.** A state constructed on the principle that it alone provides a safe haven for Jews can only justify its brutality and oppression of resident non-Jews ~ that is, the Palestinians in the Occupied Territory and those having Israeli citizenship ~ **on the grounds that they are actually or potentially the dangerous ‘enemy’ who must be controlled, subordinated and monitored...** Israel has been accused of violating the Oslo Accords by repeatedly and illegally expanding its settlements in the occupied territories, as well as violating innumerable UN resolutionsIt should now be obvious to anyone that those Oslo accords were basically Israel's way of partially subcontracting the occupation to the Fatah-controlled Palestinian National Authority, **and for giving itself time to carry out more land grabs in the OT, that is, create new “facts on the ground”....** Israel demands recognition from the very people whom it occupied and ethnically cleansed in 1948.” See article: http://www.telegraphindia.com/1070405/asp/opinion/story_7605822.asp*

Now there are over 650,000 illegal Israel settlers living in Palestinian territory **but the world continues to turn a blind eye to Israel's blatant disregard for Human rights ~ where 35 laws privilege Jews over Palestinians and apartheid continues to rule.**

On December 13th ~ Paul Jay, Real News, and Phyllis Bennis, Fellow, Institute for Policy Studies, critically examined current proposals to resolve the Israeli Palestinian conflict . **20 minute must see**

video: http://therealnews.com/t2/index.php?option=com_content&task=view&id=31&Itemid=74&jumival=11162

But the tide of public awareness and economic revolt is rising, as it did in South Africa. In that regard, Nureddin Sabir reports on Veterans News Now on recent suggested boycott action by the British Government that, *“According to the Guardian newspaper, this is the first time the UK government has explicitly stated its position on settlements... in advice specifically directed at businesses. It is apparently part of a steadily stiffening position by the UK on settlements and their produce, an indication of frustration and anger at Israeli intransigence on its activities in the occupied Palestinian territories.”*

Read more ~ <http://www.veteransnewsnow.com/2013/12/13/britain-edges-towards-boycotting-israel/>



This long festering truth has become an open global sore which must be lanced with the truth as well as Boycott, Divestment and Sanctions. **For more information on how you can contribute to the boycott Israel campaign, visit the BDS Movement website [here](#).**

“We know too well that our freedom is incomplete without the freedom of the Palestinians” Nelson Mandela

<http://allenrolandsweblog.blogspot.com/2013/12/the-worlds-long-festering-truth-israel.html>

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The White House
Office of the Press Secretary
For Immediate Release
March 24, 2014

The Hague Declaration

1. We, the leaders of Canada, France, Germany, Italy, Japan, the United Kingdom, the United States, the President of the European Council and the President of the European Commission met in The Hague to reaffirm our support for Ukraine's sovereignty, territorial integrity and independence.

2. International law prohibits the acquisition of part or all of another state's territory through coercion or force. To do so violates the principles upon which the international system is built. We condemn the illegal referendum held in Crimea in violation of Ukraine's constitution. We also strongly condemn Russia's illegal attempt to annex Crimea in contravention of international law and specific international obligations. We do not recognize either.

3. Today, we reaffirm that Russia's actions will have significant consequences. This clear violation of international law is a serious challenge to the rule of law around the world and should be a concern for all nations. In response to Russia's violation of Ukraine's sovereignty and territorial integrity, and to demonstrate our determination to respond to these illegal actions, individually and collectively we have imposed a variety of sanctions against Russia and those individuals and entities responsible. We remain ready to intensify actions including coordinated sectoral sanctions that will have an increasingly significant impact on the Russian economy, if Russia continues to escalate this situation.

4. We remind Russia of its international obligations, and its responsibilities including those for the world economy. Russia has a clear choice to make. Diplomatic avenues to de-escalate the situation remain open, and we encourage the Russian Government to take them. Russia must respect Ukraine's territorial integrity and sovereignty, begin discussions with the Government of Ukraine, and avail itself of offers of international mediation and monitoring to address any legitimate concerns.

5. The Russian Federation's support for the Organization for Security and Co-operation in Europe's Special Monitoring Mission to Ukraine is a step in the right direction. We look forward to the mission's early deployment, in order to facilitate the dialogue on the ground, reduce tensions and promote normalization of the situation, and we call on all parties to ensure that Special Monitoring Mission members have safe and secure access throughout Ukraine to fulfill their mandate.

6. This Group came together because of shared beliefs and shared responsibilities. Russia's actions in recent weeks are not consistent with them. Under these circumstances, we will not participate in the planned Sochi Summit. We will suspend our participation in the G-8 until Russia changes course and the environment comes back to where the G-8 is able to have a meaningful discussion and will meet again in G-7 format at the same time as planned, in June 2014, in Brussels, to discuss the broad agenda we have together. We have also advised our Foreign Ministers not to attend the April meeting in Moscow. In addition, we have decided that G-7 Energy Ministers will meet to discuss ways to strengthen our collective energy security.

7. At the same time, we stand firm in our support for the people of Ukraine who seek to restore unity, democracy, political stability, and economic prosperity to their country. We commend the Ukrainian

government's ambitious reform agenda and will support its implementation as Ukraine seeks to start a new chapter in its history, grounded on a broad-based constitutional reform, free and fair presidential elections in May, promotion of human rights and respect of national minorities.

8. The International Monetary Fund has a central role leading the international effort to support Ukrainian reform, lessening Ukraine's economic vulnerabilities, and better integrating the country as a market economy in the multilateral system. We strongly support the IMF's work with the Ukrainian authorities and urge them to reach a rapid conclusion. IMF support will be critical in unlocking additional assistance from the World Bank, other international financial institutions, the EU, and bilateral sources. We remain united in our commitment to provide strong financial backing to Ukraine, to co-ordinate our technical assistance, and to provide assistance in other areas, including measures to enhance trade and strengthen energy security.

<http://supreme.justia.com/cases/federal/us/21/543/case.html>

U.S. Supreme Court

Johnson & Graham's Lessee v. McIntosh, 21 U.S. 8 Wheat. 543 543 (1823)

Johnson & Graham's Lessee v. McIntosh

21 U.S. (8 Wheat.) 543

ERROR TO THE DISTRICT

COURT OF ILLINOIS

Syllabus

A title to lands under grants to private individuals made by Indian tribes or nations northwest of the River Ohio in 1773 and 1775 cannot be recognized in the courts of the United States.

Discovery the original foundation of titles to land on the American continent as between the different European nations by whom conquests and settlements were made here.

Recognition of the same principle in the wars, negotiations, and treaties between the different European powers.

Adoption of the same principle by the United States.

The exclusive right of the British government to the lands occupied by the Indians has passed to that of the United States.

Foundation and limitation of the right of conquest.

Application of the principle of the right of conquest to the case of the Indian savages. Nature of the Indian title, as subordinate to the absolute ultimate title of the government.

Effect of the proclamation of 1763.

<http://www.nlm.nih.gov/nativevoices/timeline/271.html>

1823: Supreme Court rules American Indians do not own land

The first of three court cases (the “Marshall Trilogy”) that become the foundation of American Indian law is decided. The case involves a series of land transfers. In the 1770s, Illinois and Piankeshaw Indians, in what is now Illinois State, sold some land to Thomas Johnson. After American independence, the Indians sold the same land to the U.S. government, which then sold it to William McIntosh. In *Johnson v. McIntosh*, the Supreme Court under Chief Justice John Marshall upholds the McIntosh family’s ownership of land purchased from the federal government. It reasons that since the federal government now controls the land, the Indians have only a “right of occupancy” and hold no title to the land.

Marshall based the decision on the “Discovery Doctrine,” referring to the way colonial powers laid claim to newly discovered land: in other words, title to the land lay with its discover. In *Johnson v. McIntosh* and other cases, the doctrine had the effect of ignoring aboriginal land possession. Other cases in the “Marshall Trilogy” are *Cherokee Nation v. Georgia* (1831) and *Worcester v. Georgia* (1832).

Theme

Federal-Tribal Relations

Johnson v. M'Intosh, 21 U.S. (8 Wheat.) 543 (1823),^[2] is a landmark decision of the U.S. Supreme Court that held that private citizens could not purchase lands from [Native Americans](#). As the facts were recited by Chief Justice [John Marshall](#), the successor in interest to a private purchase from the [Piankeshaw](#) attempted to maintain an action of [ejectment](#) against the holder of a federal land patent.

The case is one of the most influential and well-known decisions of the [Marshall Court](#), a fixture of the first-year curriculum in nearly all [US law schools](#). Marshall's prosaic and eminently quotable opinion lays down the foundations of the doctrine of [aboriginal title in the United States](#), and the related [discovery doctrine](#). However, the vast majority of the opinion is *dicta*; as valid title is a basic element of the [cause of action](#) for ejectment, the holding does not extend to the validity of M'Intosh's title, much less the property rights of the Piankeshaw. Thus, all that the opinion holds with respect to [aboriginal title](#) is that it is [inalienable](#), a principle that remains well-established law in nearly all [common law](#) jurisdictions.

Citation to *Johnson* has been a staple of federal and state cases related to Native American land title for 200 years. Like *Johnson*, nearly all of those cases involve land disputes between two non-Native parties, typically one with a [chain of title](#) tracing to a federal or state government and the other with a chain of title predating US sovereignty. A similar trend can be seen in the early case law of Australia, Canada, and New Zealand. The first land dispute involving an indigenous party to reach to the Supreme Court was [Cherokee Nation v. Georgia](#) (1831).

<http://www.nativelegalupdate.com/2011/09/articles/cherokee-nation-banishes-africanamerican-members/>

Cherokee Nation Banishes African-American Members

Posted on September 14, 2011 by [Greg Guedel](#)

In a move with significant legal and social implications, the current leadership of the Cherokee Nation has stated that it will banish 2,800 African Americans from its citizenship rolls. BIA Assistant Secretary Larry Echo Hawk has warned that the results of the September 24 Cherokee election for Principal Chief will not be recognized by the U.S. government if the ousted members, known historically as "Cherokee Freedmen," are not allowed to vote.

"The Cherokee Nation will not be governed by the BIA," Joe Crittenden, the Nation's acting Principal Chief, said in a statement responding to the U.S. Bureau of Indian Affairs.

The dispute stems from historical events that pre-date the Civil War. Certain native Cherokee owned slaves who worked on their plantations in the Southeast US, where the Cherokee Nation's original ancestral homelands were located. By the 1830s, most of the Nation was forced to relocate to present-day Oklahoma via the infamous Trail of Tears, and some members brought their slaves with them. The current-day "Cherokee Freedmen" are descendants of those slaves.

Following the Civil War, a treaty was signed in 1866 guaranteeing tribal citizenship for the freed slaves. The U.S. government asserts that the 1866 treaty with the Cherokee Nation guaranteed that the slaves were tribal citizens, whether or not they had a native Cherokee blood relation.

The African American members of the Cherokee Nation lost their tribal citizenship last month when the Cherokee Supreme Court voted to support the right of tribal members to change the Nation's constitution on citizenship matters. The change meant that Cherokee Freedmen who could not demonstrate a native Cherokee blood relation were no longer citizens, making them ineligible to vote in tribal elections or receive benefits.

In addition to pressure from the BIA, the U.S. Department of Housing and Urban Development is withholding a \$33 million disbursement to the Nation while the dispute remains unresolved. A federal lawsuit has been filed in Washington DC seeking to restore voting rights for the Cherokee Freedmen in time for the September 24 election for the Nation's Principal Chief.