

Closing Statements

Lead Prosecutor

- Francis A. Boyle

Tribunal Director

- Bobby Castillo

Francis Boyle: Distinguished members of this Tribunal: Ladies and Gentlemen, may it please the Tribunal, this morning I told you that we would put on evidence today that would prove that the federal government of the United States of America is an international criminal conspiracy organization that is legally and factually identical to the Nazi government of Adolph Hitler when it comes to the treatment of Indigenous Peoples and people of color in North America and around the world. And I submit to you that that is exactly what we have done in the oral testimony that you have heard today and also in the extensive written documentation that has been submitted to you and that you will be able to examine tomorrow during the course of your deliberations.

Now obviously, I will not be able to review all of this mass of evidence that covers 205 years and ultimately goes back 500 years, but I wanted to highlight a few salient facts for your consideration that you must keep in mind during your deliberations that are crucial for the future of Indigenous Peoples and people of color, subject to the control of the United States government. My clients from Hawaii have pointed out that they were a victim of a Nuremburg crime against Peace by the invasion of the United States government against the sovereign, independent republic of Hawaii. During the course of this invasion and after this invasion they were subjected to numerous war crimes and crimes against humanity, as defined by the Nuremburg Charter. And

let me return again to the textbook definition of "crime against humanity": murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population or persecutions on political or racial or religious grounds. We have been able to establish all of that.

Indeed, we had testimony here today that only 6,000 pure Indigenous people live in Hawaii, and that it is projected that by the year 2040, they will be extinguished. Now let me make it clear to you then: that this is precisely the reason why you must give me the order dissolving the Federal Government of the United States of America.

If you do not give me that order, the Hawaiian people will be exterminated, extinguished, just like Hitler tried, but failed to do to the Jewish people. Are you going to let the United States government get away with it?

We have heard testimony on genocide with respect to all Indigenous Peoples and people of color, here, subject to the control of the United States. And let me repeat: Killing members of the group, causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction, in whole or in part; imposing measures intended to prevent births within the group, and forcibly transferring children of the group to another group.

We have heard evidence that all these acts of genocide have been committed in one fashion or another against the Native American people, the New African people, the Mexicano people, and the Puerto Rican people. We have heard about Indian children being taken away from their homes and their families and subjected to enormous fatality rates in so-called boarding schools where they died by themselves, without their families.

We have heard mention of the doctrine of Manifest Destiny, upon which the defendant, the federal government, is supposed to have been founded. Well, let me point out that this doctrine sounds and looks, and indeed, preceeded Hitler's doctrine of Lebensraum ("Breathing Space"). Only Hitler decided to move to the East. The Federal Government of the United States decided to move to the West, but the results were exactly the same thing: millions upon millions of people were killed because they were deemed to be inferior races.

There is no legal or factual distinction except that the United States government of America killed tens of millions more than Hitler and Nazi regime were ever able to do. And we heard a figure that approximately 100 million Africans were killed during the slave trade or as a result of the slave trade.

We have all heard that Hitler killed 6 million Jews, 20 million Russians, 2 million Poles, 500,000 Gypsies, but how often have we heard that the slave trade here that went on under the control of the United States federal government, killed 100 million Africans?

We have heard testimony that slavery is the absolute negation of human rights; human beings treated as chattel. We have heard that the federal government of the United States of America, in the Thirteenth Amendment, was supposed to have freed the slaves, and yet what really happened was that it turned the slaves into serfs. Let me compare this to what happened in czarist Russia, that slavehouse of nationalities, as Lenin called it. At the same time, in 1871, the Great Liberator Czar, Alexander II, turned the serfs into free people. So imagine that: In America the slaves become serfs, and in Russia, the serfs become free people. And in America, they were kept serfs legally, for at least another 100 years. This is the dimension of the historical problem that you are dealing with; that you have to come to grips with.

The United States federal government today is the modern slavehouse of nationalities for Indigenous Peoples and people of color, and it is up to you to set them free by dissolving the federal government of the United States of America. This is the only remedy that can stop these crimes against humanity, war crimes, further crimes against Peace, especially against Indigenous Peoples.

We have heard testimony about the enormous human rights violations that have been inflicted on all of these groups of people, and again, I will not bother to repeat it here. In the case of the Mexicano people, this arose

out of an unjust and an unjustifiable war, where Mexican land was stolen outright. In an offensive war, there was a Nuremberg crime against Peace, and it violated every known principle of law recognized at that time. Even General Ulysses S. Grant, who fought in the so-called Mexican-American war, later condemned it as an unjust war. And since that is true, clearly, the United States government has no valid title whatsoever to any of this Mexican land.

We have heard testimony that today Mexicano workers are being poisoned by pesticides being sprayed upon them, with the knowledge, acquiescence and concurrence of the state and local government authorities. I ask you, what is the difference between what Hitler did in gasing the Jews, and what the United States government does in gasing and poisoning Mexicanos with pesticides today?

Puerto Rico is universally recognized as a colony, by the entire international community, except in the United States of America. Everyone agrees that Puerto Rico is the classic, paradigmatic example, of a colony under basic principles of international law. And we have seen the results of the colonization of the people of Puerto Rico; genocide, for one, and crimes against humanity.

And we have heard testimony of the forced sterilization of 42% of the women of Puerto Rico. And the Genocide Convention says quite clearly that measures intended to prevent births among a group is an act of genocide.

We have heard of environmental pollution on the Puerto Rican people, on the Native American people; purposeful, deliberate; inflicting on a group conditions of life calculated to bring about their destruction in whole or in part. These are acts of genocide, as defined by that convention which the United States government is a party to. Nothing could be clearer.

We have heard from Rafael Cancel Miranda, the Nelson Mandela of the Puerto Rican people, telling us about the mental harm, the severe mental harm, that has been inflicted upon the Puerto Rican people as a result of colonial occupation. Again, severe mental harm being inflicted upon a people, qualifies as an act of genocide. You must keep this in mind.

We have also seen evidence from the people of Puerto Rico, of forced immigration from Puerto Rico to the United States, again a form of genocide; bringing them to the United States where they are, in turn, forced to live in an apartheid state. The ghettoization of the Puerto Rican people, the Mexicano people, the New African people, and of course, the Native American people who are being forced to live in Bantustans that are every bit as reprehensible and as illegal as Black people are forced to live in in South Africa, and are clearly condemned by the Apartheid Convention of 1973, as a variant of a crime against humanity.

I have received a question from Judge Fausett raising the issue of what we lawyers call the intertemporal rule,

that is, how do we take standards of international law that have been developed from 1945, and apply them to examine a history going back 500 years and in the case of the United States government, back to 1787?

The first point to keep in mind, is that there is a history of 500 years of continuing violations of known standards of law, even as they existed at that time, up until today. This is not history; this is the present, and it will be the future, for Indigenous Peoples and people of color, unless you act today.

Second, it was well recognized, even at the time when these offenses were being perpetrated by the federal government and its predecessors at law, the British colonial occupying forces, that there were such things as common law crimes: murder, rape, robbery, arson, kidnapping, mayhem, larceny, theft. All of these things were well known to be crimes, subject to the death penalty, when they were committed by white people upon white people. That was the common punishment at common law: death for committing any of these common law felonies. And yet, when these exact same crimes were perpetrated upon Indigenous Peoples and people of color, there was no penalty whatsoever attached, because they were viewed to be less than human; property. White settlers could do what they wanted to with them. But, the legal principle was still the same. They knew when they did what they did that it was criminal activity, under common law principles.

So it is completely fair today to hold the United States government fully accountable for a long of history of 205 years of organized criminal activity against Indigenous Peoples and people of color. And it's not terribly important what you call it. Call it a crime against humanity. Call it genocide. Call it murder. Call slavery kidnapping. I don't care. But it is clearly criminal. It is clearly organized. It is clearly a conspiracy. And the United States government is clearly a criminal organization.

This brings us, finally, to the claim for treatment of resistance fighters as prisoners of war, and again, let me repeat for you the legal definition found in Article 1, Paragraph 4, of Additional Protocol 1 of 1977, to the Four Geneva Conventions.

These people that you heard discussed here tonight were, involved in "...armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes," in the exercise of their right for self-determination, as defined in the Charter of the United Nations. Clearly, for the United States government, for the past 205 years, has been engaged in colonial domination of Indigenous Peoples and people of color. Alien occupation. And as I said before, it is the paradigmatic example of a racist regime in international relations today.

So for this reason, nothing could be clearer than that Leonard Peltier is a prisoner of war, with all the rights

and privileges accorded to that status under the Third Geneva Convention of 1949, and additional Protocol 1. And indeed, Leonard Peltier should be set free.

We have also heard the Minister of Security for the New African people say, exactly why imprisoned Black Liberation fighters are entitled to be treated as Prisoners of War.

We have also heard testimony about the white political prisoners rotting in American jails. And here again, I call to mind the Nazi precedent of those Germans who were courageous enough to resist Hitler. Let us recall the great Protestant theologian Detrick Bonhoeffer, who participated in the effort to overthrow Hitler and his regime, was arrested and executed, and today we consider Bonhoeffer to be a hero and a martyr. And I submit that in the next generation, we will consider the white North American political prisoners, and all political prisoners and prisoners of war in US jails, or those who have been killed, heroes and martyrs, on the same footing as Detrick Bonhoeffer.

And finally, we have heard extensive testimony about the true nature of the FBI and the CIA. We have heard about the COINTELPRO program, and how the FBI operates as the American equivalent to the Nazi Gestapo. There is no difference between the FBI and the Gestapo. And the Gestapo was criminalized by the Nuremberg Judgment. As a criminal organization it was condemned and it was prescribed and determined that it

was a criminal act to be a member of the Gestapo, and I submit the same principles of law apply to the FBI.

The CIA is the modern equivalent of the Nazi SS. There is no legal or factual distinction between the SS and the CIA. And again, the SS was condemned by Nuremberg as a criminal organization, and it was determined that membership in the SS itself was a criminal act. And I submit to you today that you should decide the same thing about the CIA. It is a criminal organization, and membership in it, *per se*, is a criminal act.

And here there is an example right on point in the case of Amy Carter and Abbie Hoffman at the University of Massachusetts, Amherst, in which we put the CIA on trial and convinced a jury, 12 men and women, that the CIA was a criminal conspiracy and a criminal organization, just like the SS. They acquitted Amy Carter and Abbie Hoffman and all the other defendants in that case with no problem at all. We had no difficulty at all in proving the CIA was just like the SS, and it is.

This gets us then, into the broader questions raised in the testimony by the representatives of the New Afrikan people. We have a situation in the United States today, in which the white power structure which runs this country knows that people of color will become a majority in this country sometime between the year 2020 and 2030. They know that. They are afraid of it. And they are doing everything they can do to stop it. And understand that this is organized, systematic gov-

ernmental policy. We have seen evidence of it here today: the incarceration rate for people of color and Indigenous Peoples; executions; murder; the war on drugs; health care; education, everything purposely designed to reduce the number of people of color and Indigenous Peoples in North America, to prevent them from becoming a majority here, in the United States of America. And that is the dilemma; that is the problem faced by people of color and Indigenous Peoples in the United States today. A government setting out purposely and maliciously to extinguish some of them, especially the Indigenous Peoples, and to reduce and to limit the numbers of all the rest of them. It is up to you, the members of this Tribunal, to stop the federal government, the CIA, the military-industrial complex, the white power structure that runs this country.

I have asked you for four types of relief toward that end: First, guilty as charged on all 37 counts of this indictment. Second, an order proscribing the United States federal government as an international criminal conspiracy and a criminal organization, just as was done to the Nazi government. Third, an order dissolving the federal government of the United States of America as a legal and political entity, once again, just as was done to the Nazi government.

Fourth, and finally, I ask that recognition by this Tribunal be made, that the sovereignty over the lands inhabited by Indigenous Peoples and peoples of color, that is,

the Native American peoples, the New African people, the Mexicano people, the Puerto Rican people; that legal sovereignty has always resided, today resides, and will continue to reside in the hands of these peoples themselves.

Distinguished members of this Tribunal, make no mistake about it, the future of Indigenous Peoples and people of color in North America, depend upon you giving this judgement with those four forms of relief. Thank you.