

# Buffalo Forum



Local Publication of the  
U.S. Marxist-Leninist Organization

Workers of all countries, unite!

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September 23, 2016

Vol. 20 #9

TROOPS HOME NOW!

## Condemn Crime of U.S. Bombing of Syria



The U.S. bombed Syria September 18, killing at least 82 Syrian Arab Army (SAA) soldiers and wounding 100. The Syrians were battling ISIS near Deir Ezzor. The bombing did not kill any ISIS forces, but it did allow them to storm the SAA positions and take hilltops where

the SAA was stationed. The bombing is a crime of aggression to be condemned by all. U.S. interference in Syria and its efforts to overthrow the elected government have resulted only in the death of hundreds of thousands, displacement of

**Condemn Crime of Bombing Syria • 3**

PROTECTING WATER AND TREATY RIGHTS

## Buffalo Stands with Standing Rock

Buffalo is joining many thousands across the country to *Stand with Standing Rock!* The Native American protectors at Standing Rock, in North Dakota, have continued to stand firm, despite use of dogs and pepper spray against them, use of the National Guard and many arrests.

They are protecting their treaty rights and water by opposing efforts by the oil monopolies to build the Dakota Access Pipeline (DAPL).

A demonstration is planned for October 10 at 11am at the Army Corps of Engi-  
**Buffalo Stands with Standing Rock • 7**

NEW YORK STATE

## Defend the Onondaga 15, Fighting Police Brutality

The Onondaga 15 are fighting against police brutality by New York State troopers. Their civil suit against the government began in Syracuse, September 20, with jury selection. The 15 are defending themselves in court. They are demanding that

the state take responsibility for their brutality, the injuries that occurred, including to women and children, and the pain and emotional suffering that resulted.

The case stems from a horrific beating  
**Defend Onondaga • 11**

## Salute Resistance in Charlotte to Police Killings and Impunity

Hundreds of people in Charlotte, North Carolina, continue to demonstrate against police killings and impunity. Police shot and killed African American Keith Lamont Scott, 43. Demonstrations erupted almost immediately and have continued

for several days. Protesters are calling for release of police videotape of the shooting and likely will secure that demand. But more than that, they are demanding an end to police violence. They are demanding  
**Salute Resistance in Charlotte • 12**

## Hands off Syria! U.S. Out of the Middle East!

*United National Anti-war Coalition (UNAC), September 20, 2016*

The U.S.-Russian negotiated cessation of hostilities has collapsed in Syria. The United States has intervened directly in ways that undermine any possibility of the ceasefire succeeding. On September 18, U.S. forces — four Jets followed by a couple of helicopters — attacked a Syrian Arab Army (SAA) outpost near Deir Ezzor killing at least 82 soldiers and wounding 100 more and destroying their equipment. This was supposed to be a joint operation to go after ISIS, but under cover of this attack ISIS fighters stormed the SAA position and took the hilltops where they were stationed.

Just after this unprecedented attack on the Syrian Army by the United States, Israel launched an attack on SAA positions in the Golan Heights where the Syrians were fighting Al Nusra, killing and injuring several more Syrian soldiers.

The United States claimed that the attack was an accident. Even so, U.S. allies, Australia, Denmark and the Britain have  
**Hands Off Syria • 3**

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**DEFEND THE RIGHTS OF TEACHERS AND STUDENTS**

**RALLY AT CITY HALL, SEPTEMBER 28, 4PM**  
*Organized by Buffalo Teachers Federation*

**DOCTRINE OF DISCOVERY MOVIE**

**OCTOBER 5, 7PM**  
**BURNING BOOKS, 420 CONNECTICUT ST.**

*Many ways of interaction and organization are inherited from the system in which we live. What is the history, where did it come from, how to work on it and build a movement that is transformative?*

*Agnes Williams will moderate the event*

<https://www.facebook.com/events/1194608493934702>



**BUFFALO STANDS  
WITH STANDING  
ROCK!**

**OCTOBER 10, 11AM**

**ARMY CORPS OF  
ENGINEERS  
1776 NIAGARA ST.**

*You Can't Drink Oil! Water is Life!*

**RALLY AND MARCH  
PRESS CONFERENCE AT 11:30AM**

*We will be demanding that the Army Corps of Engineers stop the construction of the Dakota Access pipeline and respect Indigenous Sovereignty of the Standing Rock Sioux and honor the Fort Laramie treaties. Potluck at Unity Island to Follow.*

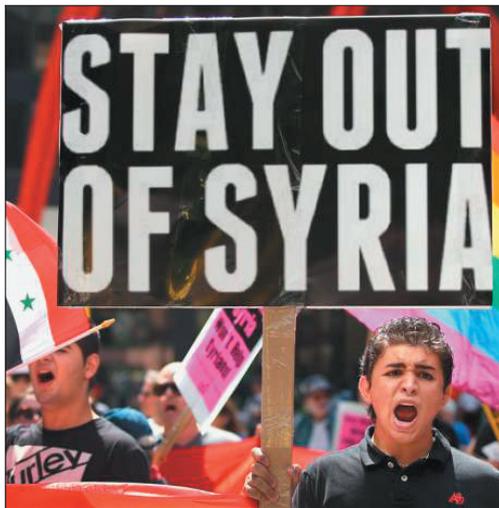
*Please bring a dish if you can.*



I • CONDEMN CRIME OF BOMBING SYRIA

millions, and, with this bombing, further increasing tensions with Russia. A cease fire had been worked out and joint actions with Russia were planned for September 20. Instead the U.S. launched this bombing raid.

Russia called for an emergency meeting of the UN Security Council (UNSC). Rather than join in the effort to work on a diplomatic solution, UN Ambassador Samantha Power ridiculed any effort to hold the U.S. responsible. She walked out when the Russian ambassador was speaking and spoke to the press, calling the meeting of the UNSC a “stunt.” Given these actions, the U.S. expression of “regret” for the bombing carries little weight. Why not correct the mistake through diplomacy and withdrawal of U.S. forces? That would actually contribute to ending the conflict and respecting the right of the Syrians to decide their government



for themselves.

U.S. aggression against Syria, like that against Iraq, Afghanistan and Libya, and its backing of Israeli aggression in the region have not in any way contributed to peace. It has not increased the security of

Syrians. Conditions for the people in all these countries are far worse as a result of U.S. aggression.

There is a reason the world's people branded aggression a crime following the victory over fascism in World War II. It is because it serves war and destruction. Given the instability in the region caused largely by U.S. aggression, it can also contribute to increasing the potential for world war.

To contribute to peace it is necessary to demand *All U.S. Troops Home Now!* The Syrians are a highly cultured people with ancient traditions. They have the right to govern themselves and to do so free from U.S. interference. The demand to be made to Obama, and Clinton and Trump, is to end U.S. wars now and respect the rights of the peoples — defending the rights of all is the source of security at home and abroad.

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I • HANDS OFF SYRIA

confirmed that they too took part. All are assisting in imperialist murder.

U.S. bombing of Syrian Government's Army positions in the Eastern city of Deir ez-Zor is a very dangerous escalation in the 5 year U.S. effort of Regime Change or complete overturn of the legally elected and internationally recognized government of Syria.

Here are some of the facts on the bombing:

1.The attack killed at least 82 Syrian soldiers and wounded more than 100. This is larger than the number of casualties inflicted in any U.S. bombing on any terrorist target in Syria since the U.S. announced its “war on ISIS.”

2.The bombing inflicted no known casualties on ISIS, which the U.S. says was its intended target.

3.The U.S. has produced no evidence that it notified its Russian counterparts, as required by agreement. In fact, joint action against ISIS was not expected for another two days. This leads to suspicions that the U.S. attack was intended to preempt the provisions of the agreement.

4.Syrian soldiers report seeing

reconnaissance drones the previous day.

5.ISIS fighters were poised to begin fighting the Syrian army units as soon as the U.S. bombing raids ended. How did they know when the end of the bombing would be?

6.Although the Russian military presence in Syria is legal because it came at the invitation of the sovereign Syrian state, the U.S. presence is illegal and was never approved, either by the Syrian government or by the United Nations. All US military actions in Syria therefore constitute an illegal invasion of Syrian territory, and must end now

Following the U.S. bombing the Russians called a meeting of the United Nations (UN) Security Council to discuss the U.S. violation of both the current cessation of hostilities agreement and the Geneva agreement on Syria. U.S. Ambassador Samantha Power chose to boycott the meeting and instead held a press conference outside the door, which she opened by accusing the Russians of attacking civilians, schools and hospitals in Syria, before sarcastically accusing them of hypocrisy and calling the meeting a “stunt.” She dismissed the

murder of nearly 100 Syrians without a pause. Power's indignation was clearly intended for her U.S. audience as few others in the world would find her sarcasm and her rejection of the international forum for dialogue acceptable.

One day later, on September 19th, a UN Aid Convoy was struck while passing through opposition held territories in Aleppo, and 18 workers were killed. A video of the wreckage was posted on the internet by the White Helmets, a U.S. supported NGO that operates only in ISIS and Al Qaeda territories. The U.S. immediately blamed the Syrian air force, then the Russian air force, and finally “the Russians,” who, after a few hours of public silence, released drone footage showing a truck armed with mortars riding in the shadow of the convoy as it entered hostile territory. They said that neither they nor the Syrians were in the vicinity of the convoy and that a full investigation would be necessary.

The U.S. has moved from supporting proxies to direct intervention in Syria. It is the second time in as many months that they have killed nearly 100 Syrians in an air raid.

**Hands Off Syria • 4**

# Fifteen Years After 9/11, Perpetual “War on Terror” Continues Unabated

Marjorie Cohn, *Truthout*, September 11, 2016

Fifteen years ago, 19 men committed suicide and took more than 3,000 people with them. The 9/11 attacks constituted crimes against humanity and should have been treated as such, with investigations and prosecutions of those who helped plan and finance the horrific crimes.

If they had been armed attacks by another country, George W. Bush could have lawfully used military force in self-defense under the United Nations Charter. But they were not. Neither Afghanistan nor Iraq had attacked the United States or any other UN member country. In fact, Iraq had not invaded any country for 11 years, since it went into Kuwait. Neither Afghanistan nor Iraq posed an imminent threat to any nation.

None of the hijackers hailed from Afghanistan or Iraq. In fact, 15 came from Saudi Arabia. Nevertheless, the Bush administration invaded both Afghanistan and Iraq and changed their regimes, killing and injuring untold numbers of people. The resulting vacuum in Iraq has been filled by Islamic State, which formed and became powerful after the US invaded that country.

Bush declared a “war on terror.” Terrorism is a tactic, not an enemy and you don’t

declare war on a tactic. Yet Bush invoked the 9/11 attacks to shred the Constitution. And although he avoids using the phrase “war on terror,” Barack Obama is continuing Bush’s perpetual war.

## Bush’s War on Civil Liberties

Bush did not confine his war on terror to other countries. He mounted a wholesale assault on civil liberties here in the United States.

He rammed the *USA PATRIOT Act* through a shell-shocked Congress that had rejected its provisions prior to 9/11. The act enhanced the government’s ability to conduct surveillance and created a crime of “domestic terrorism,” which was used to target political activists who protest government policies. It is defined so broadly that it has been used to go after environmental and animal rights groups.

Bush inaugurated a new program of COINTELPRO-style surveillance, in which the government used wiretapping without judicial authorization. A similar policy was banned by a Republican-controlled Congress with the passage of the 1978 Foreign Intelligence Surveillance Act (FISA) after the FBI used it to target civil rights leaders like Martin Luther King, Jr.

In violation of FISA and the Fourth Amendment, Bush signed an executive order establishing the Terrorist Surveillance Program. It authorized the National Security Agency (NSA) to wiretap people within the United States with no judicial review. The NSA has eavesdropped on untold numbers of private conversations. It has combed through large volumes of telephone and internet communications flowing into and out of the United States, collecting a vast amount of personal information that has nothing to do with national security.

Bush ordered federal agencies to refuse to honor requests under the Freedom of Information Act, an important vehicle for citizens to hold the government accountable by requesting, receiving and publicizing public records.

In particular, three developments on Bush’s watch have had a chilling effect on protected First Amendment activity: the shift from reactive to preemptive law enforcement; the enactment of domestic antiterrorism laws; and the relaxation of FBI guidelines on the surveillance of Americans.

Bush also indefinitely detained hundreds of men and boys of Arab, Muslim and

**Perpetual “War on Terror” • 6**

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## 3 • HANDS OFF SYRIA

They have betrayed a long negotiated treaty and when confronted, U.S. Ambassador Samantha Power attacked the messenger.

It is clear that the United States remains committed to overthrowing the internationally recognized government of Syria. Pentagon planners have shown no respect whatsoever for international law or for the United States diplomatic commitments in Syria. They hope to prevent any resolution before a new president is inaugurated.

A few days before massacring the Syrian soldiers outside Deir Ezzor, the U.S. attempted to insert 300 Special Forces troops with Turkish backed Free Syrian Army factions in the town of Ra’i near the Turkish border. The Americans were driven out by an angry crowd of men. [...] Later in the day, U.S. bombers “accidentally” struck a nearby town where

the organizations were billeted. Shortly thereafter, U.S. Special Forces returned to the town of Ra’i to join the remaining Free Syrian Army groups there.

The United States has been holding up the cessation of hostilities from reaching a full implementation and clearly has no intention of honoring it. The Syrian military has stood down in the vicinity of Aleppo, yet the U.S. has made only a halfhearted effort to separate their so called “moderates” from the mercenaries of Al Nusra/Al Qaeda.

The negotiation was a sham and now the U.S. continues to buy time to reinforce their proxies and put more U.S. soldiers on the ground. The Pentagon is sowing the seeds of open warfare against the legitimate government of Syria (and increasing the threat of war with Russia)



while exacerbating the horrific humanitarian crisis of the Syrian people.

The time to stop them is NOW!

*Hands off Syria!*

*U.S. Out of the Middle East!*

## Pop-Ups for Peace and Justice

CodePink

The first presidential debate will be held on Monday, September 26, at Hofstra University in New York. The two candidates allowed to participate both speak the language of violence, war and aggression. Both support continued U.S. military interventions, directly and by arming surrogates like Israel and Saudi Arabia. It is hard to see how peace can prevail in an election where both major party candidates are war-mongers.

During this debate, CodePink invites you to make a space for peacemaking in your community or on your campus.

People are longing to connect and discuss the important issues. You can provide a space for that to happen. Our team is here and ready to support you. We will post your event in our Action Calendar and assist in outreach and can answer any questions you have. We hope you will join us in creating a space for peace and justice this election season.

Host a Pop-Up for Peace and Justice gathering to watch a debate and talk about the issues of peace, war and violence, facing us abroad and at home!

### Debate Schedule

#### First Presidential Debate

Date and Time: Monday, Sept. 26, 2016, 9 – 10:30pm

Location: Hofstra University, Hempstead, New York

#### Vice Presidential Debate

Date and Time: Tuesday, October 4, 2016, 9 – 10:30pm

Location: Longwood University, Farmville, Virginia

#### Second Presidential Debate

Date and Time: Sunday, October 9, 2016, 9 – 10:30pm

Location: Washington University, St. Louis, Missouri

#### Third Presidential Debate

Date and Time: Wednesday, October 19, 2016, 9– 10:30pm

Location: University of Nevada, Las Vegas, Nevada

### Steps to Organizing in Your Community

Choose what type of event to host: a gathering in your home, make it potluck and invite friends; or ask a local restaurant or coffees hop to make space available and reach out to the larger community. Host a watch party at a church, temple, or mosque.

Choose one or more of the debates and set up a watch party for that date and time.

Create a Facebook event and share with your friends!

Create a list of alternative questions for the candidates and topics of discussion *you* would like to see brought to the table. You can check out our 10-point peace platform for ideas.

Change the conversation! Change the world!

### Steps to Organizing on Your Campus

Hold a debate watch party with a local student organization or chapter

Build coalitions with student organizers that focus on different issues to broaden the conversation — you will learn a lot from talking to people whose passions and issues intersect with, but are different from yours.

Start mobilizing for peace, justice and accountability!

After your Pop-Up for Peace and Justice, please send a short report back (number of people, how the discussion went, a funny or moving quote) to [info@codepink.org](mailto:info@codepink.org). Post photos to your own Facebook page or Twitter account with the hashtag #President4Peace!

### Stop U.S. Military Bases!

As part of discussing issues of war and peace, address the need to close U.S. military bases. There are around 800 U.S. military bases around the world.

Many U.S. citizens do not know about military bases overseas, let alone how they affect people who live near the bases. The



need for bases has not been questioned enough and the issues they cause both at home and overseas is immense. According to David Vine, professor at American University and author of *Base Nation: How U.S. Military Bases Abroad Harm America and the World*, “Our overseas bases have made us all less secure, harming everyone from U.S. military personnel and their families to locals living near the bases to those of us whose taxes pay for the way our government garrisons the globe.”

The U.S. spends an annual estimated \$156 billion dollars on bases overseas and possesses a shocking 95 percent of the world’s foreign bases.

In many ways bases harm the people that they surround. The environmental toll, sexual crimes, displacement, and other effects of the bases are detrimental and devastating. The bases have increased conflict between countries and created animosity or anti-American sentiment. Some of these bases, like that in Okinawa, carry the burden of hosting 70 percent of the U.S. bases in Japan despite having only .6 percent of Japan’s land mass. In another case, thousands of people called Chagossians are still fighting to return to their home island, Diego Garcia, which was forcibly taken from them in the 1970s and now houses the U.S. military.

It is time to take action now to close U.S. military bases overseas.

4 • PERPETUAL “WAR ON TERROR”

South Asian descent in the United States and Guantánamo, Cuba, without charges or suspicion of terrorist ties.

**Bush & Co.’s Illegal Torture Program**

Nearly 800 individuals have been held indefinitely at Guantánamo, most without charge, in violation of the International Covenant on Civil and Political Rights (ICCPR), which the US has ratified.

Prisoners released from Guantánamo report having been tortured and subjected to cruel treatment. They describe assaults, prolonged shackling in uncomfortable positions and sexual abuse. There are accounts of prisoners being pepper-sprayed in the face until they vomited, fingers being poked into their eyes, and their heads being forced into the toilet pan and flushed.

Those who engaged in hunger strikes were brutally force-fed, a practice that the United Nations Human Rights Commission called torture. Thirty-two attempted suicides took place in an 18-month period.

As evidence of torture leaked out of Abu Ghraib prison in Iraq, a Guantánamo-Iraq torture connection was revealed. General Geoffrey Miller, implicated in setting torture policies in Iraq, had been transferred from Guantánamo to Abu Ghraib specifically to institute the same harsh interrogation procedures he had put in place at Guantánamo.

In late 2014, the Senate Select Committee on Intelligence released a 499-page executive summary of its torture report. It said the CIA used “rectal feeding” without medical necessity on prisoners. A mixture of pureed hummus, pasta and sauce, nuts and raisins was forced into the rectum of one detainee. “Rectal rehydration” was also utilized to establish the interrogator’s “total control over the detainee.”

The interrogation policy that permitted torture and abuse came from the top. Bush, Dick Cheney, Condoleezza Rice and John Yoo admitted they participated in decisions to subject prisoners to waterboarding. This involves pouring water into the nose and mouth to make victims feel like they’re drowning. Waterboarding has long been considered torture, which is a war crime. Indeed, the United States hung Japanese military leaders for the war crime of torture

after World War II.

The CIA engaged in extraordinary rendition, sending men to other countries where they were viciously tortured, in violation of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. That treaty, which the US has ratified, is unequivocal. It says, “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”

Yet the Bush administration’s legal mercenaries, including John Yoo and Jay Bybee, wrote memos with twisted reasoning that purported to justify torture, and advised high government officials how to avoid criminal liability under the US War Crimes Act.

**Obama Continues the War on Terror**

When the US ratified the Torture Convention and the Geneva Conventions, it agreed to punish those who commit torture and war crimes.

And the Constitution mandates that the president “take care that the laws be faithfully executed.” But Obama has refused to prosecute the Bush administration war criminals, saying, “We need to look forward, as opposed to looking backward.”

Like his predecessor, Obama uses the “state secrets” privilege to block judicial inquiry into the US’s extraordinary rendition and surveillance programs.

Obama continues to wage the war on terror, although he doesn’t use that moniker.

Declaring the whole world a battlefield, the Obama administration has vastly expanded the use of armed drones that began during the Bush administration. Deadly missiles are killing and maiming people in seven countries: Iraq, Afghanistan, Syria, Libya, Pakistan, Yemen and Somalia. And Obama continues to fight the war in Afghanistan, leaving 8,400 US troops and special operations forces there.

Like Bush’s fateful regime change in Iraq, Obama’s invasion of and regime change in Libya created space for Islamic State to proliferate.

Under the Obama administration, the



US military continues to force-feed hunger-striking prisoners at Guantánamo.

**Terror as Blowback Against U.S. Foreign Policy**

Both the Bush and Obama administrations have conducted the war on terror by combating the symptoms of terrorism rather than grappling with its root causes. They have succeeded in maintaining an atmosphere of fear, shifting the national discourse away from the reasons why the U.S. is hated.

That hatred dates back to the stationing of U.S. troops at the holy sites of Islam in Saudi Arabia, the killing of one million Iraqis — half of them children — with punishing sanctions during the 1990s, and the United States’ uncritical support of Israel’s occupation of Palestinian lands. The hatred is exacerbated by the perpetual war the U.S. is waging in Afghanistan and much of the Middle East.

Contrary to his periodic proclamations about transparency, Obama has continued his wars in obscurity, except in cases where he has been forced to reveal information through the *Freedom of Information Act*.

We owe a debt of gratitude to courageous whistleblowers like Edward Snowden, **Perpetual “War on Terror” • 7**

I • BUFFALO STANDS WITH STANDING ROCK

neers on Niagara St. The Corps is responsible for green-lighting construction of DAPL, which threatens the water supply of millions. As the demonstration flyer brings out, *You Can't Drink Oil, Water is Life!* Protesters will be demanding the Corps stop all construction of DAPL and respect the sovereignty of the Standing Rock Sioux and honor the Fort Laramie treaties. The protest will be followed by a potluck at Unity Island and all are warmly invited to attend.

The October 10 date was chosen to take a stand for Indigenous Peoples Day, and reject the marking of Columbus Day, which represents a marking of the genocide against native peoples. In addition to the action, supplies and funds are being collected and a weeklong trip planned for those who want to travel to the Sacred Stone and Red Warrior Camps in North Dakota. Those interested in joining the organizing are encouraged to attend the next general organizing meeting Tuesday September 27, at 6:30pm at Burning Books, 420 Connecticut St. (see: [facebook.com/events/879446778857408](https://www.facebook.com/events/879446778857408))

The proposed route for the pipeline in North Dakota crosses the Missouri River and Lake Oahe, which provides water not only for the Sioux, but millions of others. While the Army Corps of Engineers



decided not to route the pipeline near Bismarck, as it could harm municipal water resources, it is routing it on Sioux land. No explanation has been given as to why Sioux water resources and well being are less important! The government did not consult with the Standing Rock Sioux, as is required by treaty and it has not carried out the required environmental impact study, which addresses both the human and natural impact of the pipeline.

While the government has recently decided to temporarily halt construction only on the portions near Standing Rock,

construction on the rest of the pipeline continues. It stretches from North Dakota to southern Illinois. It will be used to transport highly flammable and toxic fracked oil. As all who have contended with pipelines bring out, it is not a matter of if but when there will be a major spill. There is no necessity for the oil as far as the people are concerned and their demand is to *Keep the Oil in the Soil!*

*Buffalo Forum* will be joining the protest and urges all its readers and supporters to do the same!

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6 • PERPETUAL "WAR ON TERROR"

Chelsea Manning, John Kiriakou and others, who have stripped the veil of secrecy from the US torture, drone and surveillance programs. Obama has responded to their truth-telling with prosecutions under the Espionage Act, rivaling all prior presidents combined in his aggressive pursuit of whistleblowers.

Meanwhile, with some 800 U.S. military bases abroad, the tentacles of American Empire are reaching further and tightening their grasp.

In the words of Andrew Bacevich, "There is no strategy [for the war on terror].

None. Zilch. We're on a multitrillion dollar bridge to nowhere, with members of the national security establishment more or less content to see where it leads."

But there is a strategy for the American people to stand up to endless war. As Phyllis Bennis has suggested, we must call for "a massive reduction of the military budget," slated at \$619 billion this year. We must also "demand to replace the so-called global War on Terror with nonmilitary solutions." And we must "broaden efforts to end the U.S. support — military, economic and diplomatic — for Israeli occupation

and apartheid."

There is little doubt that the permanent war on terror will continue in a Hillary Clinton or Donald Trump administration, stealing precious resources that could be used to fight climate change, enhance our educational and healthcare systems, and rebuild our crumbling infrastructure.

It is up to all of us to speak out, write and protest against endless war. That means pressuring Congress and the White House, holding demonstrations and inserting our opposition into the media and public debate. Our very survival depends on it.

# “We are still here. We are still fighting for our lives on our own land”

*LaDonna Brave Bull Allard, Standing Rock Sioux*

On this day, September 3, 153 years ago, my great-great-grandmother Nape Hote Win (Mary Big Moccasin) survived the bloodiest conflict between the Sioux Nations and the U.S. Army ever on North Dakota soil. An estimated 300 to 400 of our people were killed in the Inyan Ska (Whitestone) Massacre, far more than at Wounded Knee. But very few know the story.

As we struggle for our lives today against the Dakota Access pipeline, I remember her. We cannot forget our stories of survival.

Just 50 miles east of here, in 1863, nearly 4,000 Yanktonais, Isanti (Santee), and Hunkpapa gathered alongside a lake in southeastern North Dakota, near present-day Ellendale, for an intertribal buffalo hunt to prepare for winter. It was a time of celebration and ceremony—a time to pray for the coming year, meet relatives, arrange marriages, and make plans for winter camps. Many refugees from the 1862 uprising in Minnesota, mostly women and children, had been taken in as family. Mary’s father, Oyate Tawa, was one of the 38 Dah’kotah hanged in Mankato, Minnesota, less than a year earlier, in the largest mass execution in the country’s history. Brigadier General Alfred Sully and soldiers came to Dakota Territory looking for the Santee who had fled the uprising. This was part of a broader U.S. military expedition to promote white settlement in the eastern Dakotas and protect access to the Montana gold fields via the Missouri River.

As my great-great-grandmother Mary Big Moccasin told the story, the attack came the day after the big hunt, when spirits were high. The sun was setting and everyone was sharing an evening meal when Sully’s soldiers surrounded the camp on Whitestone Hill. In the chaos that ensued, people tied their children to their horses and dogs and fled. Mary was 9 years old. As she ran, she was shot in the hip and went down. She lay there until morning, when a soldier found her. As he loaded her into a wagon, she heard her relatives moaning and crying on the battlefield. She was taken to a prisoner of war camp in Crow Creek where she stayed until her release in 1870.

Where the Cannonball River joins the

Missouri River, at the site of our camp today to stop the Dakota Access pipeline, there used to be a whirlpool that created large, spherical sandstone formations. The river’s true name is Inyan Wakangapi Wakpa, River that Makes the Sacred Stones, and we have named the site of our resistance on my family’s land the Sacred Stone Camp. The stones are not created anymore, ever since the U.S. Army Corps of Engineers dredged the mouth of the Cannonball River and flooded the area in the late 1950s as they finished the Oahe dam. They killed a portion of our sacred river.

I was a young girl when the floods came and desecrated our burial sites and Sundance grounds. Our people are in that water. This river holds the story of my entire life.

I remember hauling our water from it in big milk jugs on our horses. I remember the excitement each time my uncle would wrap his body in cloth and climb the trees on the river’s banks to pull out a honeycomb for the family—our only source of sugar. Now the river water is no longer safe to drink. What kind of world do we live in?

Look north and east now, toward the construction sites where they plan to drill under the Missouri River any day now, and you can see the old Sundance grounds, burial grounds, and Arikara village sites that the pipeline would destroy. Below the cliffs you can see the remnants of the place that made our sacred stones.

Of the 380 archeological sites that face desecration along the entire pipeline route, from North Dakota to Illinois, 26 of them are right here at the confluence of these two rivers. It is a historic trading ground, a place held sacred not only by the Sioux Nations, but also the Arikara, the Mandan, and the Northern Cheyenne.

Again, it is the U.S. Army Corps that is allowing these sites to be destroyed.

The U.S. government is wiping out our most important cultural and spiritual areas. And as it erases our footprint from the world, it erases us as a people. These sites must be protected, or our world will end, it is that simple. Our young people have a right to know who they are. They have a right to language, to culture, to tradition. The way



they learn these things is through connection to our lands and our history.

If we allow an oil company to dig through and destroy our histories, our ancestors, our hearts and souls as a people, is that not genocide?

Today, on this same sacred land, over 100 tribes have come together to stand in prayer and solidarity in defiance of the black snake. And more keep coming. This is the first gathering of the Oceti Sakowin (Sioux tribes) since the Battle of the Greasy Grass (Battle of Little Bighorn) 140 years ago. When we first established the Sacred Stone Camp on April 1 to stop the pipeline through prayer and non-violent direct action, I did not know what would happen. But our prayers were answered.

We must remember we are part of a larger story. We are still here. We are still fighting for our lives, 153 years after my great-great-grandmother Mary watched as our people were senselessly murdered. We should not have to fight so hard to survive on our own lands.

My father is buried at the top of the hill, overlooking our camp on the riverbank below. My son is buried there, too. Two years ago, when Dakota Access first came, I looked at the pipeline map and knew that my entire world was in danger. If we allow this pipeline, we will lose everything.

We are the river, and the river is us. We have no choice but to stand up.

Today, we honor all those who died or lost loved ones in the massacre on Whitestone Hill. Today, we honor all those who have survived centuries of struggle. Today, we stand together to demand a future for our people.

## We Are Protectors, Defending the Land And Water

*Iyuskin American Horse, Canyon Ball, North Dakota*

The Dakota Access pipeline threatens to destroy our sacred ground. I am defending the land and water of my people, as my ancestors did before me

Our elders have told us that if the zuzeca sape, the black snake, comes across our land, our world will end. Zuzeca has come – in the form of the Dakota Access pipeline – and so I must fight.

I am Sicangu/Oglala Lakota, born in Rosebud, South Dakota, and writing from the frontline of the movement against the pipeline in Cannon Ball. I have been holding this ground with my Standing Rock Sioux tribe relatives since the spring. I am defending the land and water of my people, as my ancestors did before me.

The \$3.8 billion pipeline project is proposed to carry approximately 470,000 barrels per day of fracked oil from our Bakken oil fields, 1,172 miles through the country's heartland, to Illinois. The pipeline will cross the confluence of the Cannonball and Missouri rivers, where it threatens to contaminate our primary source of drinking water and damage the bordering Indigenous burial grounds, historic villages and sundance sites that surround the area in all directions. Those sites that were not desecrated when the area was flooded in 1948 by the construction of the Oahe dam [by the Army Corps of Engineers] are now in danger again.

I have seen where their machines clawed through the earth that once held my relatives' villages

This week, I have witnessed pipeline construction tear its way toward the waters of the Missouri river, which flow into the Mississippi, threatening to pollute the aquifer that carries drinking water to 10 million people. I have seen where their machines clawed through the earth that once held my relatives' villages. I have watched law enforcement officials protect the oil industry by dragging away my indigenous brothers and sisters who stood up for our people.



The fact that Energy Transfer Partners, the company behind the pipeline, would use the word “Dakota,” which means “friend” or “ally,” in the name of its project is disrespectful. This pipeline is a direct threat to all Dakota, Lakota and Nakota people, especially our future generations. And we are not the only ones. We know that burning this oil is changing our climate and Indigenous people all over the world are bearing the brunt of the catastrophes that causes.

This pipeline poses threats strikingly similar to those posed by the now defeated Keystone XL, but has received a fraction of the attention from mainstream media... On July 26, we were surprised to learn that the North Dakota permits were approved by the U.S. Army Corps of Engineers to run the pipeline within a half-mile of our reservation. My tribal leaders have said this was done without consulting tribal governments, and without a meaningful study of the impacts it will have. This is a violation of federal law and, more importantly, of our treaties with the U.S. government – the supreme law of the land.

It was my Ina, my mother, who first told me of this struggle. With my Ina, ciye (older brother), and tunwin (aunt) we have joined our Standing Rock relatives to face this new storm. For the past month, we have stood with Standing Rock in solidarity, we have prayed, we have cried, and we have also laughed, even when we thought it impossible to do so.

I never thought I would be on the frontline of a fight like this. I grew up admiring Crazy Horse, Sitting Bull, and my ancestor

American Horse, for their courage and leadership in battle against their oppressors. Now I am fighting alongside their descendants, my relatives from all seven tribes, against the very same oppressors.

It saddens me that the government time and time again continues to ravage my people with the same treatment and attitude, only different weapons.

But why should I be surprised? This is the definition of insanity – to go through the same situations over and over believing the outcome will be different.

This camp was created as a last defense for the water that our communities depend on to survive. I have watched our numbers dwindle down to the single digits, and now we have swelled to over 300 people in just a few days. Hundreds more are on the way right now, as other tribes gather resources to send people and supplies [numbers now are more than 6,000 — BF Ed. Note].

This historic battle is bringing the Oceti Sakowin together like nothing has before. The Hunkpapa, the tribal band of Standing Rock, are now joined by the Oglala from Pine Ridge, the Sicangu from Rosebud, and relatives from Crow Creek, Cheyenne River, and Yankton, as well as Dine and Ponca relatives from the south, Ojibwe relatives from the Great Lakes, and countless others. From all across the country, tribes are bringing us shelter, food and most importantly, prayers.

To have all this unity of tribes standing together in solidarity before my eyes is a beautiful sight. Our tribes now live together, eat together, and pray together on the front lines.

We are not protesters. We are protectors. We are peacefully defending our land and our ways of life. We are standing together in prayer, and fighting for what is right. We are making history here. We invite you to stand with us in defiance of the black snake.

*(August 18, 2016)*

# Obama Approved Two Pipelines to Mexico Amid Dakota Access Pipeline Protests

Steve Horn, DeSmogBlog

On September 9, the Obama administration temporarily stopped construction of the Dakota Access Pipeline (DAPL) on federally controlled lands and asked the pipeline's owners, led by Energy Transfer Partners, to voluntarily halt construction on adjacent areas at the center of protests by Native Americans and supporters.

However, at the same time the pipeline and protests surrounding it were galvanizing an international swell of solidarity with the Standing Rock Sioux Tribe and its Sacred Stone Camp, another federal move on two key pipelines has flown under the radar.

In May, the federal government quietly approved permits for two Texas pipelines—the Trans-Pecos and Comanche Trail—also owned by Energy Transfer Partners. This action and related moves will ensure that U.S. fracked gas will be flooding the energy grid in Mexico.

The Dakota Access Pipeline is also set to carry oil obtained via hydraulic fracturing (“fracking”), but in the northern U.S., from North Dakota’s Bakken Shale Formation through several Great Plains states to Illinois.

Within a two-week span in May 2016, as the Sacred Stone Camp was getting off the ground as the center of protests, the U.S. Federal Energy Regulatory Commission (FERC) issued presidential permits for the Trans-Pecos and Comanche Trail pipelines. Together, the pipelines will take natural gas obtained from fracking in Texas’ Permian Basin and ship it in different directions across the U.S.-Mexico border, with both starting at the Waha Oil Field.

Similar to the case of North Dakota oil wells whose oil will likely be transported via Dakota Access and like the name Dakota itself, the Comanche Trail Pipeline’s nomenclature originates from a Native American tribe.

Today the Comanche Nation is headquartered in the southwestern part of Oklahoma in Lawton and was removed from Texas in the aftermath of the Comanche



Wars. As part of those wars, this nomadic tribe used the Comanche Trail, which crossed West Texas, and through what is now Big Bend National Park.

Like many other tribes, the Comanche Nation has come out in opposition to the Dakota Access Pipeline. Some members have formed a support group called Comanches on the Move, which has taken caravans on the road from Oklahoma to the Sacred Stone Camp in North Dakota.

## U.S.-Mexico Energy Business Council

The same month the Obama administration permitted the Comanche Trail and Trans-Pecos pipelines, the U.S. and Mexican governments announced the signing of an agreement creating the U.S.-Mexico Energy Business Council. This council’s objective is “to bring together representatives of the energy industries of the United States and Mexico to discuss issues of mutual interest.” Its membership list is a who’s who of major oil and gas players.

The list includes a senior-level lobbyist for Halliburton; the president of oil and gas industry services giant Honeywell

Mexico; the CEO of Hunt Consolidated Energy (and former energy policy adviser for George W. Bush’s 2000 campaign); the CFO of Sempra Energy’s Mexican subsidiary, IEnova; and the president of the Petroleum Equipment Suppliers Association (PESA), who worked on the press team in the George W. Bush White House and 2000 presidential campaign.

## U.S. International Trade Administration

PESA members — including Halliburton (Halliburton’s Robert Moran, a councilmember, serves on PESA’s Board of Directors) and other oil and gas industry services companies — will serve as among the biggest winners of Mexico’s ongoing energy sector privatization.

IEnova, the Sempra Energy subsidiary, owns numerous pipeline assets throughout Mexico and also owns the Energia Costa Azul LNG terminal on Mexico’s west coast. The Trans-Pecos Pipeline is set to connect to IEnova’s Ojinaga-El Encino Pipeline at the U.S.-Mexico border.

Hunt, meanwhile, serves as a symbol of the contradiction existing between U.S.-Mexico energy relations and U.S.-Mexico immigration policy. Prior to its involvement in the U.S.-Mexico Energy Business Council, Hunt was actually the first company to have a “holes in the wall” open border policy. Under the George W. Bush administration, this policy allowed energy to flow between borders, with gas flowing to real estate owned by the powerful and wealthy Hunt family.

“Over the years, Hunt has transformed his 6,000-acre property, called the Sharyland Plantation, from acres of onions and vegetables into swathes of exclusive, gated communities where houses sell from \$650,000 to \$1 million and residents enjoy golf courses, elementary schools and a sports park,” wrote the *Texas Observer* in 2008. “The plantation contains an 1,800-acre business park and Sharyland Utilities, run by Hunt’s son Hunter, which delivers electricity to plantation residents”

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**I • DEFEND ONONDAGA 15**

by New York State Troopers, the “I-81 INDIAN Detail” special squad, on May 18, 1997. Many were arrested, including an eleven year old and 14 year-old girl who was slammed to the ground.

At that time various tribes, including the Onondaga and Seneca, organized numerous actions to oppose efforts by New York State to impose taxes on cigarette sales on native lands. Such taxes are means by the state to block independent economic development by Native Americans, in this case the Mohawk nation, and provide the state with a way to constantly interfere. State troopers used brutal force, but the broad resistance succeeded in blocking the efforts to impose taxes.

For the Onondaga, the state has attempted to cover up the brutality and has prevented the trial from occurring for years. It has pushed for an out-of-court settlement — where the state admits no wrongdoing and imposes a gag order on all concerned. Earlier this year 76 of the 98 original protesters who brought the suit accepted a settlement of \$2.7 million, minus court and lawyers fees. The 15 are refusing to settle, as they want the police brutality and government impunity to use force against protesters, exposed.

The judge in the case has made it very difficult for the 15, who are defending themselves. He has refused to allow a video clearly showing the beating by at least 80 armed state troopers against about 100-120 demonstrators. As a report in Mohawk Nation News (MNN) put it, “The police video says it all. We were not on the road [I-81]. In fact they were standing on property owned by one of the protesters. Even police admit they were not ordered to disperse — BF Ed. Note]. The super armed cops invaded private property and beat us with wooden clubs. We want our day in court on the merits, not the procedures that are being set up to sideline us.” These procedures include postponing a pre-trial meeting without notifying those involved, some traveling from Quebec and Oklahoma, only to find their was no meeting. Judge Scullin also ordered their lawyers to drop the 15, because they would not take the settlement and drop the charges.

The 15 bring out “A fair trial must be



**THE #ONONDAGA15 NEED YOUR SUPPORT NOW!**

**THE ONONDAGA 15 ARE RESISTING ONGOING STATE REPRESSION, HARASSMENT, & THREATS & CONTINUE TO SPEAK ABOUT WHAT HAPPENED TO THEM IN 1997. THEY ARE NOW TAKING THE NYS TROOPERS "I-81 INDIAN DETAIL" WHO BRUTALIZED THEM TO COURT & HAVE BEEN LARGELY INVIZIBILIZED.**

**HELP SPREAD THE WORD TO SUPPORT THESE RESISTORS!**

**YOUTUBE SEARCH: "NYS POLICE ASSAULT AND BEATING AT ONONDAGA NATION"**

**DON'T LET THEM FIGHT ALONE!**

**WWW.MOHAWKNATIONNEWS.COM FOR MORE INFO**

provided like any other person in the world, on the merits, not on artificial procedures. To deliberately minimize the numbers to 15 is to try to reduce our claim because we refused the “hush” money.” The effort to minimize the just demands of those brutalized also includes limiting their statements to the court to 5 minutes each. As well they are expected to identify particular state troopers, although most were helmeted and without their badges visible and those being beaten were on the ground trying to protect themselves. One person had his back broken, another a torn ligament, and others were badly beaten.

According to reports by protesters, the troopers were instructed to “Talk to no one and take them out any way you can.” They charged without warning. One tried to arrest a three-month-old baby who was in his baby seat in a car. As MNN reports, “The cop pulled they baby out and swung him around as bait to lure his mother. She was frantically trying to save her two other small children from the vicious attack.” Another women rescued the baby. The report continued, “A 10 year old was holding a bowl of tobacco for the ceremony at the fire. The cop slammed the woman tending the fire and then ran after the child and tried to take the bowl. The cop grabbed her hair. She got away, ran to a car and screamed: “They are going to kill us!” Her whole family had been taken away. While the screaming of

terrified children being beaten was going on several people took her into the woods and completed the ceremony.”

It is also the case that a state police staff inspector who was heading an internal affairs investigation said he was removed from the assignment because he was too aggressive in his questioning of the commanding officers and doubted their claims.

As a further indication that the state foments and sanctions such brutality and impunity for those who commit it, the captain who ordered the attack, George Beach, has now been named superintendent of the New York State Police. Cuomo nominated him in June and the state Senate recently confirmed the appointment. He should be removed and held responsible for excessive use of force.

*Buffalo Forum* urges all to support the Onondaga 15, by spreading the word about their struggle and condemning the appointment of Beach, responsible for the beatings, as superintendent of the State Police. Any who are able should attend the trial taking place in Syracuse, at 100 South Clinton St.

This case, like that in Standing Rock, like the police killings in Tulsa and Charlotte, are indicative and the racism and brutality of the U.S. state. Conditions today are increasingly showing that the rulers have no solutions and use of force is their first, and often only choice.

I • SALUTE RESISTANCE IN CHARLOTTE

that their rights as human beings be respected.

The demonstrations are uniting all concerned in calling for an end to a situation where individuals guilty of no crime and threatening no one can be killed — and police, from the top down, are not held accountable. Such impunity contributes to the rampant violence by police all across the country. The killing in Charlotte followed that in Tulsa, which followed dozens of others.

In Tulsa, the police officer, who is a woman, has been charged with manslaughter. The government is claiming this will bring justice. However, recent studies have shown that even when police are charged, which is very rare, they are even more rarely convicted. This impunity to use unwarranted and deadly force against the people is central to the struggle in Charlotte, as it has been in Ferguson, Baltimore, Chicago, Baton Rouge and elsewhere.

The broader concern of many is that given the government impunity to unleash violence and deadly force, there will be no justice or peace. Even a conviction in Tulsa will not change the reality that the government cannot be relied on to even address the problem of its own racism and violence, let alone eliminate them. This

is further evident in the militarized response to the demonstrators and their criminalization. Protesters are repeatedly met with a show of force, with police in combat gear and using tear gas — which is outlawed as a chemical weapon in war, but not on U.S. streets. Why is the response to protest against police violence cause for even more police violence? It occurs because the rulers have no solutions to the social problems that exist and force is their only and first resort. It shows that government is dysfunctional and illegitimate, and its violence will only increase.

In the Charlotte case a lot of speculation is being promoted as to whether the individual did or did not have a gun. Police of course say he did. But even if that is the case, how does the mere existence of a gun justify killing the man? The video that is public does not show him threatening the police, or charging the police, or anything



of that nature. The level of impunity and violence that has been unleashed by the government, both at home and abroad, where people are bombed and assassinated with drones, is such that there need not be any threat.

Killer drones and killer cops are government genocide. The militarization of police and life more generally is such that the people are seen as enemies, with African Americans and Puerto Ricans bearing the brunt of the brutality here at home. A new direction, based on defending rights and eliminating use of force is required. And it is the people themselves who can be relied on to bring such justice.

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and Mexican factories.”

Hunt was also one of the companies recently approved to bid on offshore oil parcels on the Mexico side of the Gulf of Mexico.

**Wall Will Not Block Pipelines**

The creation of the U.S.-Mexico Energy Business Council comes as Mexico continues to make its push to privatize its energy sector under the auspices of constitutional amendments signed into law in 2013 and move away from the state-owned system run by Pemex (Petróleos Mexicanos). Under then-Secretary of State Hillary Clinton, as first reported by DeSmog, the U.S. State Department helped spearhead those privatization efforts.

“The council, comprised of private sector representatives from both

countries, is expected to exchange information and industry best practices in order to provide actionable, non-binding recommendations to both governments on ways to strengthen the U.S.-Mexico relationship on trade, investment and competitiveness in the energy sector,” read the press release announcing the council’s launch.

At a joint press conference featuring Mexico’s President Enrique Peña Nieto and President Obama held at the White House on July 22, Obama mentioned the council and its looming first meeting.

“This fall, our new U.S.-Mexico Energy Business Council will meet for the very first time to strengthen the ties between our energy industries,” said Obama. “And, Mr. President, I want to thank you for your vision and your

leadership in reforming Mexico’s energy industry.”

With most eyes on the immigration debate and Republican presidential nominee Donald Trump’s grandiose claims about building a “beautiful wall” on the U.S.-Mexico border, it is easy to forget that proverbial walls are coming down when it comes to energy, and in particular, the flow of oil and gas across the border.

“As long as the wall doesn’t go below ground,” one industry executive recently told *Financial Times*, “I think we’ll be OK.”

Thanks to the regulatory blessing of the Obama administration, Energy Transfer Partners may be the first beneficiary to go “under the wall” with its Trans-Pecos and Comanche Trail pipelines.

## Why We Are Protesting in Charlotte

William Barber

Since a police officer shot and killed Keith Lamont Scott in Charlotte, North Carolina, on September 20, the ensuing protests have dominated national news. Provocateurs who attacked police officers and looted stores made headlines. Governor Pat McCrory declared a state of emergency, and the National Guard joined police officers in riot gear, making Charlotte look like a war zone.

Speaking on the campaign trail in Pittsburgh on Thursday, Donald J. Trump offered a grave assessment: “Our country looks bad to the world, especially when we are supposed to be the world’s leader. How can we lead when we can’t even control our own cities?” Mr. Trump seems to want Americans to believe, as Representative Robert Pittenger, a Republican whose district includes areas in Charlotte, told the BBC, that black protesters in the city “hate white people because white people are successful and they’re not.”

But Charlotte’s protests are not black people versus white people. They are not black people versus the police. The protesters are black, white and brown people, crying out against police brutality and systemic violence. If we can see them through the tear gas, they show us a way forward to peace with justice.

On September 22, I joined 50 Charlotte-area clergy members who were on the streets this week. Yes, a few dozen provocateurs did damage property and throw objects at the police, after being provoked by the officers’ tear gas, rubber bullets and military-style maneuvers. But as we saw, thousands more have peacefully demonstrated against the institutional violence in their communities.

That systemic violence, which rarely makes headlines, creates the daily traumatic stress that puts our communities on edge, affecting both those of us who live there and outside observers



who often denounce “black-on-black” crime. We cannot have a grown-up conversation about race in America until we acknowledge the violent conditions engendered by government policy and police practice.

Anyone who is concerned about violence in Charlotte should note that no one declared a state of emergency when the city’s schools were resegregated, creating a school-to-prison pipeline for thousands of poor African-American children. Few voiced outrage over the damage caused when half a million North Carolinians were denied health insurance because the Legislature refused to expand Medicaid.

When Charlotte’s poor black neighborhoods were afflicted with disproportionate law enforcement during the war on drugs, condemning a whole generation to bad credit and a lack of job opportunities, our elected representatives did not call it violence. When immigration officers raid homes and snatch undocumented children from bus stops, they do not call it violence. But all of these policies

and practices do violence to the lives of thousands of Charlotte residents.

As a pastor and an organizer, I do not condone violent protest. But I must join the Charlotte demonstrators in condemning the systemic violence that threatened Mr. Scott’s body long before an officer decided to use lethal force against him. And I must condemn the militarization of Charlotte by the authorities who do not want to address the fundamental concerns of protesters. For black lives to matter in encounters with the police, they must also matter in public policy. [...]

Our protests are about more than the Scott case. Every child on that bus — every person in Mr. Scott’s neighborhood — is subject to systemic violence every day. [...] We cannot condemn the violence of a small minority of protesters without also condemning the overwhelming violence that millions suffer every day. Let us look again at the vast, diverse majority of the protesters. This is what democracy looks like.

*William Barber is president of the North Carolina NAACP.*

**Visit our website: [usmlo.org](http://usmlo.org)**

## United Nations Experts Extremely Concerned About the Human Rights Situation of African Americans

The United Nations (UN) Working Group of Experts on People of African Descent released their final report September 15, assessing the situation of African Americans in the U.S. As the report states, "The Working Group is extremely concerned about the human rights situation of African Americans." The report is based on a visit to the U.S. in January, when the experts visited Washington D.C., Baltimore, Jackson-Mississippi, Chicago and New York City. Below we provide some excerpts and recommendations from the report.

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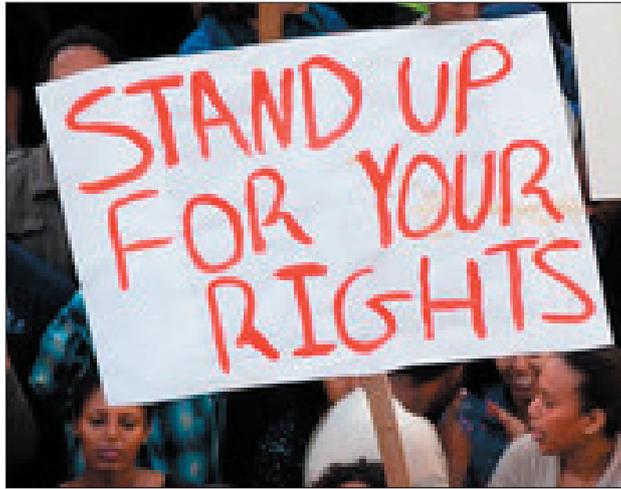
The U.S. has a growing human rights movement that has successfully advocated for social change. Following the epidemic of racial violence by the police, civil society networks calling for justice together with other activists are strongly advocating for legal and policy reforms.

The colonial history, the legacy of enslavement, racial subordination and segregation, racial terrorism, and racial inequality in the U.S. remains a serious challenge as there has been no real commitment to reparations and to truth and reconciliation for people of African descent.

Lynching was a form of racial terrorism that has contributed to a legacy of racial inequality that the U.S. must address. Thousands of people of African descent were killed in violent public acts of racial control and domination and the perpetrators were never held accountable.

Contemporary police killings and the trauma it creates are reminiscent of the racial terror lynching of the past. Impunity for state violence has resulted in the current human rights crisis and must be addressed as a matter of urgency.

Racial bias and disparities in the criminal justice system, mass incarceration, and the tough on crime policies has disproportionately impacted African Americans. Mandatory minimum sentencing, disproportionate punishment of African Americans including the death penalty are of grave concern.



During this country visit, the experts observed the excessive control and supervision targeting all levels of their life. This control since September 2001, has been reinforced by the introduction of the *Patriot Act*. We heard testimonies from African Americans based on their experience that people of African descent are treated by the State as a dangerous criminal group and face a presumption of guilt rather than innocence.

The persistent gap in almost all the human development indicators, such as life expectancy, income and wealth, level of education and even food security, among African Americans and the rest of the U.S. population, reflects the level of structural discrimination that creates de facto barriers for people of African descent to fully exercise their human rights.

Disparities in the enforcement of policies, can be found in the different approaches adopted by states to address issues such as racial profiling, the presence of police in schools, the criminalization of homelessness, the limitations on the use of lethal force by law enforcement officials, the use of solitary confinement and the trial of juvenile offenders, among others.

### Police Brutality and Impunity

The Working Group is concerned about the alarming levels of police brutality and excessive use of lethal force by law enforcement officials committed with impunity.

In addition to the most recent and well-known cases of killings of unarmed African Americans, such as the cases of Eric Garner, Michael Brown, Tamir Rice, Walter Scott, Freddie Gray and Laquan McDonald, the Working Group also received information about many other similar cases. The Working Group met with a considerable number of relatives of African Americans killed by police officers that are still seeking justice for their loved ones including Tyron West, Tyron Lewis, Jonathon Sanders, Oscar Grant, Tony Robinson, Marlon Brown, India Kager, Ronald Johnson, Mohamed Bah and Alonso Smith.

The Working Group is deeply concerned about the low number of cases where police officers have been held accountable. The Working Group identified that the lack of initial investigations conducted by independent and external bodies from police departments, the wide discretion of attorney generals to determine when and how to present charges and the state and county regulations that are not in line with international standards on the use of the force and firearms are some of the main barriers to police accountability.

Racial profiling is a rampant practice and seriously damages the trust which African Americans have in relation to law enforcement officials.

### Mass Incarceration

With 2.3 million people incarcerated and 4.8 million on parole or probation, mass incarceration has had a disproportionate impact on people of African descent. The Bureau of Justice Statistics (2014) shows that 36% of the sentenced state and federal prisoners are African Americans. One in three African American men will go to prison or jail if current trends continue. African American women are also increasingly being targeted by the criminal justice system.

The costs of mass incarceration practices must be measured in human lives, and



particularly the generations of young Black people who serve long prison sentences and are lost to their families and communities. We also heard how mass incarceration of Black men and women has had a devastating effect on their children.

We express deep concern on the continued existence of the death penalty in 31 states and at the federal level. African Americans represent 41.7 percent of the death row population and out of 28 inmates executed in 2015, 10 were African Americans.

### **Criminalization of Poverty**

We are also concerned about the criminalization of poverty which disproportionately affects African Americans. There has been an increase in imprisonment of people for minor offences and those who are unable to pay debts due to an increase in fines and fees. They are detained in debtor prisons and made to work off their debt. As the Justice Department has shown in the investigation of the Ferguson Police Department, in other counties the imposition of fines is a way to secure revenues than a public security issue. This creates numerous problems for the individual and family.

There is also an excessive punishment of poor children for minor offences.

The devastating impact of the “war on drugs” has led to mass incarceration and is compared to enslavement, due to exploitation and dehumanization of African Americans.

We are concerned about the underage prosecution of children as adults in the U.S. Children are detained in adult jails and prisons putting them at risk of sexual assault and abuse. These practices are a violation

of children’s human rights and should be eliminated. Juveniles should be treated as juveniles no matter what crime they are alleged to have committed and must be held in a juvenile facility.

The Working Group was also concerned that voter ID laws with increased identification requirements in several states served to discriminate minorities such as African Americans contrary to the spirit of the 1965 Voting Rights Act.

The cumulative impact of racially-motivated discrimination faced by African Americans in the enjoyment of their right to education, health, housing and employment, among other economic, social, cultural and environmental rights, has had serious consequences for their overall well-being. Racial discrimination continues to be systemic and rooted in an economic model that denies development to the poorest African American communities.

### **Police in Schools**

We were informed that across the country there are police in the schools arresting children for minor offences. The police have authority to detain, frisk and arrest children in school. Zero tolerance policies and heavy-handed efforts to increase security in schools have led to excessive penalization and harassment of African American children through racial profiling. African American children are more likely to face harsh disciplinary measures than white children. This phenomenon has been sadly described as “the school to prison pipeline.”

The Working Group was concerned by the under-funding and closure of schools that are particularly in poor neighborhoods

with significant African American population. We were concerned to learn that there are threats to close the Chicago State University, a historically Black university.

In school curricula, the historical facts concerning the period of colonization and enslavement are not sufficiently covered in all schools. This history, crucial in the organization of the current American society is taught differently by states, and fails to adequately address the root causes of racial inequality and injustice. Consequently, this contributes to the structural invisibility of African-Americans.

### **Residential Segregation**

We are concerned about the persistence of a de facto residential segregation in many of the metropolitan areas in the U.S. A series of maps, generated by the Department of Housing and Urban Development, shows not only stark levels of concentration of African-American families in low income neighborhoods and districts, but also the correlation between racial segregation and disparities in access to health, education and even access to adequate food.

In addition, the process of gentrification has a heavy impact on African Americans who are being displaced from city centers under the argument of the need for new investment and development. In particular, the Working Group was alarmed by incidents of eviction, demolition and conversion of Barry Farm public housing in Washington D.C.

According to the U.S. Department of Housing and Urban Development in 2015, Of over half a million homeless people in the US, African Americans constituted 40.4 percent. They also constituted 30.4percent

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of the homeless people that were unsheltered.

The highest polluting industrial facilities, across a range of sectors from farming, mining to manufacturing, are more likely to be situated in poor and minority neighborhoods, including those of people of African descent. For instance, we are concerned about the possible health risks to people of African descent on account of the incinerator project in Curtis Bay, Baltimore and the lead contaminated water in Flint, Michigan. African American communities are calling for environmental justice as they are concerned that they are disproportionately exposed to environmental hazards impacting their health and standard of living.



### Recommendations

The Working Group reiterates the following recommendation made after its visit to the United States in 2010:

- Solitary confinement should be banned absolutely for being in violation of international human rights law standards particularly those found in the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the United Nations Standard Minimum Rules on the Treatment of Prisoners.

- The Working group recommends improving reporting of violations involving the excessive use of force and extrajudicial killings by the police, and ensure that reported cases of excessive use of force are independently investigated; that alleged perpetrators are prosecuted and, if convicted, punished with appropriate sanctions; that investigations are re-opened when new evidence becomes available; and that victims or their families are provided with remedy.

- Security policies in schools should be revisited. Policing in schools should be abolished.

- Federal and state laws should be adopted incorporating the International Covenant on Civil and Political Rights and other international human rights treaties.

- There is a profound need to acknowledge

that the transatlantic slave trade was a crime against humanity and among the major sources and manifestations of racism, racial discrimination, xenophobia and related intolerance and that Africans and people of African descent were victims of these acts and continue to be victims of their consequences. Past injustices and crimes against African Americans need to be addressed with reparatory justice.

- Monuments, memorials and markers should be erected to facilitate this important public dialogue. Education must be accompanied by acts of reconciliation, which are needed to overcome acts of racial bigotry and legacies of injustice. To accelerate the process of desegregation, federal and state legislation should be passed recognizing the experience of enslavement.

- We encourage congress to pass the H.R. 40 — Commission to Study Reparation Proposals for African Americans Act — Establishes the Commission to examine slavery and discrimination in the colonies and the United States from 1619 to the present and recommend appropriate remedies.

- We encourage the U.S. government to elaborate a National Action Plan for Racial Justice to fully implement the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) and comprehensively address racism affecting African Americans.

- Appropriate measures should be adopted to prevent excessive bail. Alternatives to detention should also be explored.

- Before non-payment of a court fine or fee is treated as civil contempt of court charge it must first be determined whether the individual has the ability to pay. Imprisonment should not be offered as a way of paying off the debt. If the debt cannot be paid the fee should not be levied.

- The Working Group recommends to the Government to allow independent monitoring of places of detention in the United States and in this connection consider inviting Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Working Group on Arbitrary Detention.

- International human rights standards should be observed in the criminal justice system. We recommend the abolition of the death penalty throughout the United States.

- The Working Group calls upon the Government to ensure that all states repeal laws that restrict voting rights. In particular it urges reinstatement of voting rights of persons convicted of felony who have completed their sentences.

- We recommend the Government develop guidelines on how to ensure school discipline policies and practices are in compliance with international human rights standards. Restorative practices in school discipline should be used for reducing disciplinary incidents and improving learning in schools.

- Consistently, the school curriculum in each state should reflect appropriately the history of the slave trade.

- The Working Group recommends upholding the right to adequate standards of living including the right to food, right to water and the right to adequate housing. The Government should immediately halt the demolition of public housing without guaranteeing replacement units. All such activities must be undertaken only through prior and informed consent and participation of the communities affected.