

## *Perversions of Justice*

### *Indigenous Peoples and Angloamerican Law*

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**Talk by Ward Churchill to mark the book release, 22 February 2003**

**Speaking at First Congregational Church of Oakland, California**

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Introduction by Greg McVicor, KPFA: Ward is from the Keetoowah band of Cherokee. He is an outspoken Native American activist. In his lectures and numerous public works, he explores the themes of genocide in the Americas, the historical and legal interpretation of conquest and colonization. He does literary and cinematic criticism, and expounds on indigenous alternatives to the *status quo*. Churchill is a Professor of Ethnic Studies and coordinator of American Indian Studies for the University of Colorado. He's also past national spokesperson for the Leonard Peltier Defense Committee. His books include *Agents of Repression, The FBI's Secret Wars against the Black Panther Party and the American Indian Movement* (South End Press: 1998), *Fantasies of the Master Race, Literature, Cinema and the Colonization of American Indians* (Subterranean: 1998), *From a Native Son, Selected Essays in Indigenism, 1985-1995* (South End Press: 1997), and *A Little Matter of Genocide, Holocaust and Denial in the Americas, 1492 to the Present* (Subterranean: 1997). Please welcome Ward Churchill.

I like to introduce myself in a little bit more traditional way before getting started here. Ward Churchill is my colonial name. It's a name that I'm known by. It's a name that I publish under. But I have other names, bestowed in various ways by my people, and my late wife's people. We both come from matrilineal traditions, which means, had our children been born, they would have been of her people, not mine, which is the way of our ancestors and the way we continue. In that tradition (this will surprise some of you probably), my name, as given, is Keezjunnahbeh, which means the kind-hearted man. Try to bear that in mind as the evening goes along.

I bring you greetings from the Elders of the Keetoowah band of Cherokee, my mother's people. I'm from the Pizju, or the Lynx's Clan of the Ojibwe of Onigamena Kutaching, my wife's peoples. And from the Colorado chapter of the American Indian Movement, of which I'm a part.

I dedicate this talk tonight to Garthe Lass, otherwise known as Leonard Peltier; who tonight as I speak to you, continues to sit in a cage at the federal facility, Leavenworth Kansas. Not for anything that anyone, not even his prosecutor at any point in the past almost 20 years now, has been willing to say they actually knew him to have done -- that they believed him to have done -- at least, not for the act of which he was charged. But rather, he is the symbol of the arbitrary ability of the federal government of the United States to repress the legitimate aspirations for liberation of indigenous people within its claimed boundaries; its claimed boundaries that extend all the way into Polynesia.

We are honored tonight to have among us, Mililani Trask, the head of Ka Lahui Hawai'i, the Hawai'ian sovereignty movement. This is not a Native American movement. That's ignorance and imperial arrogance speaking when you refer to native Hawai'ian people, the Kenakemaowe, as Native Americans. That's a government term, asserting primacy and jurisdiction, twenty-five hundred miles out into the Pacific Ocean, as a state of this union. This disunited union.

I'd also like to dedicate this talk that I'm going to give tonight to someone who is very important in this struggle for liberation, whether it be the struggle for U.S. pretensions in the Pacific -- to end that -- or the struggle for indigenous land and sovereign rights here, on the Turtle Island. And that would be Nilak Butler, sister to us all. Some of us here knew her. Those who didn't, should have. We lost, major, very recently, when she passed. I think she would appreciate this talk I'm going to give tonight, in terms of its spirit. I don't know that she would agree with all the details; it's unimportant.

That we are in struggle in solidarity together -- does not mean that we think alike. We are not interchangeable. We are human beings. We are blessed or cursed, depending upon your perspective, with this thing called rationality. This thing called choice that allows us, in thinking our way through to reasonable conclusions, to exercise something called self-determination. Choice has been lost in the shuffle in this country for far too long, and that's as much on the progressive side of the equation as it is on the other, unfortunately.

I'm going to break this up tonight into two modules or vignettes, to set a framework so that I can finish in less than an hour. So that perhaps we can get down and talk about things of substance that are of interest in this community to you, personally. We can get down, into the mud, wrestle around, maybe come to grips with issues in a way that allows for something constructive to come out of this. So there will be questions and answers, basically, interchange. That does not mean for you to apply personal biographies, showing of scars and such things as that. It has to do with the content, the back-and-forth.

Let's start with framing where it is we find ourselves. There are many ways to do that. But we're on the verge of being confronted with a holocaustal endeavor in a place called Iraq right now, which has antecedents. It has points, between the first antecedent with Iraq, which happened about 10 years ago, and an interposing event, that's now referred to by the emergency telephone sequence of nine-one-one. Which is something we've all had to try to wrap our minds around one way or another coming from our own experiences and our own backgrounds. What did that signify?

And I was asked, on nine-one-two, to go on record (before I'd had a full opportunity to digest what it was that had happened) to comment on what its significance was, what it should imply in terms of action and response, in terms of cognition, understanding, meaning. What I seized upon (and it wasn't unique to me, I heard others saying it at the same time) was a response given by Malcolm X, to a question put by a reporter, the evening that John Kennedy was killed in Dallas. 'What do you think this means, Malcolm?' And he said, 'As near as I can tell, it's just a case of chickens coming home to roost.'

So I used that as a title, and I used that as a thematic, for my initial response<sup>[1]</sup> which was posted by Dark Night field notes on an electronic site. I don't quite understand electronic publishing. I still am kind of archaic. I deal best with paper, dead leaves of a book, ink, printer's ink. I like the smell, like the feel, like to touch them. Can't do that with a computer screen. Can't even figure out where it's going to be the next time I try to look so that I can cite it if it has some relevance to me. It's just this amorphous blob of impulses out there in the ozone.

In any event, this particular impulse that went into the ozone generated quite a little

response, almost short-circuited my computer. I got this avalanche of hostility in response to my initial thinking on it. All of it from the left, incidentally. I had only one response from a right-winger who took me to task for suggesting that there might have been causation in the behavior of the -- well, a new word that was introduced to the Oxford-English dictionary right then on that day -- do you know how to pronounce "innocent American" any other way than as one word? Did you ever ponder, that maybe all those innocent Americans had something to do with what befell them?

He was very, very upset about that. My response to him was, "If you're upset about that kind of reasoning then you need to be talking to Pat Robertson." Pat Robertson, for different reasons, said exactly the same thing. He said basically, in response to that -- "Hmmmmm. You're right." And I never heard from him again. He went off to talk to Pat Robertson.

Left-wingers on the other hand were absolutely appalled and have never really relented on that. Immediate responses from them were that this was a case of gratuitous violence that was imposed for no particular reason and was absolutely unconstructive. There was nothing to be learned from it. "We need to condemn them before we say anything else." and so forth. Well you've heard it all before. And you've heard it all again and again and again.

That takes me somewhere. But I'm going to leave that "where" for a little later on and run down what this "horrible" thing was that I said in my posted comments, as follows: 19 third-world individuals ostensibly armed with box cutters converted three airliners (set out to convert a fourth) into what was almost immediately referred to as 300,000 pound cruise missiles, in effect utilizing them as smart munitions, to take out -- what is it they call it when it's Norman Schwarzkopf talking on TV? -- command and control infrastructure? They took out the command and control infrastructure symbolized and embodied in the Pentagon and Washington DC and the nerve center of the global trade apparatus whose stimulus impulses out into that funny ozone that we're talking about, and wags that tail of the Pentagon. Understand that the Pentagon does nothing without instruction and dictation from the Twin Towers. And there are probably a few other places.

Consider this: if you had sat down and wracked your brain, and slaved together a few Cray Computers, to figure out which were the two most appropriate and symbolic targets in the entirety of the United States, with regard to the structural apparatus, the wielding of power, the ability to engage in what they're now referring to as globalization, those would have been the two targets. And hit them with an absolute precision that leveled about one-fifth of the five-sided building down in Washington D.C. and took out both those Twin Towers.

My argument was, that when they arrived at their destinations, leaving aside the fourth that was undoubtedly shot down by scrambled U.S. military aircraft because it was ostensibly targeted on either the Capitol building or the White House, they were not alone. There were a few chickens sitting on the wings. Chickens in the form of ghosts.

Those ghosts, in the first instance I named, took the form of 500,000-plus Iraqi children who had been systematically starved, denied medical attention and so on, and had therefore died needlessly. Needlessly in terms of the capacity of their own society to feed them under ordinary circumstances; in terms of the capacity of their own society to keep them alive under normal circumstances; their deaths precipitated primarily if not exclusively by the

imposition of an embargo upon them. Targeting, primarily, the civilian population with the express intent of eradicating the military capacity of their country in the next generation by annihilating the children.

And I said, this was known to the people in the targeted facilities, on nine-one-one. If it was not known, it was entirely their fault, insofar as a Secretary of State of the United States, Madeline Albright, had gone on *60 Minutes*, which is about as public a venue as is possible to attain in North America, in 1996, and in response to the interviewer putting forth this tally of a half-million dead children, said, "Yes, this is correct. We understand that. And we've decided it's worth the cost."<sup>[2]</sup>

We decided "it's worth the cost" in someone else's children to actualize what George Herbert Walker Bush had said in 1991 would be the new world order that had been brought into being by virtue of a combination of U.S. military and economic power that is defined by the simple statement, "They must understand that what we say goes." It is worth genocide for them to get the message that freedom means "what we say goes."

And they're still (his son, in the White House now) reiterating over and over, variations and permutations of that phrase about exporting freedom at the point of a gun or at the point of a cruise missile. How much better off the world will be if it understands that it is able to share in the American vision of freedom. Which is to say: You are free. You are a free people. You are free to do exactly what you're told every given moment of every single day."

I come from Colorado, these days. Ten days ago, in the streets of Colorado Springs a group of demonstrators opposed to the imminent war on Iraq -- this is War II on Iraq or Culmination of the First War on Iraq, or however it is you want to frame it -- the Imminent Saturation Bombing of Baghdad for example -- expressing their opposition,. They were tear-gassed to such an extent that the entire downtown area was rendered uninhabitable. They were saturated with pepper spray to the extent that they were soaked in the shirt. It looked like a wet T-shirt contest.

The reason that was stated publicly, and was in print in the paper -- and you need to understand this clearly -- that this was necessary because they had stopped being peaceful. And the definition of they had stopped being peaceful is that they had not gotten out of the street and on to the sidewalk upon command. They were no longer compliant. To not be compliant with instruction is not to be peaceful. If you are not peaceful, presumably you must be violent and they were treated as such.

The definition of violence is, if you do not conform precisely and immediately with the instructions of the police, no matter how gratuitous, and whether or not they're violative of your life, you are being violent. You have to understand that by that definition you need to rethink your entire conception of history. Recent history.

Martin Luther King by definition would not be non-violent. Martin Luther King certainly was not about compliance with Jim Crow legislation.<sup>[3]</sup> In fact he was openly defiant of it. He had a tactical way of going at it that differs very radically from my own. Irrelevant. We're both in the same bag.

Given that he was carefully, with calculated intent, engaging in this, I guess you'd have to say that under the terms and provisions of the recently passed USA PATRIOT Act, Martin Luther King was in all probability a terrorist, who would at least need to be detained in a tiger cage at Guantánamo Bay until he can interrogated to find out: a.) if he is, and b.) if he's got associations that will give us the key to world terrorism and make everyone safe from . . . what?

500,000 ghosts sitting on the wings of those planes as they vectored in to call attention to the fact that they existed -- from a public that should already have known. The individuals in the buildings that they hit were being far too busy acquiring the best cup of cappuccino in New York or Washington D.C. and arranging dinner dates on their cell phones, eternally braying like mules at the top of their voice and disrupting everybody else's public space. This was a certain gesture of social ecology that they were engaged in that day. Okay, there are fewer of those folks around now frankly, and, well, I'll leave the dot dot dot after that one.

Those 500,000 ghosts, those 500,000 Iraqi children sitting on those wings were not themselves alone. In fact you could almost see a comet-like vapor trail of the ghost chickens trailing out behind the aircraft. Because seated most proximately to the Iraqis were the children and the adults of the Indians of the Middle East who have been systematically ground into hamburger compliments of U.S. armaments and political support and economic assistance to the state of Israel over the past 50 years. Yes, I said, Indians of the Middle East. I'm speaking now as a Palestinian of North America because there is that kind of symmetry.[4]

Little caveat on the side of that one. Because I know you had a major anti-war protest here in the bay area recently, to which I say right on and good for you. However, I strongly suggest that the next time the organizers of one of those things tries to shut the Palestinians out from being primary speakers at the event, take corrective action.

Opposition, if it is to be an opposition to business-as-usual, is going to have to get over a lot of things. The first of which is that the white guys and their political notions of propriety and political purity are not running the show. They can participate the moment they got over that. And if they call for a demonstration, which is a good idea, and you show up, understand yourself to be a co-equal partner. And if they got things rigged this way because the Palestinians are not considered to be politically correct, then you put those organizers out there in the crowd, listening to the Palestinians speak so maybe they can get educated and do better next time.

The actual fact of the matter is that on 9-11, those Palestinian ghost chickens wouldn't have been a part of that queue had it not been for the people in those Twin Towers and their counterparts or those people in the Pentagon and their counterparts. Because it's been going on a long time. I don't mean to say the people who were recently hired into one of these international brokerage firms may have had a pre-existing incarnation where they themselves were personally responsible for everything that was done.

So you can actually take someone who is cognizant of the career trajectory they are entering into and hold them accountable for what it is they're furthering. So they are responsible. And they can act responsibly or they can act in the opposite fashion. Perhaps their irresponsibility

is not immediately observable in New York City. But if you go to the West Bank you see it in terms of maimed and starving children. If you go to Iraq you see it in terms of children dying of diseases that one shot of antibiotics would cure.[5]

The fact that that is a matter of no consequence whatsoever to careerists, bespeaks something which makes this a symmetry of action. It is a justifiable response when nothing else works. If the issue is brought up on *60 Minutes* and there is no EKG-spike in terms public reaction when this entire progressive community spends its time building bike paths and lobbying for the elimination of ash trays in poor people's space, you have a situation where extreme action is appropriate. Self-indulgence is not a rational solution to anything.

And behind these ghosts on those wings, were what Robert McNamara said were 3.2 million Indo-Chinese, from an imperial adventure called "preventing the tumbling of dominos," that weren't about to tumble. The thing is somewhat erroneously referred to as Vietnam, which was all of Indochina and then all of Southeast Asia. But all of Southeast Asia includes something more than what it was that McNamara was talking about.

Because with those 3.2 million Indo-Chinese you have to add in the half-million to one million Indonesians who were eradicated compliments of the CIA because Sukarno was too left-leaning for the comfort of U.S. corporate stability in that particular region.[6] The U.S. military said that he had to be eliminated. In the process of eliminating him they had to take out everybody that was considered to be a member of the Communist Party in Indonesia or associated with or had a relative who was or who subscribed to their theoretical journal or who bought their newspaper. And that tallied up to an incalculable number of people: baseline conservative estimates is 500,000; high-end is one million. So how shall we count this? 3.7 million to 4.2 million out of that particular foray?

But you have to tie that into the suppression of the Huk-Balahap rebellion in the Philippines that had happened just before the stuff that happened in Indonesia. And you have to tie that in to a few other things. So what are we looking at? Maybe 5 million corpses in that particular part of the world all in order to establish the basis for Bush's extrapolation of new-world order. And that's just that chunk of the world.

That's not to talk about what it was that was done by Savak in order to maintain order after the Shah of Iran was re-instated by Kermit Roosevelt and the CIA in 1954.[7] How many bodies are we talking about there? Because they were on those wings too. These planes were getting pretty well destabilized.

And Guatemala. You've got, again in a conservative count, 300,000 mostly Mayan Indians eradicated to make the world safe for industrial enterprise, the profitability of United Fruit and certain commercial manufacturing concerns there, compliments again of the Central Intelligence Agency in the 1950s.[8]

And we've got the piles of corpses in Greece. And we've got the rigging of the Italian election. That was not exactly a sanitary and inconsequential (in terms of human life) operation. You've got lots of bodies that die in an indirect killing manner as a result of that.

And just before that you've got, what? A couple of hundred thousand Japanese incinerated

by nuclear blasts. Oh yes we're very worried about weapons of mass destruction, as we should be. Because the only country that has ever used nuclear weapons against an ostensible opponent is the U.S. And then it wasn't really even to end the war. It was to send a signal to the Soviets that there was an insurmountable military advantage accruing in the U.S. So that the Soviets would only be free by virtue of doing exactly what they were told. That was the point of the bombing of Hiroshima and Nagasaki.

But it really didn't stop there. In liberating the Pacific from Japanese imperialism, of course, the United States had taken over the Marshall Islands. So in the post-war context in order to stay ahead of the Soviets they had to eradicate the entire land-base of whole chunks of Marshall Islanders by dropping more nuclear bombs on these unarmed Islanders.

And then they thought, "Well that's not such a good idea. It seems like we're dispossessing them of their property and we really need to know what happens when you have a population living in a nuclear blast area." So they sent a bunch of them back just to see what the biological effect would be on them. Have you ever seen a child born without a skeleton? That karma is there too and those ghosts were sitting on those wings as well.

And the Inuits on the north slope in Alaska, who were swallowing uranium capsules provided by the U.S., to find out what raw uranium would do in a human biological system when ingested. Yes. Tell me about the Nazi doctors now.

Actually, before Hiroshima and Nagasaki, Japan suffered more casualties, more fatalities by the fire-bombings of Tokyo and Yokohama and other cities, compliments of Curtis LeMay. The U.S. military had actually done studies even before World War II to figure out exactly what combination of incendiary devices, high explosives and so forth, under what weather conditions, in a blanket saturation carpet-type bombing, would be required to set these cities ablaze. Cities that they understood to be made mostly of paper and wood (unlike European cities), were targeted so that they could essentially incinerate huge masses of humanity. To explain to the Japanese what their proper place was. After all, the Japanese had gotten completely out-of-hand. They thought Asia belonged to Asians. Got to set that right real quick. So you probably have another 300,000 corpses to add to that.

Then you have got all the stuff in the banana republics going back towards the first of the century. But we don't really have to go outside the borders of the United States at that point. We can have a look at all those guys who were bound together with chains on what they called chain gangs (which have recently been re-instituted in the United States) during the early part of this past century.

In the late 1800s, there was a convict leasing system that operated not just in the deep South, but maybe most virulently there. It operated in 38 states of the union. That may remind you perhaps, when you think of forced labor camps, of another country that was over in central Europe during the 1930s and 40s that had a structure of extracting labor by putting people in concentration camps and then, well, we've all heard it, working them to death.

You know the names as well as I do. Dachau probably rings a bell. Mauthausen, that's lesser known. Dachau had a fatality rate of 19 percent. Doesn't sound quite right. But that's all it had, 19 percent. Which is not arguing it was a country club. Mauthausen was the worst of the

Nazi concentration camps. It's death rate was 61 percent.

We're not talking now of extermination centers. That's something different. That conflation is a facile over gain that is played for political reasons that I'm not going to go into tonight. You get into the operation of the Reinhard camps in Poland you get into Auschwitz and Sobibor, the extermination centers, you've got fatality rates that are a little bit different than that. But those are not concentration camps. They are not primarily labor camps. We're talking about what actually is a concentration camp and you've got 19 to 60 percent, roughly 20 to 60 percent fatality rates in the Nazi camps.

Let me put a question to this group: How many prisoners ever survived a ten-year sentence in an American convict leasing camp situation? [No answer from the audience] That's a good answer. None. Zero. Not one survivor for the entire period from 1867 until they discontinued convict leasing itself at the end of the 19th century and converted to chain gangs. And actually the record in Southern States at least with regard to chain gangs is not a whole lot better than that.

The Nazis got nothing going, in originality or efficiency. You understand that those U.S. labor camps were the *de facto* reconstitution of slavery because they were all black. A new convict only went to convict leasing camp, to a labor camp, if the sentence was for 10 years or less. It could be extended after the man got there. But that had to be the original sentence. And the only people they sent to prison on sentences that short were black people. Whites only went to prison if they had killed another white or something similar. Sentences for whites were engineered so that they were automatically exempt from the labor camps.

So you're talking essentially a re-constitution of slavery under the cover of law. Because slavery, the enslavement of prisoners duly adjudicated and convicted is still permissible in this greatly emancipated and anti-slavery country. So you can simply do it that way. And they did. Only the terms were much harsher in the prisons than they actually had been on the plantations. Which is not an argument in favor of the plantation slave economy at all. It is just simply to punctuate the point of how horrific the conditions were in the camps that followed slavery. All those people were there.

And sitting right beside them, were the American Indian children that were run through the residential schools. We talk of that in terms of cultural genocide, inappropriately so. According to Duncan Campbell Scott who was the man in charge in Canada, who lifted the model for their schools from the U.S. model, one in two of the children didn't survive to put their education to use. That's 50 percent fatality rate among school-children. That's the equivalent of what the Nazis were doing in the worst of their camps, but the Nazis weren't targeting children. So those babies were there. You're talking little kids, six years old.

Earlier we mentioned *de facto* slavery. We might as well talk about slavery *de jure*. Because that's the next queue in the line, the proportion of the roughly 30 million people who never survived the Middle Passage. Signified perhaps by those who were perishing in the slave market enclosed by a wall in New York City. You think slavery is a southern phenomena. No. That's where Wall Street got its name.

And the World Trade Center is of course at the foot of Wall Street, close to the financial

center, right there. Where Black and Native people were being consumed as commodities for the profitability and greater glory of what it is that becomes known as the United States. Wall Street actually, the wall itself, predates the United States. But was continued once the United States got itself going.

That's not the kind of history they tend to teach you in the public school system here. It's not what William Bennett would approve. It's not what Lynn Cheney would fund in terms of exposition for the meaning of America. It just happens to be the reality of America -- that America continuously attempts to blink -- in the process of making "innocent" and "American" all one word.

If you are American you are innocent? How can that be, when this is the nature of the history? And this is the history that, on another track, as we move back to the beginning of the 20th century, includes the corpses of the "Indians" of the Philippines. That is a pile of a half million to a million people.

From 1898 to 1902, the people who were the proficient commanders of the campaigns of genocide conducted against Native North Americans, went to the far side of the Pacific to reconstitute what they talked about in open terms, as the Indian Wars. They cleared Southern Luzon and turned it into a "howling wilderness" (their words), vacant of population. They exterminated the people of Mindanao to the point that survivors could be willingly subjugated to yet another alien power.

The invention of the .45 caliber automatic hand-gun, was for the sole purpose of stopping a "Charging Moro" as they called them, trying to defend his family, from getting to a U.S. trooper with a bolo knife. The thing is designed not to be accurate, not to be used for target shooting. But just to hit someone from about four feet away and make sure that person goes down by, smashing his body. Old technology, invented for this purpose in about 1900.

Those chicken ghosts were there. It's not past history to them. They're still dead. Their country is still being exploited for the benefit of the power that did that to them. It's not something that can be gotten over while the beneficiary of their slaughter continues to enjoy the benefit, you see.

And then, of course, the American Indians from Wounded Knee, backwards to Slim Buttes, backwards to the Bosque Redondo, backwards to, where shall we take it? The Washitaw River, Sand Creek, Horseshoe Bend? Shall we jump now backwards in time to the Mystic Massacre of 1637? Shall we jump back all the way to Wall Street, foundation plaza area of the World Trade Center? These people, whose land this was, are known as the Wapinger, a name no one even remembers. The Dutch colonists conducted a public spectacle by having the sport of kickball in the streets with the heads of people they'd slaughtered. And little kids, they turned out and they cheered Daddy making a goal with a famous "savage" leader's head right there. The tradition from the very moment that it begins until September 11th 2001 follows relentlessly, the same trajectory.

I don't know how many people here have seen a film called *Cotton Club*. It's not necessarily such a memorable film that would jump immediately to mind. But now that you've had time to consider it, maybe you'll remember a Black gangster, known as Bumpy Rhodes, who was

portrayed by Laurence Fishburne.. There's a scene in there where they're desegregating the Cotton Club and the bouncer, this racist thug, about 280 pounds from the looks of him, has the duty of keeping Blacks from fornicating in the club. Understand that Blacks don't gain any admission to the club. The non-fornication part applies to the entertainers, that the club can't do without, Okay? He's a brutal son-of-a-bitch.

But the night they desegregate, Bumpy walks in with two of his guys. When the bouncer is looking at something else, some of the guys grab him and they run him into the toilet stall and they stick his head in the water and they flush. Then they grab him by the hair and pull his head up and one of them says, "What you've got to learn is that when you push people around somebody eventually is gonna push back."

That's what happened on nine-one-one. That whole horrible queue, an endless line of ghosts and chickens came home to roost. The carnage, the body-count of the United States presuming that it can, with impunity, push around whoever it wants to, for whatever reason it wants to, as long as it wants to. And yet the bully acts as if there is something grotesquely unfair and inhumane, if finally, all else having failed, someone finally pushes back.

The one statement that could be made about nine-one-one in visual graphic terms that will get the message across, perhaps, would be a wall-sized poster of the rubble in New York, with the caption: "This is what it feels like when you bomb other people. Stop whining! It hurts! Newsflash! What kind of mutants are you?" But probably a poster even of this kind would not get the point across because you've got an emotionally numb population that presumes itself entitled to endorse this kind of carnage being imposed upon the rest of the planet and assumes it will be exempt from any response.

They did that to three buildings with three major smart munitions in New York City and Washington D.C. They would have to do that 49,997 more times to break even on Baghdad alone.

What do you think the people of the Middle East feel like? They watch the U.S. populace, acting like kids sitting in video parlors, cheering their heroes. Heroes. We've heard that word. Heroes who sit off at a thousand yards with a heavy barrel sniper rifle and kill people at a distance. The victims never even hear the shot that kills them. There's a brave act. People who sit at computer consoles launching cruise missiles at unseen targets 1,500 miles away. Let's give them medals.

What do you think stealth aircraft are designed for? It's to eliminate all risk, and in my tradition, therefore all honor. You are no longer a combatant. You are no longer a soldier. You are definitely not a warrior. You are a techno-murderer. And that's the best that can be said for you. You got Charlie Manson in a cage in this state. Charlie? Bring him out. I can deal with him. Put these robot, geek, freak murderers in that same cell.

But, in theory, America feels it has to be dealt with differently. How do we know that? Because since before we were born, way before anybody in this room was born, this country hatched this notion that it was exceptional. That was part of the lunatic disattachment from reality that marked the founding fathers. But it's hammered home and it's hammered home in various ways.

There is a mainstay to the whole thing. You probably heard the brainwash about how great and holy this country is by the time you were in the third grade. You didn't necessarily understand what it meant. But you were probably exposed to it. We all are. I want to point out to you, however, that in the third grade you probably understood the contradictions better than your mothers and fathers or than you actually do tonight. At third grade level you hadn't had all the interlocking propaganda to make the nonsense seem sensible.

Having been conditioned your entire lives, the way we are all conditioned our entire lives, to receive sound-bite answers to questions we have never had the critical ability to form in our minds, forecloses our ability to interrogate reality and draw conclusions from it. That is the function of the media. That is the function of the educational system you understand. It's not to teach you to think critically, which is educational in value. It's to teach you what to think. That's indoctrination.

That's a rather different thing, to be indoctrinated than to be educated. We have this problem here in this population called "ignorance." And some of this population actually is. But when you say the word "ignorant" it's supposed to mean you didn't have the information: "I didn't know about it. I was ignorant of it." No, that's to be uninformed. And truly, there are a lot of people uninformed about a lot of things here. Uninformed is one thing. Ignorance is another.

We've got an ignorant leadership. We've got an ignorant intelligentsia. Ignorant means to have the information right there in front of you and ignore it. To draw conclusions in the face of the evidence; to pretend that the evidence does not exist -- clear evidence of genocide and war crimes -- to pretend it's something else. That's ignorance. That's close to being a synonym for duplicity. That is something very different than being uninformed. You have an obligation to become informed. Once informed, a person has an obligation to act upon the information, not to become an ignorant individual as a result.

But what they hit the third graders with and the fourth graders, the eighth graders and the twelfth graders and the Ph.D.s with is: "This is a nation of laws. That's what distinguishes it from others. This is a nation of laws and not of men." Justice Marshall said that in *Marbury* clear back at the very beginning of the 1800s.<sup>[9]</sup> And indeed it is.

Law serves order here. As the Colorado Police Department just explained resoundingly last week. Call the officer in charge and ask him what he thought he meant by his department's actions, so that he can hang himself a little higher or dig his hole a little deeper. He's got a perfect name. It's almost as good as Wolf Blitzer, for anybody who watches *CNN*. You can call the Colorado PD and ask to talk to the Lieutenant in charge of their tactical unit. His name is Skip Arms. Skip Arms will probably be the police consultant to Wolf Blitzer on *CNN* by this time next week so that you know you're getting the real deal in terms of official insights. These guys carry the weight of authority in their . . . names.

To be a nation of laws, not of men, is a subterfuge. Which is not to say that the law is inconsequential or insignificant. It's primarily the rationalization for everything that is done. Let me explain how that works. Several different vectors can be taken to arrive at the same conclusion in this book, *Perversions of Justice* by using primarily the experiences of Indigenous People, defined both as people, people in an individual sense and people in a

collective sense: what we are, who we are, and what we are entitled to as a result by way of The Law.

You can see The Law being imposed, at every turn, on the signs when you get out there. Really important stuff: buckle up is our law. Yeah. Or in North Carolina: prison for littering. I kid you not. I stopped and photographed that sign. Or on a little island off Georgia: Speed Limit 22 miles an hour. No, not 20, it is 22. And: No Smoking, the really important one. Okay? Yeah. You have to comply. Otherwise you're not peaceful.

Conditioning people to be obedient is to condition them away from being critical. And conditioning them away from being critical is to make them understand that the law, insofar as it ever had a functional utility, does not function for them on the basis of power. It is wielded in such a way that it is imposed on you. "You" in a generic sense, and as part of the global population, while the power doing the imposing is exempting itself the entire time.

There are a bunch of trajectories I can take with that. The United States exhibited its absolute duplicity in 1993, by acknowledging flat out that it had engaged in the internationally illegal act of affecting the military overthrow of the sovereign government of the Hawai'i monarchy.<sup>[10]</sup> Sovereign nation of Hawai'i. Yeah. The U.S. acknowledged their actions and then said, "We're sorry."<sup>[11]</sup> (Well, sorry about your nose. Sorry about your CD player Bud, but, I still got it.) And that's all it was. "We're sorry we violated our law."

Acknowledging an illegal act (apologizing is a form of acknowledgment) has definite implications in law. The United States made a grandiloquent gesture by demonstrating that it was enlightened and cleaner than other countries, and hoped it would fly. "Sorry about your government. Sorry about your land. Sorry about your way of life. We're just really sorry but, we got it. We're keeping it."

It's not law at that point. The first part, that you're legally obliged to acknowledge your violations; that's true. But now that you've fulfilled the legal requirement -- a hundred years after the fact -- you've acknowledged the obvious. At this point, Tort principles kick in, because you have admitted the taking of the Land.

Under international Tort law, when there is an acknowledgment of a violation of law of this sort, the first thing that happens is the situation is examined to see whether restitution is possible. Do you know what restitution is? It is not like compensation. It is not like reparations. They are related but they are not interchangeable. Restitution means you examine the situation to find out whether, or to what extent, you can place things back in their original position.

So you have to ask yourself with regard to Hawai'i: are the Hawai'ian islands still there? Yeah. The land's there. So theoretically you could return the land to the people who you took it from, right? Yeah. This is not a case of whether it is convenient. It's a case of "Is it possible?" Does whatever constituted the violation still exist in a form so that it can be returned to the people who were deprived of it? Yes, obviously the Land does still exist. Do the Hawai'ian people still exist so they can receive it? Yes, as a matter of fact they do. And insofar as the Hawai'ian people still exist, are they still capable of, say, arranging to govern themselves? I don't know. Why don't you ask the head of their Nation whether they are

competent to govern themselves.

So restitution, in a complete sense, is eminently possible, although obviously inconvenient to the United States. And so that's been absolutely ignored and all we're supposed to be doing is patting the United States on the back for having been so enlightened as to acknowledge its crime and apologize, yet!

In any event, if it's damaged property that is to be returned, that's where reparation would kick in. We have to ask ourselves about the Hawai'ian Islands. Have they been damaged by the use to which the United States ultimately put them, having illegally seized control of them in the first place? The answer is yes, go visit it. No, on second thought don't. Just take my word for it. There are too many visitors making problems there. There are just way, way too many tourists that go and visit.

You want to do something constructive for indigenous Hawai'ians? Stay home. And if you have to break their knee caps in order to get them to, do it. Get your friends and neighbors and your acquaintances to stay home too. Gut the Hawai'ian tourist industry. That will make the tour businesses much more pliant. "Those damned islands are becoming a cash drain instead of a profit-maker. Maybe we ought to give them back to Hawai'ians." The investors are really not there for the scenery. That's why they keep turning the islands into pineapple plantations and golf courses. Hawai'i, believe it or not, is not meant to be 18 holes, next to a country club. So the U.S. actually owes whatever it would take to put things back as closely as possible to the original condition. That's the reparation end of things.

When it can't be repaired at all then you get to compensation. Okay, how much was it worth? We took it. We broke it. We can't fix it. And guess who determines what just compensation would be? It's like the property law you're personally familiar with. The thief takes your car; wrecks the sucker. You can't get it back. They don't go ask the thief how much he figures the car was worth so you can be compensated, do they? Maybe the rightful owners have something to say about that. But the last person to make the determination of what just compensation would be, would be the offender. And the United States thinks that it is going to be the determining factor in what compensation is? "We say it's worth only so much. Take it. Shut up. Case is closed now."

If I could play by those rules I would be Nicholas Cage in the movie, "Gone in Sixty Seconds." I would have a fleet of cars and I would compensate everybody who I took them from. "Alright, yes, I got your Ferrari; really like it. Here's your twenty bucks. Now go home."

This is the sort of stuff I talk about quite often. But I usually talk about it within the context of North America and the 400 treaties, all of which are violated. The implications are that those treaties are basically long-term leases rather than sales, in most cases. You know what happens when you don't meet the terms of your lease? You get evicted.

Oh, you want economic development? Well, the people who originally agreed to the leases are thinking, "We're going to produce water wings so all these people that violated the original lease agreements can start swimming back to where they came from."

We won't go there tonight because we are actually in the context of being on the brink of yet another of the eternal wars that the United States (The Most Peaceful Country In The History Of The Earth), has been engaged in.

I've got a chronology that's coming out, a little thing called, guess what? "Roosting chickens." It will be out sometime in the next six months: a chronology just of U.S. military engagements at home and abroad. This isn't a written thing, it's bullets. Here's the year; here's the place; here's what they did. Next. It's forty pages long and it doesn't leave out a single year since the beginning of the so-called revolution, which wasn't because somebody was trying to overthrow George III. It was a decolonization struggle. You'd think these people fighting this war of independence would have a little understanding of why other people might aspire to their own professed values. But, hey that's expecting a lot. "Here's a set of rules for us, but everybody else is subject to these other ones."

So we also talk about things in terms of the Laws of War. Bring that up and the first response in the average audience is there's a look of shock, like, "Hey that's something that they invented along about 1945 at Nuremberg isn't it? I mean, what does that have to do with U.S. history? It certainly wouldn't apply to Thomas Jefferson and those guys, would it? One can't take the standards of today, which are supposedly so much more enlightened than they were then, and apply them backwards in time to people who weren't cognizant of them. That's unfair. It's historically distortive." Right.

We can run this one all the way back to Christopher Columbus. You can assess these suckers in terms of the standards of our own time because they did know how to write in those days and they did articulate a code of law. There's a reason why Columbus didn't go home as a glorious hero in those days. He went home in chains. The reason he went home in chains is not because he thought they were flashy apparel to appear in front of the king. It is because they had deduced that he was a common criminal for his treatment of Indigenous people. So when I say he's a criminal I am not applying any standards other than the standards of his own day. It would really be nice if these morons who continue to insist the opposite actually knew something about the history they were purporting to inform me of.

Judge them by the standards of their times. I can do that from day one, because there were codified Laws of War. There were international customary laws of war, and so forth that applied at least in the European context at the time. And you'd have to say that these are the applicable framework for the people who were among the founding fathers and all those noble pioneers and frontiersman who were going out to do things like conduct the Sullivan Campaign against the Seneca in 1794 and then coming back to prove that they were heroes by wearing tanned human skin for leggings. This was the elite group, British Rangers and so forth.

The legal implication of the actions of those British Rangers is contrary to the understanding of proper behavior in war, under customary law, even at that time. But it can be nailed down in terms of the laws of the United States, which prides itself on having been the first country, in the entire planet, to produce a systematic codification of the laws of war. It was issued to the field commanders in the form of a field manual, called the Lieber Code,[12] which was promulgated in the Spring of 1863.

The Lieber Code has provisions that make it illegal to do things like target women and children, non-combatant prisoners and so on, for slaughter. It establishes conditions under which you are to maintain the well-being of people that become your captives. It makes it a crime against U.S. codified law to break a truce or to use a truce as a subterfuge to gain advantage in battle. It's against the law of the Lieber Code to mutilate your enemies after you've killed them, and so on. Yep. Spring of 1863. That becomes the legal framework, rules of engagement, for U.S. military forces in the field.

Then in November of 1864, in Colorado, you have the Sand Creek Massacre.<sup>[13]</sup> After the killings, under truce, people were placed under the protection of the military. They assembled them under the authority of the army garrison. The prisoners were under a white flag; flying an American flag. They were friendly people as proven by the fact that they surrendered their arms leaving themselves defenseless; surrendered their ponies rendering themselves immobile. They had become a stationary target; a non-combatant center. There were no fighting age males to speak of; only maybe seven in the whole village, and they were visiting family at the time of the massacre. Remaining, were old men, women, children. 750 U.S. military troops slammed into them, killed every Cheyenne they could get their hands on, knowing they were stationary.

In fact the garrison had extended their enlistments so that they would be able to participate in the slaughter. The soldiers mutilated everyone that they killed. It is not quite clear how many they did kill. I subscribe to a lower number because that's what the Cheyenne say and they are the victim group. The Cheyenne say it was about 170 people. That's their high count. The commander on the scene, John Chivington, the Reverend John Chivington I might point out, (he took time off from the pulpit to become a Colonel, in charge of the volunteers in order to conduct this atrocity) a Methodist minister, the Reverend Colonel Chivington, placed the body count at 500 for his own greater glory, so he thought.

Every single one of the U.S. military commissioners investigating the scene, reported that the Cheyenne had been mutilated in indescribable fashion. So you had troops marching back to Denver, this is on Cheyenne treaty land that they wanted because there was gold (what's called Gold Hill) just outside of Boulder, Colorado. You have these guys holding a triumphant parade down a main street in Denver, three weeks after the massacre, wearing women's genitals that they cut out, over their hats, and their saddle pommels. They were waving scalps and other body parts, having tanned and started to bead, male genitalia as tobacco pouches, as the citizenry of Denver turned out *en masse* with almost no exceptions and cheered wildly.

The *Rocky Mountain News*, my favorite newspaper of all, wrote that this was an unparalleled feat of military arms, that would live forever, of the immortal fame and glory of the Colorado volunteers for whom there is a statue still in front of the State Capitol.

There were political issues about Colorado territory becoming a state at the time. There were people who opposed it and there were people who favored it, there were people who had an interest and who would become the heads of the new state and so on. So one result was that they had not one, but three official investigations of what was done at Sand Creek. The Army did one, the House did one, and the Senate did one. And you can get all of those from U.C. Berkeley, Bancroft Library in the official documents repository. You can read them for

yourself. You don't have to take my word for it.

They all concluded the same thing: massive and systematic violation of virtually every combatant provision of the Lieber Code . That there had been, on a grand scale, a commission of what will now be called crimes against humanity in addition to war crimes. Three for three. That's the conclusion. And not a soul was ever prosecuted.

They had "done the right thing." They had acknowledged that it had happened. In this case they didn't even bother to issue an apology to the Cheyennes. They had absolved their consciences by recording what it was that had been done. But that doesn't translate into the prosecution and punishment of people who were in command and responsible for this horror. May I point out that this is the total opposite treatment of, say, your average Black teenager arrested for engaging in a \$70 stickup at a gas station in California, who gets one year to life. Ask George Jackson about that one.

It's real interesting the way they played this, back in the day when Colorado was being taken. The crime was perpetrated while the guys in charge were on active duty, active military service. And they'd all mustered out. And since they had mustered out, they couldn't be tried by a military court or so it was argued. But then they couldn't be tried by a civilian court either because the crime had been committed while they were on active military service.

Anybody in here, besides me, ever been in the military? Yeah? What's the term of commission, of a commissioned officer? When you receive a commission, that commission is for life, unless the president revokes it. There was not a single man, found on the basis of the investigations to have been culpable, who could not have been rapidly called back to active military duty, at the discretion of the president, and then be put before a court martial and tried for those crimes.

The investigation of the Sand Creek massacre was a subterfuge designed not to prosecute, and a subterfuge designed not to prosecute is interpreted as a license to go ahead -- the green light. This is the approved doctrine, the alternative to what is codified law. "Here's what the law says and probably we'll have to adhere to that when we're dealing with, oh I don't know, the white soldiers from the Southern states, for example, or Germans when we get to World War I. So long as we're fighting our own kind of guys these are the rules of engagement." Rules are different from laws. When they want to change something, they change rules so they don't have to be so crude as to say they messed with the laws.

But, as a rule, there isn't any kind of an enforcement of those noble sounding, flowery laws of war articulated in the uniform code of military justice. Especially when it comes to fighting people who happen to be, in their eyes, "inferior," as evidenced by the fact that they have a different melanin content, say brown skin. This is not to say that they stuck to dealing with an absolute rigor when they were fighting white folks either. But you can ask the Germans. They got treated a whole lot better than the Japanese when you get up to the mid-20th century.

Let me give you another cute one. An incident called Andersonville, happened at the end of the Civil War. The Lieber Code, you understand, were the articulated rules of engagement

for the Union Army. It's a U.S. allocation of law; it's not Confederate. And I'm not going to get into the right-and-wrong of the war between the states right now. All I'm going to say is, these were two different entities at that particular time, fighting.

There was a really grim place known as Andersonville Prison. You had dysentery epidemics; you had malaria epidemics; you had typhus epidemics. Union prisoners were dying in Andersonville like flies. And not the least of these prisoners' problems was Sherman's march from Atlanta to the sea, burning everything in his path and eradicating the economic base of the Confederacy. What were these prisoners going to be fed with? The commandant of the prison probably should have let them go at that point. But they didn't. And they died.

Captain Wirz, the commandant, was hauled up on charges for violations of the laws of war as articulated in the Lieber Code which was his opponents legal codification in the aftermath of the war before. He was ultimately hanged as a result. I have nothing going for Wirz. The fact that he went to the gallows is probably justified in my mind. Except for two things.

Although it wasn't much publicized at the time it's certainly a matter of record that the conditions in the Union camps, to which the Confederate troops were subjected, were not appreciably better than Andersonville. Which meant that if the standard of justice was to be equitable, while you were hanging Wirz, you needed to be hanging your own military personnel who had presided over camps in which the same conditions had prevailed as well. But they didn't do that.

At the same time Andersonville was arriving at its worst, the Kit Carson campaign was conducted against the Navajos in eastern Arizona. The entire people were ultimately subjugated, rounded up, force-marched from Fort Defiance to old Fort Sumner in south-central New Mexico, a distance of about 250-300 miles in the dead of winter without adequate provisions, with no medical support: men, women, old people, children, everybody. And they were interred at the Bosque Redondo,[14] an open plain with barbed wire fencing and soldiers around it. The Navajo were forced to live in holes in the ground, trying to subsist on water and flour, flour being something they had never seen before. They attempted to make soup out of it. 50 percent of the Navajos died at the Bosque Redondo between 1864 and 1868 when they finally cut them loose. There wasn't anybody prosecuted for that one either.

A military tribunal did prosecute the commander of all military forces in the Philippines. They took him up on a court-martial, after he had accomplished their mission. And they found that he had probably engaged in conduct unbecoming an officer. Which he certainly had. Unbecoming of a human being would be the actual formulation I'd make. But I'll let them have that. It's the penalty that's interesting. He got to retire on full pension immediately, they took away his good conduct medal. That's for 500,000 to a million fatalities -- that's the penalty.

Since 1863, the United States is purported to be in the lead on military law, because of its codification of the Lieber Code. At least, that is, in its comportment in wars with Europeans. This concept reaches its crown point in 1945 at Nuremberg[15] where you have four of the Allied powers prosecuting the surviving leadership of the Third Reich for a range of crimes. Primarily, conspiracy to break the peace, the waging of aggressive war, and crimes against

humanity. Those are the three big cornerstones of Nuremberg Doctrine.[16]

This had never happened before, where countries that participated in a war, held a trial for the losers. Three of the four Allies that sat in at the Tribunal didn't want to set this sort of precedent. My son, Winston Churchill, [laughter] he wanted to engage in summary execution of his enemies. He didn't want to be bound by legal precedents. That would constrain the latitude of his own guys in this thing called the British Empire -- that the sun never sets on, and all that. He knew that the Brits were doing the same thing the Germans were doing. They had their own variations on the theme but the result was the same and the principles were the same.

If you set precedent, you understand, you were going to have to constrain your own activity or you're going to make yourself look bad. No, he just wanted to shoot the Nazis in the head and be done with it. In other words, he knew who he was. He was going to act like a Nazi, too. Gas the Kurds, gas the Jews -- what's the difference in his mind. And, by the way, he is the one that advocated the bit about the Kurds. The French didn't want anything to do with Churchill's stand. But, interestingly, the Soviets wanted to do pretty much what the Brits wanted to do.

The United States pushed this notion through, since it's "a nation of laws." The "benchmark of legality" wants to establish order. These guys were hauled up on charges based on customary law. The defendants tried to argue that it was *ex post facto* law, in that the laws they were being tried under, did not exist at the time of the crime. After all, the Anglos used this as a successful defense in their own courts. But the defendants were tried on the international basis that it was customary law, and it was binding anyway.

Ultimately, Justice Jackson, of the U.S. Supreme Court, who was sent over to serve as prosecutor on behalf of the United States, makes a speech. Which is again noble sounding but a lie, even at the time. He said, "We would not, repeat not, hold the defendants in this dock accountable to standards of law which we would not first of all apply to ourselves."

Every time the Germans were able, in the process of mounting their defense, to prove that Allied personnel, Allied commanders, had engaged in the actions of which the defendants were accused, the Nuremberg judges simply dropped the charges. Unrestricted submarine warfare? "Oh, we did that too." "Well, that's not an offense then. It would be a crime if you did it. But if you can prove that we did it too then it's not a crime anymore." Yeah. That whole bit.

So the countries conducting the trials were in violation of the principles too. Justice Jackson has acknowledged that when he made that particular statement -- and it's been the case ever since -- there was nothing that the Nazis were accused of at Nuremberg that the United States had not incorporated into its military doctrine. And there is not one single American military commander or official that has ever been brought up on charges in that respect.

Not even in such narrowly defined cases, or exemplary show-trial type cases such as the My Lai Massacre. Who took the fall on that one? A brown-bar Lieutenant. That's as low as you can go in the hierarchy of officers. Every commander, even the Captain above him was exonerated; charges were dropped. They were cut loose and Rusty Calley ultimately was

convicted; served about three days per victim for what was listed as murdering something on the order of 200 Oriental human beings (and that was a low count), before being pardoned by Richard Nixon.

Referring again to Nuremberg, there are implications on how we see ourselves and our responsibilities in the process of opposing what it is that's about to be done in Iraq. Considering customary law, there are implications that need to be examined here in terms of the legal standing of the United States and the latitude of policy action to be allowed for the U.S. to be able to call it's involvement a legitimate engagement.

The first line of defense by the Germans at Nuremberg was, "You can't try us for what you're trying to try us for. You're saying we're in violation of the Kellogg-Briand Pact[17] which outlaws aggressive warfare. We didn't sign it. We're not a party to that treaty. We can't therefore be prosecuted for violating it. What we did, we did within the parameters of legitimacy defined by our own domestic law. What we did was legal." And they said, "No. No. This is how it works boys. Customary law establishes the threshold of compliance for all nations. You're bound to comply with customary law whether you specifically agree with it or not. You violate it at your own peril."

The United States is making exactly the same argument the Germans made -- now. It has not ratified the Landmine Treaty.[18] Yippee-Kai-Yay. 125 other countries have. Breaches on The Landmine Treaty, on that basis, more than meets, exceeds the threshold for becoming customary law. It is binding on the United States by its own definition articulated at Nuremberg whether the United States chooses to ratify it or not.

Several things having to do with aerial warfare the United States has refused to ratify. It doesn't matter a whit. There are international rules having to do with the use of incendiary weapons against civilian targets, that the United States has not ratified. Several things having to do with international human rights protections the United States has not ratified.

All of those have reached the threshold of becoming customary law. They actually have a quantitative formula at this point. It's not simply a matter of longevity, either. If enough member states of the United Nations endorse a law or treaty, it's binding on all states as a matter of law.

The United States is arguing for its right to engage in illegal activity on the basis that it does not subscribe to those laws. Make that argument to a cop the next time you shoot one of them, and his buddies come up to arrest you. "I never agreed not to shoot cops. Nobody ever came around and asked me. I haven't ratified and endorsed that. By god you can't hold me accountable to that standard. I didn't accept it." See how that dog hunts, okay?

So you have a government which is comporting itself (and this is not a newsflash, it's been going this way all along) in essentially a manner identical and interchangeable with that of the Third Reich, which is an intrinsically illegal and illegitimate posture. I don't think there's much argument outside of neo-Nazi circles on that particular point.

So that invokes the second part of the Nuremberg doctrine. What happens when you have a government which meets the classification of an outlaw state? Or, what is it they like to say

now, rogue state?<sup>[19]</sup> When you have self-evidently a state defiant of the rule of international law on your hands, who is to enforce it?

You now understand what the enforcement mechanism was in the Second World War. Nine-one-one was a whole lot more than three airliners slamming into buildings. During World War II, the Allies saturation-bombed Germany to its knees. This was the enforcement mechanism. But it was a really expensive endeavor, and they decided they didn't really want to do that anymore. That's why they made the United Nations, this instrumentality for codification of law, to prevent war as a means of resolving international disputes.

At Nuremberg it was said that there was a complicity on the part of the German citizenry. The Germans, as a whole, as a group, were deemed guilty of what was done. Very hard to buy, "but none of them knew it." You could smell the smell of the burning flesh coming out of the crematoria chimneys. Some guy living next door, "I had no idea what they were doing in there." Probably burning lunch, right? For about four-and-a-half years.

Their government had set itself on a track that it felt it did not have to be bound by. It rejected the rule of law. The citizenry, at that point, incurred not only a right but an obligation to do whatever it was that was necessary to ensure that their government did comply with the rule of law. That was their obligation. That's the enforcement mechanism.

That's the "prevention" for international warfare: that the citizenry of each country do whatever it has to, as Malcolm would have put it, by any means necessary, to ensure that their governments do not violate the rule of law in a manner that leads to the kinds of results that were observable in Europe during the Second World War. Or have been observable at every step in the course of U.S. history.

And no they didn't say, come up with the right protest song. Figure out what scent of candle to take to your next prayer vigil. They didn't say buy a new brand of clothes. Better tie-die will probably be persuasive. They didn't prescribe a pill you could take to make everything better. They said do what's necessary. The outlaw regime that is perpetrating the crime will ultimately make the determination of what is necessary by the nature of its resistance. How it resists will define for you. You don't define for it.

You are not going to morally persuade a criminal state structure, bent upon perpetrating genocide, war crimes, and crimes against humanity, to do the right thing. You don't speak truth to power. Power is not listening. Power knows better than you. You don't speak truth to power. You speak truth, in the teeth of power. You speak truth to people.

There wasn't a line drawn in that. Do whatever is necessary until you reach this point and then stop. Because, after that it would be wrong. No. You do what is necessary to prevent that sort of thing from happening. And while it hasn't been spelled out, because every situation is different, there is an implication as to what was meant.

Sixty years ago, that implication found form in the valorization of a bunch of thugs basically, who were German colonels, and a couple of field marshals and general officers who tried to blow Adolph Hitler right out the back wall of his bunker in Poland in 1944. The implication was that they were heroes because they were doing what was necessary. You can

take that as a poll of signification, of endorsement, of proper action from official sources, the federal government of the United States. When a government acts like that, that's how you respond.

There are many ways and means short of that specific action, that can be taken to accomplish what it is that must be accomplished. But one way you cannot possibly conceive of accomplishing what it is that must be done, is to have the sanction of the state in whatever it is that you do. Law serves order. If you are orderly you are part of the order, the new world order. You are actually doing more harm than good because you are allowing them to use you in your sterile, compliant protests to make the false point that this is a liberal democracy that allows you to have the expression of your point of view.

In the terms that a criminal state defines legality you cannot possibly, in the name of humanity, afford to be in a legal posture. You have to be a criminal in order to be lawful, ultimately. As the Rolling Stones put it, "Every cop is a criminal. Every sinner a saint." Or as Dylan put it, "To live outside the law you must be honest."

But if you live inside the law that condones the kind of things we've been talking about here, you are anything but honest. Even if you're only lying to yourself in the process of lying to everyone else, you are part of a genocidal machine. And ultimately, ultimately, if you don't wake up, and engage your critical consciousness and on the basis of that consciousness engage in the kind of activity that is consequential, you will have to pay the price of what it is you are complicit in.

I don't think any of us want to be that person and subject to those consequences. Therefore, irrespective of our backgrounds and the specificity of our interests, we have a commonality of purpose and a common interest and on that commonality of purpose and interest we actually can make a difference. But it is not by going along with the rules. It's going to have to be on the basis of defying them. Let's go for it.

#### **Questions from the audience:**

**Question:** Could you comment on the role of alcohol in these problems that you're describing; your view on alcohol.

**Ward Churchill:** My view on alcohol. Alcohol is a tricky one and would require a long period of time to really do it justice. But I'm going to actually try to summarize it just this way. And if it's not adequate then someone hit me with something else and we'll take it in that direction too.

The cottage industry of laboratory funding and experimentation notwithstanding, there is no genetic basis for alcoholism, and I think you mean, with American Indians. I'm going to take it through that lens first. There's this whole notion that there's some sort of genetic link between Indians and alcoholism. There's something about Indian genetics that predisposes us to this outcome. If we get around alcohol, automatically we're going to be, in a very high proportion, alcoholics in a short period of time. That it's not a disease, that somehow or other we were predisposed that way.

If any of that were true we would have to be genetically interchangeable with a few other colonized peoples. Try the Irish for example. And I don't think the Irish are going to tell you that they think genetically they are Indians or vice versa. Our cultures are not interchangeable. Then there's the bit about the disease.

Every one of those excuses is a diversion and every one of those, in varying degrees of sophistication, is an attempt to blame the victims by finding the locus of the problem in the victim. I say victim. Alcoholics tend to be victims. The source of alcoholism by-and-large, is trauma. You can check this out with a Harvard psychiatrist like Judith Herman or you can go off into other branches of literature. All the vectors come to the same conclusion. Trauma kills.

The stuff I was talking about with the residential schools, I'm not going to go into any further. But let me tell you this. You don't, any of you, have to be Indians. Just let me take you at six years of age and do to you what was done to those people in the residential schools. When you come out, if there's enough left of you to form a coherent thought, you're going to try to find some kind of normalcy in a situation where you have been absolutely deconstructed in terms of an ability to function in your own culture.

And prevented by racial barriers from functioning in the other culture you're going to try to form a family. You're going to have children. You're going to have a wife and you're going to be absolutely unable to support them because you're excluded from both the subsistence economy -- because you don't know how to participate in it -- and from the dominant society economy.

You're going to have a self-concept that is probably shattered like a windowpane that was scattered throughout this room and a level of self-esteem that is somewhere into negative numbers. And you're going to have a burden of trying to meet your responsibilities, which you self-evidently can't, in a familial context.

The probability is you're going to be drinking. And its going to be a real fortunate situation if that's all you do. We have a suicide rate, primarily among American Indian men that is about six to nine times the national average. The female suicide rate is about three times the national average with adults. And then you get to the children.

This is the carnage, the trauma, that was inflicted in the residential schools that has been sitting on people for five consecutive generations, coming out trying to have children. What was done to them in those schools began when they were six years old. But in this incapacity, in this trauma, in this inability to function on the basis of an emotional numbing and all the rest of what comes with trauma, they're actually starting to impose it upon their own children, virtually at birth. For the children it's worse than it was for the parents.

So you're transmitting the trauma from one generation to the next to the point where in Northern Manitoba, right now, you don't have children who are alcoholics. You have children that are nine years of age sucking gasoline fumes and solvents. Seven in every ten of them trying to permanently eradicate their consciousness so they don't have to deal with reality anymore. In places in Labrador it is ALL of them. Every single child. Every single parent went through those schools. Every single parent's an alcoholic and every single child

is trying to destroy themselves by the time they're nine years old.

These are extreme cases. But you look at the pattern of the Irish. Very nearly the same thing is done on the same models to them for the same purposes and the same response patterns. Alcohol has been used as a chemical weapon in certain contexts, but it exists as a chemical weapon with or without the intent of those who are providing it. This time it is the broader process of creating conditions that has this effect. One in every two adult American Indians in the 20th century at some point in their adulthood has suffered acute alcoholism. That pattern has not abated now.

One in two American Indians in the 20th century was run through the residential schools. You don't need to go look for genetic links and you don't need to do deep cultural analysis. And you don't need to study disease. You just need to make a corresponding list of people who have received treatment for alcoholism on the one hand, and people who were in the schools in the other. Guess what? You've got your monograph for your dissertation because you are going to have an amazing degree of correspondence. That's alcohol.

**Q:** Thank you for speaking to us my brother. Clarify two or three things that I'm thinking right now. First of all whose Declaration of Independence is it, and for how long have we had to be subjugated under it? Two: whose Constitution? I think that they are embarrassing their forefathers if that's what they want to call them. And I don't understand now how come people aren't rising up. Some people are feeling threatened by this whole homeland security, which is basically blatant acts of arrogance towards the public. My question is, just studying the Black Panther movement, the AIM movement, and several other like-minded movements, it seems that we need to gather together and create a whole new declaration. We need to not even use the same language because it doesn't work and it just gets continually bastardized every generation. Could you let us know how you would phrase it? How can we start gaining these ties so that we can create a common language?

**WC:** Let me reconstruct and run back what you just said in another way and see if we come out in the same place. Okay? I'm not going to take it in the sequence that you did. But where was everybody when it was just a bunch of Iraqi children dying out-of-sight, out-of-mind and there weren't bombers flying overhead in this kind of foray that we're talking about right now? I'm referring to the time between Iraq War I and the coming Iraq War II. Why was it that bike paths and spandex and changing diets was primarily of interest and banning poor people's social space and customs in the name of their health, were all being passed off as progressive sensibility.

What would have happened if people had stayed the course, after the initial huge protests, and not pretended it was over just because the immediacy of their interests were no longer involved. Is this a repetition of Vietnam where the mass movement disappeared about the time that the draft changed to the draft lottery, where people no longer felt that they themselves were going to have to go into service? What if we actually had the political integrity that everybody claims to have in peak moments?

You wouldn't have to worry about the Constitution then. Don't worry about the words. Anyway, they stole it from us, and I'm perfectly comfortable with the Constitution. What it says makes perfect sense, if people would actually hold their government accountable for

adhering to it.

They screwed it up, after they stole it from us, I'll grant you that. We didn't have anything in ours, about getting more of a franchise if you own a slave. Nothing about becoming three-fifths of a human more than you were before. That wasn't about Blacks being three-fifths of a human. That was about slave owners, for each slave they owned, becoming another three-fifths of a human in terms of voting power.

There wasn't anything in our iteration, that they stole and put in the U.S. Constitution, about that. There wasn't anything about women don't have the franchise. In fact women were the political leaders in our society. They screwed it up. But still the general framework is there. It could be tuned up and put more consistent with the Hau de no sau nee[20] Great Law of Peace for example.[21] Then it would probably be a law we could all live with.

It's not about where you cross the street and the terrorism involved in jay-walking, and whether or not you feed the parking meters, and what about your seat belts and all the rest of this stuff. It is how you go about ordering your relations with one another in order to be living in a collaborative, cooperative, collective environment called society.

Simple, general rules that we can all adhere to if we are responsible human beings. Part of the responsibility of being a responsible human being is seeing to it that those who do not conduct themselves in that fashion get coaxed, shall we say, to do so. We didn't blow people out of the back of bunkers when it got completely out-of-hand in those days. We just excluded them from the society all together.

But it takes more of a vision, more of an understanding, more concrete understanding of the nature of the historical reality and the construction of the society we inhabit. We can't just wish it were something other than it is and that we can all just maybe get along if we have the right pills and flowers and recipes that we could share and all the rest of that. That if only George Bush knew the implications of his act, and all the rest of this nonsense that gets paraded around in the name of politics.

If we actually could do what Huey Newton said, which is "understand that we are in a political process in a political context and that politics are first and foremost the ability to define a phenomenon and on that basis cause it to act in a desired manner."

We have to strip away a whole lot of illusions and confusions and self-interests and beliefs, in order to see that there is a hierarchy of oppression, in order to get back to the fact that there are actual children starving and bleeding and that takes priority over whether or not you're getting groped at the water fountain.

I am not making an argument that groping somebody at a water fountain is permissible activity. Not at all. And yes it is oppressive. It is oppression. But yes there does exist a hierarchy of oppression. Genocide is more consequential than sexual harassment, for example. Or being gouged on your rent. Or getting paid a little less than you should on the assembly line or the repair shop. Those are not inconsequential issues but they are not comparable issues either.

We have got to understand that we are up against a hierarchy and a hierarchy, by definition, will act in a hierarchical manner. The hierarchy's oppression of course is going to be hierarchical. We need to understand that and establish a prioritization of where we put our limited energies so we can accomplish the most bang for our buck.

The old adage about "Think globally. Act locally." has other translations. We understand that there's a whole panoply of problems out there but we cannot address all of them all the time. Sometimes someone insisting that their oppression is as consequential as everybody else's obstructs the focus of energy to attack the key points to bring the structure, the hierarchy -- the whatever-you-want-to-call-it -- to its knees so we can get rid of all this god-damned oppression.

A little less enlightened self-interest and self-privileging, and a little more political consciousness and focus would go a whole long way toward actualizing the principles articulated in the Constitution, in terms that we would want to embrace and understand them and in the traditions of some indigenous peoples from whom they expropriated them. The model of how their implementation could occur, exists.[22]

**Q:** It's so beautiful to encounter actual education. Thank you so much for coming. I'm asking for some guidance in the immediate future. If you had to plan for direct action around the war what kinds of things would you plan in addition to taking over capitalist centers? Taking over intersections? What other kinds of things would you do?

**WC:** The way I go at it is to assume there's nothing infallible. The question is whether there's going to be a symbolic action for some particular purpose that can be articulated in order to try to bring people together so that they can understand the collectivity of interests. This type of action is an educational experience more than anything else. It's exemplary action when you do something else. If you're going to do something else you sit, and to the best of your ability, try to figure out what they figure you're going to do. Once you've identified that, do something else.

Let me add one little caveat to that. If you have vested in the sanctity of property and order then you're vested in identifying with that which you claim to oppose. You have a confusion and you need to fix that. Once you get over that confusion you have a decisive advantage. They have the guns, the numbers, the organization, the computers and all the rest of that. You've got autonomy. They have to try to defend all this mass. You're picking your targets. You're picking your ground. They have no idea where you're coming from. Do it right. Okay? Now fire.

**Q:** Right on for that last sentence. I need some medicine myself personally tonight from you. My question would be how can we break the trance of power and greed dynamics and uphold and restore ourselves as best we can to the oneness or the indigenous archetype?

**WC:** Can you see me? One little step, maybe a bigger step, a couple of more small ones, however we can do it, one consciousness at a time. This is one way to do it. The whole purpose is always to try to punch holes in those plastic domes they put over people's heads so we can shine different kinds of pictures in. Not everybody gets it and not everyone gets the same message even when they see the same picture. But force people to look at, think

about, mostly think about, -- that's a really subversive act -- thinking about anything. That will really make you a terrorist because you might actually reach a conclusion. That's the process.

You can't predetermine the outcome. This is one way. KPFA is another way. City Lights and A-K Press are out there too I think. I'm sure you have social engagement with other people who aren't here. You talk to one another. You talk to your relatives, you talk to your children, your parents, your whomever. That's another medium of it. This pulpit I'm standing by can be a medium of it. Or whatever is in a synagogue, what that is about. I don't know what the proper term is. It wouldn't be a pulpit, I suppose, but whatever the corresponding edifice would be. Talk in a sweatlodge.

But also symbolic action, mass action is statement making. I'm old and I'm jaded and sometimes I forget that that can actually have a galvanizing transformative impact on people who have not experienced it before. Teargas can too. You can rely on the state to help out. And these exemplary actions, if they're approached correctly, they can have that affect.

I think nine-one-one had a monumental affect. It's just that not enough people were approaching it in a coherent enough fashion to give it the kind of shape that it deserved in order to have the constructive affect it should have had. Rather than a destructive affect. They didn't fail in their responsibility. Whether I agreed with them or not they took that as their responsibility and they met it. And since that was done, we have a responsibility collectively and individually to make something constructive out of that result.

Instead of sitting around wringing hands in horror. Don't bother, Bill O'Reilly will do that for you. You can turn him on, watch the hand-wringing, get your quarter for the day and then get on with something a little more constructive and consequential. That's your job if you're serious about this. That's how we do it.

But as I said, there's not a fashion statement we can make. There's not a new diet we can adopt. Not the right music we can listen to, pills we can take, dope we can smoke, anything else that's going to get the job done. That's why we call it struggle. It's work. It's not always pleasant work. It's not glamorous. It's not exciting. And it can get downright dangerous.

But then you can get beaten to death by a cop that mistook you for someone else on your way home tonight. It's not exactly what you call a safe society here. Unless you're going to go into a free fire zone on the West Bank, you're going to be hard-pressed to find a more dangerous one. Because all those hundreds of thousands of cops on the street, they are in fact part of the threat.

There's one thing I tell my students, who incidentally, to brag on them a little bit: less than two weeks ago at the University of Colorado campus -- where there is essentially an attack unit and damn near a SWAT team of their own -- that's the campus police, never mind the local police. The cops came out; the students got a little unruly. They started to go into a building where they didn't have permission to go. So out came the mace cans and they started to mace the students. And my students maced them back. Police can be educated too.

**Q:** I'd like to put forward the position that Indian or Palestinian capitalists, if indeed

dominant, would be every bit as rapacious as the American capitalists. Replacement. Our battle here is for forceful overthrow of capitalism in the United States with a socialist government run by those who work. There is no hope outside of that, as history has shown. I'd like to hear your comment on that. By the way, I'm Indian, I am Scottish. I am English, Jewish, German, and American. So I don't take credit for what happened, what my government does. And I don't deserve to die because of it. In fact I fought it every minute along the way.

**WC:** We'll start with the last one first. You don't get to exonerate yourself. Other people do that. You're kind of like the guy who wants to sit there and determine what just the equitable value somebody else's property is so that you can keep it. You haven't stopped this sucker so you have failed. And I'm not complaining because I could be probably more likely on an airliner flown into a building than you. Maybe you fly as much as me. I don't know. But I ain't off the hook and I'll tell you right now you're not either. And you're not off the hook until the people on the receiving end tell you that you are. You don't get to take yourself off the hook.

As for socialism, if you want to be a socialist, go up and establish a socialist society on your own land somewhere. I'd suggest Scotland as probably the preferable one, of the ones you mentioned. But that's your choice to make. But as to what the social order is to be here, we'll leave that to the indigenous peoples.

Thanks to all of you for coming. Put it to work.

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## Footnotes

1. Some People Push Back: On the Justice of Roosting Chickens, by Ward Churchill, 12 Sep 2001
2. This statement was made in the course of the following exchange on *Sixty Minutes*: "We have heard that a half million children have died," said *60 Minutes* reporter Lesley Stahl, speaking of U.S. sanctions against Iraq. "I mean, that's more children than died in Hiroshima. And -- and you know, is the price worth it?" Her guest, on May 12 1996, U.N. Ambassador Albright, said, "I think this is a very hard choice, but the price -- we think the price is worth it." Michael Schwartz, "U.S. Takes Selfish Stance in Relations Throughout the World," *U-Wire*, Feb. 14, 2001.
3. See William Pepper speaking on the release of his new book in February 2002: *An Act of State - The Execution of Martin Luther King*. Pepper's 25-year investigation caused him to conclude that the agencies of the United States government planned, carried out, and covered-up the execution of Martin King

"because he had become intolerable. It's not just that he opposed the war and now was going to the bottom line of a number of the major corporations in the United States; those forces that effectively rule the world at this point in time, the transnational entities. But more importantly, I think the reason was because he was going to bring a mass of people to Washington in the spring of '68. And that was very troubling. He wanted to cap the numbers [at 500,000]. But the military knew that once he started bringing the wretched of America to camp there in the shadow of the Washington Memorial, and go every day up to see their Senators and Congressman and try to get social program monies put back in that were taken out because of the war -- and once they did that, and they got rebuffed again and again they would increasingly get angry.

"It was the assessment of the Army that he would lose control of that group. And the more

violent and radical amongst the forces would take control and they would have a revolution on their hands in the nation's capital. And they couldn't put down that revolution. They didn't have enough troops. Westmoreland wanted 200,000 for Vietnam. They didn't have those. They simply didn't have enough troops to put down what they thought was going to be the revolution that would result from that encampment."

4. See, for example, Palestine, Palestinians and International Law, by Francis Boyle, *Human Rights in the Middle East and North Africa*, 29 March 2002.

5. *See Also:* The Secret Behind the Sanctions -- How the U.S. Intentionally Destroyed Iraq's Water Supply, by Thomas J. Nagy, *The Progressive*, September 2001

"For more than ten years, the United States has deliberately pursued a policy of destroying the water treatment system of Iraq, knowing full well the cost in Iraqi lives. The United Nations has estimated that more than 500,000 Iraqi children have died as a result of sanctions, and that 5,000 Iraqi children continue to die every month for this reason. No one can say that the United States didn't know what it was doing."

6. See Indonesia 1958: Nixon, the CIA, and the Secret War, by L. Fletcher Prouty, *Gallery*, August 1976, and Indonesia - 1957-1958: War and pornography, Chapter 14 of *Killing Hope: U.S. Military and CIA Interventions Since World War II* by William Blum, Common Courage Press: 1995, updated in 2001.

7. See The Secret History of the Iran Coup, 1953, edited by Malcolm Byrne, *National Security Archive* Electronic Briefing Book No. 28, updated November 29 2000

8. See "The CIA Covertly Destroyed Guatemala," by Laura Myers, *Associated Press*, May 23, 1997

9. In *Marbury v. Madison*, 5 U.S. 137 (1803), Chief Justice John Marshall stated in the opinion for the court, "The government of the United States has been emphatically termed a government of laws, and not of men."

10. Interpretation of U.S. Public Law 103-150 under International Law, and its Implications for the Restoration of the Independent and Sovereign Nation State of Hawai'i by Professor Francis A. Boyle, Mable Smyth Hall, Honolulu, December 28, 1993

11. United States Public Law 103-150 , The "Apology Resolution", passed by Congress and signed by President William J. Clinton, November 23, 1993

12. Instructions for the Government of Armies of the United States in the Field (Lieber Code). 24 April 1863

13. See Northern Cheyenne Sand Creek Massacre Site Project

14. See A NAVAJO DIASPORA: THE LONG WALK TO HWÉELDI by Neal W. Ackerly, Dos Rios Consultants, Inc., 1998

15. The Nuremberg War Crimes Trials, The Avalon Project at Yale Law School

16. Charter of the International Military Tribunal, Section II. Jurisdiction and General Principles, Article 6 states:

The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility:

**(a) Crimes Against Peace:** namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing;

**(b) War Crimes:** namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton

destruction of cities, towns or villages, or devastation not justified by military necessity;

(c) **Crimes Against Humanity:** namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.

Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan.

17. The Kellogg-Briand Pact, signed in Paris 1928, is a treaty between the United States and other Powers -- Australia, Dominion of Canada, Czechoslovakia, Germany, Great Britain, India, Irish Free State, Italy, New Zealand, and Union of South Africa, Poland, Belgium, France, Japan -- providing for the renunciation of war as an instrument of national policy.
18. The Ottawa Landmine Treaty is also called the "Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti Personnel Mines and on Their Destruction Preamble," September 1997
19. See for example, "The Rogue Elephant - The Bush Jr administration has become a 'threat to the peace' within the meaning of UN Charter article 39," by Francis A Boyle, July 2002. This article is a subset of the Special Introduction, "George Bush, Jr., September 11th and the Rule of Law," to the book, *The Criminality of Nuclear Deterrence - Could The US War On Terrorism Go Nuclear?*, Clarity Press: 2002
20. Hau de no sau nee (ho dee noe sho nee) means People Building a Long House. It is the name for the confederation of peoples known to whites as the Six Nations as well as by the French term, Iroquois. Regarding the origination of this word,

"Another matter that surprised many contemporary observers was the Iroquois' sophisticated use of oratory. Their excellence with the spoken word, among other attributes, often caused Colden and others to compare the Iroquois to the Romans and Greeks. The French use of the term Iroquois to describe the confederacy was itself related to this oral tradition; it came from the practice of ending their orations with the two words *hiro* and *kone*. The first meant "I say" or "I have said" and the second was an exclamation of joy or sorrow according to the circumstances of the speech. The two words, joined and made subject to French pronunciation, became Iroquois. The English were often exposed to the Iroquois' oratorical skills at eighteenth-century treaty councils."

-- "Chapter 3, "Our Indians Have Outdone the Romans", "  
*Forgotten Founders, Benjamin Franklin, the Iroquois and the Rationale for the American Revolution*,  
by Bruce Johansen, Gambit: 1982, p. 41

*See also, The Six Nations: Oldest Living Participatory Democracy on Earth*

21. See the exposition of The Great Law of Peace at the Haudenosaunee Home Page
22. In a 1991 PBS interview, Oren Lyons, the Faithkeeper of the Turtle Clan, Onondaga Council of Chiefs of the Hau de no sau nee, provides much illumination regarding the limitations embedded in the way the United States was created.

"In 1776 there was this great light and this Earth, if you saw the Earth from back, you would see this brilliance. Then, as time went on, the brilliance died down. It began to die down. And what happened?

"The question that you asked was, first of all, they refused to deal with the history of slavery right at the time. That light started to die immediately.

"They refused to use spirituality as part of their nation. It died a little bit more. We said, 'You're going to have trouble. Our advice to you was a spiritual center.' And you say, 'You separate the church from the state.' But you already had conflict. So they separated them. And we said, 'Problem coming.'

"And so then, what was beginning to happen, the things that were brought from across the sea began to reassert themselves once they established their position and became strong. And the light diminished more.

"So when you came through the 19th century, the 19th century is a terrible page in the history of America, [of] what happened to Indians. It's a terrible page when many, many millions of people were killed and died. And so this process died. And suddenly, at the end of the century, the turn of the century (the 20th century), the word was to carry a big stick and to talk softly. . . . But what was that? That was imperialism. Again, an expansion of power over, dominion over. It was not agreeing with.

"So we are now facing another situation. Can we get this light, can we get this great light to come again? And that's up to this generation. That's up to, really, we're elders, you and I now. I mean, we can say from our older position, 'It looks like a lost cause.' But if you were to speak to the young man, the young person, the young woman, she'd say, 'No. This is my life. I shall survive. You can't tell me that it's lost. That's my determination.' She will say, and he will say that, and they are saying it.

"So we can say, 'Well, it looks bad from here.' And from there they say, 'Well, it's looks tough, but it isn't lost.' And that's the law that they were talking about from Gunyundiyo, when he said, 'Don't let it be your generation.' And the law prevails, what we call the Great Law, the common law, the natural law. . . . The law says if you poison your water, you'll die. The law says that if you poison the air, you'll suffer. The law says if you degrade where you live, you'll suffer. The law says all of this. If you don't learn that then you can only suffer. There's no discussion with this law. . . .

"That's really a spiritual law. That's a very important thing for people to understand. When you transgress, there's a time . . . People don't operate in the world time or say the time of the mountain. They operate in the time of the human being. And that's probably not a good idea. Because the time of the human being is rather short.

"And yet, when you're dealing in the time of an oak tree or a time of one of the great Sequoias and you kill that tree [with] your technology today. You can take a chainsaw and in 10 minutes kill a tree that's 400 years old. There's no way that you can make that tree grow. You'll have to wait another 400 years for it to get to that position.

"So the technology has overtaken the common sense of human beings and the understanding of time. And just as the time of the ant is very, very short, the time of the mountain is very long, the rivers. The time of the human being has to be passed along. And if you don't have a reference point, if you don't have a good understanding of what this time is, then you can get yourself and your people and your generation into a whole lot of trouble. I think that's where we are right now."

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From the Seminary Co-op Bookstore:

*Perversions of Justice  
Indigenous Peoples and Anglo-American Law*  
City Lights Books: March 2003  
296 pages, paper ISBN 0872864111

Churchill examines the faulty "reasoning" employed to legislate control over North America's indigenous peoples and their lands.

The United States is readily distinguishable from other countries, Chief Justice John Marshall opined in 1803, because it is a "nation of laws, not of men." In *Perversions of Justice*, Churchill takes Marshall at his word, exploring through a series of eleven carefully crafted essays how the U.S. has consistently employed a corrupt form of legalism as a means of establishing colonial control and empire. Along the way, he demonstrates how this "nation of laws" has so completely subverted the law of nations that the current America-dominated international order ends up, like the U.S. itself, functioning in a manner diametrically opposed to the ideals of freedom and democracy it professes to embrace.

By tracing the evolution of federal Indian law, Churchill is able to show how the premises set forth therein not only spilled over onto non-Indians in the U.S., but were also adapted for application abroad -- the trajectory of America's imperial logic can be followed all the way to the present New World Order. Churchill provides a point-by-point indictment of America's behavior, and offers a view of how things might work if even the minimum requirements of international law were complied with.

