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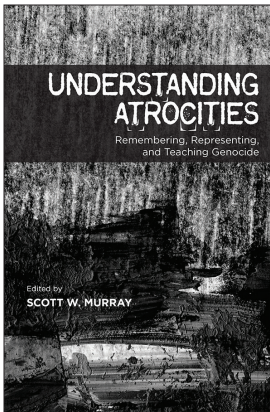
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UNDERSTANDING ATROCITIES: REMEMBERING, REPRESENTING, AND TEACHING GENOCIDE

Edited by Scott W. Murray

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“We Charge Genocide”: A Historical Petition All but Forgotten and Unknown¹

Steven Leonard Jacobs

In 1951, three years after the United Nations ratified its Convention on the Prevention and Punishment of the Crime of Genocide (December 1948), but almost four decades *before* the United States affirmed its own participation in 1988, the (American) Civil Rights Congress (CRC), under the direction of its founder William L. Patterson, presented and later published a petition to the UN under the title *We Charge Genocide: The Crime of the Government Against the Negro People*.² Patterson would later publish his autobiography detailing the events leading up to this all but forgotten moment in history under the title *The Man Who Cried Genocide: An Autobiography*.³

This chapter is an examination of the petition itself, the charges included (in a country where many, even in 2016, argue that the so-called racial divide is growing wider), Patterson’s own story and understanding of the petition and its historical context, the larger socio-economic and legal questions of reparations for all victims of genocide, and what this portends in light of the recent genocides in Rwanda, the former Yugoslavia, Sudan, and those yet to occur.

A Most Peculiar Introduction

Towards the end of *The Man Who Cried Genocide*, Patterson, the primary author of *We Charge Genocide: The Crime of the Government Against*

the Negro People, criticized and severely chastised Raphael Lemkin—the motivating presence behind the 1948 UN Genocide Convention, as it has come to be known, and now increasingly acknowledged as the “father” of the academic discipline of “genocide studies” (an offshoot of the field of “Holocaust studies”)—for his failure to support the petition.⁴ He writes:

A letter was also sent to a select list of prominent men and women and to a number of the country’s leading law schools over my signature. The letter inquired of the addressee whether he or she believed that the UN Convention on the Prevention and Punishment of the Crime of Genocide would apply to the situation of the Negro in the United States. One letter was sent to Mrs. Eleanor Roosevelt, as head of the U.S. delegation of the UN Human Rights Commission.

Replies came from all sides. Interestingly enough, they were, in the main, along the color line. A majority of the Negroes polled believed that the Genocide Convention should be invoked; a majority of the white liberals and personalities were of a contrary view. ...

Without exception, faculty members at law schools were adamantly opposed to the genocide charges. Most of them were in favor of the Genocide Convention as an abstract statement of law but rejected any attempt to apply it, declaring that such an attack impeached the integrity of our nation.⁵ And this was the consensus of the replies we received from white liberals in general.

Among those who replied was Professor Lemkin, “father” of the Genocide Convention. ... How an honest person viewing the American scene impartially could come to any conclusion other than that forms of genocide were being practiced in the United States was difficult for us to see.

Professor Lemkin experienced no such difficulty. In a considerable correspondence with me,⁶ he argued vehemently that the provisions of the Genocide Convention bore no relationship to the U.S. Government or its position vis-à-vis Black citizens.⁷ Lemkin and other law professors and practicing attorneys were evidently fearful of criticizing a government in relation to its Black citizens was a disgrace to civilized mankind.⁸

Several pages later, he continued his critique:

Across the Atlantic, Paul Robeson and other members of the CRC who accompanied him had presented copies of the petition to the officers of the UN Secretariat. The event was reported in the *New York Times* of December 18, 1951.

*The Times had also taken the trouble to elicit the view of Dr. Lemkin at Yale. His anti-Soviet opinions proved of more significance to the Times than the words he had written into the Genocide Convention. Dr. Lemkin, according to the Times, said: "The accusations were a maneuver to divert attention from the crimes of genocide committed against Estonians, Latvians, Lithuanians, Poles, and other Soviet-subjugated peoples." Lemkin branded Paul Robeson and me as "un-American elements serving a foreign power." This was a procedure that was to be repeated many times. Dr. Lemkin was attempting to put the shoe he held on the wrong foot.*⁹

However, after carefully examining my own extensive cataloguing of more than twenty thousand pages of Lemkin's papers, including vast numbers of copies of letters to persons all over the world, neither William L. Patterson nor the Civil Rights Congress—nor the petition *We Charge Genocide*—have yet to surface, raising serious doubts, not only about Mr. Patterson's critique of Lemkin's position, but also about his use of the phrase "considerable correspondence" with someone who literally saved copies of every letter written or received as well as numerous other documents.¹⁰

If, however, his comments are accurate with regard to his undiscovered correspondence with Lemkin, what are we to conclude? As noted below, Lemkin's reluctance to criticize his adopted country was of a piece with his desire to do everything within his power to ensure the passage and later adoption/ratification of the UN Genocide Convention by the United States. That orientation, coupled with the increasing rift between the United States and the Soviet Russia after the Second World War and the beginning of the Cold War, more than likely factored into that reluctance as well. Adding to that negativity must have been the common understanding in the American press and other venues that identified Patterson, Paul Robeson, and the CRC itself as Communists all, resulting in Lemkin's *New York Times* comments.

More germane to the topic at hand, however, four questions present themselves: who was William L. Patterson? What was contained within the *We Charge Genocide* petition directed at the United Nations? What became of the petition? And what about reparations for African-Americans?

William L. Patterson

William L. Patterson was born on 27 August 1891,¹¹ in San Francisco, and died on 5 March 1980 in New York City. Graduating from high school in Mill Valley, California, at age twenty, *the first African-American to do so*, he went on to study at the University of California Hastings College of Law in 1915, where he received his law degree in 1919, and afterwards joined the National Association for the Advancement of Colored People (NAACP).¹² It was during this period that he read the writings of W. E. B. Du Bois, American sociologist, historian, civil rights activist, Pan-Africanist, author, and editor, and A. Philip Randolph, a leader in the African-American civil rights movement, the American labour movement, and Socialist political parties. Though he flirted with Socialism, the result of a trip to London, he ultimately became a committed member of the Communist Party USA, largely the result of the notorious Sacco-Vanzetti case. It should also be noted that his mother, Mary Galt Patterson, born in 1850, had been a slave and spent her childhood on a plantation in Virginia, as had her mother and her grandmother. His father was James Edward Patterson, born in the British West Indies, in Kingstown (the capital of St. Vincent), who initially earned his living smuggling Chinese into the United States, and who later became a Seventh Day Adventist missionary to the island of Tahiti, abandoning his family for long periods of time. There were three additional brothers and a sister by his mother's previous marriage. It was, however, his maternal grandfather, William Galt, whose influence upon him was evident, as he writes:

William Galt took part in other great liberation battles, prepared anti-racist conferences and conventions, helped fight civil rights cases through the state and federal courts in valiant efforts to make the Emancipation Proclamation and post-Civil War constitutional amendments instruments for freedom. It was of great political importance that California come into the Union as a free

state, and Negroes, both escaped slaves and freed Black men, participated in that fight. There was a victory but not a complete one. The democracy preached to Black men, Mexican Americans and Indians did not come with statehood, and few white Americans who fought for statehood were concerned with a fight for democracy for all the people.¹³

Moving to Harlem after returning to the United States, he opened a law office in 1923 with two friends with a primary legal focus on those who were wrongfully accused of criminal acts. It was during this period that he met and became lifelong friends with Paul Robeson, African-American singer and actor who became involved with the civil rights movement. Two of the more famous cases in which he was involved were those of the anarchists Nicola Sacco and Bartolomeo Vanzetti who were unjustly executed in 1927 for the supposed murders of two men, and for whom, in support, Patterson was himself arrested on the picket line; as well as the infamous case of the “Scottsboro (Alabama) Boys,” in which nine young African-American men were falsely charged and convicted of the rape of two white women on a train in 1931 (as of 2013, all had had their convictions overturned or were granted pardons by the Alabama legislature). In the 1960s, he was also involved in the defence of black Communist activist Angela Davis, today a professor at the University of California, Santa Cruz, and the Black Panthers, a radical Socialist liberation organization founded by Huey Newton and Bobby Seale, and whose original title was the Black Panther Party for Self-Defense.

After the deaths of Sacco and Vanzetti, Patterson travelled to Soviet Russia on more than one occasion, initially enrolling in the Far East University and participating in the Sixth Comintern Congress in Moscow during his time there (1928), experiencing, according to him, no discrimination whatsoever on account of his black skin. In 1930, he also attended the World Conference against Racism and Anti-Semitism in Paris, where he again met his third wife, Louise Thompson (to whom he was first introduced in 1919 in Oakland), friend and collaborator of famed black poet Langston Hughes.

Returning to the United States, he initially resumed his law practice in New York, after a brief sojourn in Pittsburgh, before moving to Chicago in 1938 and actively working with the Communist Party USA, and later

becoming the executive secretary of the International Labor Defense (ILD) and founder of the CRC, which merged the ILD and the National Federation for Constitutional Liberties in 1946, becoming its national executive secretary in 1949, and putting his legal training to good use in a number of cases, successful and unsuccessful, involving innocent black defendants. In 1951, he and ninety-two other petitioners, along with his wife Louise, presented "A Petition to the United Nations" both at the UN Secretariat in New York and the General Assembly in Paris entitled *We Charge Genocide: The Crime of the Government against the Negro People*, and in Patterson's own words "becoming the first organization in history to charge the Government of the United States with the crime of genocide."¹⁴ In 1952, he received an award from the International Fur and Leather Workers Union "In recognition of [his] devotion to the cause of Constitutional rights and for outstanding contributions in the struggle against genocide."

In 1971, he published his autobiography, *The Man Who Cried Genocide*, with the left-leaning New York publishing house International Publishing Company, whose website today (www.intpubnyc.com) advertises "Books to Help You Understand and Change the World!" and notes especially titles by "[Karl] Marx and [Friedrich] Engels, and selected books by [Nicolai] Lenin and other Marxist scholars and activists."

Patterson remained active in civil rights causes throughout the 1960s and 1970s. He died in 1980 at age eighty-nine.

"We Charge Genocide"

In printed form (239 pages plus 5 appendices¹⁵), *We Charge Genocide: The Historic Petition to the United Nations for Relief from a Crime of the United States Government Against the Negro People*, opens with an undated photograph of "two young Negro men"—Dooley Morton and Bert Moore—"murdered in a brutal double lynching" in Columbus, Mississippi, and captioned on the obverse "The Face of Genocide," and with the further explanation, "Such horrifying violence is only one of the many crimes against the Negro people of the United States which together form the major crime of genocide."¹⁶ Prior to Patterson's introduction, articles 2 and 3 of the UN Convention on the Prevention and Punishment of the Crime of Genocide are included, as well as the names and states of the

more than ninety petitioners,¹⁷ and a page entitled “New Acts of Genocide” summarizing ten additional cases.

The petition is itself divided into four parts: “The Opening Statement,” “The Law and the Indictment,” “The Evidence,” and, obviously, the centre-piece of the Petition itself, and “Summary and Prayer.”¹⁸

In his introduction, Patterson decries a “record of mass slayings on the basis of race,” and correctly notes that the crime of genocide, as defined by the UN convention, includes a racial group as one of its four victim groups, and that the destruction *in part* of such a group constitutes genocide. He further argues that “the oppressed Negro citizens of the United States, segregated, discriminated against and long the target of violence, *suffer from genocide as a result of the consistent, conscious, unified policies of every branch of government.*”¹⁹ Thus was the petition submitted to the UN against the United States in an attempt to charge the latter with violating both the UN Charter and the convention itself. (It should also be stressed that, at the time of the petition’s submission, the United States was *not* a signatory to the Genocide Convention. That would not occur until 1988, under the presidency of Ronald Reagan.)

In defending this action, Patterson states that the CRC is “rendering a service of inestimable value to progressive mankind,” a leftist phrase of the 1950s and one fully associated with the American Communist Party, of which he was an active member. Waxing somewhat eloquently, Patterson further writes that the petition “will speak with a tongue of fire loosing an unquenchable moral crusade, the universal response to which will sound the death knell of all racist theories.”²⁰

And thus, Patterson and the CRC “call upon the United Nations to act and to call the Government of the United States to account.”²¹ Going even further, and perhaps too ambitiously, he states:

We [the CRC] believe that this program [i.e., petition] can go far toward ending the threat of a third world war. We believe it can contribute to the establishment of a people’s democracy²² on a universal scale.²³

Part 1, “The Opening Statement,” includes “a Review of the Case and an Offer of Proof, giving something of the scope and historical background of the genocide being committed against the Negro people of the United

States.” What then follows is a description of the situation of blacks in the American South during the 1940s, including “Klan Terror,” “Mental Harm,” “Denial of the Right to Vote,” “Typical Cases” resulting in death, and “Other Race Matters.”

Part 2, “The Law and the Indictment,” is a review of the history of the Genocide Convention, the legitimacy and applicability of the plaintiffs’ petition (being neither a nation-state nor a government),²⁴ and the indictment itself, further detailing how the various parts of the Genocide Convention apply in the case of African-Americans.

Part 3, “The Evidence,” is a 137-page record of

Various acts of genocide against the Negro people of the United States from January 1, 1945 to June 1951, chronologically arranged under those articles and provisions of the Genocide Convention which they violate.²⁵

It ends with a listing of those persons, organizations, and institutions guilty of complicity under article 3 (e) of the Genocide Convention, and includes the president, Congress, Supreme Court, attorney general, Department of Justice, eleven southern states, the KKK, “the Morgan, Rockefeller, Du Pont, and Mellon interests” (as spelled out in appendix 3), and the following individuals: James Byrnes and J. Strom Thurmond of South Carolina; Fielding L. Wright, John Rankin, and James O. Eastland of Mississippi; Herman Talmadge of Georgia; and Allen J. Ellender of Louisiana—all accused of racist white supremacist statements and incitements to violence.

For the petitioners, as expressed in the summary, there was no doubt that genocide was being practiced against fifteen million African-Americans and that this was a criminal act. Though today’s scholarly community appears to be of two minds—i.e., that while *cultural* genocide was very much in evidence in the story of the Africans brought to the United States as slaves, there was little to no intention of *physical* genocide as economic interests, especially in the American South, took precedence. And while the disagreements continue, the “African-American story” does *not* appear in the contemporary literature on genocide as a central focus.²⁶ As regards Lemkin himself, in his (incomplete) three volume *History of Genocide*, the plight of blacks was to be as follows: part 1, “Antiquity”; part 2, “Middle Ages,” chapter 8, “Genocide Against the Moors and Moriscos”; part 3,

“Modern Times,” chapter 1, “Genocide against the Native Africans”; chapter 3, “Belgian Congo”; chapter 11, “Hereros”; chapter 12, “Hati”; and chapter 13, “Hottentos.”²⁷ Unfortunately, only part 2, chapter 8, on the Moors and Moriscos, part 3, chapter 1 on the native Africans, and chapter 11 on the Hereros were completed and now published in *Lemkin on Genocide* (2012).²⁸ Significantly, and returning to Patterson’s negative comments in the introduction, no chapter on the plight of African-Americans was part of Lemkin’s outline.²⁹

At the heart of *We Charge Genocide*, as presented in the summary, was the following:

We ask that the General Assembly of the United Nations find and declare by resolution that the Government of the United States is guilty of the crime of Genocide against the Negro people of the United States and that it further demand that the government of the United States stop and prevent the crime of Genocide.

We further ask that the General Assembly by resolution condemn the Government of the United States for failing to implement and observe its solemn international obligations under the Charter of the United Nations and the Genocide Convention and that the General Assembly also demand that the United States immediately take effective steps to carry out and fulfill its international obligations under the Charter and the Genocide Convention.

In Part II of this petition we asked, and now ask again, for action under Article VIII of the Genocide Convention which provides that a contracting party can “call upon the competent organs of the United Nations to take action under the Charter for the prevention and suppression of acts of Genocide.”³⁰

Significantly—and one would think by design—no appeal was made to the UN Security Council, where the United States remains one of the five permanent members with veto power.

Further, an appeal is made that “a contracting party (i.e., a nation-state) now make our case its own,” and “call upon the competent organs of the United Nations to take action.”³¹ None did so given the post–Second World War and Cold War realities of the time.³²

Two additional appeals conclude the text:

In addition we asked in Part II of this petition, and now ask again, that any dispute as to the applicability of the Genocide Convention to the crime here alleged be submitted to the International Court of Justice in accordance with Article IX of the Genocide Convention. ...

We ask now, therefore, that the General Assembly take steps to assure that prevention. And we ask, finally, for whatever other measures shall be deemed proper by the General Assembly, under the Charter of the United Nations and the Genocide Convention, to assure the safety of the Negro people of the United States. In so doing it will contribute to the peace of the world.³³

As Gerald Horne, author of *Communist Front? The Civil Rights Congress, 1946–1956*, writes:

The genocide petition whipped up the kind of necessary pressure that led to the final cracking of the spine of Old Jim Crow.

What was this book that stirred so much contention? There were two elements that made it important and attention-getting. First of all presented in the form of an “Opening Statement,” “The Law and Indictment,” “The Evidence,” and a “Summary and Prayer,” Patterson and his colleagues presented a devastating argument on the impact of U.S. policies toward Blacks.

Secondly, this argument reached an international audience in that it was presented to the United Nations. At a time when Washington was charging the USSR and its allies with all manner of human rights deprivations, Patterson’s indictment hit with the force of a rifle shot between the eyes and set U.S. foreign policy back on its heels. No wonder that Patterson’s passport was confiscated upon his return from Paris after having presented the petition.³⁴

What Became of the Petition?

As Patterson said, the petition was presented both in New York at the UN Secretariat by a delegation headed by Paul Robeson, and, at the same time, by Patterson himself at the General Assembly meeting in Paris. Ultimately, it was scuttled, largely due to the efforts of US emissaries and none

other than Eleanor Roosevelt, head of the UN Human Rights Commission who, three years earlier, had scored a major coup with the passage of the Universal Declaration of Human Rights on 10 December 1948.³⁵ Though very much in favour of the petition, at least initially, Mrs. Roosevelt would come to reject its going forward. One can thus only conclude that her international prestige and seeming political ability to “work the system” at the UN led to its going nowhere, and its relegation to the dustbin of history. Whatever advances the United States has made in the area of race relations in the aftermath of the turbulent 1960s, and the passage of the US Civil Rights Act of 1964, which was signed into law by President Lyndon B. Johnson on 2 July of that year, have been accomplished independent of *We Charge Genocide*. Presented a decade before the violence of the civil rights struggle, one would be hard-pressed today to find persons who suffered and endured those horrors who were even familiar with the petition.

Patterson, in his autobiography, does, however, include an excerpt from a lengthy interview given by Mrs. Roosevelt to William Rutherford³⁶ of the New York *Amsterdam News* and the Associated Negro Press on 12 January 1951:

When questioned about the petition charging the United States with genocide, which the Civil Rights Congress headed by William L. Patterson has been trying to present to the United Nations, Mrs. Roosevelt commented that it was “well done as a petition ... (and was) based on sound and good documentation. (It) was not presented with spurious reasoning.

She went on to add: “The charge of genocide against the colored people in America is ridiculous [*sic*] in terms of the United Nations definition.” Her reasons were (1) although the Negro death rate is high in America, so is the birth rate; (2) although sickness and diseases carry off more colored people than in other groups, a real effort is being made to overcome this.

Mrs. Roosevelt thought that in spite of these objections, the petition would do some good in focusing world attention on the bad situation in America. She also expressed the fear that the petition would play into the hands of some Southerners who would like nothing better than to institute genocide against the Negro people.³⁷

It is sadly ironic that the very document which she championed—the Universal Declaration of Human Rights—contains within it the following articles:

2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without discrimination of any kind, such as *race*, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.³⁸

4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

16.1: Men and women of full age, without any limitation due to *race*, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.³⁹

26.2: Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, *racial* or religious groups, and shall further the activities of the United Nations for the maintenance of peace.⁴⁰

What about Reparations?

Nowhere in Patterson's autobiography or the petition itself does the word "reparation" appear. Nor does it appear in the index to *The Man Who Cried Genocide*. Nor does it appear in Laurence Mordecai Thomas's comparative text *Vessels of Evil: American Slavery and the Holocaust*.⁴¹ Substituting the word "restitution" for "reparation," however, it *does* appear in Randall Robinson's at times controversial book *The Debt: What America Owes to Blacks*, specifically chapter 9, "Thoughts about Restitution."⁴² (Robinson is an African-American lawyer, author, activist, and founder of TransAfrica,

a think tank addressing American foreign policy as it relates to Africa and the African diaspora, which he founded in 1977, and today serves as distinguished scholar-in-residence at the Pennsylvania State University Dickinson School of Law, in Carlisle, Pennsylvania.)

Robinson begins by reminding his readers that Representative John Conyers (D-MI), himself an African-American, annually introduces legislation for a “Commission to Study Reparations Proposals for African-Americans” which, for more than a decade, continues to die within committee, never making it onto the floor of the US House of Representatives. Robinson then cites other failed instances of the case for reparations in recent American history, largely attributing it to an “out of sight, out of mind” attitude, and strenuously arguing that it remains an *unpaid debt* to the children and grandchildren of those brought to the United States as slaves and enslaved for almost three hundred years. But nowhere in his book does he cite either William Patterson or *We Charge Genocide*.

He does, however, cite the two most well-known examples of successful reparations: the case of Jews after the Holocaust and the case of Japanese-Americans after the Second World War, and he references a 1993 document of the Organization of African Unity which acknowledges both.

Canadian scholar Rhoda Howard-Hassmann, in an important article entitled “Getting to Reparations: Japanese Americans and Africans,” reminds us that “framing claims for reparations requires decisions about who is the perpetrator of a wrong, who is the victim, what exactly is the wrong to be compensated, and what are the reparations desired.”⁴³ And while acknowledging the efforts led by Robinson, weak as they are, she says, in the case of African-Americans, the situation is even more complicated than that of Japanese-Americans, and suggests that there is not one phase being addressed but three: slavery, Jim Crow (post-Civil War to the Second World War), and the post-Second World War period. Going even further, she states:

The African American claim faces two major difficulties. First, it is difficult to frame the call for reparations in a convincing manner because many of the victims are long since dead, there are too many of them, and they cannot easily be identified. Second, the causal chain between past harms and present victims is too long and too complex, with too many actors and events implicated.⁴⁴

Returning, however, to Patterson and his petition, we do not have any insight whatsoever as to whether or not reparations was on his agenda or that of the CRC, only that the United Nations was asked to find the United States guilty for its failures to implement and observe its obligations under both the UN Charter and the Genocide Convention (again acknowledging that, at the time, the United States was *not* a signatory to the convention); to further stop and prevent genocide of its African-American people; and to ensure that the appropriate “organs of the UN” (which we assume to mean its various agencies and commissions) were to take action (again not defined) to stop the ongoing genocide. Reparations do not appear to be part of this mandate, and there is simply no evidence that Patterson the attorney was thinking in these terms

To be sure, with the “success” of the State of Israel and individual Jews and Jewish organizations (e.g. the Claims Conference) and Japanese-Americans, other victims of genocide—Armenians, Bosnians, Darfuris, Native Americans, Hereros, Rwandans— and their allies have begun to raise similar claims, but their voices are still somewhat muted and their complaints have not yet entered the international court system.

Whether or not the racist practices of the United States in bringing unwilling and captive Africans to these shores in the 1600s, enslaving them for nearly three hundred years, and continuing to disadvantage them from the Emancipation Proclamation of 1865 to the Civil Rights Act of 1964 is a clear-cut case of genocide is still open to debate, even if that debate does not occupy centre stage in the emerging field of genocide studies. What is not open to debate, however, is that, given the political climate of the 1950s, the failure of the UN to allow the petition *We Charge Genocide* to go forward accords it no honour. Just as the failure of the United States to fully address its own past in the case of both its African-American and Native American population carries with it a historical stain worthy of seeing the light of day if remedies, solutions, future preventions—and reparations—are to have any meaning whatsoever.

NOTES

- 1 As Charles H. Martin notes, *We Charge Genocide* was not the only petition presented to the UN charging the United States with racist genocide:

Over the next six years [1945–1951], three American civil rights organizations—the National Negro Congress (NNC), the National Association for the Advancement of Colored People (NAACP), and the Communist-influenced Civil Rights Congress (CRC)—did in fact utilize this forum [i.e. UN]. Between 1946 and 1951 each group presented its own formal petition to the UN protesting continued discriminatory treatment of black Americans and appealing for assistance.

See Charles H. Martin, “Internationalizing ‘The American Dilemma’: The Civil Rights Congress and the 1951 Genocide Petition to the United Nations,” *Journal of American Ethnic History* 16, no. 4 (1997): 36, 57–58n7. The actual title of the NAACP petition was *An Appeal to the World: A Statement of Denial of Human Rights to Minorities in the Case of Citizens of Negro Descent in the United States of America and an Appeal to the United Nations for Redress* (New York: NAACP, 1947).

- 2 *We Charge Genocide: The Crime of the Government Against the Negro People* (New York: Civil Rights Congress, 1951).
- 3 William L. Patterson, *The Man Who Cried Genocide: An Autobiography* (New York: International Publishers, 1971).
- 4 Regarding Lemkin and his work, as well as his own autobiography, see Perry S. Bechky, “Lemkin’s Situation: Toward A Rhetorical Understanding of Genocide,” *Brooklyn Law Review* 77, no. 2 (2012): 551–624; Agnieszka Bińczyk-Missala and Slawomir Debski, eds., *Rafal Lemkin: A Hero of Humankind* (Warsaw: Polish Institute of Foreign Affairs, 2010); Ann Curthoys, “Raphaël Lemkin’s ‘Tasmania’: An Introduction,” *Patterns of Prejudice* 39, no. 2 (2005): 162–169, 170–196; Dan Eshet, *Totally Unofficial: Raphael Lemkin and the Genocide Convention* (Brookline, MA: Facing History and Ourselves, 2007); Catherine Filloux, “Lemkin’s House: A Play in Two Acts” (New York: typescript, 2006); Donna-Lee Frieze, ed., *Totally Unofficial: The Autobiography of Raphael Lemkin* (New Haven, CT: Yale University Press, 2013); Steven Leonard Jacobs, ed., *Lemkin on Genocide* (Lanham, MD: Lexington Books, 2013); Steven Leonard Jacobs, ed., *Raphael Lemkin’s Thoughts on Nazi Genocide: Not Guilty?* (Jacksonville, FL: Bloch Publishing Company, 2011); William Korey, *An Epitaph for Raphael Lemkin* (New York: American Jewish Committee, 2001); Dominik J. Schaller and Jürgen Zimmerer, eds., Special Issue: “Raphael Lemkin: the ‘founder of the United Nation’s [sic] Genocide Convention as a historian of mass violence,” *Journal of Genocide Research* 7, no. 4 (2005); Robert Skloot, *If the Whole Body Dies: Raphael Lemkin and the Treaty Against Genocide* (Madison, WI: Parallel Press, 2006). Interestingly enough, there is also a (Holocaust) denialist text, itself largely unknown, by James J. Martin, *The Man Who Invented Genocide: The Public Career and Consequences of Raphael Lemkin* (Torrance, CA: Institute for Historical Review, 1984). Martin earned his PhD in history at the University of Michigan in 1949 and taught at Northern Illinois State University, San Francisco State College, Deep Springs College in California, and was the author of *Men Against the State* (1953) and *Liberalism and World Politics, 1931–1941* (1964) before turning to Holocaust denialism and founding his own publishing house, Ralph Myles Publishers in Colorado Springs in 1978, which turned out a number of revisionist and anarchist texts.

- 5 On the story of the passage of the Genocide Convention and its somewhat difficult journey, see John Cooper, *Raphael Lemkin and the Struggle for the Genocide Convention* (New York: Palgrave Macmillan, 2008), and the earlier text by Lawrence J. LeBlanc, *The United States and the Genocide Convention* (Durham, NC: Duke University Press, 1991).
- 6 I have examined more than twenty thousand pages of Lemkin's materials and have not found *any* references to Patterson or any copies of such correspondence.
- 7 One possible explanation, though without substantial documentation, is that Lemkin, a *naturalized* US citizen, was concerned that committing himself to this position would seriously erode or endanger his (unsuccessful at the time of his death) attempts to secure US ratification of the Genocide Convention. However, Lemkin had no trouble criticizing the UN's attempt to pass its Universal Declaration of Human Rights at the very same time (1948), the committee chair of which was the much-respected and well-loved Eleanor Roosevelt, who later blocked Patterson's attempts to move his petition forward. As Lemkin wrote in his autobiography *Totally Unofficial*:

I felt that the Genocide Convention and the Declaration on Human Rights project must be kept separate, and each must be treated on its own merits. The difference appeared obvious to me. The Declaration on Human Right [sic] is only an enunciation of general principles. It has no binding force in international law. It contains no provisions for enforcement, and being a declaration it cannot be enforced as law. It cannot be signed by representatives of governments or ratified by parliaments, because it is not a treaty of nations.

On the other hand, the Genocide Convention is an international treaty. It can be enforced both as an international law and as a domestic law. It deals with international crime and carries with itself penalties and the higher degree of legal and moral condemnation. The Genocide Convention is a definite and precise commitment before the world not to murder people and races. Therefore it must be signed by representatives of governments and then ratified by the parliaments.

The Declaration on Human Rights is only a date, but the Genocide Convention is a marriage.

See Frieze, *Totally Unofficial*, 172; emphasis added. A lengthy excerpt from that same text is also found in Samuel Totten and Steven Leonard Jacobs, eds., *Pioneers of Genocide Studies* (New Brunswick, NJ: Transaction Publishers, 2002), 365–399.

- 8 Patterson, *The Man Who Cried Genocide*, 178–179; emphases added.
- 9 Ibid., 191; emphases added.
- 10 The author remains indebted to his former undergraduate assistant, Ms. Karissa Reines, for her scrupulous re-examination of the now-complete catalogue of Lemkin's papers in the author's possession. Her own investigation was the result of the author's total inability to recall any such document whatsoever, having examined them in detail prior to cataloguing them. For an understanding of what is contained in this collection, see Steven L. Jacobs, "The papers of Raphael Lemkin: a first look," *Journal of Genocide Research* 1, no. 1 (1999): 105–114.
- 11 As he tells it, "Although the San Francisco earthquake and fire destroyed the official birth records, I believe my correct birthdate is August 27, 1891." Patterson, *The Man Who Cried Genocide*, 19.

- 12 Regarding his pre-collegiate education, Patterson would write: “I did not see fully then that the educational system was designed to develop in Black youth a feeling of inferiority, and in white youth the conviction that the world was theirs, a white world.” Patterson, *The Man Who Cried Genocide*, 22.
- 13 Ibid., 21.
- 14 Ibid., 177.
- 15 “(1) a case history of violence and illegal acts in the State of Georgia committed from 1940 through 1950 with the specific purpose of preventing Negroes from voting; (2) a study which, with some variation, is typical of other Southern states, revealing how the charge of ‘rape’ was transformed into a state instrument for the oppression of the Negro people in the State of Louisiana; (3) a study of monopoly control of the South; (4) a calendar of Congressional action showing its consistent refusal to act for the protection or welfare of the Negro people; and (5) a selected bibliography” (thirty-four items listed, including Gunnar Myrdal’s *An American Dilemma* [1944], and *To Secure These Rights*, The Report of the President’s [Harry S. Truman] Commission on Civil Rights [1947]). See Patterson, *The Man Who Cried Genocide*, 199.
- 16 The graphic on the cover is that of a hand with finger pointing to the title of the petition; the back cover is a lengthy quote from Justice Robert H. Jackson from his opening address at the Nuremberg War Crimes Trial of the Nazi leadership on 21 November 1945.
- 17 In addition to the aforementioned Patterson and his wife Louise, Paul Robeson (and his wife Eslanda), and W. E. B. Du Bois, Jewish-American novelist Howard Fast, black Communist leader Harry Haywood, and others largely unknown to us today. Patterson does, however, further identify many of them in his autobiography, *The Man Who Cried Genocide: An Autobiography*, 180–181.
- 18 There is no actual prayer included in the summary, but, rather, an appeal to the very humanity and integrity of the United Nations to whom it is addressed, and an acknowledgement of the centrality of religion in the life of the African-American community at the time of the writing. It should also be stressed that among the foremost leaders of the civil rights struggle and movement in the United States during the 1950s, ‘60s, and ‘70s, black clergy played a central leadership role, including Reverend Martin Luther King, Jr., Reverend Ralph Abernathy, Reverend Fred Shuttlesworth, among many, many others.
- 19 Patterson, *We Charge Genocide*, xii; emphasis added.
- 20 Ibid.
- 21 Ibid., xiii.
- 22 The phrase “people’s democracy” is an additional example of the kind of leftist rhetoric popular at that time.
- 23 Patterson, *We Charge Genocide*, xiii.
- 24 Patterson and the civil rights congress recognized this difficulty as well. The United Nations is what it says—a gathering place and forum for nation-states. Thus, only nation-states are entitled, by both charter and international law, to bring their complaints regarding the behaviours of other nation-states before the various institutions, agencies, and courts established by it. Both Patterson and the CRC in their petition also appealed to one or more nation-states to adopt and thus legally legitimize their document, and, in so doing, move it forward.

- 25 Patterson, *We Charge Genocide*, 55.
- 26 One possible exception would be the article by Seymour Drescher, "The Atlantic Slave Trade and the Holocaust: A Comparative Analysis" in *Is the Holocaust Unique? Perspectives in Comparative Genocide*, ed. Alan S. Rosenbaum (Boulder, CO: Westview Press, 2009), 103–123.
- 27 See Steven L. Jacobs, "The papers of Raphael Lemkin," 105–114, 113–114, for a complete list of what was to be included in his *History of Genocide*.
- 28 Jacobs, ed. *Lemkin on Genocide*.
- 29 It should also be noted that Adam Muller's important contribution in this volume, "Troubling History, Troubling Law: The Question of Indigenous Genocide in Canada" (137–162), addresses in this context the importance of cultural genocide in the destruction of First Nations, as Lemkin originally intended. As noted above, however, the destruction of the cultural heritage of African-Americans as a direct result of their slavery and transport from the African continent was *not* a dominant concern during the 1950s and 1960s in the United States, when violence and death against this same population dwarfed other concerns, and this is fully reflected in Patterson's petition.
- 30 Patterson, *We Charge Genocide*, 196.
- 31 Ibid., 197.
- 32 Though somewhat conjectural on my part, the reluctance of other nation-states to embrace *We Charge Genocide* in the 1950s and even a bit earlier may be a holdover and (un)intended consequence of a 1947 Committee on Un-American Activities of the House of Representatives "Report on Civil Rights Congress as a Communist Front Organization," (2 September 1947), and published by the Government Printing Office on 17 November 1947. That Report concluded:

From the facts cited above it should be clear that the Civil Rights Congress is an organization dedicated not to the broader issues of civil liberties, but specifically to the defense of individual Communists and the Communist Party, that the organization is controlled by individuals who are either members of the Communist Party or openly loyal to it, and that in carrying out its defense aims, the organization has at the same time engaged in a campaign of vilification against the American Government (19).

That understanding, when shared with the ambassadors of other nation-states at the relatively small United Nations Assembly through the offices of the US ambassador, would no doubt have had a decidedly deleterious effect and impact upon anyone seriously considering the petition and the cause it represented.

- 33 Patterson, *We Charge Genocide*, 197.
- 34 Gerald Horne, *Communist Front? The Civil Rights Congress, 1946–1956*, (Rutherford, NJ: Fairleigh Dickinson University Press, 1988), 167.
- 35 Two excellent sources on the journey to fruition of the United Nations Declaration of Human Rights are Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*, (New York: Random House, 2002), and Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting, and Intent* (Philadelphia: University of Pennsylvania Press, 2000).

- 36 According to the biographical note introducing his papers at Emory University, Rutherford was a foreign correspondent for *Time*, *Life*, and CBS (the first African-American to work for CBS abroad) and living in Switzerland at the time of the interview. He would go on to become the executive director of the Southern Christian Leadership Conference at the urging of Martin Luther King, Jr. from 1967 to 1968.
- 37 Patterson, *The Man Who Cried Genocide*, 206.
- 38 United Nations, "The Universal Declaration of Human Rights," United Nations, <http://www.un.org/en/universal-declaration-human-rights> (accessed 31 December 2013), emphasis added.
- 39 Emphasis added.
- 40 Emphasis added.
- 41 Lawrence Mordecai Thomas, *Vessels of Evil: American Slavery and the Holocaust* (Philadelphia: Temple University Press, 1993).
- 42 Randall Robinson, *The Debt: What America Owes to Blacks* (New York: Penguin Books, 2000). Other texts worth examining in this context are Elazar Barkan, *The Guilt of Nations: Restitution and Negotiating Historical Injustices* (New York: W. W. Norton & Company, 2000); Boris Bittker, *The Case for Black Reparations* (Boston: Beacon Press, 2003); Roy L. Brooks, *When Sorry Isn't Enough: The Controversy Over Apologies and Reparations for Human Injustice* (New York: New York University Press, 1999); Alfred L. Brophy, *Reparations Pro and Con* (New York: Oxford University Press, 2006); Angelo Corlett, *Race, Racism, and Reparations* (Ithaca, NY: Cornell University Press, 2003); Angelo Corlett, *Heirs of Oppression: Racism and Reparations* (Lanham, MD: Rowman and Littlefield, 2010); Joe R. Feagin, *Racist America: Roots, Current Realities, and Future Reparations* (London: Routledge, 2014); Carla Ferstman, Mariana Goetz, and Alan Stephens, eds., *Reparations for Victims of Genocide, War Crimes Against Humanity: Systems in Place and Systems in the Making* (Leiden, NL: Brill, 2009); Rhoda E. Howard-Hassmann, *Reparations to Africa* (Philadelphia: University of Pennsylvania Press, 2011); Regula Ludi, *Reparations for Nazi Victims in Postwar Europe* (Cambridge: Cambridge University Press, 2012); Michael R. Maurus, *Some Measure of Justice: The Holocaust Era Restitution Campaign of the 1990s* (Madison, WI: University of Wisconsin Press, 2009); Michael T. Martin and Marilyn Yaquinto, eds., *Redress for Injustices in the United States: On Reparations for Slavery, Jim Crow, and Their Legacies* (Durham, NC: Duke University Press, 2007); Christian Pross, *Paying for the Past: The Struggle over Reparations for Surviving Victims of Nazi Terror*, trans. Belinda Cooper (Baltimore, MD: Johns Hopkins University Press, 1998); Winbush Raymond, ed., *Should America Pay? Slavery and the Raging Debate on Reparations* (New York: Amstad/HarperCollins, 2003); Nan Sagi, *German Reparations: A History of the Negotiations* (Jerusalem: The Magnes Press, 1980); Jeremy Sarkin, *Colonial Genocide and Reparations Claims in the 21st Century: The Socio-Legal Context of Claims under International Law by the Herero against Germany for Genocide in Namibia, 1904–1908* (Westport, CT: Praeger, 2008); Nora Wittmann, *Slavery Reparations Time is Now: Exposing Lies, Claiming Justice for Global Survival—An International Legal Assessment* (Vienna: Power of the Trinity Publishers, 2013).
- 43 Rhoda Howard-Hassmann, "Getting to Reparations: Japanese Americans and African Americans," *Social Forces* 83, no. 2 (2004): 2.
- 44 Ibid., 13.

