



Committee on Chicano Rights, Inc

FOR IMMEDIATE PRESS RELEASE

NATIONAL CITY CA.

SEPT 14, 1979

The Committee on Chicano Rights (CCR) announced today that it will be seeking a temporary restraining order to stop the city of National City and its Police Dept. from carrying out any further "sweeps" against Low-riders. The CCR further stated that a class-action lawsuit is being prepared on behalf of five National City families who allege that their children were illegally stopped, detained or arrested by a special National City Police Department task force which carried out mass arrests during the sweeps on Sept. 9, 1979.

"You cannot break the law to enforce the law," stated CCR chairperson Herman Baca. He added that the city of National City is not above the law or the Constitution of the United States. This will be the basis for seeking the restraining order.

According to the CCR the "sweeps" violate guaranteed constitutional rights, specifically the first Amendment (right to assemble), the fourth Amendment (right to travel and be free from illegal search and seizure) and the 14th Amendment (equal protection under the law).

The lawsuit is being prepared by attorney Jan Ronis and will be filed early next week. The temporary restraining order is being requested on the basis that the mass arrest sweeps represent selective law enforcement and a "dual standard" in applying the law.

As a civil and constitutional rights organization the CCR condemns the "sweep arrest" as a Gestapo tactic reminiscent of the treatment

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of the Jewish people in Nazi Germany. The CCR accuses the National City City Council of acting irresponsibly without any regard to the Constitution and criticizes the "rookie" Chief of Police, Terry Hart, of succumbing to the City Council's political pressure instead of following the law.

We call on the City of National City and its Police Dept to respect the Constitution of the United States and stop subjecting the "innocent majority" of the Chicano Community to a wave of brutality and harrassment.



AZTLAN

VS

UNITED STATES

It is a principle of international law that upon the cession of a territory from one country to another, the allegiance of the inhabitants of the territory is also transferred to the new sovereignty. The inhabitants thereby acquire the nationality of the country assuming jurisdiction. This was the case in 1848 when the U.S. acquired the Southwest from Mexico after the war in which Mexico was defeated. In accordance with the Treaty of Guadalupe-Hidalgo 8th and 9th articles, those Mexicanos who stayed in the ceded territory after one year from the date of exchange of ratifications," shall be considered to have elected to become citizens of the United States ". (Article 8)

The reaction of most Chicanos to this information probably would be " Y QUE ? " since it is a well known fact that as a people, la Chicanada de Aztlan has never been given the same legal protection as the invading gringo population in terms of education in our own culture or political representation within the United States. The U.S. government, in its Civil Rights Commission Reports, admits to this fact. There is, however, another legal fact that they do not want to admit, and this is that Chicanos are not U.S. citizens, but instead U.S. nationals being governed by the Civil Rights laws that were written for the non-white (non-European) minority groups to achieve some kind of equality (defined in European concepts) in the society known as America-U.S.A.

It is time now to warn those among us, those that would lead the Chicano people into believing that they can become accepted as a sub-culture in the

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political system of the United States , that they are collaborating in the genocide policy of a government that is foreign to Aztlan, and whose presence on the North American continent can only be described as a European colonial system. It is time also to warn ourselves that the Spaniard or Gachupin is still among us, hiding behind a Latino image so that he can manipulate himself into control of our cultural identity and political destiny. This gachupin is the same as those before who were loyal to the European invaders, and can be isolated the same way: He will never defend the rights of Chicanos as a native people, culture and nation.

There is really nothing to argue about here. There is only a choice between two dreams, two worlds, and two nations. One is the dream of Manifest Destiny: the white man concept of supremacy as a race and culture over us as a native people. The reality of this dream is overwhelming at times, and if you decide to follow in its wake you will be supported by systems of law, economics, education, and religion that have been designed to crush all opposition. To go this way you should prize possessions over people, and close your conscience to the knowledge that this reality is false, being born of lies, greed, and genocide.

The other dream is as ancient as Aztlan itself, and is the reason why the Europeans called the Americas the New World. It is also the reason why the Europeans were accepted as brothers, because it is the dream of the human spirit to live in harmony with mankind, without borders or prejudice, in balance with nature, and free. This is the dream of justice and truth for the people of Aztlan, whom neither Spaniard nor Gringo can conquer, and who must liberate themselves from U.S. control if our dream is to become a reality.

If you have chosen Aztlan, you have entered the Quinto Sol and will inherit a lifetime of struggle, but as a Chicano that is nothing new. What may be new is the idea of Aztlan as a nation, independent and sovereign with a land base, government and culture, with international recognition on an equal basis with all the other countries of the world. Political separation from the U.S. involves believing that we too can make history, not just the white man, but it also

entails viewing ourselves from an international perspective and not as a minority group. In terms of law it means that we must not depend on legal rights that are ours by virtue of U.S. law, but rights that we have by the fact of history that we were here in Aztlan before the U.S. made its bloody appearance. This is the What? When? and How? of why the U.S. government is trying to conceal the fact that Chicanos have never been admitted into full U.S. citizenship.

To begin with let's establish that it is possible to be a U.S. NATIONAL but not a U.S. citizen.

U.S. Title 8 ALIENS AND NATIONALITY

CHAPTER 12 Immigration and Nationality

Subchapter 1 @ 1101 Definitions

(2) as used in this chapter

(21) The term national means a person owing permanent allegiance to a state.

(22) The term national of the U.S. means

A) A citizen of the U.S., or

B) A person who, though not a citizen of the U.S. owes permanent allegiance to the U.S.

What you have just read is a quote from current federal law describing U.S. nationality as consisting of U.S. citizens AND U.S. nationals. It is Federal law because the power to determine nationality and citizenship in the U.S. can only be exercised by the Federal Government, and not the individual States. The following is a quote from a Federal Court case concerning this same area of law.

"With the cession of populated areas by the Crown of Spain to the United States, however, persons became collectively nationalized but not naturalized, Spanish subjects becoming nationals of the

"United States unless it was otherwise provided by treaty. Accordingly, it was realized that while all citizens of the United States were nationals, not all nationals were citizens. A hybrid status appeared the so called " non-citizen national ".

Cabebe VS Acheson 183 F. 2nd 795

The good thing about researching U.S. history through its law is that it leaves out the interpretation given by history book authors and you are left to make up your own mind. For example, it is indisputable that U.S. citizenship has been formulated on a race exclusion concept since its inception, and that until 1868 citizenship and nationality in the U.S. was restricted to the FREE WHITE MALE. In 1868, the 14th Amendment was enacted to give U.S. nationality to the newly freed slaves, along with civil rights. Now, if both U.S. citizenship and nationality was restricted to whites until 1868 how were Chicanos supposed to become U.S. citizens in 1848? Answer: Only those Mexican citizens who could pass for white were eligible, or in other words- los gachupines.

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CALIFORNIA CONSTITUTION of 1849

"ARTICLE II Suffrage

Section 1 - Every white male citizen of the United States and every white male citizen of Mexico who shall have elected to become a citizen of the United States, under the Treaty of Peace exchanged and ratified at Queretaro on 30th of May 1848, at the age of 21 years, who shall have been a resident of the state six months next preceeding the election and of the county or district which he claims his vote thirty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law"

California became a state of the Union under this constitution and Texas was admitted earlier under a similiar constitution. The process is called:

" Collective Naturalization" :

"The admission of a territory on an equal footing with the original states involves the adoption as citizens of the United States of those whom Congress makes members of the political community, and who are recognized as such in the formation of the new state with the consent of Congress."

14 C.J.S. 12

The rest of the territory ceded by Mexico in 1848 was divided into two Territories, Utah and New Mexico with territorial governments set up by this law in 1850:

"And be it further enacted, that every FREE WHITE MALE inhabitant, above the age of 21 years, who shall have been a resident of said Territory at the time of passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory, but the qualifications of voters and of holding office, at all subsequent elections shall be such as shall be prescribed by the Legislative Assembly: Provided, that the right of suffrage, and of holding office, shall be exercised only by citizens of the United States, including those recognized as citizens by the Treaty with the Republic of Mexico, concluded February 2nd, 1848."

9 STAT. 449

If you were to ask any U.S. Judge, Attorney, D.A., Attorney General to show you proof that the non-white Mexicanos were at any time in the history of U.S. law collectively naturalized into full U.S. citizenship you would be lucky to get an answer at all. A state-wide MECHA Conference asked this of the California Attorney General four years ago and is still waiting for an answer. If you do get an answer, remember a piece of wisdom from our ancestors about this type of "civilized" man: He speaks with a forked tongue. The most likely defense the government would use probably would be to say that Chicanos

became citizens by virtue of the 14th Amendment to the Constitution-1868
which states that:

"Every person born or naturalized within the United States
and subject to its jurisdiction is a citizen of the United
States....."

Another thing they might say is that Chicanos acquired citizenship rights
by the passage of the Civil Rights laws. In spite of the fact that we know
and can prove that we as Chicanos are not given the same legal treatment as
the whites, these two points of law are used by the U.S. Government to appease
any Chicano-U.S. legal confrontation from escalating into an international
issue where it should be.

For example, if the United States could not manifest a legal claim to
this land, they couldn't make laws here in the first place. The U.S. claim
to rule this land is the same one that England, Spain, Portugal, and the Pope
used 500 years ago and has not been changed. It is the Doctrine of Discovery.
The Doctrine of Discovery is an ideology created and brought into law by the
powers of colonial Europe when they were THE power in the world. It states
that the European race and they alone can claim, occupy, and extinguish the
INDIAN LAND TITLE in the Western Hemisphere (N. & S. America) by virtue of
discovery. Every real estate transaction in the U.S. has as its principle
foundation this doctrine. The question: If the U.S. claim to sovereignty
on this continent is only in the hands of one race, how can that country
open up its citizenship to other races legally without giving up its claim
to the land?

Furthermore, we must not assume that civil rights are the answer to all
our problems. For one thing, civil rights are individual rights, not rights
we exercise as a community, and

"Civil Rights have been distinguished from political rights, polit-
ical rights having been defined as those which may be exercised in

"the formation or administration of the government, including the power to participate, directly or indirectly, in the establishment or management of the government, and civil rights as those which have no relation to the establishment, support, or management of the government." 14 C.J.S. Supp. 3

As far as the 14th Amendment, remember that the racism we have endured is directed mainly at our Indio Heritage, then try to figure out why:

"An Indian is not a "person" within the meaning of the 14th Amendment to the Constitution " 42 C.J.S. 1

Now, if you think you can claim to be MESTIZO and qualify for U.S. citizenship by being half-white consider:

In Re Camille

"1. Naturalization- WHITE PERSON

A person of half white and half Indian blood is not a "white person" within the meaning of this phrase as used in the Naturalization laws, and therefore he is not entitled to be admitted to citizenship thereunder. "

Circuit Court, D. OREGON Nov. 2 1880

Or else,

INLAND STEEL COMPANY VS BARCENA

"2. Workmen's Compensation - Evidence that employee was a 'Mexican' and whiter than negro claiming compensation as decedent's common-law widow did not establish that decedent was a 'white person' within the meaning of statute prohibiting marriages between white persons and persons possessed of one-eighth or more negro blood, since the word 'Mexican' did not necessarily mean a white person from Mexico." 39 N.E. Reporter, 2d

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From state constitutions to naturalization laws, to the 14th Amendment, to Territorial Acts and Civil Rights laws, the U.S. government has shown a deliberate effort to exclude the Chicano People from becoming a citizen of the United States on an equal status with the whites. Their problem is though, that they want our land and we come with it, so they must control and direct our political allegiance to their nation or face the rebellion of a politically enslaved people. To accomplish this task such concepts as the "Pledge of Allegiance" (remember?) , "multi-cultural society", "Democracy", "melting pot", "Land of the Free", "Columbus Day", "Lone Ranger and Tonto", etc. , are used to indoctrinate and pacify los chicanos into accepting their destiny as a people who have been conquered and are going to remain conquered. Every vendido and vendida should pat themselves on the back for being the key instruments in this strategy. True, Chicanos have legal rights in the U.S. as individuals that we are supposed to be enjoying (Civil Rights) , but as a people there is no recognition of our right to our own culture and communities by being the original nationality in the Southwest. This is not a matter to be left in the hands of the U.S. to see what they will "give" us because without some type of recognition of our special status as the original nationality of the Southwest we are reduced to the level of any other minority group. As a people, our future depends upon our rights as a people and the only basis for these rights comes from our history of being native to Aztlan.

With nowhere else to turn, we find ourselves coming back to the Treaty of Guadalupe-Hidalgo upon which almost every Chicano is an authority. Some people say that the Treaty is illegal in spite of the fact that it is on the law books not only of the U.S. but Mexico as well. Very few of these people go to the border and challenge its legality or that of the immigration officers to question them concerning their citizenship. Others say that our rights under the Treaty have been violated , but no one can seem to describe exactly what are these rights. Finally, almost everyone says that Chicanos became

U.S. citizens by virtue of that one phrase in the 8th article:

For the Mexicanos who stayed the one year:

"SHALL BE CONSIDERED TO HAVE ELECTED TO BECOME CITIZENS OF THE UNITED STATES."

THE ONLY PROBLEM IS THAT TO "ELECT" (choose) TO BECOME A U.S. CITIZEN DOESN'T MAKE YOU ONE, AS ANY MIGRA WILL TELL YOU. YOU HAVE TO GO THROUGH THE PROCEDURE. THE PROCEDURE WAS, " COLLECTIVE NATURALIZATION" BUT THE RACIST CONSTITUTIONS OF CALIFORNIA-1849, TEXAS-1836, AND THE TERRITORIAL ACTS FOR THE REST OF AZTLAN-1850, WERE SPECIFIC IN EXCLUDING THE CHICANO BECAUSE HE WAS NOT "white".

¿Y QUE? NADA! Nothing! if we are going to act as if it never happened and assume that because we have civil rights and Chicano lawyers who must pledge loyalty to the U.S. legal system before they can practice. At this stage of the game, the U.S. does not want to admit that there is a legal defect in the concept that Chicanos share equally in U.S. citizenship because it would expose a political issue that would be both national and international in scope. The international aspect comes in because if we are not U.S. citizens but only U.S. nationals, we must either acquire the full U.S. citizenship or else study the possibility of determining our own separate nationality. It is going to be up to us because Mexico is not going to come to our aid and there is only one other nation involved. This is the nation of RAZA INDIGENA, the INDIAN NATIONS, or in other words nosotros los indios de Aztlan.

We are left only with our choices, decisions we should make in total awareness of our responsibility to our future generations, and with the honor of our people's history, our familias' history, as a struggle, a culture, and a nation - AZTLAN.

¡ VIVA LA RAZA!

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O MÍ VIRGEN MORENA

YA NO

TE VOY A DEJAR.

KON VERDAD

Y JUSTICIA

TE VOY A CONQUISTAR.

MIS HIJOS

THS HIJAS

MAS PA'YA

MIRAN

UNA NACIÓN

DE LA RAZA

AZTLAN

