

AMERICAN

BIRTHRIGHT

ON

TRIAL!

An indictment against the most brutal U.S.-sponsored holocaust in the Philippines! And a story of how those who survived were collectively stripped of their United States citizenship!

ELLYVELEZPAMATONG

Brief Shining Moment of Magnificence: An Account Of Elly Velez Lao Pamatong's Historic Court Performance in New York City

By Dr. Rolando A. Carbonell, Ph.D.

The Court of Appeals in New York City, located at Wall Street, the bastion of world capitalism, was transformed into a pantheon of judicial history, August 29, 1997, at high noon, where a dynamic Filipino lawyer, Elly Velez Pamatong, founder-chairman of the Crusade for the Recognition of American Citizenship (CRAC), presented his oral and final arguments before the three U.S. circuit judges hearing the case.



Dr. Rolando A. Carbonell

This protracted crusade, which started a full decade ago, is about the constitutional birthright of Filipinos born between the years 1898 and 1946, when the Philippine Islands were under the sovereignty of the United States of America. In substance, Elly Velez Pamatong claims that all Filipinos borne during those years were, and still are, citizens of America under the Common Law Doctrine of Jus Soli. Through devious manipulation of the law, however, the Filipinos were divested of their American citizenship and, subsequently, reduced to third class status known as "American nationals." In a word, the Filipinos were made quasi-citizens of the United States.

In sum, only arbitrarily selected provisions of the American fundamental charter were made applicable to the Filipino people. According to the Supreme Court, only "fundamental" constitutional rights applied to "unincorporated" territories like the Philippines.

For instance, freedom of speech was one of the four fundamental rights considered to have been extended to the Philippine Islands automatically and of its own force. However, the Right to Citizenship -- clearly more fundamental than freedom of speech -- was not among those deemed to have automatically applied to the "Philippine Islands, United States of America."

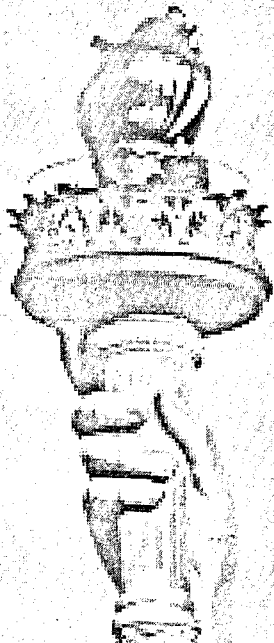
The obvious reason for America's silence on whether the Right to Citizenship automatically applied to the Philippines lies in the racist attitude burning in the minds of many among the United States lawmakers like Congressman Ben Tillman and Senator Elihu Root. The latter explained that the Filipinos were a "cancer" to the American societal order.

Despite clear evidence of American injustice toward the Filipino people, the Filipinos became the first Asians to become comrades-in-arms with American soldiers.

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AMERICAN BIRTHRIGHT ON TRIAL



Let all nations be gathered together, and let the people be assembled. I will bring thy seed from the East, and gather them in the West. I will say to the North (America), give up; and to the South, keep back: bring my sons from afar, and my daughters from the ends of the earth.

Excerpts from Isaiah 43: 5-9

31 December 2001

Mr. Prime Minister
Malaysia:

Happy New Year,
Have Peace,
Mengamitna!

[Signature]



PUSTAKA PERDANA

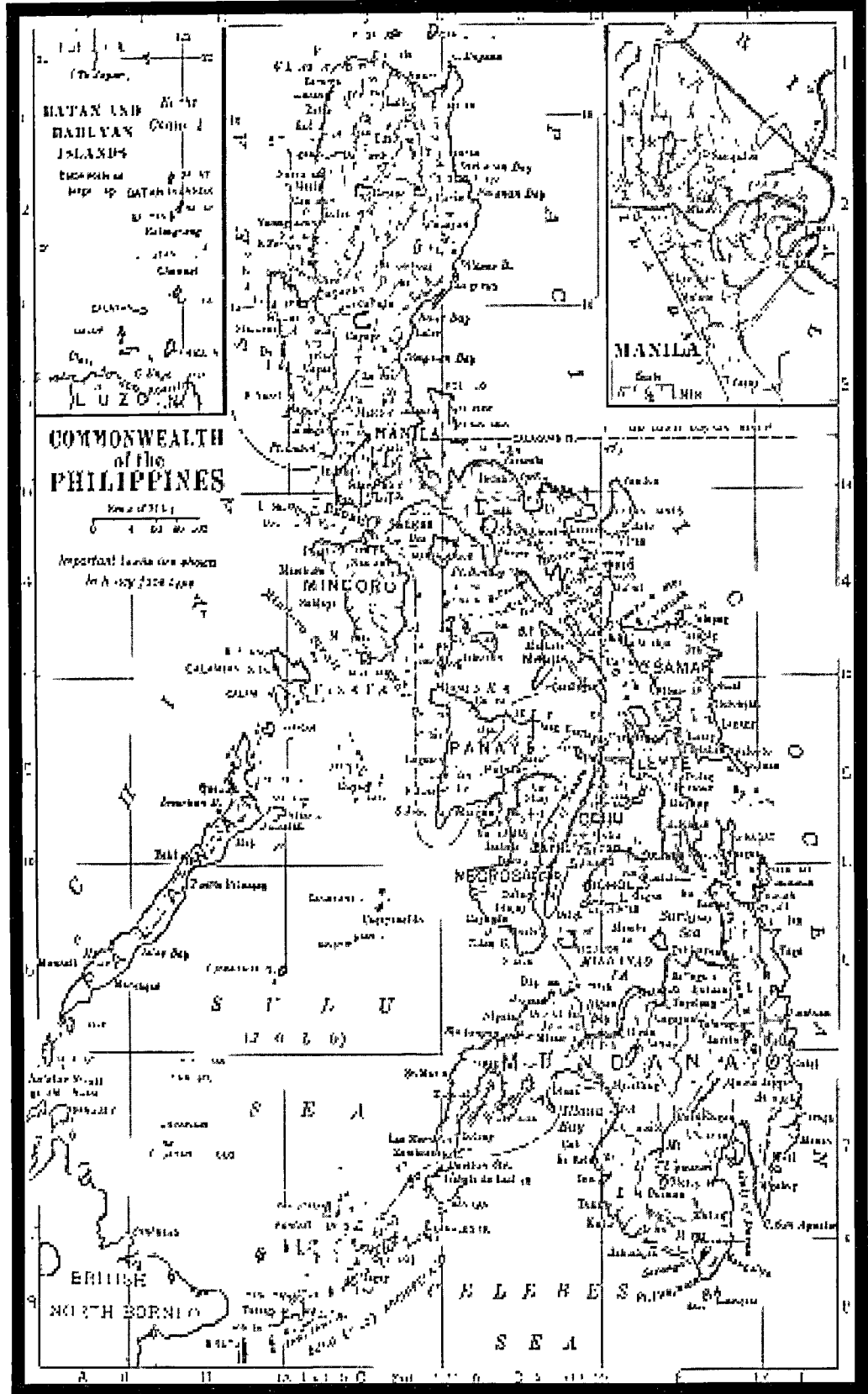
Cover design by Rad Diaz



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Leslie's Weekly, June 9, 1898



“My plan would be to disarm the natives in the Philippines, even if we have to kill half of them.” They did. General William Shafter

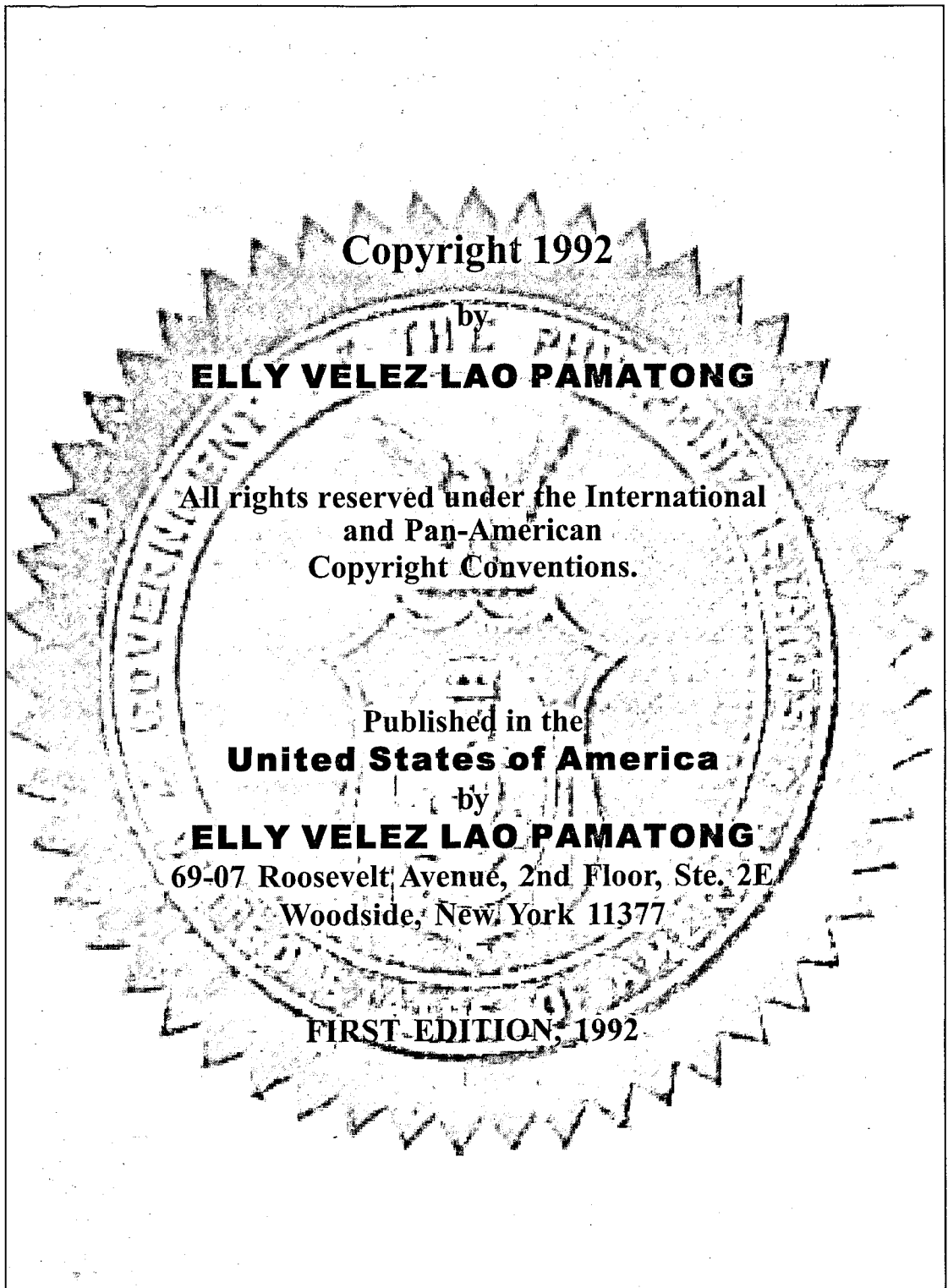
This is a personal account of how the author came close to changing the map of the world. One more vote from the U.S. Court of Appeals circuit judges could have meant recognition of the American citizenship of Filipinos born during the territorial period. But, just the same, he scored an unprecedented moral and political victory.

On the other hand, this is a true history of how white America exterminated one half of the population in what was then known as the "United States of America, Philippine Islands," and stripped all those who survived the holocaust of their American nationality or citizenship.

In a sense, America's proposition that "all men are created equal" is on trial in this book. And, in reality, what is on trial here is the conscience of America itself.



President Franklin Delano Roosevelt



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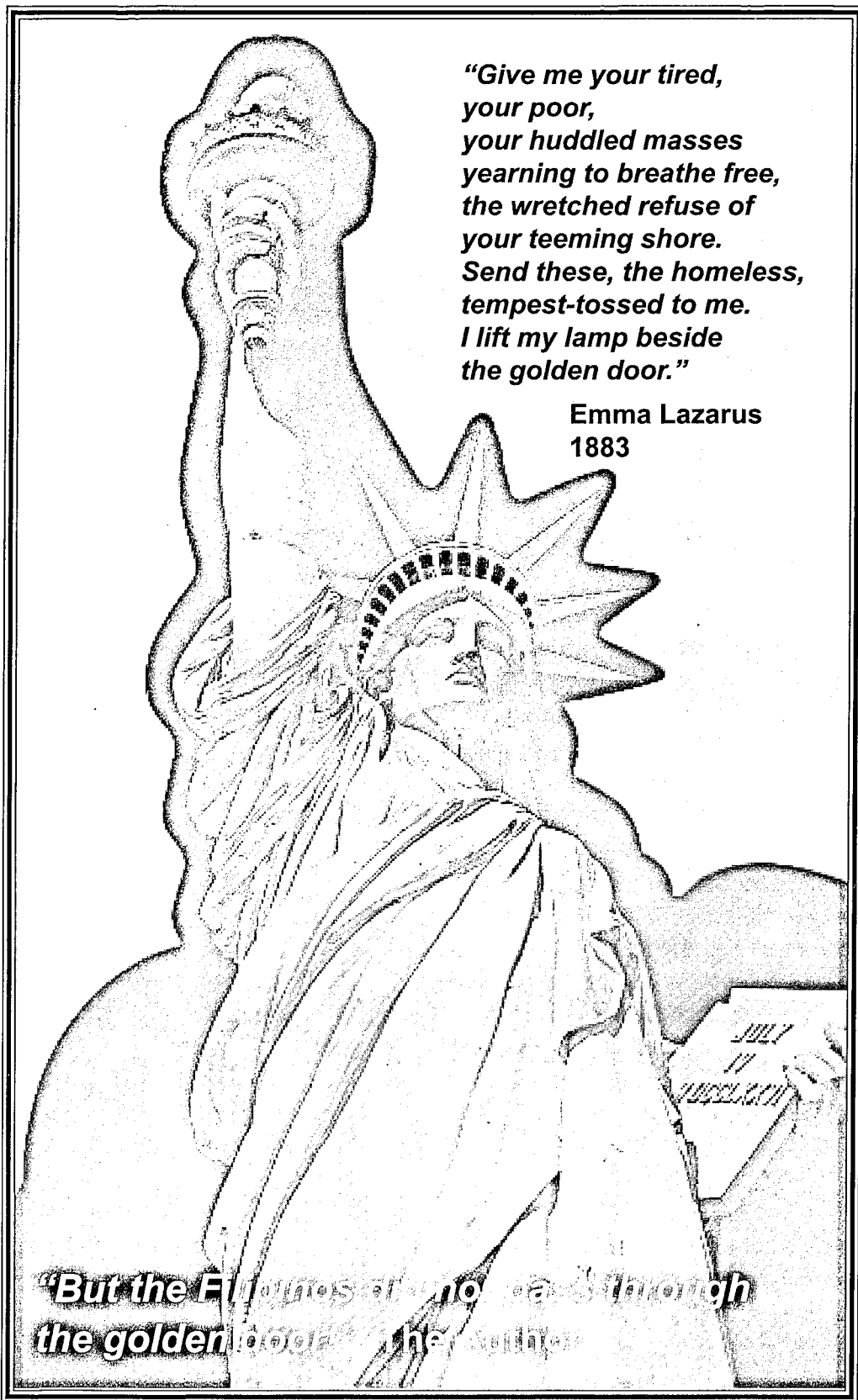
by

ELLY VELEZ LAO PAMATONG

69-07 Roosevelt Avenue, 2nd Floor, Ste. 2E
Woodside, New York 11377

FIRST EDITION, 1992

Official Seal of the U.S. Government in the Philippines adopted in February of 1905.



*“Give me your tired,
your poor,
your huddled masses
yearning to breathe free,
the wretched refuse of
your teeming shore.
Send these, the homeless,
tempest-tossed to me.
I lift my lamp beside
the golden door.”*

Emma Lazarus
1883

“But the Fil
the golden

Dedication

To Circuit Judge Harry Pregerson of the United States Court of Appeals for the Ninth Circuit who ruled that Filipinos born during the Commonwealth period were, and still are, American citizens;

To the soul of President Franklin Delano Roosevelt who acknowledged the “unjustifiable discrimination” against the Filipino people;

To my brothers and sisters in the Philippines who, for racial reasons, have been legislated in and out of their United States nationality or citizenship;

To the souls of the tens of thousands of brown-skinned warriors, and their families, who perished in the flames of an American-sponsored holocaust;

And to all “undocumented” Filipinos who have been persecuted in this land for which millions of their kind offered their lives -

I dedicate this humble attempt to uphold their dignity, their honor and humanity.

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Acknowledgments

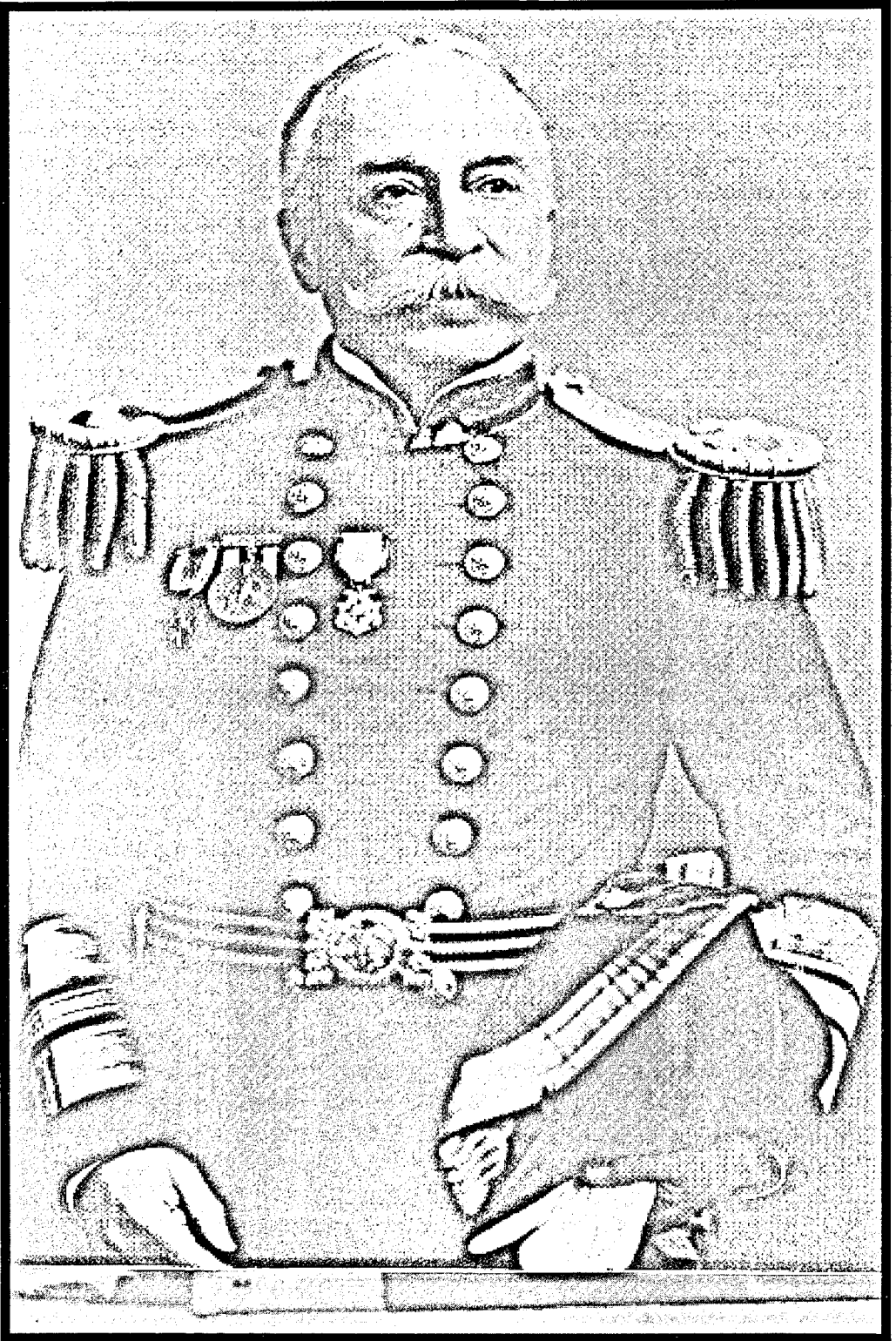
The author hereby acknowledges the historic and invaluable contribution that Circuit Judge Harry Pregerson -- of the United States Court of Appeals for the Ninth Circuit -- made to enhance the pride and dignity of the Filipino people through his well-researched and scholarly dissenting opinion which now serves as a towering landmark for the Filipino people's crusade to regain their American birthright and rightful place in the mainstream of American society. Being the first white American circuit judge to validate and uphold the legal position that the Filipinos who were born during the territorial period were -- and still are -- citizens of the United States, he deserves an eternal place in the hearts and minds of our grateful people.

Then, too, I would like to extend my sincerest gratitude to Attorney Ron T. Oldenburg for his involvement in this crusade to reclaim the American citizenship or nationality of Filipinos born in the Philippines before and after July 4, 1946. The Filipino people should be -- and ought to be -- eternally grateful for his moral courage to openly cross racial lines and defend their birthright before the bar of history.

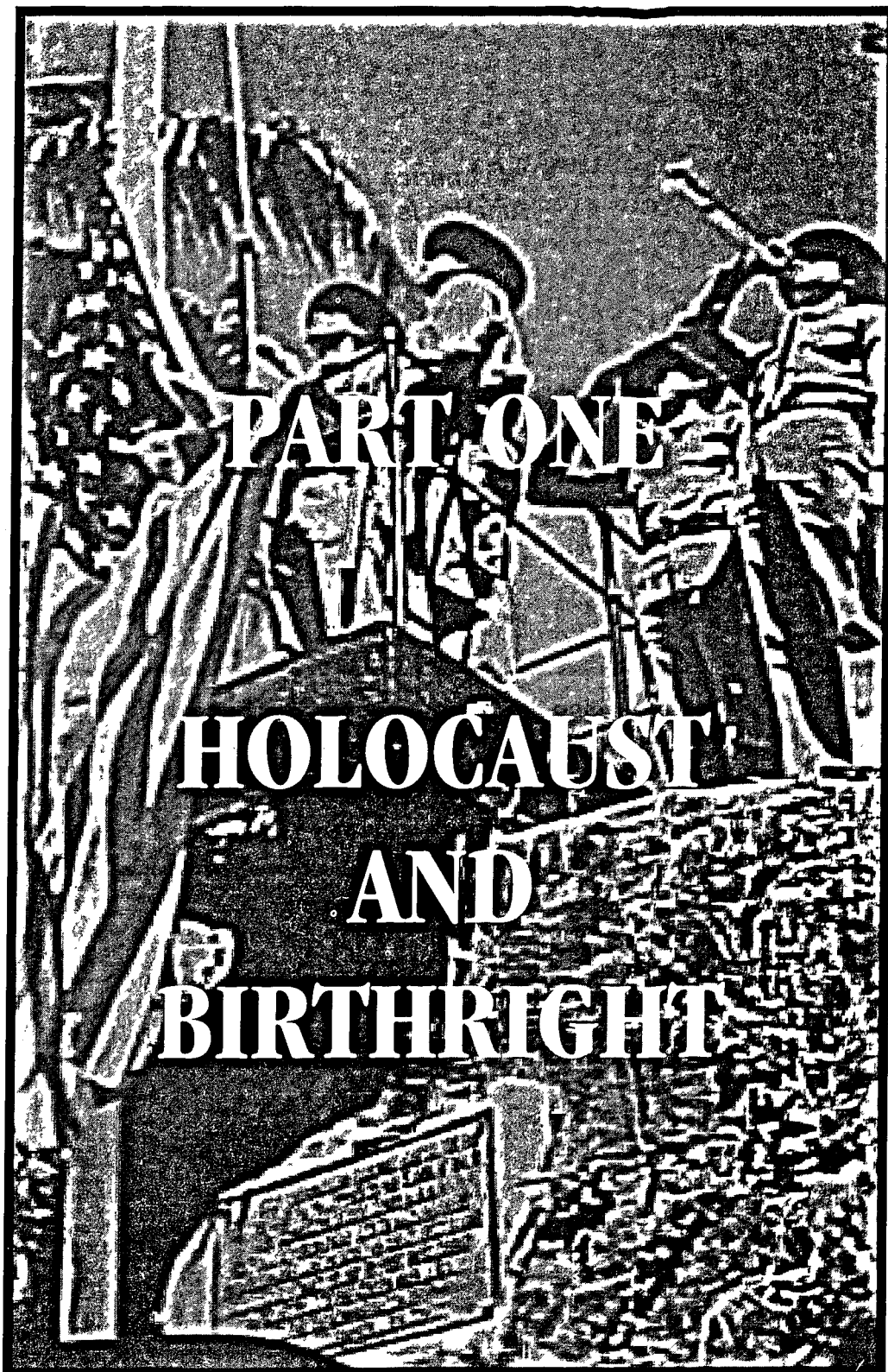
Moreover, the moral support and assistance extended by the following are deeply appreciated: Congressman Bob Filner of San Diego, California, Senator Robert Torrecelli, Congressman Benjamin Gilman of New York, Attorney Amado Soriano, Fiorello Salvo, Attorney Julian Nierva, Jose Mari Mercader, Senator Loren Aranda Legarda, Rosalia Marasigan Pamatong, Alice Reyes, Nelly Magallanes-Pastrana, Pristin-Edith Reyes, Marie Reyes-Samuelsen, Ursula Pamatong Alturaz-Yu, Veronica Acosta, Venus Lagahit Flores, Lorna Tolentino, Vilma Ancheta, and Attorney Karen P. Deseve of Philadelphia.

On the other hand, the author extends his deepest appreciation to those who have directly or indirectly supported the Filipino claim to U.S. Citizenship or nationality, especially Manny Delos Santos Rabacal, Anchorman of Radio DYMF in Cebu; Art M. Padua, President of the Filipino American Media Association (FAMAS); Attorney David von Ter Stegge, former District Attorney of Contra Costa County, California; Judge John G. Keely of New Jersey; Attorney Dan P. Danilov of Seattle, Washington; George Nervez, publisher, *The Filipino Guardian*; Art Gabot Madlaing, publisher, *Asian Examiner*, Ben Emata, publisher, *Philippine Headliner*; Libertito Pelayo, publisher, *Filipino Reporter*; Attorney Ricardo T. Guzman; Teddy L. Robledo; Luis Robledo; Rev. Alfonso Cleto; Rev. Milchezedek Solis; Attorney David C. Martinez; Louie Eugenio; Augusto Navarro, Jr.; Ms. Carolyn Ocampo; Ness Ocampo; Attorney Ernesto Rosales, President of the Allied Broadcasting Corporation; Herman Masbano, Jose Gabuat, Herman Gonzalez of Radio Bombo; Harding Velez; Donald Sawachi Buangan; Father Frisco Intines; Ruben Valenzuela; Rosauro Javier; Abdon L. de la Pena; Attorney Adrian Gonzales; Venus L. Flores; Vince Zuberko; Radio Anchorman Fiorello Salvo; and the millions of sympathizers and supporters in different parts of the Philippine Islands.

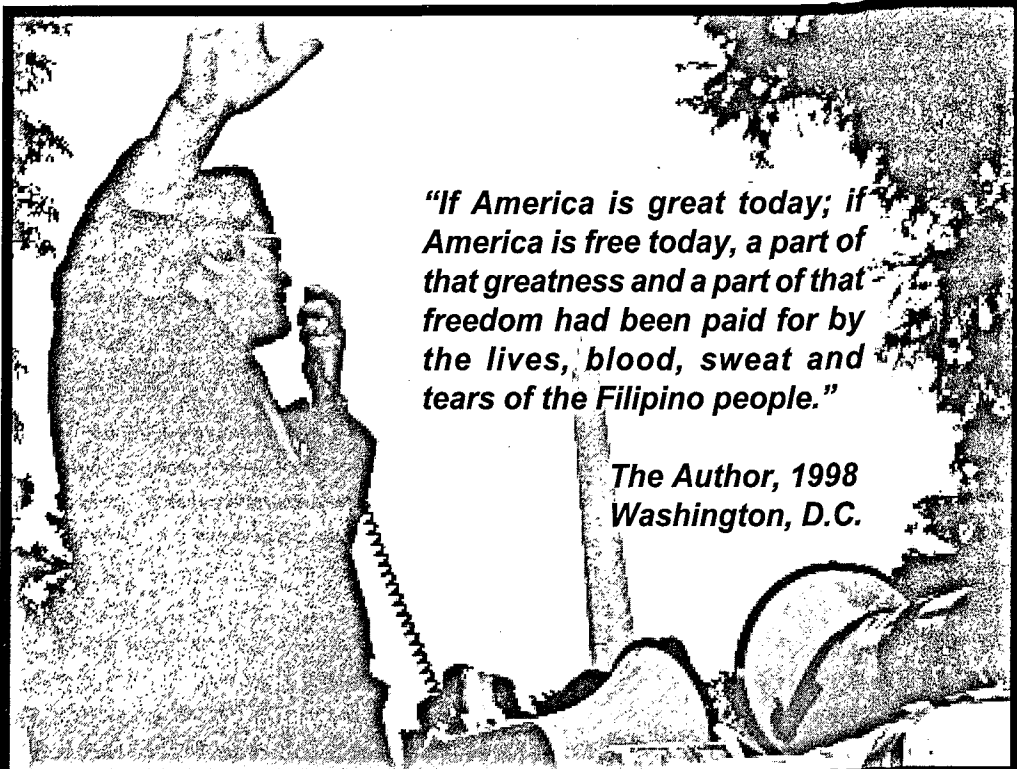
Finally, I would like to express my deepest appreciation to Mr. Daniel "Danny" Romualdo Antonio who provided me with priceless research materials concerning the United States colonization of the Philippines and the American atrocities committed therein; to Professor Cesar Majul, Ph.D. for sharing his knowledge on the Sultans of southern Philippines and their dealings with the American government; and, most of all, to Jack Seney and Ms. Fely Lazaro-Santiago, publisher of the *Philippine Chronicle, USA*, for proofreading and editing the final draft of this brief legal history of Philippine-American relations.



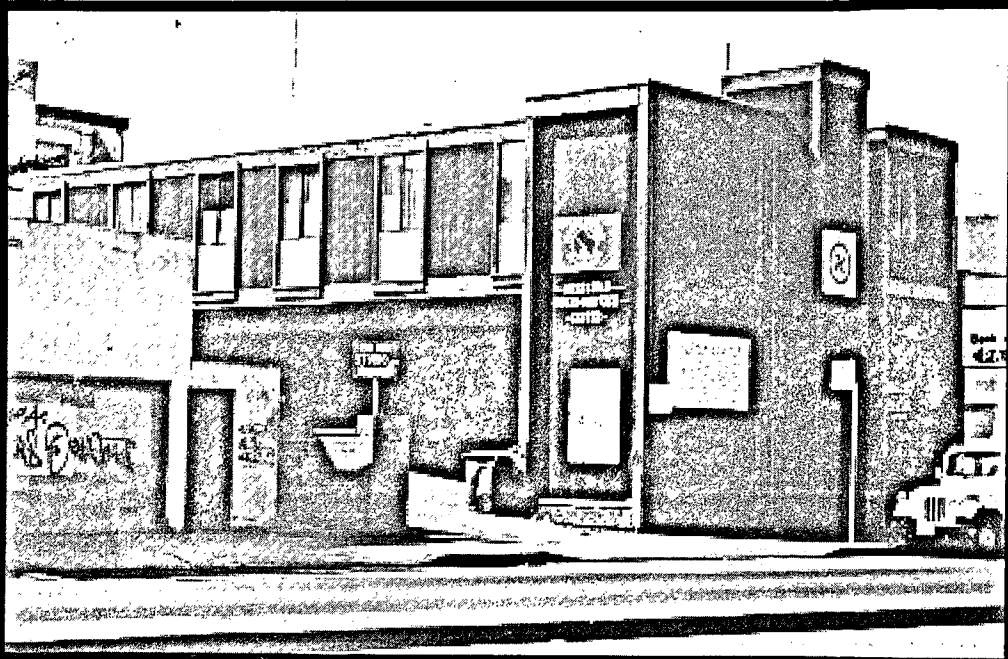
Admiral George Dewey, "Hero of Manila Bay," by George Pringe, Library of Congress. For a time, he was the sponsor of General Emilio Aguinaldo.



American marines hoisting for the first time the American flag over the Philippines on May 3, 1898 at Fort San Felipe in the Province of Cavite.



The author leading the first and the longest Filipino civil rights march from the Washington Monument to the White House on August 8, 1998. Below is the former headquarters of the Crusade for the Recognition of American Citizenship (CRAC) at 856 Geneva Avenue, San Francisco, California.



About the Author

ELLY VELEZ LAO PAMATONG is a human rights lawyer based in San Francisco, California and in New York City. He has written nine books, five (5) of which have already been published in the United States. He is also the owner and publisher of the *Asian American Voice*, an ethnic newspaper published in New York and California. Moreover, he is the president of the Filipino American Media Organization of the United States (FAMOUS, INC.)

As a lawyer, he practiced his profession both in the Philippines and in the United States for more than 20 years. While in California, he filed a lawsuit against the United States in order to obtain American citizenship for all Filipinos born during the territorial period under Citizenship Clause of the 14th Amendment. He presented his oral arguments before a 3-man judicial panel of the U.S. Court of Appeals for the Ninth Circuit on August 8, 1992 and scored a 2-1 moral victory on September 20, 1994. In this case, Judge Harry Pregerson ruled that Filipinos are still citizens of the United States.

He obtained his Bachelor of Arts Degree from Silliman University in 1965, and graduated from the College of Law of the University of the Philippines in 1970. Among his extracurricular achievements are the following: **Official Debater, University of the Philippines, 1967**; **"Orator of the Year" awardee, Silliman University, 1965**; Champion Impromptu Speaker, Silliman University, 1965; and Champion Spanish Declaimer, Silliman University, 1965.

As a lawyer, he is a **member of the bar of the Supreme Court of the United States, Supreme Court of the Philippines, and Supreme Court of the State of New York**. He is also a member of the American Trial Lawyers' Association, American Bar Association, and a lifetime member of the Integrated Bar of the Philippines.

Following President Marcos' declaration of martial law in 1972, he fled from the Philippines through the southern back-door. In 1994, he was **accorded a U.N. Refugee Mandate Status by the United Nations' High Commissioner for Refugees (UNHCR) through the assistance of the Catholic Migration Commission and the United States Mission in Geneva, Switzerland**. Subsequently, the UNHCR obtained a Canadian immigrant status for Elly Velez Pamatong. However, when he reached New York in 1974, he abandoned that status and sought political asylum in the United States.

When Marcos fell from power, he returned to the Philippines and, among others, organized the Save Our Soldiers Movement (SOS). Recently, he filed a lawsuit against 30 tobacco firms in the Philippines claiming that nicotine is a poison and no person should be allowed to enrich himself by poisoning or murdering the Filipino people.

Finally, Elly Velez Lao Pamatong is currently promoting the **FORWARD MERITOCRACY** movement throughout the Philippines. (LFDMP)

