

**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 a  
very successful!

*[Handwritten signature]*

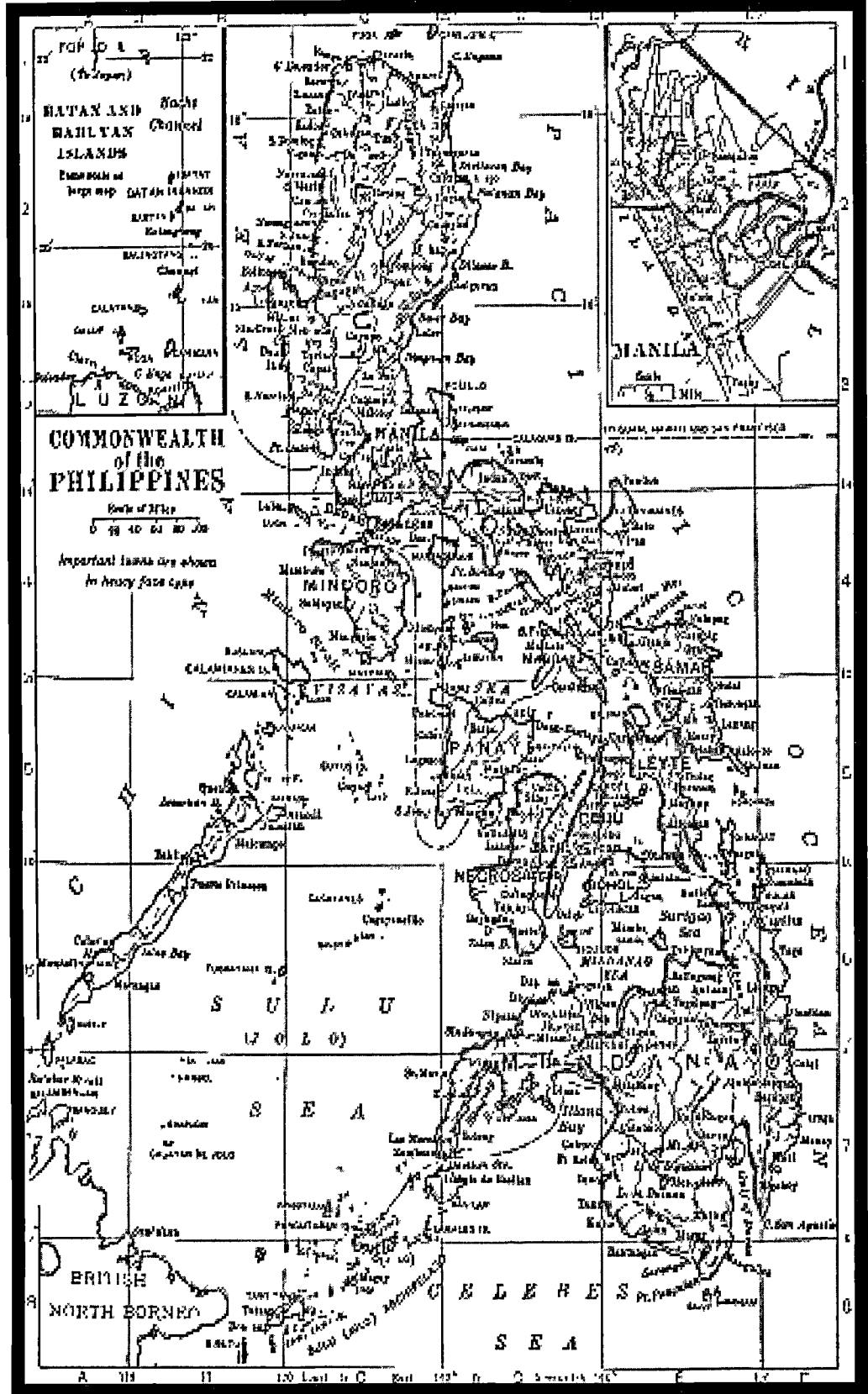
PUSTAKA PERDANA

Cover design by Rad Diaz



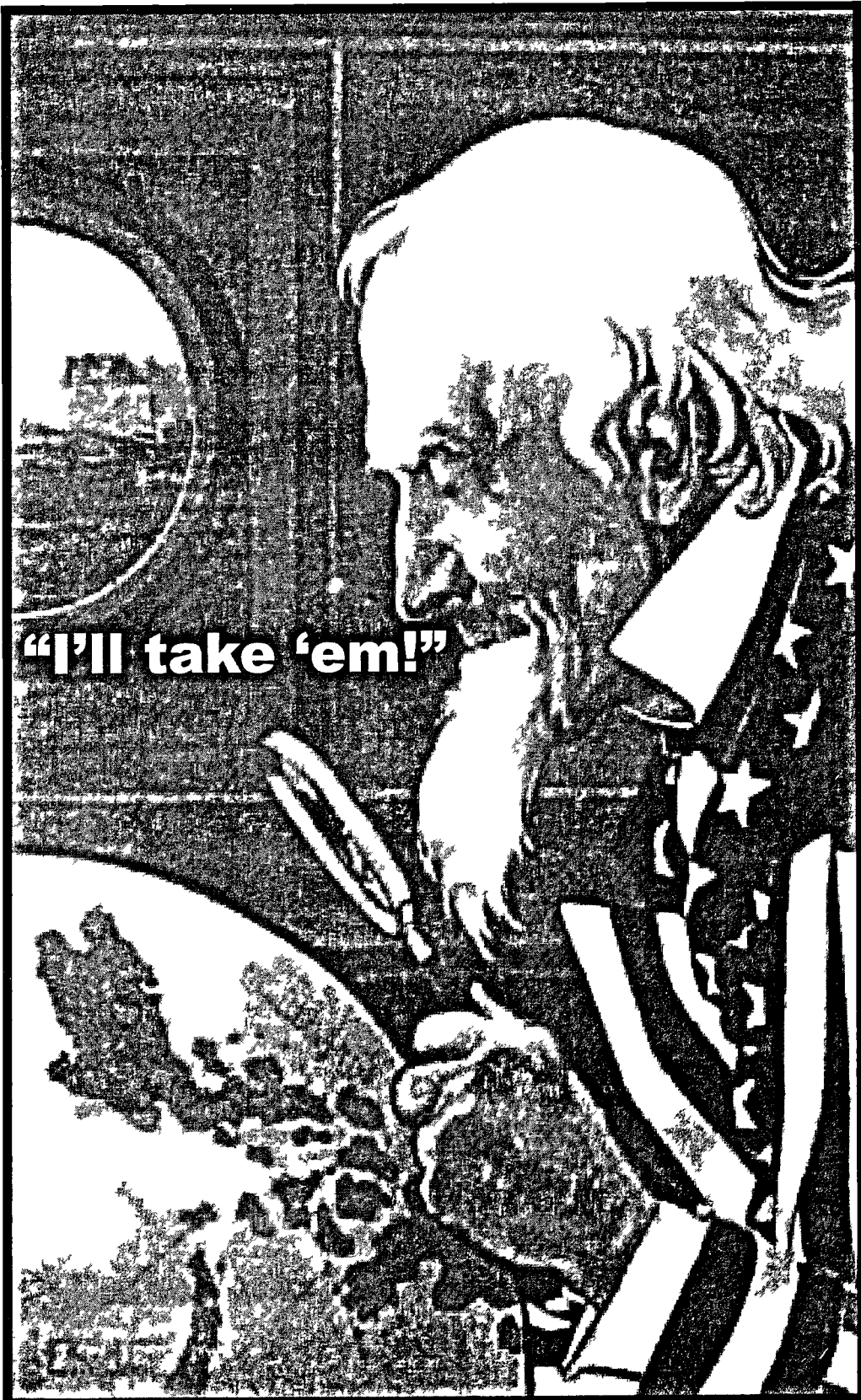
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# AMERICAN BIRTHRIGHT ON TRIAL



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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*

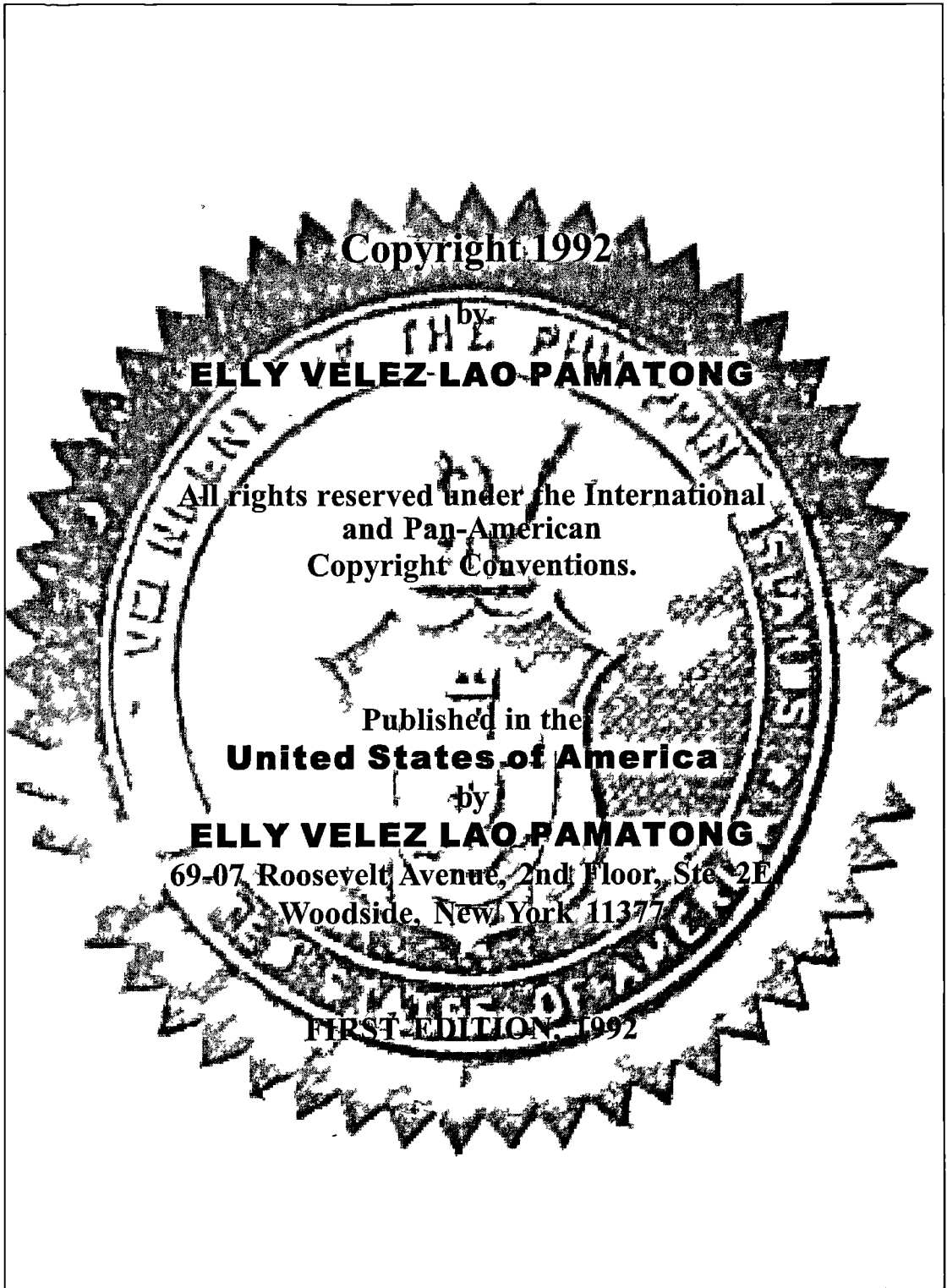
**This is a personal account of how the author came close to changing the map of the world. One more vote from the U.S. Court of Appeals circuit judges could have meant recognition of the American citizenship of Filipinos born during the territorial period. But, just the same, he scored an unprecedented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

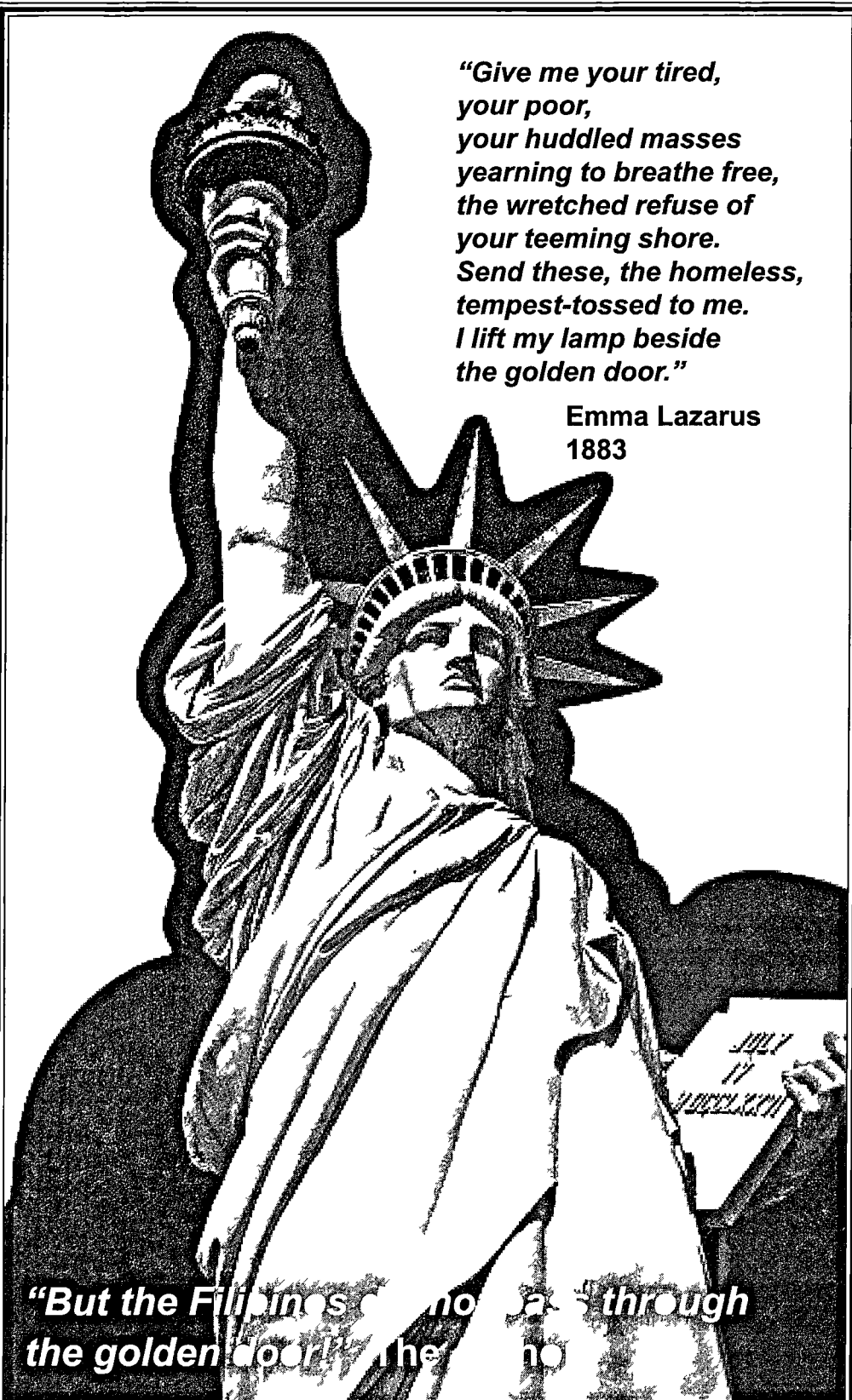
**In a sense, America’s proposition that “all men are created equal” is on trial in this book. And, in reality, what is on trial here is the conscience of America itself.**



**President Franklin Delano Roosevelt**



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 Filipinos cannot pass through  
the golden door!"*

## 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.

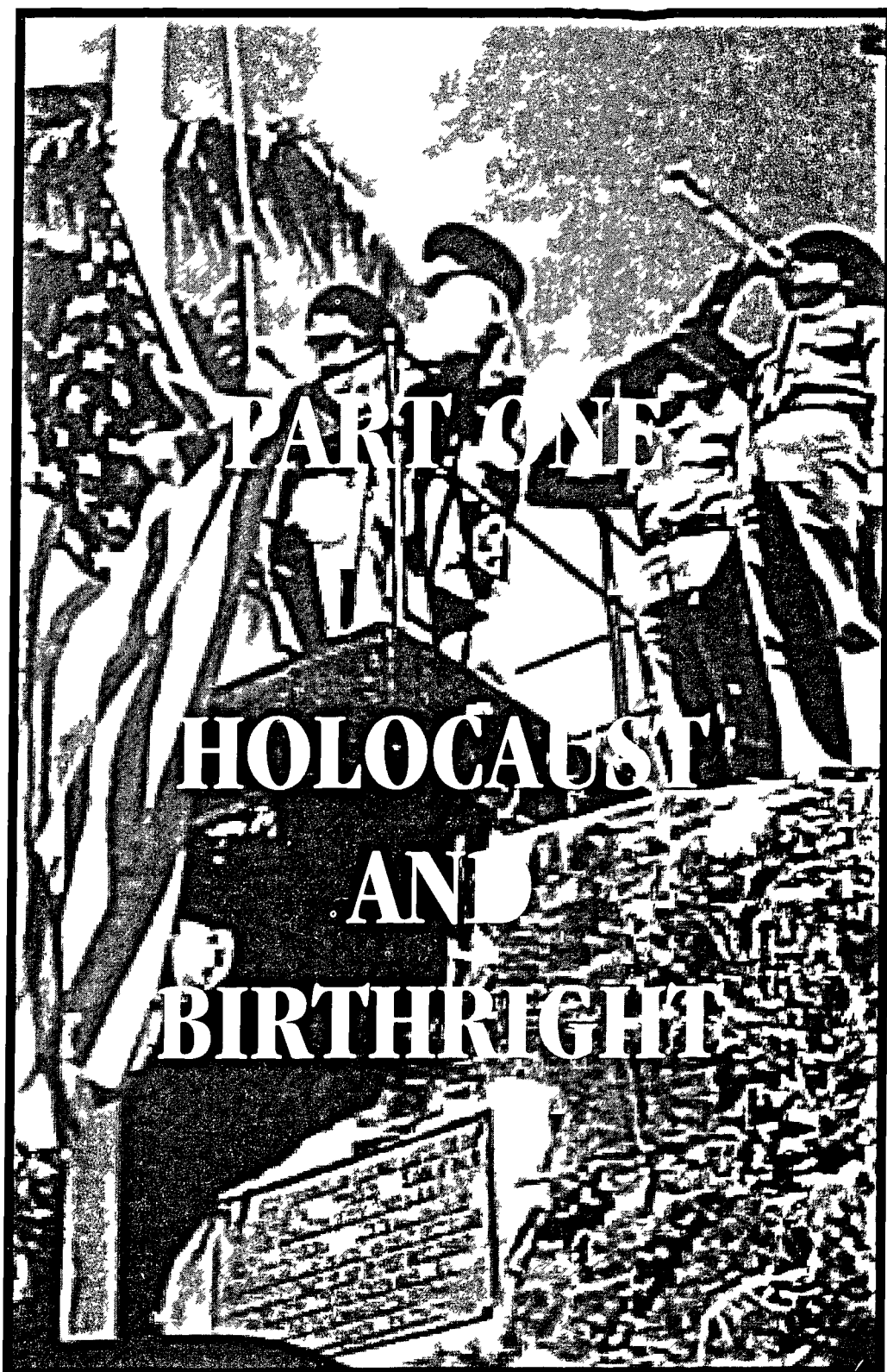
Moreover, the moral support and assistance extended by the following are deeply appreciated: Congressman Bob Filner of San Diego, California, Senator Robert Torrecelli, Congressman Benjamin Gilman of New York, Attorney Amado Soriano, Fiorello Salvo, Attorney Julian Nierva, Jose Mari Mercader, Senator 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.

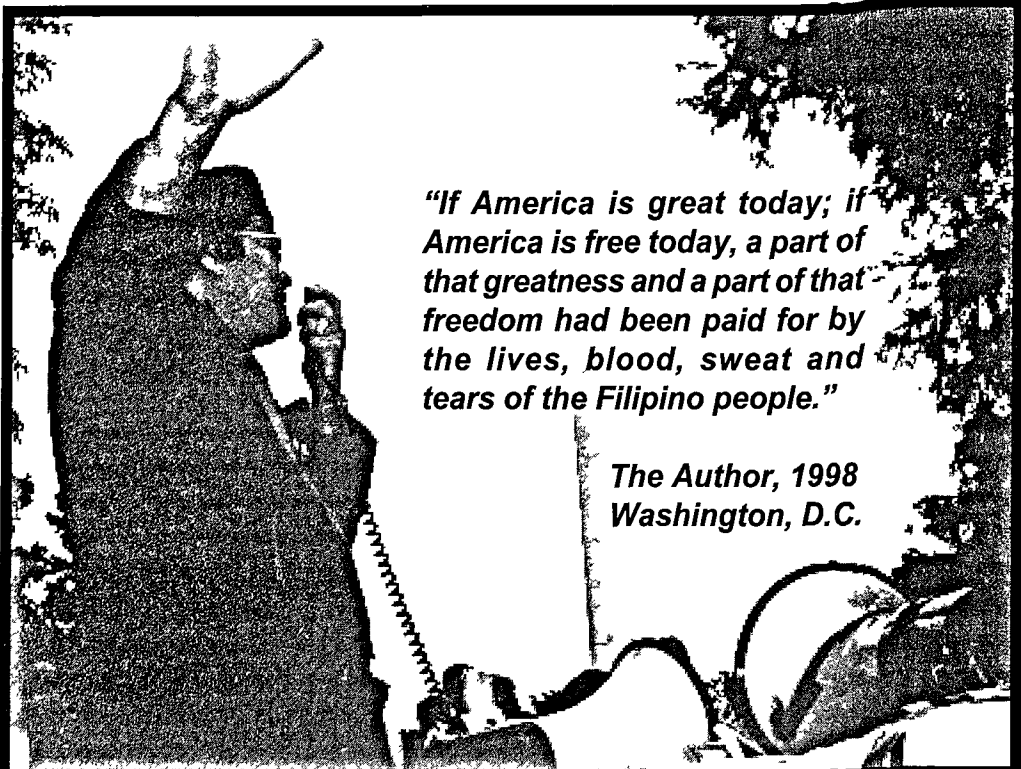
Finally, I would like to express my deepest appreciation to Mr. Daniel "Danny" Romualdo Antonio who provided me with priceless research materials concerning the United States colonization of the Philippines and the American atrocities committed therein; to Professor Cesar Majul, Ph.D. for sharing his 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.

