MANDATED REPORT
VOL. I

VERDICT: *JUSTICE DENIED*
AMERICA: *GUILTY AS CHARGED*

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FIRST EDITION

FRONT & BACK COVER ARTWORK BY GONZALO RUEDA MORENO "GONY"

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No one accomplishes entirely alone; nothing of stature is the result of a single individual in isolation, but rather of a cast of support characters that represent the unsung members of any successful team. This work is no exception. Of the numerous individuals who are responsible for providing me with the support I needed, often to literally stay alive, several stand above the rest: Inés Fernández Roldan, James Alexander Overton V, and Maria Guerra Overton. Words cannot begin to reflect my gratitude.

In terms of sheer motivation my youngest two children, Alexander Jesse Overton and Julia Rachel Overton, stand above all. Alexio and Julila, I may not have been present in your lives due to circumstances beyond my control, and regardless of what you were told and who told you, rest assured that you were always present in my mind and heart. Let this book be a testament to that. Know that "*who you are*" is also "*who you were*" – who you come from; know that we once were, still are and always will be, warriors: *yesterday, today and tomorrow, I have and will fight forever evermore.* A father never forgets; a warrior never gives up. *Jujurra!*

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PROLOGUE

I am and have been for many years first and foremost a systems scientist. Those of you who are not fluent in the Spanish language will most likely not have heard of me, other than through the present essay, as by far most of my contributions are in that tongue. There is the matter of my induction in 2006 into the US Martial Arts Hall of Fame; my Honorary Membership to the UK Hypnosis Research Society as a result of my prize-winning paper on *Shamanism and Clinical Hypnosis*; my Cognitive Neuroscience thesis published in the *Journal of Mental Imagery*, several other articles in another academic journal *Shaman*, as well as two entries in the cultural anthropological encyclopedia on shamanism. Not much to show really for a lifetime of dedication to academic study and martial training. However, perform a quick Internet search for Shodai Overton-Guerra and you will be flooded with a body of written, audio, and audiovisual materials, even television interviews, all of which will plainly attest to my more than entry-level competence in many fields of scholarly and creative discourse: poetry, novels, philosophical essays, short stories, children stories, psychology, martial arts, international relations, world history and civilization, etc. I am the closest thing you will find today to the scholar-warrior-poet-monk archetype – assuming your personal paradigm allows for such a thing.

First trained as a systems analyst and programmer analyst, my undergraduate and graduate training and degrees have been in many academic and non-academic areas: Spanish and Latin American literature, Spanish and Latin American studies (culture, civilization and international relations), world history and civilization, world religions, philosophy, various branches of psychology (including clinical, cognitive, and the psychology of religions and mystical experiences), the cognitive neurosciences, clinical hypnosis and psychosomatic medicine, eastern philosophies and religions, and *many* martial arts, to name the most outstanding that come to mind at the moment. In all of those areas I have made lasting and unique contributions, essentially applying my knowledge and understanding of systems theory.

What any systems scientist worth his salt knows is that when it comes to an integrated system, as in the case of a living being, a human society or a culture,

even the smallest part of that system can reveal a great deal about the whole – but only if you really understand the system itself as well as the synergistic[1] relationship between the whole and its parts. The principles of systems science are applied consistently in many other sister sciences. The principle of "fractal relationship"[2] or of "self-similarity"[3] between the parts and the whole is one according to which essential aspects of the whole are reflected, revealed, or replicated – to a greater or lesser degree – in all of its integrating parts. This principle is the very essence of *systems science*, the science dedicated to the study of systems.

It is also the essence of many modern sciences. Forensic science, for example, is a discipline which specializes in reconstructing an entire crime scene composed of a series of concurrent events in space and time, from the careful analysis of a limited number of small, minute details. In the medical sciences, for example, a biopsy of a growth, a blood test, a urine analysis, or the study of a saliva sample, etc. – all small pieces of material evidence – can significantly inform on the status of health or disease of the body as a whole. In any clinical science – psychology, for example – one is trained to detect broader patterns of an individual's cognitive or affective schemata as reflected in small samples of behavior. This is precisely the reasoning behind psychometric testing: we obtain a limited amount of information from a subject in order to analyze and predict broad patterns of future behavior or performance. Similarly, artifacts found at a burial site tell the archeologist an important story about the entire culture itself, precisely because the cultural whole is reflected in individual items, often in a most significant manner.

Superior Court of California Case docket number D491 976 – Overton v. Dolansky, my case before the San Diego Family Court and alternately before the Appellate Court of California – manifests a "fractal similarity" or a clear "self-similarity" to… *to what?*... to everything that is wrong and has been wrong with this country, likely since its origins. The Case before the Superior Court of California officially began in August of 2005 when my ex-wife successfully filed an illegal,

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[1] Synergy, also known as the "whole is greater than the sum of its parts" phenomenon, takes place when the interaction of the integrating parts within a system exceeds that which one would expect from observing the parts behave by themselves.

[2] "A fractal is 'a rough or fragmented geometric shape that can be split into parts, each of which is (at least approximately) a reduced-size copy of the whole,' a property called self-similarity." Wikipedia: http://en.wikipedia.org/wiki/Fractal (Last accessed on October 10, 2012.)

[3] By "self-similarity" I am referring to a concept in which a whole is similar or identical to a part of itself, i.e., the part reflects the whole or the whole is reflected in each of its parts.

fraudulent marital settlement agreement, and is still ongoing in the present, October of 2012 seven years later. We originally separated and filed for divorce on October 13 of 2004 and obtained an official divorce through the territory of Guam two months later. We decided on joint custody with 50% division of time with our two small children, and from the beginning the status quo followed exactly that arrangement. There was no child-support involved because the time division of the children was roughly equal and I was still a full-time graduate student and unemployed at the time, and she already had her PhD and was working as a lecturer in San Diego State University. If anything she would have had to pay *me* because of her higher income. The arrangement was at times tense, but for the most part cordial. Even after I moved to Tijuana, Mexico (due to financial constraints) while I finished my doctoral program in clinical and health psychology at Alliant International University, she still allowed me to take the children back and forth across the border to spend 3 full nights and days with me. The exception was when we negotiated her taking the children to Ottawa with her parents for a two-month period in exchange for a quid pro quo for lost time with me at my convenience and choosing.

Lingering in the background was the pending issue of her finding employment elsewhere in the country. However, part of our agreement was that she would pay for my relocation expenses as soon as I finished my doctoral program so that we would continue the current shared parenting plan with the children. Things progressed reasonably well – or as well one could expect sharing small children amongst a former couple – for a period of a year and a half. During that period of time, three days and three nights a week, I was dedicated to my children – teaching them martial arts, yoga, Spanish, chess, telling stories, watching movies, etc. – i.e., being a father. But then one day in March of 2006 I suddenly received an email from my ex-wife claiming $13,000 or so in back child support, informing me that she was moving with the children to Boston, and telling me that she was agreeable to giving me *two weeks* of visitation time per year! The email also referred to a Court Order issued on November 28, 2005 pertaining to a (second) divorce in the state of California that I had never been made aware of and also to a marital settlement agreement that I had (allegedly) signed but (obviously) never seen. It is impossible to communicate to anyone how I felt at that very moment. It was even far worse, however, than when I was diagnosed with terminal cancer a year later – an integral story within the story of this Case.

Over the next couple of days I had to contact the lawyer whose office notarized the paperwork for the original divorce and then served as my ex-wife's

attorney in the second divorce in California. I discovered that he had moved to Poway, CA since signing the papers on October 13, 2004 and that the proof of service regarding the notification of the California divorce hearing had been falsified – I had been presumably served at a location I had never seen before – as well as the marital settlement agreement itself. The entire situation would have been comical had it not been tragic; the document was so obviously a forgery it seemed almost pathetic. The notarized signature page[4] –which authenticated the agreement we signed – was missing; the signature dates were whited-out and changed to reflect 2005 dates rather than the original 2004 signing dates; the division of assets (credit card debt of over $35,000, the vast majority of which was in my name) pages were missing and several pages in the document had page numbers whited-out and retyped over in a different font; child support was set at $1,000 a month (retroactive to October 2004); visitation was set at 2 days a week, rather than the 3 1/2 days a week which had been the status quo from the beginning. What's more was that it fully granted my ex-wife the right to move away *ANYWHERE* with the children. However, despite all of the above the most obvious evidence of fraud and forgery was the fact that the document, which my ex-wife and her attorney would swear was the "self-same" document I signed on October 13, 2004 in his former San Diego office, had references on page two to August 2005 events in the *past tense*. Obviously the document could NOT have been signed in its completed form on October 12, 2004, when page 2 of that document referred to events in the month of August 2005, almost a year later!

If you think that all that evidence of perjury, fraud, forgery and conspiracy to defraud the Superior Court of California would have led to convictions or at the very least some form of official inquiry or investigation then you would be very naïve and very wrong – just as I was. My ex-wife did not go to jail; she left to Boston with the children just as she had planned. I mentioned that I was a scholar; however, I am neither a lawyer nor am I a man of financial means capable of affording one – much unlike my ex-father in law, Dr. Bernard Dolansky, a prominent and wealthy member of the Ottawa Jewish community who has invested over $200,000 US – to date – in support of his daughter's campaign to eradicate my existence from my children's lives. I deliberately failed to mention I am of African, Hispanic as well as Native American descent: an economically underprivileged, self-represented, non-White father facing a wealthy White mother and her $400 an hour attorney in a United States Family Court, while at the same time battling a life-

[4] A legal requirement to file a marital settlement agreement.

threatening disease in and out of the hospital – radiation therapy, chemotherapy, surgeries. It would either make for a dark comedy or for a Disney movie, if only it had a happy ending. It does not; nor is it funny. In fact, I received no quarter either from my ex-wife or from the Court for medical disability or state of infirmity throughout the Case.

Today, over six years after that ill-fated email, I have not seen my children in nearly four years. Their mother blocks or discards any gifts I send them and freely refuses to comply with any Court orders allowing me even minimal phone contact with my children. She has continuously and successfully perjured her way to every advantage imaginable – lying to have my income imputed, lying to obtain restraining orders, lying about my not having sent gifts to my children, etc. – as well as refused to comply with any Court order she found not to her convenience, with complete legal impunity, including a Court order, later rescinded as a result of her "lack of financial resources", to provide my son with psychological assessment and treatment for the rape and sexual abuse he suffered while under her supposed supervision only weeks after moving to Boston. *Legally* but *unjustly*, I went from being a dedicated father to yet another parent completely alienated from his children, and my children went from being father-full to joining the endless stream of fatherless children that are becoming the new social trend in this decadent country – and of course, I accumulated while deathly ill and by way of income based on perjured testimony – over $30,000 in unpaid child support debt, which of course pales in comparison to the over $200,000 she spent in legal fees to obtain it.

Everything that I have stated and will state in this book is of public record, which is why I provided the Case No D491 976. Anyone can legally and readily verify the details of the Case and confirm what I am now reporting. I encourage you to do so for if you do you will discover, as I did, that the Overton v. Dolansky case bears a clear and present self-similarity to the whole of America, with virtually everything that is wrong and falling apart in this country – much of which is stemming from a corrupt, iniquitous and unaccountable judicial system – but more importantly it bears a self-similarity to the thinly guised fascist society that sustains it, and which in turn rests upon a culture so steeped in forms of legalized discrimination, corruption and injustice that it has lost any semblance of what one might remotely refer to as a moral compass.

Overton v. Dolansky is a stool sample from a putrid social and legal system; it is a biopsy of the cancerous state of American society, culture and jurisprudence. America is as doomed as I was as a poor Black and Latino man entering a US

Courtroom seeking justice against a wealthy White woman, foolishly hoping that truth and justice would prevail over deceit and iniquity; and America is doomed for all the same reasons for which I was doomed and my children were doomed: it has lost all semblance of anything our forefathers had intended it to be; perhaps it never had it to begin with.

Therefore I do not write this book in hopes of seeking change – whether a change in my legal case or a change in American society. I write this book for my children. I write this book so that Julia Rachel Overton and Alexander Jesse Overton will somehow, someday, come to know the *real* father their mother in her vile selfishness conspired to deprive them of, and the American system in its contemptible iniquity facilitated. They were never forgotten –only sold down the river by the very people empowered to protect them.

Alexio and Julila: A father never forgets; a warrior never gives up. *Jujurra!*

INTRODUCTION

- Hosea 8:7 *"They have sown the wind; now they shall reap the whirlwind."*
- Exodus 9:1: "*Let my people go…"*

I have, for quite some time, planned to write an indictment of America regarding the history of its exploitation and its depravation of other cultures within and without its territorial boundaries. The record and nature of crimes against humanity, in which European nations have played such a prominent role in every corner of the globe, finds many a case-study throughout the pages of American history and society. America is steeped in thoughts, acts and feelings of racial hatred; so much so that it has become the dominant theme in its culture. As a result of this history, the social and political byproduct of Anglo-American culture has become inhumanely immune to the foul stench of systematic injustice, corruption, exploitation, and cultural as well as physical genocide. Like a fish incapable of feeling wet, racism in all of its forms is ubiquitously invisible to the average Anglo-American. In psychology we call this 'habituation' – a form of non-associative learning in which repeated and continuous exposure to a stimulus diminishes a response from and within the subject.

Some may consider my characterization of Anglo-American culture as "racist". This would be an oversimplification of the facts to the degree of a blatant misrepresentation of the truth. Culture and race, like genes and memes, are quite separate issues. As such, there are no lack of individuals of the "White" or "Caucasian" race that do not fit the profile of Anglo-American culture depicted herein, nor are we wanting for a lack individuals of other races – "Black", "Red", "Yellow", or "Brown" – that qualify as Anglo American by their very behavior. That is the nature of culture. Furthermore, descriptions of cultural patterns (as is the case with statistics) apply to populations as a whole – not to individuals. Nevertheless, one cannot deny that Anglo-American culture has been the overriding dominant culture since the establishment of the first British colonies in the sixteenth century. As a result, virtually all American subcultures have been significantly influenced by this dominance. This is to say that if you are raised in

America, nothing (good, bad, or indifferent) pertaining to Anglo-American culture – regardless of your race – is entirely alien to you. Nevertheless, inasmuch as it is undeniable that the historical and social events referred to within the context of this essay are the direct result of the majority rule of a race of peoples born in the United States of America and of Anglo-Saxon descent, they do pertain to that race of people – but not for their biology, rather for their social and political ideology. One can change ideology but not biology.

And nature has done interesting things to our biology indeed! As the result of the evolution of the neuro-cognitive faculty we may refer to as imagination, we humans also possess a degree of empathy no other animal has the capacity to experience. We can 'feel' the sadness, or anger, or despair, or indignation of others from reading a book, watching a documentary, or watching a movie – even when we know the events are not real and the characters are following a script. This capacity to empathize, even with the plight of other, 'lesser', species, is a key component to our inherent potential for moral action. Without empathy we lose an important part of our own humanity. Racial hatred and the physical, economic, psychological, and spiritual violence it causes and supports is not only damaging to those who are the recipients of such actions and sentiments, but also to those who perform or indirectly benefit from them. I remember studying the Holocaust and learning about the propaganda campaign of dehumanization required prior to instituting genocide as an official governmental and social policy in WWII Germany. I also remember reading accounts of the inevitable traumatic effects caused by first-hand participation in the Holocaust; many German soldiers, even hardcore Nazi SS officers, suffered a form of post-traumatic stress disorder even as they performed their 'patriotic duty' in cleansing their country from the so-called 'defiling pestilence of the Jew'. Many of these individuals became psychologically traumatized as the perpetrators of violence, their minds never fully recovering afterwards from the recurring images of their own inhumanity reflected in their actions. Routinely suffering, performing, witnessing or even hearing inhumane acts desensitize us to their effects and therefore deprive us of our own capacity to feel, deprive us of our own humanness. I worked for several years as an interpreter in various prisons in Canada having ample opportunities to interact with prisoners and guards alike. In the words of the leader of a hostage rescue team (HRT): "both prisoners and guards share the same prison". But I also witnessed it as a psychology intern working at a juvenile detention facility. While there I primarily treated gang members, providing psychotherapy for individuals, groups and families. Steeped in a social environment of loss, lack of opportunity, and

hopelessness – all of which are forms of violence – gang members live a life of constant brutality and hostility, upon themselves and upon others. I recall one patient crying desperately as she described her participation in the brutal beating and rape of another individual. She asked me why she still carried those feelings of pain every time she recalled the act. I said the time to really start worrying was when she could think about it and feel nothing. America feels nothing. It has become numb to the violence and the suffering its society is steeped in, because it is a society built upon the suffering of others within its borders and so in order to live without that guilt it inexorably distances itself from its feeling, and thus from its own humanness. For example, American Border Patrol agents routinely shoot and kill Mexican citizens while trying to enter the US illegally; the death penalty is instantly applied for an offense that at most and in all practicality would lead to merely several months of incarceration. You cannot really reconcile these acts with any notion of rational behavior, let alone justice, until you first reconcile yourself with America's inherent despise for all non-White races – only then does it all make sense.

Once you understand this vital, key, and essential aspect of Anglo-American culture you can also understand and make sense of the historical and social accounts of Anglo-America's 'clinical record' you will read throughout these pages. You will also understand the details of the Overton vs. Dolansky case I will describe herein. Recall that we are analyzing an entire system from a close examination of one of its parts. The US Family Court system is not a foreign or alien element to American Jurisprudence at large, no more so than American Jurisprudence is foreign or alien to dominant American culture – Anglo-American culture. I will, as we proceed through the details of this Case, give you ample historic precedent to explain how the various material details of Overton vs. Dolansky reflect this history. I will also provide you with ample social statistics to show you how the Case reflects the most compelling social issues affecting American society today. America is as rotten as the Judges who have tried this Case. Suffice it to say that the last presiding judge on my case, the one who has done the most damage insofar as restricting access and contact between my children and I, was a convicted drunk driver prior to the Case, yet was never removed from the bench. Superior Court Judge Judy Schall was "stopped by the Escondido Police Department on September 12, 2007, for driving the wrong way on Centre City Parkway, a street classified as a four-lane divided highway. After failing a field sobriety test, she was arrested for drunk driving as a violation of the

California Vehicle Code 23152(a)."[5] This absurdity sums up the American system's commitment and concern for the credibility of its justice system. As you read the pages of this book you will read not only how my Case was tried, but you will read the trial of America. Together, we will put America and Anglo-American culture on trial; together we will determine America and Anglo-America's sentence. Throughout our close examination of this dual Case – *Overton v Dolansky* and *Humanity v America* – you will see American jurisprudence and

- Its selective application of due process and other rights guaranteed under the Constitution;
- Its indifference towards the effects of fatherlessness on children;
- Its acquiescence to crimes of moral turpitude (perjury, fraud, and forgery) when perpetuated of course by the privileged White party against an underprivileged visible minority;
- It's disregard for the biopsychosocial severity of child rape and sexual abuse;
- Its negligence regarding the needs and rights of child-victims of rape and sexual abuse to receive psychological treatment;
- Its contempt for the rights, human rights – and needs – of children to develop an identity in accordance with their ethnic and linguistic heritage – in particular when that heritage consists of visible ethnic minority roots;
- Its disdain for the rights of the critically infirm and medically disabled;
- Its total bias in favor of the preferences if not conveniences of the custodial parent – most usually the mother – with complete and total disregard to those of the children themselves;
- The manner in which the entire judicial process is subject to the highest bidder: in America you get only as much justice as you can buy.

[5] http://angiemedia.com/2010/01/22/why-is-san-diego-judge-lisa-schall-still-on-the-bench/ (Last accessed on October 10, 2012.)

- Finally, racism. There is no other way to adequately explain the systematic manner in which virtually every shred of material evidence I presented before the Court was disregarded in favor of the verbal testimony of someone who had been a demonstrated liar throughout the case, even to the point of gaining the admonishment of a judge for her "perjury". She was, of course, never penalized for it.

Most of all, as I stated earlier, you will clearly see how the details of this Case hold a "self-similarity" to everything that is wrong with America: its decaying economy; its deteriorating infrastructure, its failing education system; its lack of global competitiveness; its alarmingly increasing rates of fatherlessness and juvenile violence; its immature obsession with God; its political and legal corruption combined with the hypocrisy with which it points a morally accusative finger at other nations and societies; and the systemic hatred, that pattern of crimes against humanity it has perpetuated on any ethnicity of color – any non-White race – with which it has entered into conflict, within or without its borders, throughout its history:

On June 26, 2011, James Craig Anderson, 49, was killed in Jackson Mississippi by a group of white youths who – allegedly yelling racial epithets and crying out "White Power" – first beat him, then backed up their pickup truck and deliberately drove him over. On June 21, 1964, 47 years earlier almost to the day and not far from that same location, 3 civil rights activists – James Chaney, a 21-year-old black man from Meridian, Mississippi; Andrew Goodman, a 20-year-old white Jewish anthropology student from New York; and Michael Schwerner, a 24-year-old white Jewish Congress of Racial Equality (CORE) organizer and former social worker also from New York – were lynched by a group of police and civilian members of the Knights of the Ku Klux Klan. During the extensive search the bodies of at least seven other Mississippi Blacks, "whose disappearances over the past several years had not attracted attention outside of their local communities" were discovered.[6]

Laws may have changed, but culture and society have not. You may wonder about the relationship between the Overton vs. Dolansky case in California and the Mississippi murders; you may wonder how they are related. They are both symptoms of a crippling social and fatal cultural disease that will claim its host as surely as brain cancer or lymphoma will ravage a human body. The dehumanizing

[6] http://en.wikipedia.org/wiki/Mississippi_civil_rights_workers_murders (Last accessed on October 10. 2012.)

process of slavery, racial discrimination, segregation of the African American, as well as the genocide and dispossession of the Native American have left the United States and all levels of its social, cultural, legal, and governmental institutions morally bankrupt and devoid and deprived of their basic humanity. Overton vs. Dolansky is but a tissue sample of the gangrenous state of this country – that is how they are inextricably related, and that is exactly what this book is about: making that relationship clear and present in the reader's awareness.

The most controversial issues in a country's history are always those most central to its National identity, the keystone to its cultural paradigm. In the case of the United States those issues are quite clear: the brutal enslavement and subsequent suppression of the African and the genocide of the Native American. Historically, socially, economically, legally, and of course, culturally those two central issues have had many manifestations. The first legal importation of African slaves in 1619 initiated a series of human events that would leave indelible and disgraceful scars on the face of American society and its jurisprudence. Slavery created a caste system in which a category of human beings was legally designated as property to another category based strictly and solely on their ethnic and racial heritage. This default classification of legal discrimination created, of necessity, a social, educational, economic, and cultural inequity and inequality which continues to this day. As a result, no issue has created more conflict and controversy, be it social, economic, political, or moral throughout the history of the United States than the issue of race – *an issue which is central to my Case.*

During the 1787 Constitutional Convention, which began in Philadelphia on the second Monday of May of that year, slavery became legally ratified by the Constitution in a political move known as the "Great Compromise." In order to prevent the southern slave-owning slaves from derailing the entire constitutional enterprise, slavery would be legally recognized in three provisions under the Constitution: 1) slaves would be counted under the Constitution as three-fifths a person; 2) northern States would be required to return fugitive slaves; and 3) Congress could not ban the further importation of slaves before 1808. Thus were the historical and legal binding between politics, economics, and racism in America cemented in the very Constitutional foundations of our nation.

From this point on, the history of the United States demonstrates that no subject has challenged its honor and integrity as has the issue of slavery and its

legacy: racism. During the Convention, George Mason (a delegate from Virginia) prophetically made the following admonishment:

Every master of slaves is born a petty tyrant. They bring the judgment of heaven on a Country. As nations cannot be rewarded or punished in the next world they must be in this. By an inevitable chain of caused & effects providence punishes national sins, by national calamities." - George Mason, Aug.22, 1787[7]

It is relevant to the present treatise to bear in mind that the institution of slavery did not solely involve forced labor under inhumane conditions. Rather, it involved a series of degrading and dehumanizing processes that stemmed from a perspective that the slave was less than human – indeed, only three-fifths so. As such, and as no more than property, the slave was subject to the degradation of having his wife and daughters raped by White masters, and ***the dissolution of his family*** through the sale of his children, ***in almost all cases for financial profit***. Additionally, and equally relevant to the argument at hand, the slave became ***dispossessed of his own identity by the forced privation of his ethnic and linguistic heritage. Loss of language of origin*** was enforced by preventing slaves from interacting with others who spoke the same language. It was feared that communication amongst others of the same ethnicity would provide the ego-strength, sense of community and joint destiny, and means for active coordination that would lead to a rebellion against their masters. Thus slavery, in its need to affirm a demoralized and subservient population, ***demolished at once ethnic and linguistic identity as well as family bonds.*** In further efforts to prevent incidents of the likes of the *Stono Rebellion* of September 9, 1739 (in which scores of slaves near Charleston, South Carolina revolted and killed their masters[8]) and the burning of plantations, laws were enacted to prevent slaves from being taught to read or write – thereby promoting illiteracy and general ignorance as a means of control. Since then the official policy of all forms and manifestations of the United States government has been to deny or disregard the rights of members of visible minorities to their ethnic heritage and linguistic heritage – a central issue in the Overton vs. Dolansky case.

[7] George Mason University, Mercer Library Newsletter, Vol. 2, Number 11 | Sept/Oct 2006
[8] Civil Rights Chronicle: The African-American Struggle for Freedom, Clayborne Carson et al, 2003, p. 14.

The affirmation of slaves as legal property was firmly upheld by various United States Supreme Court cases such as *The Antelope* case.[9] The *Antelope* was a slave ship seized by a US naval patrol off the coast of Georgia in 1825. The owner of the Antelope had raided Spanish and Portuguese slave ships and planned to bypass the US boycott on the importation of slaves placed into effect by Congress in 1808. As a result, under American law, the Africans on the slave ship were free and should have been returned to Africa. Nevertheless, as the Spanish and Portuguese governments filed claims for the recovery of their stolen property the Antelope presented "*claims in which the sacred rights of liberty and of property come in conflict with each other*." The status of the slaves as property would prevail over the claims of liberty as Chief Justice John Marshall's opinion held that although "*it is contrary to the law of nature will scarcely be denied*" the federal courts must recognize another nation's right to engage in the slave trade even if the laws of that nation did not permit the trade. His opinion ends with: "*It follows, that a foreign vessel engaged in the African slave trade, captured on the high seas in time of peace, by an American cruiser, and brought in for adjudication, would be restored*."[10]

Therefore it is in slavery primarily, I will argue, that the American justice system learned to treat humans as merchandise and in the same manner Family Courts treat children as the primary custodian's personal property. I find little difference between a trial court endorsing the destruction of father-child bonds by authorizing a move away for the financial benefit (usually) of the mother – without even charging her with the full financial responsibility of ensuring the same degree of contact with their father **prior** to the move away – and the destruction of those same bonds via the sale of children for financial gain. Severity aside, the spirit of the issue is the same: ***profit*** over ***family***, ***property*** over ***humanity***.

In 1842 another case came before the Supreme Court that would again involve the kidnapping of slaves, assert the rights of slave owners to retrieve their property and affirm the less-than-human status of Black Slaves. In *Prigg v. Pennsylvania*, under Chief Justice Taney, the Supreme Court ruled that no state can enact laws which would hinder a master's right to retrieve his lawful property, even

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[9] Federal Judicial Center, www.fjc.gov, Teaching Judicial History: Federal Trials and Great Debates in United States History, http://www.fjc.gov/history/amistad.nsf/autoframe?openform&header=/history/amistad.nsf/page/header&nav=/history/amistad.nsf/page/nav_legal&content=/history/amistad.nsf/page/legal_issues

[10] The Antelope, 23 U.S. 10 Wheat. 66 66 (1825)

if the manner in which that property was retrieved (kidnapping as was the case), was unlawful in that state or if slavery was not legal in that state.[11]

In 1850, Congress passed the Fugitive Slave Act of 1850 as part of the Compromise of 1850. It was an attempt to keep the country together by making concessions to slave-owning states. Frederick Douglass would state that it was "*designed to involve the North in complicity with slavery*." The new legislation eliminated due process for those accused of being fugitives, and stiffened the penalty for those who aided and abetted those seeking freedom from (*legal* but *immoral*) bondage. "*The law also made it a federal crime for any citizen to refuse to aid in the recapture of a fugitive slave... [it] allowed any claimant of a fugitive to place him or her in custody without a warrant, jury trial, or hearing*." Consequently, "*many free blacks were kidnapped and sold into slavery*."[12] **In effect, what the Fugitive Slave Act of 1850 did was contribute to the formation of a culture in which the *inhumane persecution of Blacks became a social requirement* as well as a *legal institution***. We need not ask ourselves why those White youths in Mississippi, on June 26, 2011 suddenly decided to "mess with some niggers" – leading to the brutal death of James Craig Anderson[13] – when the immoral persecution of Blacks has been a social institution imposed by law and made manifest in Anglo-American culture.

Perhaps the most controversial ruling of the Supreme Court with respect to the politics and economics of race, one which left an indelible stain on the legitimacy of the Supreme Court to dispense justice in racial issues, one which tainted the history of the United States and the premise of *freedom and justice for all*, and one which is considered to be an indirect cause of the Civil War, is the 1857 *Dred Scott v. Sandford* case. The decision of the Supreme Court was to affirm that no Black person, free or otherwise, was a citizen of the United States and therefore was not entitled to rights and protection under the Constitution. Justice Taney further emphasized that Blacks were "*beings of inferior order*" with "*no rights that the White man was bound to respect*"[14]. In the Dred Scott Case,the Court's majority opinion was that, because Scott was black, he was not a citizen and therefore had no right to sue. "The framers of the Constitution," he [Chief Justice Taney] wrote,

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[11] Civil Rights Chronicle: The African-American Struggle for Freedom, Clayborne Carson et al, 2003, p. 22.
[12] Civil Rights Chronicle: The African-American Struggle for Freedom, Clayborne Carson et al, 2003, p. 27.
[13] http://www.cnn.com/2011/CRIME/08/06/mississippi.hate.crime/index.html (Last accessed on October 10, 2012.)
[14] Dred Scott v. Sandford 60 U.S. 393 (1857),

"believed that **blacks *had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit. He was bought and sold and treated as an ordinary article of merchandise and traffic, whenever profit could be made by it.*"** Referring to the language in the Declaration of Independence that includes the phrase, "all men are created equal," Taney reasoned that "***it is too clear for dispute, that the enslaved African race were not intended to be included, and formed no part of the people who framed and adopted this declaration…*"**[15]

Justice Taney's is an opinion that is clearly and repeatedly reflected in the findings and orders of the Family Court judges I have faced to date as well as the Appellate Court ratifications of those judges' rulings and the Supreme Court of California's refusal to hear my case. And so my case is now before the highest court in a democratic country: the Court of Public Awareness. Justice Taney's is an opinion that was clearly and repeatedly reflected in the acquittal of all police officers involved in the 1992 Rodney King Trial in Simi Valley California and which left *hundreds of millions* – if not *billions* – of citizens of all countries of the world asking '*Why did the twelve members of the jury fail to convict any of the officers?*' It was an opinion which has been all too often repeated throughout the legal history of this country and which has resulted in such cries of desperation as those demonstrated by the LA riots following the King Trial in 1992, as well as many others of its kind, such as the 1965 Watts riots of my childhood, and the race riots of Wilmington, N. C. (1898), Atlanta, Ga. (1906), Springfield, Ill. (1908), East St. Louis, Ill. (1917), Chicago, Ill. (1919), Tulsa, Okla. (1921) and Detroit, Mich. (1943). And it is an opinion which the White Respondent herself flaunted as governing the perception of trial court in this case:

> "*But, stated simply, without question, the trial court accepted the declaration testimony of Respondent [Ms. Dolansky] over that of Appellant [Mr. Overton]. And that should not be surprising as the trial court could not reconcile the evidence from one parent with that of the other.*" [Page 15 Respondent's Opening Brief].

Any court of law should cringe at the manner in which a White female judge, under conflicting information from the litigants which she "could not reconcile," would unequivocally take the word of the White female litigant over

[15] http://www.pbs.org/wgbh/aia/part4/4h2933.html, emphasis mine. (Last accessed on October 10, 2012.)

that of an Hispanic/African/Native American male litigant without as much as giving the slightest care or consideration for material evidence at her disposal – ***any court of law save that of the Supreme Court of the United States under Chief Justice Taney.***

Justice Taney also ruled that Congress had no right to ban slavery in the US territories. His ruling in the *Dred Scott* case had the effect of leaving Blacks without hope of challenging their status of legal bondage in state or federal courts. Taney's opinion had nationalized slavery by asserting the rights of White slave owners to bring their (sub-) human property into free states without fearing challenges to their ownership, and by allowing the expanding territories to apply for statehood with slavery integrated into their Constitutions.[16]

Even prior to the *Dred Scott* ruling, Hezekiah Ford Douglass, a free African American from New Orleans, in his lengthy address in Cleveland, Ohio, on 27 August, 1854 made the following remarks as part of his anti-emigration speech at the convention:

> *When I remember the many wrongs that have been inflicted upon my unfortunate race, I can scarcely realize the fact that this is my country. I owe it no allegiance because it refuses to protect me. It is a maxim in Governments, "That each individual owes allegiance in proportion to the protection given." … When I remember that from Maine to Georgia, from the Atlantic waves to the Pacific shore, I am an alien and an outcast, unprotected by law, proscribed and persecuted by cruel prejudice, I am willing to forget the endearing name of home and country, and an unwilling exile seek on other shores that freedom which has been denied me in the land of my birth.*[17]

With slavery came segregation, Jim Crow, the KKK, the Dred Scott ruling, *Plessy v. Ferguson*, lynching, and also the Tuskegee syphilis experiment:

> *For forty years between 1932 and 1972, the U.S. Public Health Service (PHS) conducted an experiment on 399 black men in the late stages of syphilis. These men, for the most part illiterate sharecroppers from one of the poorest counties in Alabama, were never told what disease they were*

[16] *The History of the Supreme Court,* by Peter Irons, (Lecture 8) The Teaching Company 2003.
[17] *National Humanities Center Resource Toolbox,* The Making of African American Identity: Vol. I, 1500-1865. Emigration & Colonization: The Debate among African Americans, 1780s-1860s.

> *suffering from or of its seriousness. Informed that they were being treated for "bad blood," their doctors had no intention of curing them of syphilis at all. The data for the experiment was to be collected from autopsies of the men, and they were thus deliberately left to degenerate under the ravages of tertiary syphilis—which can include tumors, heart disease, paralysis, blindness, insanity, and death. "As I see it," one of the doctors involved explained, "we have no further interest in these patients until they die."* [18]

When confronted with such details as the Tuskegee syphilis experiment it is virtually impossible for citizens of other countries to fathom the monstrous nature of the United States' inherent inhumanity, which in facts, figures, fatalities and historical extensity pales in comparison to even Nazi Germany. American President Bill Clinton would offer on May 16, 1997 a formal apology for the Tuskegee syphilis experiment to the eight remaining survivors, stating: *"The United States government did something that was wrong—deeply, profoundly, morally wrong. It was an outrage to our commitment to integrity and equality for all our citizens... clearly racist."* The United States government has much for which to apologize; the Tuskegee syphilis experiment is but a snowflake on the tip of the iceberg.

The plight of the Native American, like that of the African American, has also occasioned too many outrageous incidents to list. Experts in the history of genocide, such as Holocaust expert David Cesarani, have argued that "the government and policies of the United States of America against certain indigenous peoples in furtherance of Manifest destiny constituted genocide", and that "in terms of the sheer numbers killed, the Native American Genocide exceeds that of the Holocaust".[19] Certainly the lives lost during the centuries of the legalized African slave trade in America also exceed that number.

However I am very well aware that many of you will claim that you simply don't care. White Americans wash their hands of the past by claiming no responsibility in the present. In their naiveté they fail to understand that when the ship is sinking blame is of little consequence – especially when you are also a

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[18] http://www.infoplease.com/spot/bhmtuskegee1.html. (Last accessed on October 10, 2012.) For more information read Tuskegee Syphilis Experiment (History, Facts, Bad Blood, Bad Science) – Infoplease.com http://www.infoplease.com/spot/bhmtuskegee1.html#ixzz1U5WBleo2

[19] http://en.wikipedia.org/wiki/Genocides_in_history#United_States_of_America (Last accessed on October 10, 2012.)

passenger on that ship. Yet many, many White fathers have experienced righteous indignation in being assigned to "Negro status" – that is, all financial responsibilities and no legal rights – in the Family Court system. This book will show you how that status came about and how it affects your rights as well, for example, under the Patriot Act. The legal, social, and cultural precedent of the "Negro status" has given American Government an inherently fascist nature.

Hispanic Americans, often too uneducated to read the writing on the wall, may stand by, oblivious, to the plight of their slightly darker fellow visible minority and fail to realize that, as the greatest growing threat to continued Anglo-American political dominance, and therefore socioeconomic hegemony, they are already experiencing the effects of a steady increase in hate crimes, tighter immigration policies, and racial profiling leading to incarceration and en masse loss of their voting rights – the key to integrated citizenship.

As a former university lecturer and teaching assistant I am very familiar with the typical American student's dismissal of past events as merely "ancient history". But history is not just a matter of "past events"; it a continuum, as the past bears strongly on current and present trends and realities. To understand America today is important not only for Americans, regardless of race, gender, or religious creed, but for all the citizens of the world. America is the last superpower standing, the only remaining true empire and, like it or not, its military and its economic might dominate world political and social trends. But to fully understand America is to know the history, nature, and social, economic and cultural impact of the United States of America's official government racist and genocidal policies, policies which remain largely unknown and for which America remains unaccountable – until now.

Rodney King, Oscar Grant, James Anderson, etc., and the recent killing of Kenneth Harding, a 19 year old African American shot and killed by San Francisco police on June 16th, 2011, are all part of a regular and ongoing holocaust of the non-White ethnic minority. And what was Mr. Karding's 'crime'? Not having a valid $2 transfer pass and fleeing from police. He was shot over ten times. Victim to a pattern of socially accepted if not legalized crimes against humanity.

Prejudice in some fashion or other is human; which is to say that it is represented in every human society. But America has the dubious distinction of being quite unique in this regard. No other country or society – save for example Hitler's Nazi Germany during WWII or South Africa during Apartheid, for example,

both appropriate comparisons – has been so fearfully obsessed with the categorization of peoples by race and/or ethnicity as America, leading to the "Who is Black?" question answered, only in America, by the "One drop rule" – one drop of African ancestry is sufficient to determine one's racial – and social – identity.

Although an individual of African descent has reached the pinnacle of power in the United States by occupying the position of President in the White House – an edifice constructed at least in part by Black slave labor[20] – Hezekiah Ford Douglass' remarks echo in the hearts and minds of many if not most African Americans today as clearly as they did 150 years ago. While it is difficult for members of the White majority, or even other ethnic minorities to understand let alone accept this claim, a simple reference to 2011 the nationwide statistics which show the incarceration rates for Blacks as being 397% higher (i.e., *five times* more) than those of Whites should facilitate the change of viewpoint that will open one's mind to the reality of this perception.

The point to keep in mind is that whether these incarceration rates reflect a) *the increased attention, persecution, and prosecution of Blacks by the justice system nationwide*; b) *a high degree of criminal behavior inherent to Black culture and society*; or c) *a combination of the two*, the root cause is the same: **social and economic circumstances forged and fomented by incessant legal determinations throughout the history of this country, of which the *Dred Scott* verdict is but one.**

The *Dred Scott* ruling became central to American politics between 1857 and 1861.[21] It is an example of how judicial legal decisions can have great social impact on a country and why in particular the rulings of the Supreme Court cannot in any reasonable conscious manner divorce themselves from the social and historic context in which they take place. The *Dred Scott* disposition had not only the effect of establishing legal grounds to perpetuate and nationalize slavery, but was also tremendously instrumental in provoking the United States Civil War,[22] a brutal confrontation within our own soil in which 600,000 American lives were lost. *Dred Scott* is also a clear and present example of how American jurisprudence, when it comes to issues of race, has established an unequivocal pattern of making

[20] The White House's History of Slave Labor in the CBS Evening News: *Records Show Slaves Helped Build The Presidential Mansion.* WASHINGTON, Dec. 10, 2008.
[21] *The History of the Supreme Court*, by Peter Irons, (Lecture 8) The Teaching Company 2003.
[22] Columbia Journal of Transnational Law, *Dred Scott* and International Law, p. 782, Janis Print Version.doc, May 20, 2005.

short-sighted decisions with long-term social implications that separate and distinguish *law* and *order* from *morality* and *justice*.

Although the Dred Scott case and its relation to slavery were the primary focal points of the seven presidential debates between Senator Douglas and Abraham Lincoln in 1860, it is important to note that the abolition of slavery did not imply equality between the races; that is a point which needs to be understood and which Abraham Lincoln himself made very clear in 1858:

> *I will say then that I am not, nor ever have been in favor of bringing about in any way the social and political equality of the white and black races, [applause]---that I am not nor ever have been in favor of making voters or jurors of negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this that there is a physical difference between the white and black races which I believe will for ever forbid the two races living together on terms of social and political equality. And inasmuch as they cannot so live, while they do remain together there must be the position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race… very frankly that I am not in favor of negro citizenship.*[23]

Therefore, the future President of the United States who would be responsible for the Emancipation Proclamation on January 1, 1863 and who vehemently attacked Justice Taney's ruling in *Dred Scott*, was in complete agreement with the Chief Justice's opinion regarding the lack of citizenship status of "negroes". Moreover, it was only the fear that extending slavery into the Territories would tear apart the Union that distinguished him from Senator Douglas.

There are other dimensions in which *Dred Scott* must be interpreted. In a similar manner in which the Jews were the victims of a campaign of dehumanization in Hitler's Germany, Blacks were dehumanized by way of even religious and biological arguments in order to justify the inhumane horrors of slavery: human beings cannot effect such treatments of other fellow human beings unless they believe them to be inferior or sub-human. The *Dred Scott* ruling is reflective of a deeply seated venom that has deprived millions in our country of "*Life, Liberty and the pursuit of Happiness*" to this day. It is important to recognize the role that the Highest Court in the land, the Supreme Court, played in this

[23] Lincoln's Fourth Debate with Douglas at Charleston, Illinois, September 18, 1858.

matter, for not only did it convert all of those dehumanizing prejudices into the official law of the land, but it also *legally* equated – for the first time in history – ***slavery with a race of people***.

Even such a noteworthy anti-slavery proponent as Abraham Lincoln was infected by the view of his time – that Blacks were inherently inferior to Whites, even if that inferiority did not merit slavery. And if the people themselves were inferior and not meriting equal treatment under the law, then anything produced by those people – such as culture, language, and all aspects of ethnic heritage – are equally unworthy of protection by the law. This campaign of systematic denigration not only became the official culture of much of the United States, affecting White's perception of Blacks, but it also had a tremendous impact on Blacks themselves, creating an internecine conflict in which darkness of skin, type of hair, or facial features such as thick lips are often valued in terms of the racist esthetic views of White supremacy (e.g. the so-called 'good hair'). It has been argued that the extent to which Blacks themselves have been the victims of the dehumanizing and undervaluing propaganda of White supremacists is reflected in the use of the 'n' word by Blacks themselves in open reference to each other, and are the only ethnic minority to refer to each other in the same derogatory and demeaning terms employed by the discriminating majority. Even if the "separate by equal" status conferred perfect equality of condition and circumstances, it is *internally* degrading to a group of people to be considered unfit to freely intermingle with another group.

Since that time, and for the following century the Negro, Black, or African-American experience in this country has been dominated by the fight for equal rights and the freedoms promised to all under the Constitution. During the first decade of that century progress was inhibited by Supreme Court rulings of *Congress giveth* and *the Supreme Court taketh away*:

Congress giveth:

- January 31, 1865: Congress passes the 13th Amendment to the Constitution, which abolishes slavery; it is ratified by the states in December of 1865.

- July 9, 1868: Congress passes a strong civil rights act in 1866 and enacts the 14th Amendment to the Constitution, granting full citizenship to all individuals born in the United States or

naturalized – *except Native Americans* – thus reversing the Supreme Court's ruling under *Dred Scott*. The 14th Amendment made certain key provisions that would give the Supreme Court the power to enforce and protect Black rights:

- No state could abridge "the privileges and immunities" of citizens.
- States could not "deprive any person of life, liberty, or property without due process of the law."
- States could not deny any person from "equal protection of the laws."

- February 3, 1870: The 15th Amendment to the Constitution is ratified, guaranteeing all adult male citizens the right to vote. Supposedly, the rights could not be "denied or abridged … on account of race, color, or previous condition of servitude."
- 1870-71: Congress enacts the Enforcement Acts intended to help African Americans achieve the rights to which they are entitled under the 14th and 15th Amendments and granting the President the right to use force in the protection of those rights.
- March 1, 1875: Congress passes the Civil Rights Act of 1875 which prohibits discrimination in public accommodations such as restaurants and hotels.

The Supreme Court taketh away:

Beginning with two important decisions which virtually crippled the establishment of Civil Rights for Blacks in the Supreme Court for over a century – not surprisingly making use of former Chief Justice Taney's argument in the *Dred Scot* case.

- 1873: *The Slaughterhouse Case.* The Supreme Court makes an important ruling in a 14th Amendment case, using an argument made by former Chief Justice Taney regarding the distinction between 'state' and 'federal' and also establishing the so-called "state action" doctrine in which only actions by the state itself could be prosecuted under the 14th Amendment. The Supreme Court rules that the 14th Amendment only protects those rights guaranteed under "federal" but not "state" citizenship.

- 1875: *Cruikshank v. United States.* Using the previous case as a precedent, the Supreme Court reversed the convictions of several Whites who took place in the greatest massacre of Blacks in US history, stating that their actions had not been the result of "state action" and therefore not subject to the 14th Amendment.

The Supreme Court would then continue with a series of racist decisions that paved the way for and supported Jim Crow "separate but equal" laws which remained in effect for nearly a century until the 1954 *Brown v. Board of Education*.

- 1876: In *United States v. Reese* the Supreme Court rules that the 15th Amendment does not guarantee Blacks the right to vote.

- 1878: In *Hall v. Decuir* the Supreme Court rules that states cannot prohibit segregation on interstate public transportation.

- 1883: The Supreme Court rules that aspects of the Enforcement Acts of 1870-71 are unconstitutional. The court holds that *states* not *individuals* are constitutionally bound to respect the rights of Blacks.

- 1890. In *Louisville, New Orleans and Texas Railway Company v. Mississippi*, the Supreme Court rules that states may permit segregation in public transportation.

- May 12, 1896: In *Plessy v. Ferguson*, the Supreme Court ruling establishes the "separate but equal" policy. Justice John Harlan, the sole dissenter, equated the Plessy decision with that of the *Dred Scott* case of 1857, predicting it would rouse racial hatred for generations; he was right. Much as being Jewish in Nazi Germany, the Plessy case also established the "one-drop" rule for being Black; that is, if one had an identifiable Black ancestor then one would be legally considered Black, regardless of the color of one's skin or the appearance of one's features. Since my father is identifiably Black, I am therefore also Black. ***My children Alex and Julia, having a father as well as one grandparent – my father – who is Black, would be considered by any rule of law to be Black.***

- 1900. The Supreme Court validates segregation in railroad cars even if travel is between states in which segregation is illegal.

Between 1900 and the Brown vs. Board of Education in 1954, a desperately deprived people would engage in an epic battle for their dignity, self-esteem, and freedom; a battle in which their chains were firmly anchored by the racist rulings of an unjust Supreme Court system. Many White people, still committed to the legacy of inequality and the notion that a Black man is entitled to "*no rights that the White man was bound to respect*", often would characterize those of us refusing to accept the shackles of racial inequity as being "*uppity negroes*," a term for

> *a black person who has been reprimanded or persecuted for voicing his dissatisfaction with or rejection of the sub-standard treatment of himself or other black people. The term was very popular among slave masters who often used the term to refer to blacks that were rebellious or, in other words, blacks who required and demanded respect, fair treatment and regard. In his day, Frederick Douglass was considered to be an "Uppity Negro" because he never tried to assimilate to the white way of life. Douglass never begged or asked for respect – he demanded it.*[24]

[24] http://www.thehilltoponline.com/campus/uppity-negro-infiltrates-howard-s-campus-1.470137

The issue of a confident Black man being labeled "arrogant" is well understood by social scientists in this country. Socially threatened Whites refer to African Americans who take the requisite legal measures to defend their rights and therefore "*do not know their place*" not by the politically incorrect term "uppity negro", but rather by social euphemisms such as being "*narcissists who hate losing*" or legal terms such as "*vexatious litigant*" – a ruling I earned after refusing to accept the Court's repeated refusal to apply any form of legal penalty against my opponent's incessant efforts (and repeated success) to usurp the Court's authority by lying and deceiving it.

Evidently, despite the great advances of the Civil Rights movements in bringing Jim Crow to a close, the wounds accumulated in the process of those battles have not healed to this day, nor have the misguided perceptions of a racist majority. These rights we have fought for, these rights we still fight for. Being designated a *vexatious litigant* is nothing compared to being hung from a tree. That is how "we" feel on that issue.

With a Black President in the White House the issue of Black "arrogance" is far more on the surface than White America is accustomed:

> *Karl Rove says Barack Obama is arrogant.*
>
> *We've heard that; we've heard the pejorative "arrogant" before. When I say "we" I mean those of us who are "others" in America; people of color. Minorities. […] We hear the word all the time from a select section of privileged white guys; the codifying they use when they fear the silver spoons are about to be snatched from their lily palaces: "Those people... How dare they think they can work jobs like ours or live in neighborhoods like ours or send their children to school with ours? Those people are just so damn arrogant."*
>
> *Arrogant, of course, is a euphemism. In the monochromatic bunkers from which old-schoolers cling to power the true word they use is "uppity" when hurled at blacks. […]*
>
> *Arrogant?*
>
> *The only arrogance Obama is guilty of is the same "Unforgivable Blackness" so many exceptional people of color have demonstrated*

> *throughout the history of this country: a refusal to bend to the will of the Retro Guard. [...] Back in the day such "arrogance" was met with a strong rope and tall branch...* [25]

Back "in the day", when I was only five years old, such "arrogance" was met by two White teenagers from North Carolina who decided they wanted to see a "nigger" fly. So they picked me up and tossed me off a 10 foot incinerator roof. I lost consciousness before I fell, somewhere in mid-flight, from sheer terror. I was left for dead and was revived who knows how much later by my visiting maternal grandmother, quite a distance from where I must have fallen. I could not turn my neck to my right, nor could I stop crying in pain. I had to wear a neck brace for several weeks, and I was lucky to be alive. It was not the first, nor would it be the last of such racially motivated acts of violence. Finally, before I was eight years old, the principal of my all-white school called my parents and asked them to remove me as he could not guarantee my safety. I refused to submit to groups of White children who would harass me. We moved to Europe then. I vowed no child of mine would suffer like that. Like my son Alex, I know what it is like to be a small child and feel helpless against overwhelming violence. Thanks to the iniquity and corruption of the California Family Court system which did not consider crimes of moral turpitude as "dispositive" to custody, my five-year old son was left routinely unattended by his mother in the hands of several much older youths who played "doctor", with him as the patient. The same Court system refused to remove custody from the mother for denying my son psychological therapy for the very crime he suffered while under her supervision.

There are ready and factual explanations for this so distinctively American racist and genocidal behavior. America was founded and defined in terms of race, and no issue has been more prevalent in defining American history and the establishment of its identity as a nation and a culture: Racism is *the* American cultural institution, and as such is the synthesis of race, religion, politics, economics, and jurisprudence. America begins with White Europeans – prominently Anglo Saxons – of Protestant descent using the argument of "right of might" to define their own geopolitical space and forcibly removing all other cultures and races from the same; this includes not just the subjugation and attempted genocide of Native Americans and the exploitation and denigration of

[25] SOURCE, When Rove Calls Obama Arrogant, He Means "Uppity," by John Ridley, http://www.huffingtonpost.com/john-ridley/when-rove-calls-obama-arr_b_109639.html (Last accessed on October 10, 2012.)

African Americans, but also the military conquest of the vast territories of Texas, Arizona, California, and Nevada from the sovereign state of Mexico.

The historical, cultural, social, economic, religious, and legal repercussions of American racism have not only been devastating to the first unfortunate races – the Native American and the African – to encounter its social, political, military, and economic policies, but it has been an experience shared by most visible minorities in this country. Dispossessed of their properties and possessions, Japanese Americans, some third generation US born, were interned in concentration camps once America was at war with Japan, yet – not surprisingly – note that German Americans suffered no such fate. One former judo master of mine related the painful story of his family being interned **while he fought with allied troops on the German front**. His story was completely cogent with the historical reality of his times:

> *Following the Japanese attack on Pearl Harbor on December 7, 1941, President Franklin D. Roosevelt issued Executive Order 9066, which permitted the military to circumvent the constitutional safeguards of American citizens in the name of national defense.*
>
> *The order set into motion the exclusion from certain areas, and the evacuation and* ***mass incarceration of 120,000 persons of Japanese ancestry*** *living on the West Coast,* ***most of whom were U.S. citizens or legal permanent resident aliens****.*
>
> ***These Japanese Americans, half of whom were children, were incarcerated for up to 4 years, without due process of law*** *or any factual basis, in bleak, remote camps surrounded by barbed wire and armed guards.*
>
> *They were forced to evacuate their homes and leave their jobs; in some cases family members were separated and put into different camps. President Roosevelt himself called the 10 facilities "concentration camps."*
>
> *Some Japanese Americans died in the camps due to inadequate medical care and the emotional stresses they encountered. Several were killed by military guards posted for allegedly resisting orders.*
>
> *At the time, Executive Order 9066 was justified as a "military necessity" to protect against domestic espionage and sabotage. However, it*

> *was later documented that "**our government had in its possession proof that not one Japanese American, citizen or not, had engaged in espionage, not one had committed any act of sabotage.**" (Michi Weglyn, 1976).*
>
> *Rather, the causes for this unprecedented action in American history, according to the Commission on Wartime Relocation and Internment of Civilians, "were motivated largely by **racial prejudice**, wartime hysteria, and a failure of political leadership."*[26]

For all its anti-Soviet, anti-socialist, anti-communist rhetoric, America remains the only nation to have used the atomic bomb – not once but twice – and it did so against a non-White and militarily defeated nation, against civilian targets; something it no doubt would not have done against Germany or any other White Protestant enemy nation. American war crimes in Vietnam and Iraq remain largely the untold history of a country that wishes to portray itself internationally in the same moral image as that of the superheroes it packages and exports. The reality is quite different: the legacy of American racism in its foreign politics is simply a reflection of its own internal history. Could it be any other way?

However, America's history of racism, genocide, and crimes against humanity, has not just had an impact on its foreign politics, but rather on its domestic policies as well –particularly on the nature of the operation of its justice system. Nowhere is this more self-evident than in Family Court – and this is a readily demonstrable premise of the present book: the institutionalization of slavery, genocide, and crimes against humanity that has been the central and dominating theme in American history and its cultural identity has had both a dehumanizing and a perverting effect on American culture and the American sense of justice itself. As a result, America does not understand *justice*; it can only comprehend *law and order*.

The chickens come home to roost in the US Family Court system, a legal institution with which my children and I have had the terrible misfortune of experiencing and which is a clear and present reminder of the following: ***when it comes to justice, America is morally bankrupt***. Law makes justice in America, no matter how dehumanizing the law may be, for the ultimate purpose in American law has been ensuring the dominance of White American culture over the rights of visible minorities and the furtherance of private property and trade, both agendas

[26] http://www.pbs.org/childofcamp/history/index.html, emphasis mine. (Last accessed on October 10, 2012.)

which have gone hand in hand in America throughout its history. For centuries the United States government has encoded and defended the inhumanity within its legal system as a necessary step in order to continue the denial of a people's right to be human for the sole purposes of economic gain and material profit (e.g. ask American Indians what they think of *Manifest Destiny*). The mere establishment of such precedent for the legalization of what can only be considered crimes against humanity has normalized the same, to the point that American society is at its root a culture of fear and hatred, racism and genocide, injustice and prejudice. The moral, political and economic justification of such policies under the belief – misguided and perverse as it is – that they would be applied exclusively to non-White Anglo Saxon Protestants is akin to releasing a lethal strain of a viral infection within a geographic area and assuming its toxic effects will remain there, safely contained. It is foolhardy! At the very core of any egalitarian society must be the dispensation of justice *above and beyon*d law and order.

This work is actually several condensed into one, albeit with a single unifying theme: to reveal the endemic racist and corrupt nature of the American jurisprudence and legal system, society, economy, education, and foreign and domestic policy. On the one hand it documents my own personal experiences with the San Diego Family Court as well as the California Appellate Court system. Family Courts across the nation are routinely the focal point of scandal: due process is denied; perjury – by the custodial parent, usually the mother – is not only permitted but rewarded; parental alienation against the non-custodial parent is the norm; children's rights to access both parents are ignored; and the rights of the non-custodial parent are limited to their obligation to pay child support. In colloquial terms, if you are a father in Family Court you have "Negro status", which is to say you have "*no rights which*" a Judge is "*bound to respect*". And that is a central point of this argument: said "negro status" has been an unconscious archetypal reference point in all aspects of American society, international politics, and jurisprudence. If you happen to be, like me, a poor father of African, Latino and Native American descent against a wealthy white woman in Family Court – any court – then you clearly have no rights a judge is even bound to acknowledge, much less respect, never mind uphold. On the other hand this text recaps the historical record of America's domestic and foreign racisms, the present socio-economic effects of said history, and the inherently corrupting nature of racism to American jurisprudence.

On the other hand, the United States of America has not had to come to terms yet with its own legacy of injustice, prejudice, discrimination, intolerance, and religious fanaticism. "One nation under God" is really one nation built upon the enslavement of one people, the dispossession of another, and the subjugation of many to serve its own interests. Nothing new as far as the history of Empires is concerned, but in the process America, its own institutions of government, law-enforcement, and justice have also suffered: they have become a reflection of the very inhumanity they have so consistently dispensed. One cannot help but arrive at such conclusions observing the operations of any number of the branches of these three institutions – family court in particular.

Meanwhile, millions of Blacks, Native American, and Latinos live in a psychosocial state known as Post-Traumatic Stress Syndrome or PTSS. PTSS occurs when the history of a people, its social reality and therefore its cultural identity, is the result of a concatenation of recurrent trauma. When I was asked by a Jewish friend and former colleague what life was like as an African American – i.e., what was the nature of African American Identity as a culture? – I found no other response than the Middle Passage, Slavery, Segregation, the Civil Rights Movement, the assassination of Martin Luther King, Jr., the Tuskegee syphilis experiment, Rodney King and the Overton v. Dolansky case. It is tragic that an entire People would define their identity primarily in terms of the centuries of injustice and inhumanity they experienced as a result of the discriminatory laws and rulings of an entire Nation – a Nation supposedly "under [a just] God".

This book will open your eyes to the reality of America that every other cultured and educated member of the Global Village has come to know all too well: Anglo-American culture, its social, political, and legal institutions of which the Family Court system is but a flower on a stem off a branch from a tree with such deep-seated roots in hatred, racial prejudice, and mercantile exploitation that most Anglo-Americans – and some white-washed visible minorities – cannot see it; it seems perfectly normal to them.

Nonetheless, the book is not entirely critical in its focus or apocalyptic in its views, for it also provides and justifies several recommendations:

1. Deception in Court, any Court, (even by White mothers in a Family Court) for the purposes of perverting justice must be punishable; excusing the practice of perjury and subornation of perjury as a

consequence of the "emotional nature" of the forum is to encourage the perversion of the legal process.

2. The use of deception of any form – even if it does not qualify as perjury – should be dispositive in a custodial hearing: a parent who lies and deceives to the detriment of the other parent to a Court should be rendered morally unfit and not be entrusted to raise their children.

3. Racial Identity must become a constitutionally acknowledged right to all citizens of the United States; this includes the rights of children to be raised in environments which foster the languages, customs, history and identity of their forefathers.

4. A child must have the right to psychological treatment for traumas of a nature punishable by law, such as but not limited to child sexual abuse and rape.

5. Failure to provide a child victim of rape or sexual abuse must be a federal crime punishable by law under child abuse and medical negligence acts.

6. Parental alienation, the deliberate and demonstrable use of a parent's access, power, and influence over a child to denigrate another in their eyes must also be considered an act of child abuse, punishable by loss of custody and subject to criminal charges.

7. Legal fees paid by third parties, such as grandparents and disguised as "gifts" or "loans" must be recognized for what they really are: income used as a legal instrument to gain advantage in the proceedings. As income they must be factored into all forms of court-assessments of a parent's resources such as the imputation of child support costs.

8. In Move-Away situations, the parent(s) seeking the move away, regardless of the custodial agreements must carry the burden of proof that the relocation will not damage the relationship with the non-custodial parent in any way, shape or form.

9. Financial gains, in the form of child support, cannot be sustained when perjury, forgery, fraud or any form of deception of the Court has been proven: cheaters cannot be seen to prosper.

10. Disability in the form of life-threatening diseases, such as but not limited to cancer, must be recognized as a reasonable exemption from child-support payments.

11. No financial burden in the form of changes of child-support payments can be calculated as a result of relocation by the custodial parent – they do so at their own cost and detriment.

12. Both parents must have a *de facto* legal right to equal time with their children, save cases in which a parent has been demonstrated to be ineligible or incompetent – such as for medical neglect, acts of moral turpitude, parental alienation, or other acts and conducts.

13. Judges must be held personally and criminally accountable for their findings and orders in the same manner as other professionals – doctors, engineers, dentists, psychologists, etc. – when they have blatantly refused to take measures against those who have either subverted the authority of the Court by relying on deception, and also when they refuse to comply with logical and common sense consideration such as requiring a parent to provide clinical treatment to its child victim of sexual rape and abuse. Had Judge Oberholtzer of the Superior Court of California taken legal action against the mother for repeated acts of perjury, fraud, and forgery, or at the very least considered her inability to cooperatively parent as dispositive to her custodial status, particularly in a move-away situation, my son would not have been the victim of sexual abuse.

In many states of the US as well as in Australia certain professionals are required by law to report any abuse they witness carried out upon the defenseless members of their society. I write this book in response to a higher law, a *moral law*, which compels me to report on the abuses of America and Anglo-American hatred and injustice on the defenseless people within and without its borders who are and

have been the victims of said hatred and injustice. This book is therefore a "Mandated Report" for my grandchildren and for my two youngest children, Alexander Jesse Overton and Julia Rachel Overton, both of whom for the initial period of their lives were an integral part of mine and I of theirs and whom, due to the perfidy of their mother and the iniquity of a system which empowered her, have been denied the most fundamental and basic right any person should have in a free society: the right to be who they are. To them I say, "A father never forgets". To the system, the American system of injustice responsible for not only the breakup of my family, the rape of my son, the innumerable potential and indubitable psychological future damage to my children occasioned by the loss of identity and fatherlessness, but also to the historical and social patterns of crimes against humanity which my ancestors have been subject to for generations and that have become the dominant pattern in its culture, I cite for you Hosea 8:7, "*they have sown the wind, and they shall reap the whirlwind: it hath no stalk: the bud shall yield no meal: if so be it yield, the foreigners shall swallow it up*." America has a choice – either it comes to terms with the racist tumor it has so jealously secured and hatefully fostered, or it will be destroyed from within. I leave you two other quotes:

(1) "*America will never be destroyed from the outside. If we falter and lose our freedoms, it will be because we destroyed ourselves*" – Abraham Lincoln. The first and foremost of such freedoms, which was lost the moment the first human was shackled and enslaved and when the first Native American was dispossessed of his land, is justice.

(2) "*The day that the black man takes an uncompromising step and realizes that he's within his rights, when his own freedom is being jeopardized, to use any means necessary to bring about his freedom or put a halt to that injustice, I don't think he'll be by himself*" – Malcolm X. There can be no freedom without justice, and since I have received none other than injustice throughout my case I have been denied my freedom. Therefore, this book about the story of American injustice is written precisely by such a Black man taking "*an uncompromising step*" and willing to "*use any means necessary to bring about his freedom or put a halt to that injustice*".