

Columbia University  
Graduate School of Arts and Sciences  
Human Rights Studies Master of Arts Program

Radicalizing Human Rights through Black Radical Tradition, Capabilities, and Language

Jayshawn Lee

Thesis Advisor: Matt Sandler

Submitted in partial fulfillment of the  
requirements for the degree of  
Master of Arts

Table of Contents

**Abstract**.....3

**Introduction**.....4

    The Black Radical Tradition

    Objective

    The Emergence of the UN System & We Charge Genocide

**Section II: Framework and Methodology**.....

**Section III: Historical Relation Between Human Rights & the Black Radical Tradition**.....

    B. Enter: The Black Panther Party.....

    C. Today's "Third Push" of WCG.....

**Section IV: Significance**.....

    A. Human Rights and Spirit of Mandela .....

    B. Linguistic Limitations of Human Rights

    C. Possibilities .....

**Section IV: Finding/Conclusion**.....

    Conclusion

    Bibliography

## **Abstract**

This thesis considers the long history surrounding the human rights system that emerged with the UN and how the Black radical tradition aimed to influence international solidarity and collective liberties through it. Recognizing the strengths language gives in the capability for rights to be realized has been an ongoing debate. Despite Eleanor Roosevelt's initial leading of the UN, the disconnect and dissolution to provide specified human rights protections based on identity in the UDHR are felt today. The ongoing black liberation movement was and is still a movement about international solutions. The failures to solidify change by US delegates offered in petitions like We Charge Genocide in the 50s, 70s, and onward are still present today. The failures are particularly felt in how domestically in the US but also in territories like Palestine dismissed by the US on the international level, wrapping back to the international stakes Black activists recognized priorly. Ultimately we have to ask two questions. What were the conditions that arose in the United States post-1951s We Charge Genocide, and post-1971 resurgence, that could have established a better system for BIPOC individuals domestically and abroad to receive fully realized human rights? What are the possibilities of today's "third push" by the Spirit of Mandela Tribunal that can potentially be more or less successful? Finally, this essay aims to offer the closing gaps to improve new age advocacy strategies that can potentially overstep prior critics. These possibilities are highlighted by defining tangible goals in the development of active global citizens and evaluating the means language and international solidarity can finally give redress for Black Americans and a possible indictment of the United States.

## **Introduction**

In 2021, a tribunal campaign titled Spirit of Mandela began organizing to hold the United States accountable for the human rights violations of political prisoners and Black, Brown, and Indigenous People. This campaign takes up the heart of We Charge Genocide (WCG) and lives through organizations that explicitly confront the United States government for inadequate redress of institutional racist practices. In 1951 when William Patterson and Paul Robeson presented to the United Nations the We Charge Genocide petition, it outlined and documented evidence of how the United States engaged in dehumanizing practices of racism. As mentioned

in the petition, “negro citizens” are the extended target of violence, mainly through “genocide as the result of the consistent, conscious, unified policies of every branch of government.”<sup>1</sup>

The petition is organized as such: Opening Statement to the UN, Genocide Law and Indictment, Evidence, then finishes with a Summary and Prayer. Government involvement in coercion, murder, and fraudulent arrests of Black Americans in the evidence shared ranges from 1945 through 1951 and has settings all over the US. Its structure can be observed as fact and possibility as its ends asking for assurance of safety and the United States holding power for good or evil in its actions.

## **Objective**

Ultimately when talking about human rights and the Black radical tradition, the conversation can revolve around the capabilities that emerge when the state actively allows and partakes in the oppression of a group of people. I aim to investigate the following question: Did using non-state-sponsored human rights language during the 70s by Black radical groups improve Black Americans' human rights conditions, and how was that reflected in the United States's responses to the programs they created? Specifically, what were the conditions that arose in the United States post-1951 and post-1971, and what are the possibilities of today's "third push" by the Spirit of Mandela Tribunal that can potentially be more or less successful? For this to be successful, it would mean the means to challenge the international system, and powerful states can come from non-state-sponsored campaigns. Should a document like WGC work as an amplification of rights claims to provide supplementary research or evidence to international law

---

<sup>1</sup>William L. Patterson, *We Charge Genocide* (International Publishers, 1970).

mechanisms, similarly to how amicus briefs bring in external research for legal cases?

Alternatively, should there have been a call for completely different mechanisms that protect Black Americans?

Importantly, the linguistic accessibility of human rights is not only useful to describe the violations a group of people experience. Human rights redress has been contingent on the usability of its language. To suggest otherwise fails to recognize how insolvable violations of one's rights where resolutions tend to be withheld by states like the US when defining elements of international documents do not align with claims by victims. However, I believe that revolutionary possibility means losing some sense of immediate bureaucratic "efficiency" in exchange for larger-scale accountability. To specify, this means asking ourselves if a global system being already institutionalized is more important than creating a global system that is corrected to be truly effective in the way it claims. The broad question that should be answered at the end of this research would answer: How does access to language increase one's capability to self-realize human rights?

Rather than performing the impossible task of referring to that entire history here, I will histo-cartographize how Black activists have used human rights language across it. Much of the We Charge Genocide discourse centers on epistemology and politics when observing it. The trajectory of human rights language domestically provides another gateway to see progress. From there, we see the domestic implications grow into an international practice of solidarity that challenges multiple oppressive systems. After all, when one can point to collective uses of language such as a petition or convention, there is a more transparent means to specify the wrongs a government is doing. That itself is a core element of the largest intergovernmental organization to date, the UN.

Now that the means these 70 years will be viewed through is established, we should ask to what measure will we dictate success by Black activists. In fact, what is the purpose of even looking at language in human rights research? That itself is a question that has been debated through black liberation alternatives commonly known as the black radical tradition. We will look at the specific discourse centered on human rights entirely by organizations like the Civil Rights Congress and at partial moments, which we see with the early stages of the NAACP.

Unfortunately, to no avail did concrete changes and resolutions within domestic and international law follow to codify the human rights of Black Americans. We then see a pivot to settle with civil rights instead general fought for by Black activists at large. That departure is where we see a stronger domestic focus on civil rights as a chance to gain something rather than nothing. Despite this shift, activists and working groups would promote WCG again in the 70s and promote it again today. With 70 passing between these movements, a simple question arises: what has been achieved? If human rights were not secured, was there a gain by these movements? If not, why bother today for a "third push."

### **The Black Radical Tradition**

The push for civil rights, commonly known as "eyes on the prize," is typically discussed in Black liberation struggle discourse. That is remise to the entire history as Black experiences can be told through a larger, complex story. The term Black radical tradition refers to alternative transformative methods Black people have used when moving toward freedom. The tradition is not without internal conflict as there have been various sub-philosophy on how activists see liberty being achieved.

A revolutionary nationalist might center pan-Africanism and nationalist approaches that are familiar with a return to the homeland of Africa or the separate country establishment here in America. Black feminism targets heteropatriarchy and recognizes an intersectional approach to understanding one's identity in relation to systems of oppression. The amalgamation of communism, socialism, and Marxism, each slightly different, but all critics of capitalism as the barrier to liberation. All of these refer to moments and schools of thought that are overlapped in purpose by some or rejected by other activists and scholars.

Regardless, this tradition, foundationed by Cedric J. Robinson, has been transformational for many movements. Cedric's analysis situate capitalist oppressions and racist power structures as individual entities that perform alongside each other. Two structures that he believes must be tackled individually and in tandem simultaneously. If we watch the inadequacies in access to health care today, there is also the biased treatment of Black people within that health system as well. When it comes to policing, these nuanced issues are prevalent because more Black officers existing does not eradicate the abuses and state-sponsored violence that we see in the murder of people. Recognizing these interwoven issues upfront allows a better discourse to dismantle longstanding oppression. When we look at how the United States has often subjected Black, Indigenous, and people of color as sub-citizens, we must look at it through various lenses. Although this thesis will not be an exhausting examination of that particular history, it is apparent in looking at extended yet interconnected moments. When tension in the fight for rights emerges, this tradition reminds us that monolith approaches are non-existent for success.

One relevant tension for rights being fought for during the genesis of human rights is between the NAACP and the Civil Rights Congress. The former transitioning into civil rights and the latter holding onto the larger and more complicated to achieve the dream. Typically we recognize Black American movements for rights to be civil and political, but what distinguishes these movements from human rights is the language adopted by institutions like the United Nations. Appeals to international law, treaty obligations, and institutions like the United Nations have had mixed results, even as the language of human rights has been used forcefully to condemn racist states and white vigilante violence in the United States. In the sense of demands and solutions, the Civil Rights Movement, Black Power Movement, and Black Lives Matter are all human rights movements.<sup>2</sup> Here we might consider how the United Nations sometimes sets predetermined ideas of human dignity and need versus what is only shown in the first article of the International Covenant on Civil and Political Rights. The right to self-determination is seen as more of an act to be taken by people, although it holds little consistent support in the global international law realm. Comparatively, Black radical groups like the Black Panther Party used manifesto rights or declarations of intent. These were rooted in intended action, such as the 10-point Program<sup>3</sup> which further resulted in localized efforts by chapters to outline the rights desired.

Encased in the Black Radical Tradition, moments like the push for the We Charge Genocide petition show us the emergence of alternative radical solutions that state parties have failed to provide. The United States and its failure to protect human rights have not ceased. The U.S. government continuously passes over the continued criticism of police brutality, mass

---

<sup>2</sup> Weber, Benjamin, Anticarceral Internationalism: Rethinking Human Rights through the Imprisoned Black Radical Tradition, *The University of Chicago Press* (2021) 710.

<sup>3</sup> The Ten-Point Program written in 1966 operated as a declaration and guidelines for the Black Panther Party's ideals and actions



incarceration, drug policies, health inequities, and others. Expanding on the fundamentals of what a "right" means is ultimately also a reconciling of the oblivious past. It means to admit wrong, and accountability to no longer forgo U.S. racial history and erase as we see today with conservative and ill-informed takes on critical race theory. Ultimately a "right to breathe" free of state violence— be it gendered or racial terror— is emerging in the activist and political acts to solidify a foundational need. <sup>4</sup>

Sara Ahmed asks in *A Phenomenology of Whiteness*, "does speaking about whiteness allow it to become an 'essential something'? If whiteness gains currency by being unnoticed, then what does it mean to notice whiteness?"<sup>5</sup> The racial inverse derives the same question. Can Blackness be recognized in human rights if it is not mentioned or given attention? Eduardo Bonilla-Silva explains racial grammar in this way: "if racial ideology furnishes the material that is spoken, argued, and transacted, racial grammar provides the 'deep structure,' the 'logic' and 'rules' of the proper composition of racial statements . . . of what can be seen, understood, and even felt about racial matters". The Panther's newspaper regularly sought this discourse and actively showed how domestic and international bodies failed. In this newspaper, just like the WCG petition, racial violence is shown is actualized, not something that gains more understanding when ignored. This paper further interrogates the use of language and visual aids to push forth its visualization for further acceptance.

---

<sup>4</sup>Weber, Benjamin, Anticarceral Internationalism: Rethinking Human Rights through the Imprisoned Black Radical Tradition, *The University of Chicago Press* (2021)

<sup>5</sup> Ahmed Sarah . A Phenomenology of Whiteness. *Feminist Theory*. 2007, 150

## **Getting to We Charge Genocide**

Preceding WCG, two petitions were already filed before the United Nations on behalf of Black people. First was the “Petition to the United Nations on behalf of 13 million oppressed Negro citizens of the United States of America” in 1946 by the National Negro Congress, which was initially affiliated with the US Communist Party and thus buried by the US delegation of the United Nations with little media attention. The repetition of this act is what shows the value of establishing a well-viewed and internationally recognized language. Evidence cited in this petition focuses on housing, health, and education. The National Negro Congress had the goal to unite workers, oppose fascism, and oppose war and discrimination.

A year later, in 1947, W.E.B. Dubois submitted An Appeal to the World and the document on behalf of the NAACP, which was presented to the United Nations—again hidden by the US delegation of the United Nations, notably Eleanor Roosevelt. Proven again, Roosevelt and others, on behalf of the US delegation, rejected Black-centered human rights within the UN. The NAACP, as its name suggests, wanted to advance the livelihood of colored people, later on, shifted to securing this justice through legal equalities and equal educational opportunity for all. Slightly different from the specific call in the Appeal to the UN, which called for an international coalition of the work rather than just domestic civil liberties. These two previous documents were also presented to the then UN human rights commission, whereas WCG was presented to the Genocide commission.

Eventually, the NAACP’s work aligned a bit more with the US government's tolerance for racial discourse as it did not have an affiliation with the communist party. The grassroots

element of the NAACP and a strategic choice is a significant impact on that alignment. In one sense believing the international capability of the UN and potentially losing the chance of gaining anything is one area the pivot by the NAACP to civil rights is based. Also, considering this was a grassroots organization that meant scrutiny by fears and punishment by the government as an act of tyranny or treason for communist associations was another means to put the safety of members to the forefront. In return, the civil rights acquired are lacking in language to protect the more extensive protections needed.

Despite the efforts of all three petitions centering on the liberation of Black people and ending a more extensive oppressive system of America, each had its own deviation from the others. Understanding how there can be separation for liberatory actions is to understand the long history of the Black radical tradition.

The Civil Rights Congress, where Patterson and Robeson were members, was the overarching civil rights organization that worked toward this petition's hopeful success. The extensive participants in the petition included lawyers, writers, activists, and others such as scholar W.E.B. Dubois, Communist Party founder Oakley Johnson, and activist-writer Claudio Jones. Also seen as a group that resisted anti-communism, there were no doubt incentives by the US not to allow success. The US wanted a legitimized moral authority over communist countries that could have been jeopardized if the state's own techniques of oppression toward Black people were publicized on the global field.

Following that point, the United Nations Convention on the Prevention and Punishment of Genocide was the international document that was intended to expose and build a case for the US government's complicity in racist practices. Borrowed phrasing from the genocide convention in “killing members of the group” and “causing bodily and mental harm to members

of the group” in reference to the intent to harm national, racial, ethnic, and religious groups was the defining foundation for the Civil Rights Congress.<sup>6</sup> WCG also differs in its goal of an indictment of genocide rather than redress that the prior two petitions mentioned.

What shifts my research is the role of language and capability to access redress in the international field due to the U.S. government itself being the criminal called out in the petition is needed. When one can point to collective uses of language such as a petition or convention that the United Nations use, there is a clearer way to point to the wrongs a government is doing. When nations did not have a reference to how to indict political leaders for their crimes against humanity, war crimes, and genocide, the Rome Statue was established. Then the International Criminal Court was born as corporations played a larger role as a global power, legally binding drafts for the U.N. Guiding Principle on Business and Human Rights.

Unfortunately, the ICC is not a means to hold individuals in the U.S. accountable due to no ratification. In some ways, this is tragic but also asserts that change has to come at a more significant systemic shift rather than the cherry-picking of select individuals. So what becomes of state-sponsored violence, which we see when sheriff's and their departments were the direct perpetrators. Pointing out specific individuals was never an issue when oftentimes they were cooperative yet let off free despite their actions.

In Memphis, Tennessee (1946), taxi driver Frank Allen was shot and killed by a police officer. The reports by the two officers near the scene claiming Allen shot at them contradicted another report that said Allen was dragged from his car while he was unarmed.<sup>7</sup> Willie Earle from Pickens, South Carolina (1947) was directly handed to a mob from jailers. The mob beat, stabbed, and left Earle dead. Despite twenty-six of thirty-one of the mobbers signing confessions

---

<sup>6</sup> William L. Patterson, *We Charge Genocide* (International Publishers, 1970).

<sup>7</sup> William L. Patterson, *We Charge Genocide* (International Publishers, 1970). Pg 61

of the disturbing acts, even their plan of it, all were released without retribution.<sup>8</sup> Willie Milton of Brooklyn, New York, faced racist taunts and was beaten by a local bartender and two others, then shot in the back by a local tenant leader. Police beat and attempted to force a false confession from his brother Joe Milton.<sup>9</sup> The catalog of evidence recurred undeniable facts about the “institutionalized negro oppression”<sup>10</sup> The ubiquitous existence of inhuman treatment in American life made the collection of data undemanding for the petitioners. State ignorance to follow through on redress when its own sheriffs or everyday citizens committed violence upon Black Americans. After all, this was not a matter of capability to hold accountability to these villainous acts when they could have been gone before and been punished by domestic courts. Complaints to the head of the UN, Eleanor Roosevelt, and to the head of the FBI, J. Edgar Hoover, further exposed the uninterest US government head of domestic and international bodies to make corrections.

The cases collected were in tandem with the genesis of the United Nations, particularly the creation of the Universal Declaration of Human Rights.<sup>11</sup> If the world had just come together to establish a global consensus to prevent mass atrocities directed at a group of people in WW2, surely the acts in Mississippi where lynchings occurred regularly after church were to be taken as seriously as the concentration camp Auschwitz. That assumption is where Black activists across several groups had the idea to present their experience at the international level. The results did not match the supposed global desire for the improved livelihood of individuals when looking at human rights champions like Eleanor Roosevelt claimed. To be a Black American during the birth era of human rights was to live under legal violence that the Ku Klux Klan, mobs, and

---

<sup>8</sup> William L. Patterson, *We Charge Genocide* (International Publishers, 1970). 67

<sup>9</sup> William L. Patterson, *We Charge Genocide* (International Publishers, 1970). 68

<sup>10</sup>William L. Patterson, *We Charge Genocide* (International Publishers, 1970). 195

<sup>11</sup>UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948

state-sponsored violence from laws and sheriff departments. Despite this, the foundational bridges of the Black radical tradition, as seen by Black activist groups who pushed forward the We Charge Genocide Petition in 1951, are seen in today's efforts for the Black liberation struggle.

## **Section II: Theoretical Framework and Methodology**

When looking at the literature about human rights, the pushback from Eleanor Roosevelt and the emerging U.N. for Black civil groups to use human rights language is not showcased. By highlighting the failures, this has led to and the stakes that are afoot, I will be bringing together a niche area in the discourse by showing the importance language gives not only visibility but also the capability for human rights to be fully realized. The search for literature that would show this significance led me to the voices of Amartya Sen in Black Panther Newspaper archives. Having a mix of literary analysis and visual analysis will further help bridge the gaps in the literature.

For methodology, I first will describe the foundational bridges of the Black radical tradition as seen by Black civil groups who pushed forward the We Charge Genocide Petition in 1951 into today's efforts for the Black liberation struggle. When it comes to theory, I offer capability approach (Sen: 1999; Fukuda-Parr: 2014) as a means to outline the activists' efforts that emerged as an alternative for human rights to be realized outside of U.S. institutions and international law as we see later on with collectives like the Black Panther Party and Black Lives Matter movement. The Black Panther use of human right focused language located in The Black Panther Newspapers and the Black activist groups' use in the We Charge Genocide Petition is a gateway to understanding how nonstate-sponsored uses of human rights language have either promoted or demoted state responses to the United States abused human rights despite this

language being used. Particular articles in each archived article reference personal accounts, state responses, etc., which works to give factual developments that occurred. Finally, I assert my predictions and possibilities of human rights violations charges to the United States on Black and Indigenous people. These possibilities will be done so by comparing the differences in how human rights language is shown publicly by the various groups and highlighting how certain human rights mechanisms today would offer a stronger or weaker tool for U.S. accountability.

Of course, this study is not without limitations. Qualitative researchers who create their own measures to evaluate the success or failure of international human rights promotion face a tough problem. Without standardized measures, they must invent their own appraisal standards, which can create slippage across studies.<sup>12</sup> However, by making this study more so aligned with factual responses from Black activists and individuals over multiple periods, I can use the consistency of responses to evaluate improvements.

### **Section III: Historical Relation Between Human Rights & the Black Radical Tradition**

#### **The Emergence of the UN System & We Charge Genocide**

In 1951, William Patterson led the push of the We Charge Genocide Petition to the United Nations while the head of the Civil Rights Congress. Only six years prior to this, the United Nations Charter had established the United Nations Commission on Human rights, to which the petition was presented. William Patterson's and Paul Robeson's tenacity in this work found their way from the Civil Rights Congress to the world at large when presented to the

---

<sup>12</sup> Burton, Emile & Ron, James, *Seeing Double: Human rights Impact through Qualitative and Quantative Eyes*, The John Hopkins University Press, 2009

United Nations in both Paris and New York City, respectively. The petition outlined and provided evidence for executions, rapes, threats, and other violations of the U.S. government against Black Americans between 1945 through 1951.

The use of international law established individual and group laws concerning domestic governments. The United States was one of the primary nations looked at global post World War 2. This is not only due to the U.S.'s role in the war but how it became a central nation in the U.N. system creation while holding violations. The petition expressed a need for redress to the actions of the United States government for its violations outlined by definitions of genocide in the U.N. Genocide Convention. During the era of McCarthyism, Patterson's lead was met with an amplified, strenuous effort by U.S. federal government to reduce anything associated with communism. Following his presentation of the petition to the United Nations, he was met with actions like restraining his passport. The petition was criticized by the American news press that picked it up for articles.

The strategic legal status and actions of groups like the KKK with states were also documented, particularly how the U.S. government ignored these tragedies. The struggles to make an international change were amplified when the United States government revoked Patterson's passport while in Paris in an attempt to speed up his return, thus interrupting his presentations. The punishment of passport stripping was common practice by the U.S. government, which we see happening to others like Robeson and W.E.B Dubois, Black radical practitioners whose role and voice in *We Charge Genocide* were prominent. William Patterson, along with the CRC, saw international solidarity as not a byproduct but a necessary feature of liberation for Black Americans. Establishing a domestic consciousness of Black people in the



U.S. and those abjected abroad by similar oppressions could create transnational coalitions provoking change. Incorporating already established institutions like the U.N. would have aided credibility and international redress measures.

## Enter: The Black Panther Party

The justification behind challenging the U.S. in the global view can easily be conferred by later activists in the 70s who created alternative international communities. For the Black Panther Party, which yielded 38 international chapters at their peak, the hopes and rationale of Patterson and company resonated deeply. The alignment was clear: educate the world and put the country in a position of accountability. Interlocking these ideals two decades later frequently appeared in the Black Panther newspaper.

THE BLACK PANTHER, SATURDAY, MARCH 21, 1970 PAGE 6

### TAKE BLACK GENOCIDE ISSUE BEFORE U.N.

Brothers and Sisters:  
We have a mandate from this Conference. We are requested to present it with concrete proposals as to how the police and racist terror daily confronting the National Liberation movement and the Black Panther Party in particular, can be brought before the General Assembly of the United Nations.

This Conference had not posed this matter as of paramount importance to black citizenry alone. It has rightfully posed this matter as one of vital concern to all Americans - to the nation at large and to the world peace forces. We in this panel, must view its mandate as of special political significance.

The United Nations as an international body, occupies a place of great moment to all who are participants in the National Liberation struggles of Africa, Asia, Latin America and these United States. We who are here would be derelict to our responsibilities to those on the worldwide liberation front if we failed exhaustively to examine the relation of the U.N. to the grave issues under deliberation. Were the task assigned us impossible it would not have been delegated to this panel.

**Punish Genocide**


treated as guilty until they have proved themselves innocent. If the State has evidence of their innocence that evidence can be conceded, that conviction might be assured. We see attempts to pack the highest court in the land with men who have openly proclaimed their belief in white supremacy and who have lived their lives in a manner consistent with their vaunted youthful beliefs. We have seen men who were not revolutionaries but who had faith that the democracy preached ought to and could be practiced - shot down in cold blood and with others we witnessed the death through assassination of John and Robert Kennedy and that outstanding American humanist, the Rev. Martin Luther King, Jr.

The indiscriminate murder and illegal persecution of black men, women and youth of which Fred Hampton and Mark Clark are classical examples motivated the action of those at whose behest we called this historic conference; those who signed the call for this Conference but have found it impossible to get here, anxiously watching from afar. It is a crucial hour in the history of this country where murderous racist practices have become the policy of those who control the government and America's way of life.

fundamentally correct. We must point the way to petition the U. N. The democracy practiced in our country has nothing in common with the democratic precepts set forth in the charter of the U.N. or its universal declaration of human rights.

**Racist Terror**

It may seem to many both at home and abroad that being citizens of the United States, we would bring this record of racist terror to the attention of those who are responsible for enforcement of the Constitution with its lofty Bill of Rights. That has been done repeatedly and not by black Americans alone. Thomas Jefferson feared that the wrath of a "just God" would follow on the heels of slavery. Judge John Marshall Harlan of the U.S. Supreme Court in his scathing denunciation of the monstrous "separate but equal" decision at the turn of the century in the Plessy against Ferguson case, predicted that racism from on high would destroy the foundations of the State. The records of the Administrations of Presidents Truman, Eisenhower, Kennedy and Johnson exposing the genocidal character of racism, have been mocked by those in power. The very initiation of these commissions was



**WILLIAM L. PATTERSON**

blood-won birth right as members of a multi-national state, are to be regarded as "matters essentially within the domestic jurisdiction."

Lest others have forgotten, we will repeat the words uttered by Mr. Justice Robert Jackson when speaking for the United States government at the opening of the Nuremberg trial of the Nazi war criminals. He said: I quote:

"How a government treats its own inhabitants generally is thought to be no concern of other governments or of international society. Certainly few oppressions or cruelties would warrant the intervention of foreign powers. But the German (I ask you to substitute the term American rulers) mistreatment of Germans (substitute black citizens) is a matter to be presented to the world."

gree to which the American people, white as well as black, are mobilized to support it. We must go to the people. Their power is eternal.

We represent differing ideological trends, we come from political parties whose aims and purposes may differ. But it is my belief that the differences do not cancel out our common desire to see that every American enjoys his or her rights under the Constitution and that we as a people honor our commitment under the U.N. Charter. We are not concerned with ideological differences. There is dire need of a national defense committee to come from here. The evidence that genocide is being committed here should be gathered. It is available on every side. It should be compiled in a matter to be presented to the world."

Figure 1. Panther Newspaper. Take Black Genocide Before U.N., March 21, 1970

On March 21st, 1970, the Black Panther newspaper headlined “Take Black Genocide Before U.N..” This particular headline defined the circumstances racist attitudes and discrimination were a feature of the U.S. government. The fact that President Richard Nixon, Vice President Spirow Agnew, and Attorney General John Mitchell, three executive heads of the government, customarily ignored policies that restrained the behaviors of white supremacists groups such as the Ku Klux Klan showed the disregard the governing body had for a group of people. Coupled with COINTELPRO under the head of the FBI, J. Edgar Hoover, there was active policy and inactive care to improve the well-being of Black Americans.

The newspaper read, “We must take cognizance of the fact that the United States alone among the great powers have failed and refused to ratify any of the splendid Conventions of the U.N. which call for recognition of the human rights of all mankind, we as part of the American people, a segment of great liberation front, deal here with a matter that concerns all mankind precisely because all mankind will be affected by the results of this monumental conflict.”<sup>13</sup> it is precisely because of this ignoring I began to become curious about how the results of actively engaging in human rights separate from the state and using its language have had an impact on the possibility of them being accepted.

The article continues, “The United Nations as an international body, occupies a place of great moment to all who are participants in the National Liberation struggles of Africa, Asia, Latin America, and these United States. We who are here would be derelict to our responsibilities to those on the worldwide liberation front if we failed exhaustively to examine the relation of the U.N. to the grave issues under deliberation.”<sup>14</sup> The criticism here of domestic and international mechanisms is why Black radical groups like the Black Panther Party emerged

---

<sup>13</sup> The Black Panther Newspaper, 1970, 6

<sup>14</sup> The Black Panther Newspaper, 1970, 6

with localized efforts to create the needs of individuals who had little protection from the state or the larger international community.

The *Summery and Prayer* section of *We Charge Genocide* prophecies the how the global fight has international stakes outside of attention grabbing:

“We too, speak, as world citizens, certain that if the forces of predatory reaction are allowed to continue their present policies, are allowed to continue a profitable genocide against Americans the time will not be long removed, the world being what it is, that the same forces will practice genocide on a wider scale against the nationals of other nations.”<sup>15</sup>

Transnational inspiration between African American and Black South Africans is a textbook example of where solidarity goes the other direction as well. With White Supremacists attitudes existing globally cultural exchange was needed to call out how governments were complacent on either side of the Atlantic. Both governments clearly had a “red scare”, and struck hard on any showcases of communism within their borders.

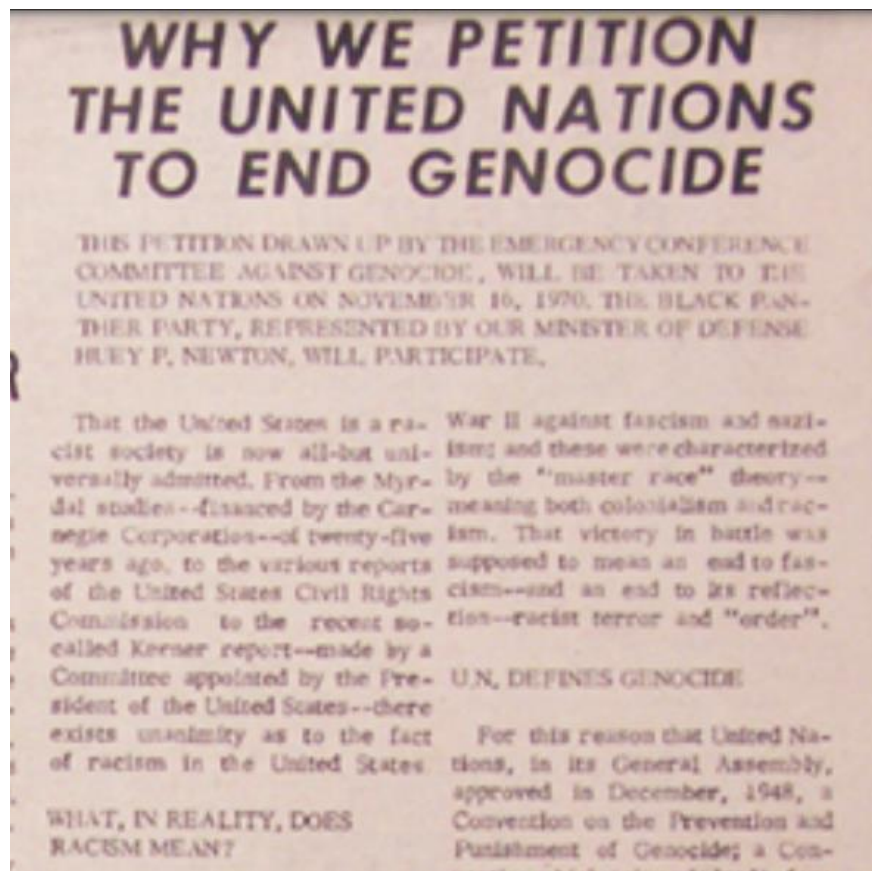
The Black Panther newspaper recalls not only their support but the conscious acts that the U.N. security council took upon the issue.

“In the past, because the facts do no answer thar question, non-white people have repeatedly petitioned the United States for redress of these genocidal practices, When the government of south Africa has been guilty of such practices and the Black African victimized by that Government have demanded U.N. condemnaona of that government. This has in fact been done

---

<sup>15</sup> *We Charge Genocide*, Patterson, 196

by the security council and the Committee on Apartheid of the United Nations when embargo against South Africa was voted in 1963, 1964, and again on July 23, 1970. <sup>16</sup>



Ironically the United States abstained from voting for the 1970 resolution that called for an embargo on arms and military training to members of the South African armed forces. <sup>17</sup> A global superpower in many regards, we can see how the acts of the U.S. spill into other nations and cannot be left to its own devices.

A contemporary example of Palestine's apartheid shows the failure to act sooner. Israel's government has long standing support from the U.S. government particularly through military aid and the transfer of firm arms. Despite Palestine's occupation being a regular conversation in

<sup>16</sup> [Black Panther Newspaper, November 14th, 1970 pg. 15](#)

<sup>17</sup> [U.N. Security Council Resolution 282](#)

both the UN human rights council and security council the United States behaves belligerently dubious to the issue. U.S. security council vetos for illegal Israeli settlement in the West Bank, and regular attacks and limited movement of Palestinians in the Gaza strip bring home the point.

The lack of correction to how the U.S. treats human rights violations in its own land became a self-fulfilling prophecy. These two examples solidify why Black internationalist protest has rooted itself in crossing borders to uphold many others.

### **Spirit of Mandela Tribunal**

Fast-forwarding 70 years from the genesis of We Charge Genocide, we arrive at the “third push” for the internal state changes William Patterson and Paul Robeson fought to achieve. Similar to the prior waves, the authority of the UN or any international legal body has not yet checked the United States for the array of human rights abuses against Black Americans. This time around, in 2021, individuals with various legal and anecdotal experiences from around the globe gathered and showcased contemporary examples of human rights violations by the United States. This new tribunal campaign titled Spirit of Mandela took an approach to establish a reference for law students, educators, politicians, and others to use as a foundation in the work around human rights violations of political prisoners and Black, Brown, and Indigenous People.

Several differences in the methodology after prior failures were taken into account, yet success is not fully on the table. The “judges” in this tribunal are referred to as international jurists and accept witness testimony as evidence from those who have directly or indirectly experienced the categories of violations. The violation focal points include Public Health Inequities, Environmental Racism, Political Prisoners, Mass-Incarceration, Police Racism, and

Violence. After the evidence and testimony were gathered, the tribunal narrowed it down to two goals: visibility and creating supporting indictment materials.

### **1. Holding the Tradition**

The intention of the tribunal's work was again to create visibility. The participants, otherwise known as internationalist jurists in the tribunal, are members of various institutions and communities. William Patterson anticipated a need to connect the Black liberation struggle to the larger global liberation fight. Quoted in section 22 of the tribunal, “the verdict of this International Tribunal aims to participate in an international reflection in order to redress this denial of humanity.”<sup>18</sup> The jurists themselves come from an array of countries, including South Africa, France, Haiti, Eritrea, India, Puerto Rico, the Wampanoag Nation, and the U.S.

### **2. Legal Criteria for Redress**

The methodology of an indictment, according to the international jurists, is dependent on the US legal argument of corporate status. The Spirit of Mandela campaign took heed of how historian and writer David Helps noted to be the logistical weaknesses of We Charge Genocide. Helps first points out the assumption that the Genocide Convention superseded U.S. law. The lack of treaty ratification in the 50s and treaty resolutions today essentially protecting U.S. states make that an unviable mechanism for success. Bringing the matter to the world stage had a

---

<sup>18</sup> Guilty of Genocide, Article 22

purpose of visibility, yet the chain of action after was not as sorted out. The Civil Rights Congress was very aware of this limitation. William Patterson himself wrote on the matter:

“The UN and its organs and agencies could not by themselves affect any fundamental change in human relations within any member states...But the UN rostrum was in the center of the world stage. The Black man in the United States could announce to the world audience the flagrant injustices of racism had been beaten, no quarter of the globe could be safe for those seeking freedom and the enjoyment of life’s bounty. <sup>19</sup>

Despite that binding international law could not be applied, further deliberation amongst the Civil Rights Congress and peers led to the Genocide Convention being a vehicle to proceed. The Civil Rights Congress felt “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group” <sup>20</sup> were apparent even if legal accountability was not certain.

Second, Helps believes the champions of We Charge Genocide were stuck in a— dead zone— unclear if the basis of the petition would be moral outrage or legal mechanisms though he believes the latter. Exhaustion of domestic means typically happens before international mechanisms. Instead, we see a return to domestic mechanisms as they have not been fully explored to indict in the past, just bestow new civil rights.

As defined in [28 USC § 3002\(15\)](#), which is found in the United States Code, a codified collection of general and permanent statutes of the United States, the country is defined as being a federal corporation. It states directly: “United States” means— (A) a Federal corporation; (B)

---

<sup>19</sup> The Man Who Cried Genocide, William Patterson, 1971, Pg. 175

<sup>20</sup>UN General Assembly, *Convention on the Prevention and Punishment of the Crime of Genocide*, 9 December 1948, United Nations, Treaty Series, vol. 78, p. 277

an agency, department, commission, board, or other entity of the United States; or (C) an instrumentality of the United States.”<sup>21</sup> A pair of questions that this basis is dependent on asks if the United States referenced, in fact, the country of the United States of America. If yes, would the act of genocide be permissible for a corporation rather than a State itself?

For one, there are no international laws that hold corporations accountable in a legally binding manner. This is clear through the Guiding Principle on Business and Human Rights being seen as guidelines to address and remedy human rights violations. These guidelines are seen as the utmost authority on the matter for reference and no other document from the United Nations has yet to be established and only in the case of provisions that reference this document explicitly could allow legally binding mechanisms to take place. A civil action lawsuit from the tribunal is intended to take place following the “indictment” from the international jurists, which would take place in U.S. federal courts. Essentially the work by this tribunal would provide for amicus briefs, otherwise relevant facts and arguments that can influence a court’s actions and decisions.

### **3. Factual Allegations**

#### **A. Police Racism and Violence**

Recurring police acts of racism and violence have been foundational in the collection of human rights violation evidence since 1951. Today's age of media allows such evidence to be publicly displayed through video. Derrick Chauvin’s murder of George Floyd in 2020 was a

---

<sup>21</sup> [28 USC § 3002\(15\)](#)



global galvanation of protests that demanded those acts to cease. As reported in The Washington Post's database tracking cases of police shootings about 1000 occur a year.<sup>22</sup> Police commit these public executions with little to no recourse, as we saw in 2020. Some legal "victories" include the conviction of Derick Chauvin, who was the first white Minnesota police officer convicted for the murder of a Black person, and the four officers involved in the murder of Breanna Taylor being federally charged. These recent yet historical moments of legal accountability for state-sponsored violence make up the 1% percent of police crimes that end in conviction.<sup>23</sup>

Ron Hampton, former executive director of the National Black Police Association, one of the witnesses who came before the Tribunal, mentioned the high credibility and truth American society affords police officers. In a role where we assume protections are meant to be held, harmful acts are typically overlooked. This becomes a larger systemic bias given to police, which leads to a decision to hold more than just individuals accountable, as we see attempted in recent incidents. The small number of convictions does allow public confidence things will change, but Ron Hampton expresses that a larger systemic shift is ultimately what is needed. "We need to address the entire system, not just the police - the arrest of the individual by the police officer - but the entire system, through prosecution to court and then ultimately the incarceration of our people."<sup>24</sup>

Black Americans can be considered a member of a group and thus susceptible to "group killing" as foundational in Article II of the Genocide Convention.<sup>25</sup> The act of police killing also falls under "intent" as mentioned in Article II. The lack of accountability to police perpetrators is

---

<sup>22</sup> [The Washington Post, Fatal Force Database](#)

<sup>23</sup> % of police convictions

<sup>24</sup> [4 https://www.youtube.com/watch?v=sms81ZIKDSs&t=1873s](https://www.youtube.com/watch?v=sms81ZIKDSs&t=1873s)

<sup>25</sup> Convention on the Prevention and Punishment of the Crime of Genocide, Article 2, 1951

a display of not abiding by international conventions. Both action and non-action to remedies can signal intent. To actively participate in targeted policing can yield stereotypes leading to death. Allowing those policies exist when evidence has shown they lead to bias and fraudulent policing leads to death.

## B. Mass Incarceration

The carceral system has had the largest growth of all these formal categories of evidence over the last few decades. Of all the categories, one can find examples of other violations within the experiences of mass incarceration, such as finding political prisoners, abuse from prison guards, inadequate sanitation and health, and a lack of protection from these harms. The role of prisons as an economic institution through the existence of for-profit prisons is a leading purpose for them rather than a rehabilitative space to reenter society.

Domestic freedoms have to have a stronger implication for being human: having dignity, life, and protection from violence. When Saleem Holbrook, Executive Director of Abolition Law Center shared his testimony, his story of being incarcerated at a young age exposed how even youth fill prisons. When inside prisons, humanity is constantly stripped he expressed, that solitary confinement is one of the harshest things a prisoner can go through. He was lucky that after decades a window for those convicted as children were able to be released thanks to some supreme court reversals.

Our incarceration system leads to how deportation and detention  
Detention centers are essentially private prisons that utilize labor, separate families, and eventually deport individuals. The effects of families who often have mixed citizenship status are

detrimental. The complex situation of how to make sure people's livelihoods are not forever destroyed takes years, even with the most post-issue resources.

In relation to the following categories is how prisoners have health disparities. The global pandemic was difficult enough for everyday citizens so to be seen as "aliens" in a country or incarcerated with no masks, social distancing, or health resources. Mass incarceration becomes a trap for health violations that continues to show how those imprisoned are seen as less than human compared to those who are outside of cells. It is not until prisoners are given basic human needs despite their conditionality and the process in which arrests are tools of profit will human rights be properly attained.

### C. Political Prisoners

Former Blacker Panther members Jalil Muntaqim and Sekou Odinga, like many others, have spent decades in prison due to the strategic targeting of Black activists. Unfortunately, many others still reside jailed, and many have died there. Both men participated in the tribunal with testimony on their experiences and have worked with the tribunal in other formal capacities. The birth of COINTELPRO, known as the CounterIntelligence Program, was one of the earliest enforcers of irrational arrests to target Black Americans.

The program took place in the 70s and strategically planted FBI agents and police officers within Black activists' spaces with the intent to disrupt their acts which were seen as extremists. The acts were so egregious the head of the FBI at the time stated the main goal "Prevent the rise of a 'messiah' who could unify and electrify the militant black nationalist movement." The characterizations of law enforcement at the time were extreme, and the acts by law enforcement often found them as sole perpetrators of violence and actually have been proven in court to be violators of

extreme crime. Despite this, many imprisoned at the time still find themselves jailed with little hope for release.

#### D. Environmental Racism

Although this category is more modern in terms of discussion in the mainstream, environmental racism has been an ongoing issue well before it was given a name. In fact, in a 1987 study found 15 million Black American live around toxic waste facilities.<sup>26</sup> That report was the first of its kind to take an intersectional approach evaluating the stakes around racial inequality and health. That report coincided with the 2017 NAACP Clear Air Task Force report that reported Black Americans are 75% more likely to live near toxic waste facilities than other Americans.<sup>27</sup> The racialized context of environmental issues appears in State practice and policy.

When taking the stand, Rumia Lumbunda, Executive Director of the People's Advocacy Institute spoke toward the water crisis of Jackson, Mississippi. The correlation she points out is historically relevant to decades of refusing to repair infrastructure that impacts Black, Indigenous, and Latin American communities. Residents in Jackson has one of the highest wealth inequities and employment gap in the country.

In a city whose residents are 80% Black, Jackson has an issue comparative to Flint, Michigan which too is primarily Black and has had a water crisis since 2014. Noticing these issues may seem like a simple infrastructure issue. However, when looking at the longer history of waste placement, refusal to allocate additional funds, and resolve other needs.

---

<sup>26</sup> [Comission for Racial Justice: Toxic Wastes and Race in the United States](#)

<sup>27</sup> [Fumes Across the Fence-Line The Health Impacts of Air Pollution from Oil & Gas Facilities on African American Communities](#)

### E. Public Health Inequality

It would be remiss to not mention the modern impacts public health has been. Again the overlap health has with the previous categories show the heightened harm that can only cease when they all cease. In many ways this overlapped with the previous issues as political prisoner Jalil contracted covid while in jail. Prisoners at large had little distancing and medical services in prison let alone during the pandemic. Communities who do not have social infrastructure built to prevent

## **Section IV: Significance**

### **Human Rights and Spirit of Mandela**

As mentioned, semantic broadening of genocide's definition can be seen in how we think of mass incarceration being population control or policies like COINTELPRO being state-sponsored means intended to destroy communities "in part or in whole." If the examples that make up the Spirit of Mandela Tribunal reflect the ways genocide looks in contemporary terms, what does bringing forth this suggest to the world at large? Simplified: what happens if the Spirit of Mandela Tribunal finds the United States guilty of genocide against political prisoners and BIPOC Americans? Will we see a form of meaningful indictment or at least a means to establish justice for the state-sponsored harms committed? Well considering the

It was always William Patterson's intent to show the fight in the United States on the global field. Through truth-telling, publicly revealing wrong-doings by the U.S. government is where credibility for change and authority to governing begins. Obstructing history by not archiving it for public knowledge or later reference in educational arenas further. In an ideal

post-police and carceral violence world, we still have to consider what roles and interactions with individuals who participated in these acts will look like. After human rights violations occur within institutions restructuring is the bottom line on what must happen to solve the issue, which can be seen as systemic reparations.

In 2018, David Helps wrote about the historical memory that is situated in “variegated struggles for black survival as a global anti-racist project.” The history Helps writes about allows us to understand how the Atlantic slave trade is connected to later histories of Black oppression despite degrees of separation through time. To transcend from one era to the next is to recognize how oppressions have ongoing characteristics that embody our everyday lives. This same rationale is why we are able to see a bridge from the Civil Rights Congress to the Black Panther Party to the Spirit of Mandela movement. This connection allows us to map moments through long history rather than clog the epistomologic approach we might take when thinking of Black activism.

Histo-cartographizing through human rights language versus other approaches like policy, art, or any other mode that tells a story about racial histories in the U.S. The same story is told but instead from the vantage point that allows us to gather knowledge that is formed from a very precise trajectory. For example, we can see the story of Black liberation unfold through Juan Williams’s *Eyes on the Prize*, which follows the civil rights movement and can be tracked from its inception to today. The difference from this approach is its stronger focus on domestic and legal occurrences. Still, we would be able to accumulate proofs and assumptions of U.S. racism that would just emerge and connect adjacent examples with occasional overlap to human rights language.

Connection in Helps' essay also exists in international relationships. If we think back to the CRG, the entire point they brought WCG to the UN was to galvanize international concern for a domestic issue. We have learned about various examples of this relationship taking place in practice, including in South Africa, and the results of overlooking U.S. accountability, leading to harm to other countries due to U.S. actions. The international jurists gave a new approach to show where international solidarity can occur. Prodding the conversation from an international audience to make domestic changes is a mix of protest and strategic litigation. A refusal of sorts to stand by and hope the only methods of change can come from institutions alone.

In order for success to occur, there must be A) a newly established or revised mechanism that is inclusive of Spirit of Madela's updated genocide definition or B) a domestic legal mechanism that is used to secure an indictment. It was not until November 4th, 1988 did the U.S. even sign the Genocide Convention. At that time, the signing was feared to infringe upon U.S. sovereignty which is debatable considering the high range of autonomy we see the country to have in its own human rights violations. Only now in recent history has there been a level of redress mechanism to use in international law. This third wave can now present proven intent to physically destroy a national, ethnic, racial, or religious group. Still, this does not make the Spirit of Mandela's task any easier.

The semantic broadening of "genocide" as a legal term is an arguable case that could resolve human rights atrocities that impact social groups. However, as international law mechanisms stand, redress must utilize current legal denotations of genocide. In short, accountability of future cases of genocide would benefit from this change, whereas prior and current cases must rely on current legal mechanisms and tools.

## **Linguistic Limitations of Human Rights**

Lemkin's initial definition of genocide presented it as a colonial crime related to the destruction of nations. Over the course of codification in legal international discourse, it later described more specified destruction of racial and ethnic groups. Formal application of high crimes does take extensive research from NGOs, and political acceptance for criticism by global powers may reject it. Recent proof shows in the definition of apartheid of Israel onto Palestinians in 2022 which the U.S. government met with strong denials. Additionally, the erasure of racial disparity is no surprise. When journalist Nikole Hannah Jones created the 1619 Project, she told the part of the history that was erased only to face criticism of the factual history told. Being able to name one's history is powerful. This, too, was met with certain rejections from state forces. Although it is difficult to situate genocide through international legal mechanisms, there is a power of advocacy and education that occurs just by naming it and offering efforts to prove it.

## **II. Capability Approach**

In 2020, when protests emerged over the murder of George Floyd by Minneapolis police officer Derek Chauvin the global protests that rose were empowered by a collective chance to speak about the injustice. From PPE distribution, mutual aid funds, bail bonds, and collective spaces of healing, there was a growing understanding of needed resources even outside the racial justice people were creating. Coupled with the COVID-19 pandemic, the tensions were heightened and were more than a U.S. feeling but a global one. Many people and institutions began to realize the powers that existed in collective engagement and the changes that could occur from it. The capability approach empowers individuals and groups to exercise freedom and



opportunities. State resources lead to individual capabilities such as democratic choices, cultural capital to influence changes, and economic well-being.

As Landman and Carvalho question, "Do human rights refer solely to those rights recognized in international human rights law or domestic law? Are they moral claims that individuals can make against the state even when they are not recognized legally?" The We Charge Genocide Petition asserted itself above the limitations of legal remedies to create solutions. As later seen, Black activist groups influenced by this document utilized action-based solutions while also criticizing the realms in which legal frameworks created oppressions and failed to resolve them. Human Rights scholar Jack Donnelly mentions the emphasis on rights being individualistic and that group rights are redundant on what individuals' rights do already or at least claim to do. My quarrel is that when the focus is entirely legalist, it cannot keep up with socio-cultural applications, nor can it have an intersectional lens of how experiences impact their relationship to human rights. Black activist and international activist groups have resolved this through the localized efforts that grew into international communities from the solutions developed, many of which later become adopted by state parties that are meant to uphold human rights. The transition from domestic concern to international at least allows for the conversation to shift from civil rights to human rights.

The justification of social order reforms, like "resource management" or "representation in human rights development," is crucially in need of deconstruction—the neoliberal framework responsibilities individuals through identity by packaging them as holding agencies. However, under that notion, as neoliberalism frees individuals from regulating one order, those same individuals are tied to new social orders and must operate under them for survival and benefit. As Kalpana mentions, "In examining visual representations in development, we need to ask,

then, how these representations construct not only their subjects but also their intended consumers."<sup>28</sup> The U.N. system is a consumer itself of culture and experience that should notice the stakes that occur when it leaves

Our received sense of representation and identity is not innate; rather, it is produced. When the United States engages with social order and identity issues, is it simply accepting visual performance or actually deconstructing our own ideas around the referenced bindings? Thinking back to Eleanor Roosevelt's limited acceptance of Black equity being apparent in human rights covenants when clauses to protect states from investigations of the violations such as lynching. With that in mind, we must properly assess how we use systems to understand people within gender, race, and more without political fear of "weakening" the powers politicians do not want to lose. We might also question how marginalized Americans are being saved and how we are supposed to bring development to one's life exempt from criticism. After all, 'it is important to understand development as incorporating the whole complex of unequal historical and material relationships, processes, and related ideological and discursive projects that structure engagement between the West and the rest of the world (Pierre: 2020). There is no hiding the historical motive and results of development projects, not under a visual repackaging either. 'Race and development have been intimately related since the consolidation of European power over the majority of the world in the late eighteenth century" (Pierre: 2020). Coupled with a linguistic development scheme of racial vernacular, the multi-positioned issue of development practice has a hold on much that has created continual sets of issues in the field. Disrupting our

---

<sup>28</sup> Kalpana Wilson, 2012, *Race, Racism and Development: Interrogating History, Discourse and Practice*, London and New York: Zed Book

familial relation to language and identity will open paths where neoliberal and imperialist histories forever burden neither.

The Black radical tradition and human rights have historically emphasized self-capability and mutual respect by international communities at large. Whether it is accessible to international mechanisms to hold the U.S. accountable or self-determinant acts to survive the violence of the state, both examples of the theoretical discourse of human development through liberalizing self-capability. Rather than focusing on self-determination through alternative, pragmatic approaches that have provided food, health, and more for Black Americans. I also consider its complex history with attempting to gain access to legislative mechanisms that define the U.S. as a country in violation of racist genocide and crimes against humanity. Legal definitions and linguistic limitations of human rights present themselves as occurring barriers for the latter. If overcome, legal limitations would be obsolete, and self-capability—the intersection of self-determination and international protections would be recognized.

## **Section V: Finding/Conclusion**

Studying WCG as it reverberates seventy years into the future encroaches on the previous shortcomings while creating new possibilities through the work of today's new activists. The continued resistance from the Black radical tradition lives on to show imagination is the foreground for the liberation of Black Americans and oppressed people globally. With appeals, petitions, and media presented from an array of groups, coalition building on the issue becomes both transnational and transhistorical. Even if there are variations to the methodology, each approach to garnering human rights takes, they are connected to the larger colonial struggle. Calling out the wrongs in both Jackson, Mississippi's water crisis and that of Palestine's Gaza

strip is necessary solidarity. Oppressive violence that strips human dignity connects local instances to global ones through the systems that connect them. The U.N., for example, began as an international body to have universal and unalienable rights and protections regardless of where one is situated in the world. Those same rights and protections have to deal with oftentimes political nuance. We can recognize a failure to tame a country's practices through what it represents in a larger discourse. Observing works in both directions— from the U.S. outward and internationally viewing the U.S. inward.

The medium human rights are fought for on should not be overlooked either. Just as Emory Douglas channeled the Black Panther Party's messages as their Minister of Culture, all formats played a strategic role. The early petitions circa the 1950s, the newspaper articles in the 1970s, and the recorded 2021 tribunal, which can be viewed on Youtube, all were relevant to their goal. Presenting information to a legal audience, too, has shifted in approach. Although using amicus briefs for reference is not innovative nor original legal tactics, it is unique to this particular historical approach. Galvanizing international participants to give a "verdict" and then packaging the testimonies to support a domestic charge itself is an entirely new approach. There is not a need to wait on the U.N. as a gatekeeper of solutions. Power is situated in various places and can be tapped into when searching for solution-oriented approaches, which is prevalent when looking at how the Black Panther Party took its internationalist stance.

Characterizing human capability as self-determination opens it up to include a wider range of autonomy. When the institutions that ought to realize human rights fail, what are people supposed to do? Inevitably suffer? The idea of a capability approach was first echoed by Amartya Sen understood that opportunities in democracy were just as important as democracy itself. The rights of a group can maintain global importance if and only if they encompass

international solidarity that constitutes self-determination. These rights also cannot be at the cost of intentionally erasing other groups' right to existence, exiting, and freedom capabilities. Human Rights scholar Jack Donnelly typically pushes back against group rights but believes "for a group right to be a human right, it must be universal in a sense that all groups of a specified type must have that right."<sup>29</sup> Challenging these notions cannot be done so without challenging the cultural tool we use to frame them. The most obvious but perhaps overlooked would be the language in which human rights are discussed. If intersectionality or multiculturalism is not seen as worthy of being relevant,, that means even greater means of discussing the specific harms groups go through is not prevalent. We can conclude there are intentional harms to a specified group for an assortment of reasons: religion, race, and gender. In this case, it is clear to have protections in mind that consider those identities while ensuring those groups are empowered with or without international mechanisms in the off chance they fail. Black queer scholar Charlene Carruthers poses, that we question our aims in community building which outlines how we can think about capability further. She says, "self-determination is not an individualist concept. Instead, it entails a body of communities— and those who make up communities—determining how they will thrive and how their lives and lived."<sup>30</sup>

Yesterday's history cannot be forgotten. David Scott speaks to truly criticizing current story forms— historical relations— essentially long movements and histories inevitably have distance between the understandings of yesterday and today. Although the abyss— as Glissant refers— that erases yesterday and today's connection destroys memory, often there are pieces and repetitions of Black existence where bridges can be made. Language today continues

---

<sup>29</sup> Jack Donnelly, *Universal Human Rights*, 48 (2013)

<sup>30</sup> *Unapologetic: A Black, Queer & Feminist Mandate for Radical Movements* by Charlene Carruthers

forward from Black Power to Black Lives Matter, and Defund the Police. Far from only a bid for legal recognition or redress, this tradition of human rights activism has sought to pry open the very underpinnings of the unequal world system and ground an anticarceral Black human rights tradition in a global framework of antiracist, antisexist decolonization that seeks total transformation. Clearly, the struggle for recognition of human rights violations in America has had a long history of debate that, to this day, is overlooked. African American groups have repeatedly taken up what it means to deal with human rights through scholarly endeavors to physically remedy when the state has failed to act. A fully realized reconciliation of these violations must begin with agreement on the ways the state has actively created violations, such as in the impact of COINTELPRO and the lack of acceptance of Black leadership thought in international discourse. With the hopes of the Spirit of Mandela, we may hope to finally see how human rights language can be successful from its 1951 counterpart. Regardless it is clear that access to language and the respect of legal authorities give a means to have some form of accountability on governments. Those governments are not needed to collect proof of those violations, however. Looking forward, the stakes are riding on making sure history is not forgotten while new human rights violations emerge. Only time will tell if this third push will be successful, but if it is, changes in how the international community conducts action against global powers like the U.S. will certainly evolve.

## Bibliography

Ahmed, Sara. "A Phenomenology of Whiteness." *Feminist Theory* 8, no. 2 (2007): 149–68. <https://doi.org/10.1177/1464700107078139>.

Anderson, Carol. *Eyes off the Prize: The United Nations and the African American Struggle for Human Rights, 1944-1955*. Cambridge University Press, 2009.

Arat, Zehra F. Kabasakal. "Human Rights Ideology and Dimensions of Power: A Radical Approach to the State, Property, and Discrimination." *Human Rights Quarterly* 30, no. 4 (2008): 906–32. <http://www.jstor.org/stable/20486716>.

Bonilla-Silva, Eduardo. "The Invisible Weight of Whiteness: The Racial Grammar of Everyday Life in Contemporary America." *Ethnic and Racial Studies*, 2011, 1–22. <https://doi.org/10.1080/01419870.2011.613997>.

Brown, Wendy. "Sacrificial Citizenship: Neoliberalism, Human Capital, and Austerity Politics." *Constellations* 23, no. 1 (2016): 3–14. <https://doi.org/10.1111/1467-8675.12166>.

Carruthers, Charlene Unapologetic: A Black, Queer & Feminist Mandate for Radical Movements

Diane Elson, Sakiko Fukuda-Parr, Polly Vizard, Human Rights and the Capabilities Approach: An Interdisciplinary Dialogue

Helps, David . “We Charge Genocide”: Revisiting black radicals’ appeals to the world community1. *Radical Americas*. Vol. 3(1). DOI: 10.14324/111.444.ra.2018.v3.1.009

Let the People Speak to the United Nations,” Black Panther, May 2, 1970; see also “Take Black Genocide Issue to the U.N.,” Black Panther, March 21, 1970; “Why We Petition the U.N. to End Genocide,” Black Panther, November 14, 1970.

McNeilly, K. After the Critique of Rights: For a Radical Democratic Theory and Practice of Human Rights. *Law Critique* 27, 269–288 (2016). <https://doi.org/10.1007/s10978-016-9189-9>

Perry, Michael J. "The Morality of Human Rights." *Human Rights Quarterly* 42, no. 2 (2020): 434-478. doi:10.1353/hrq.2020.0023.

Philonise Floyd, Quincy Mason, Tamika Palmer, Valerie Castile, Lezley McSpadden, et al., “Coalition Letter—Request for UN Independent Inquiry into Escalating Situation of Police Violence and Repression of Protests in the United States,” June 8, 2020, American Civil Liberties Union, <https://www.aclu.org/letter/coalition-letter-request-un-independent-inquiry-escalating-situation-police-violence-and-repression>; see also Ryan Heath, “George Floyd’s Family Appeals to United Nations for Justice,” Politico, June 17, 2020, <https://www.politico.com/news/2020/06/17/george-floyd-family-united-nations-326137>.

Roman, Meredith. “The Black Panther Party and the Struggle for Human Rights.” *Spectrum: A Journal on Black Men* 5, no. 1 (2016): 7–32. <https://doi.org/10.2979/spectrum.5.1.02>.

Schneiker, Andrea (2019) The New Defenders of Human Rights? How Radical Right-Wing TNGOs are Using the Human Rights Discourse to Promote their Ideas, *Global Society*, 33:2, 149-162, DOI: [10.1080/13600826.2018.1546673](https://doi.org/10.1080/13600826.2018.1546673)

Todd Landman, and Edzia Carvalho. “Measuring Human Rights.” *Taylor and Francis* , 2010.

Weber, Benjamin D. “Anticarceral Internationalism: Rethinking Human Rights through the Imprisoned Black Radical Tradition.” *The Journal of African American History* 106, no. 4 (2021): 706–35. <https://doi.org/10.1086/716494>.

Patterson, William L. *We Charge Genocide*. International Publishers, 1970.

Wellman, Carl. “Solidarity, the Individual and Human Rights.” *Human Rights Quarterly* 22, no. 3 (2000): 639–57. <http://www.jstor.org/stable/4489297>.