

Bombs, Land & Dignity: Annihilation, Genocide & Legal Recourse: Vieques, Puerto Rico Susan G. Enberg

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“The truth is that we ought not to accept these conditions. We should flatly refuse the situation in which the western countries wish to condemn us...for centuries the capitalists have behaved in the underdeveloped world like nothing more than war criminals.”¹

Franz Fanon, *The Wretched of the Earth*

From 1941 to 2003, the United States navy used the tiny fifty-two square foot Puerto Rican island of Vieques for their war games, destroying much of its land and adversely affecting the health and wellbeing of island residents. However, the year 1999 marked an historical turning point in the perpetual colonization of Vieques by the United States. On 19 April 1999, two F-18 jets: “mistook the navy’s red-and-white observation post...for a target, and dropped 500 pound bombs on it”², bombs which carried and dispersed “illegal rounds of...armor piercing incendiary depleted uranium penetrators into the Live Impact Area”³ killing a navy security

¹ Franz Fanon, *The Wretched of the Earth* (NY: Grove Press Inc., 1963), 79.

² Linda Backiel, “The People of Vieques, Puerto Rico vs. the United States Navy. (Review of the Month),” *Monthly Review* Feb. 2003: 1+. *Academic OneFile*. Web. 21 October 2011, 1; Davis and Hayes-Conroy and Jones, “Military Pollution and Natural Purity: Seeing Nature and Knowing Contamination in Vieques, Puerto Rico,” *GeoJournal*, Vol.69, (August 2007): 168.

³ Department of the Navy, Office of the Chief of Naval Operations, 2000 Navy Pentagon, Washington, D.C. Unauthorized Use of Depleted Uranium (DU) on Vieques Naval Range, Puerto Rico, Ser M455/9U595873, 19 August 1999;

guard.⁴ The revelation that federally prohibited depleted uranium was used during this botched operation opened the door to inquiry as to what other non-conventional weapons had been stored, used and collected on the island. By utilizing the island of Vieques as a case study, this essay will argue that there is no stronger example of modern-day colonialism to be portrayed than that of the systematic destruction of a colony and its people by the colonizer through intensive militarization. Without question, the colonization of Vieques by the United States should indeed go by a different name — that of genocide.

Prior to the end of the Spanish-American War, Puerto Rico was determined by the U.S. to be a strategic military location in the Caribbean. At war's end in 1898, the Spanish as indemnity handed over Puerto Rican lands to the United States.⁵ There was no desire on the part of the United States to emancipate Puerto Ricans from colonial rule; rather, the U.S. further entrenched colonialist and imperialist practices through "invasion and conquest".⁶

It was on the advice of United States Admiral John W. Greenslade that the Puerto Rican islands could prove invaluable to U.S. national security during World War II. In 1941, the U.S. navy expropriated 26,000 of 33,000 acres of land in Vieques in the name of national security,⁷ land that had for generations been the prime source of subsistence for the native community. The navy also "controlled 200,000 square miles of ocean around it".⁸ As a patriotic

Katherine T. McCaffery, *Military Power and Popular Protest: The U.S. Navy in Vieques, Puerto Rico* (New Brunswick, New Jersey, London: Rutgers University Press, 2002), 7.

⁴ Linda Backiel, "The People of Vieques, Puerto Rico vs. the United States Navy. (Review of the Month)," *Monthly Review* Feb. 2003: 1+, March/April 2003, *Academic OneFile*. Accessed 21 October 2011.

⁵ Marie Antoinette Merrill Ramirez, "The Other Side of Colonialism: COINTELPRO Activities in Puerto Rico in the 1960s" (Master's Thesis, the University of Austin at Texas, 1990), 13.

⁶ Committee for Human Rights in Puerto Rico. *International Tribunal on Violation of Human Rights in Puerto Rico and Vieques by the United States of America*. Social Justice, Vol. 27, No. 4., Neoliberalism, Militarism, and Armed Conflict, 2000, 148.

⁷ Ronald Fernandez, *The Disenchanted Island: Puerto Rico and the United States in the Twentieth Century*, Second Edition (CT: Praeger Publishers, 1996), 140.

⁸ Hardy, Mario. Say "No Mas" to Militarism and Colonialism: Navy Out of Vieques Now! *The Objector*, Fall 1999, 5.

act of faith, the native population agreed to lend the navy their land until the end of World War II, believing these lands would be returned to them in short order.⁹ However, occupation of Vieques by the U.S. navy persisted for over sixty years. Since their departure, the U.S. Department of Fish and Wildlife retains control over most of the island.

In 1961, the navy made clear that 26,000 acres was not enough land for their war games and asked then President John F. Kennedy permission to relocate the entire population of Vieques.¹⁰ This plan of total evacuation was not designed as an act of benevolence to protect the people of Vieques from the poisons associated with intensive militarization. Rather, the navy never paid rent for the use of the island,¹¹ and, in their unending greed wanted to indiscriminately bomb the island and the ocean around it. The navy's insidious plan of dispossession was denied through presidential order.¹²

The unfortunate truth at the time the navy 'acquired Vieques' was that large landholders—mostly those in the dying sugar industry—were the only residents in Vieques that received adequate compensation from the United States for expropriated properties. The majority of those displaced by naval expropriations were the poorest of the poor in Vieques: those who worked and lived on but did not hold title to any land themselves, as well as self-sustaining peasant farmers who also did not hold legal title to their lands.¹³

⁹ Ronald Fernandez, *The Disenchanted Island: Puerto Rico and the United States in the Twentieth Century*, Second Edition (CT: Praeger Publishers, 1996), 140.

¹⁰ Katherine T. McCaffery, *Military Power and Popular Protest: The U.S. Navy in Vieques, Puerto Rico* (New Brunswick, New Jersey, London: Rutgers University Press, 2002), 38.

¹¹ *Ibid*, 6; Committee for Human Rights in Puerto Rico, *International Tribunal on Violation of Human Rights in Puerto Rico and Vieques by the United States of America*. Social Justice, Vol. 27, No. 4., *Neoliberalism, Militarism, and Armed Conflict*, 2000, 147.

¹² Katherine T. McCaffery, *Military Power and Popular Protest: The U.S. Navy in Vieques, Puerto Rico* (New Brunswick, New Jersey, London: Rutgers University Press, 2002), 39.

¹³ César Ayala and Viviana Carro, "Expropriation and Displacement of Civilians in Vieques, 1940-1950," in *Puerto Rico Under Colonial Rule: Political Persecution and the Quest for Human Rights*, ed. Ramón Bosque-Pérez and José Colón Morera (New York: State University of New York Press, 2005), <http://www.sscnet.ucla.edu/soc/faculty/ayala/vieques/Papers/03ayalacarrogalays.pdf> accessed 19 November 2011, 176-177.

According to Ayala and Carro, the majority of the Viequenses being “evicted” from their lands due to naval expropriations lost both their housing and their source of income simultaneously.¹⁴ In addition, most of those who had lived and worked on plantations had been entitled to small plots of land for subsistence farming under usufruct rights, rights that were abolished with the loss of the plantations through expropriation. The inability to grow some of their own foods through subsistence farming dramatically affected the poorest of Vieques.¹⁵

Unfortunately for the dispossessed within Vieques, the end of World War II coincided with the start of the long and drawn out Cold War (1946-1991), a war that acted as justification for continued U.S. naval occupation in Vieques in the name of national security. This meant that what the people of Vieques needed most of all, they were continually denied, namely their land. Fanon enlightens us on this issue by writing, “For a colonized people the most essential value, because the most concrete, is first and foremost the land: the land which will bring them bread and, above all, dignity.”¹⁶ Land meant everything to the majority of Viequenses. Symbolic of community and family life, its loss was a painful severing, a wound that will likely take generations to heal.

The U.S. naval base on Vieques was comprised of an ammunition depot and navy base on the western portion of the island, while a manoeuvre area was located on the eastern portion of the island¹⁷; the native population was squeezed in between the two.¹⁸ The Viequenses endured almost constant bombardment, day and night. Fernandez states:

¹⁴ Ibid, 182.

¹⁵ Ibid, 182-183.

¹⁶ Franz Fanon, *The Wretched of the Earth* (NY: Grove Press Inc., 1963), 36.

¹⁷ Katherine T. McCaffery, “Fish, Wildlife, and Bombs: The Struggle to Clean Up Vieques,” *NACLA*, September/October 2009, 36.

¹⁸ Katherine T. McCaffery, *Military Power and Popular Protest: The U.S. Navy in Vieques, Puerto Rico* (New Brunswick, New Jersey, London: Rutgers University Press, 2002), 3; see map Appendices I & II which illustrate Vieques before and after U.S. naval colonization of the lands: (thanks to) César and Viviana Carro, “Expropriation and Displacement of Civilians in Vieques, 1940-1950,” in *Puerto Rico Under Colonial Rule: Political Persecution and the Quest for Human Rights*, ed. Ramón Bosque-Pérez and José Colón Morera

The navy dropped roughly 3,400 bombs a month, or approximately 5 million pounds of ordnance a year, on an island that was home to 9,000 people...which added up to 158 days a year of naval gunfire 200 days a year of air-to-ground combat firing, 228 days on the underwater range, 21 days of Marine assaults, and a variety of unenumerated NATO attacks.¹⁹

Since the 1940s, the U.S. navy completely disregarded “the expressed will of the Puerto Rican people” by not consulting the island population on its military activities and manoeuvres.²⁰ While the navy has consistently asserted the strategic importance of Vieques for U.S. national defence, residents of the island have continually argued that “military control of land and live-fire exercises have caused severe ecological destruction, cancer and other health problems, and overwhelming social and economic crises”.²¹ Not only has the U.S. navy used and annihilated the land for their own nationalist security purposes, they have also promoted and forced the use of *it's land* to foreign navies, including NATO forces, rents desirous of testing both conventional and non-conventional weapons systems. ²² It is estimated that the navy earned approximately \$80 million per year in this way.²³ According to McCaffery, “the term ‘non-conventional weapons’ typically refers to nuclear, biological, and chemical weapons”. ²⁴ She assumes by this sort of promotion, that the U.S. navy can only state such information

(New York: State University of New York Press, 2005).

<http://www.sscnet.ucla.edu/soc/faculty/ayala/vieques/Papers/03ayalacarrogaleys.pdf> accessed 19 November 2011.

¹⁹ Ronald Fernandez, *The Disenchanted Island: Puerto Rico and the United States in the Twentieth Century*, Second Edition (CT: Praeger Publishers, 1996), 245

²⁰ *Ibid*, 244

²¹ Katherine T. McCaffery, *Military Power and Popular Protest: The U.S. Navy in Vieques, Puerto Rico* (New Brunswick, New Jersey, London: Rutgers University Press, 2002), 2.

²² Hardy, Mario. Say “No Mas” to Militarism and Colonialism: Navy Out of Vieques Now!

²³ Katherine T. McCaffery, *Military Power and Popular Protest: The U.S. Navy in Vieques, Puerto Rico* (New Brunswick, New Jersey, London: Rutgers University Press, 2002), 6.

²⁴ *Ibid*, 7.

if they too have in fact utilized both types of weapons on Vieques.²⁵ Indeed, this can be confirmed by at least one example outside of the federally prohibited use of depleted uranium in 1999.

As part of a covert Department of Defense initiative codenamed Project SHAD, one of forty-nine Project 112 global chemical and biological agent testing initiatives, a test (DTC Test 69-10) took place in May 1969 on the shores of Vieques.²⁶ Marine aircraft sprayed trioctyl phosphate, a nerve agent that simulates the deadly VX nerve agent.²⁷ Sugg states that, “in the wrong hands and the right devices, it could possibly be disseminated to murder millions”.²⁸ According to a report from the U.S. Department of Defense:

The test was conducted in two parts: aerial spray attacks against Battalion Landing Team (Minus)...and company sized landing forces; and, an aerial spray attack against the primary control ship of an amphibious landing force...sampling was conducted on exposed personnel, and their clothing, to determine if they were contaminated with the simulant. Performance of the troops, the landing craft crews, and the ship's crew was evaluated with regards to the response of personnel to the attack and their subsequent ability to operate in a simulated toxic environment.²⁹

During the Cold War period, the U.S. was geographically indiscriminate in its testing of biological and chemical weapons. It

²⁵ Ibid, 7.

²⁶ United States Department of Defense, Office of the Assistant Secretary of Defense (Health Affairs), Deployment Health Support Directorate. “Deseret Test Center Project SHAD: DTC Test 69-10.” 1-2. <http://www.defense.gov/> accessed 11 November 2011.

²⁷ Ibid.

²⁸ Geary Randall Sugg, “The VX Nerve Agent: Understanding the Risks of a Deadly Threat,” *Professional Safety*, 49, no. 3 (March 2004): 71, Marie Antoinette Merrill Ramirez, “The Other Side of Colonialism: COINTELPRO Activities in Puerto Rico in the 1960s” (Dissertation, The University of Austin Texas, 1990), 13. <http://ezproxy.qa.proquest.com/docview/200372207?accountid=14771> accessed 17 November 2011.

²⁹United States Department of Defense, Office of the Assistant Secretary of Defense (Health Affairs), Deployment Health Support Directorate. “Deseret Test Center Project SHAD: DTC Test 69-10,” 1.

was not only Vieques that was subjected to experimental tests but also Florida, Maryland, Hawaii, Canada, the United Kingdom and many other locations.³⁰ This does not make the testing of biological and chemical agents any less terrifying, and certainly does not make the issue any less significant. What it does speak to, however, is that any legal proceedings against the U.S. Navy and the Department of Defense with respect to this issue needs to be a collective effort and addressed at an international level. Most certainly, the U.S. government cannot claim sovereign immunity in each of the test locations and, as this is the case, precedents may be set for fighting against similar abuses in the future.

While Davis, Hayes-Conroy and Jones suggest that the navy has now admitted to its use of napalm, Agent Orange, and depleted uranium on the island,³¹ it is appalling yet not surprising that the Department of Defense has only recently begun to selectively address negative health issues from its testing of chemical and biological weapons on 5,500 military and civilian-military personnel. This comes forty-to-fifty years after the fact (when many Cold War veterans have already died).³² This issue is of critical importance precisely because the agent sprayed over and on the island of Vieques would have been suspended in the air for some time, ending up in the local waters and soil. Yet, no evidence can be found indicating that the U.S. Department of Defense or the navy have registered concern as to how local populations—the Viequeses—might have been negatively affected by the spraying of the VX simulant. Despite ample evidence of Viequeses exhibiting a cancer rate 27% higher than the Puerto Rican population among other increased incidences of adverse health issues,³³ the U.S. is not claiming culpability. While most U.S. servicemen were unaware that

³⁰ "Deseret Test Center Investigation Draws to a Close". Force Health Protection and Readiness. Washington, 30 June 2003.
<http://fhpr.osd.mil/CBexposures/shadDocument.jsp?doc.close> Accessed 20 November 2011.

³¹ Jeffrey Sasha Davis and Jessica S. Hayes-Conroy and Victoria M. Jones, "Military Pollution and Natural Purity: Seeing Nature and Knowing Contamination in Vieques, Puerto Rico," *GeoJournal*, Vol.69, (August 2007): 168.

³² United States Department of Defense, Office of the Assistant Secretary of Defense (Health Affairs), Deployment Health Support Directorate. "Deseret Test Center Project SHAD: DTC Test 69-10," 1.

³³ Hardy, Mario. "Say 'No Mas' to Militarism and Colonialism: Navy Out of Vieques Now!" *The Objector* (Fall 1999), 5, accessed 15 November 2011, <http://ezproxy.qa.proquest.com/docview/232162189?accountid=14771>

the chemicals raining down on them ‘were real’ during Project 112,³⁴ the residents of Vieques were absolutely unaware of the poisons being unleashed on them.

Many of the exposed servicemen involved in Project 112 have suffered great health problems since these human tests were performed including respiratory problems, heart conditions, skin conditions and cancers.³⁵ As many of these are the same health problems experienced by the Viequenses in disproportionate numbers to those on the Puerto Rican mainland, it is only logical to assume that there is a link between Project 112 operations and the health problems experienced in Vieques. Italie concurs with this statement: “Because Washington carried out the experiments outdoors, Vieques civilians were also exposed to chemical and biological agents”.³⁶ However, with respect to compensation and redress, to date the Pentagon will only recognize U.S. servicepersons who have been physically affected by exposure to deadly substances such as the simulated VX agent, Betapropriolactone, and sarin.³⁷ Who knows how many other similar deadly covert operations will be uncovered in the years to come: when it is too late because hundreds if not thousands have perished?

³⁴ Janie Blankenship. “Covert Test Program Made Sailors ‘Lab Rats’: After 40 Years, The Pentagon Acknowledges Biological and Chemical Warfare Testing on U.S. Service Personnel During the Cold War. *VFW Magazine*, 90, no. 4 (December,2002),1.

http://go.galegroup.com.myaccess.library.utoronto.ca/ps/i.do?id=GALE%7ca95598535&v+2.i&u=utoronto_main&it=r&p=GRGM&sw=w Accessed 18 November 2011.

³⁵ Ibid.

³⁶ Michael Italie, “Pentagon Tested Chemical Weapons in Vieques,” *The Militant*, vol. 66, no. 42: 11 November 2002, accessed 18 November 2011, <http://wwwthemilitant.com/2002/6642/664251.html>

³⁷ Tim Dyhouse, “Pentagon finished with SHAD test vets,” *VFW Magazine* 91, no.1 (September 2003), 8. Accessed 16 November 2011. http://bf4dv7zn3u.search.serialssolutions.com.myaccess.library.utoronto.ca/?ctx_ver=Z39.88-2004&ctx_enc=info%3Aofi%2Fenc%3AUTF-8&rft_id=info:sid/summon.serialssolutions.com&rft_val_fmt=info:ofi/fmt:kev:mtx:journal&rft.genre=article&rft.atitle=Pentagon+finished+with+SHAD+test+vets&rft.jtitle=VFW%2C+Veterans+of+Foreign+Wars+Magazine&rft.au=Tim+Dyhouse&rft.date=2003-09-30&rft.issn=0161-8598&rft.volume=91&rft.issue=1&rft.spage=8&rft.externalDBID=GVFW&rft.externalDocID=485589301

By the 1970s, the residents of Vieques had lost all patience with the U.S. navy and its imposition on their small, once pristine island and with much justification, began to peacefully resist. Puerto Rico and Vieques' citizens had believed that the bombing of the island would settle down, if not stop altogether, after numerous pleas and peaceful protests. Rather the opposite occurred. The number of bombings *increased* in the 1970s when U.S. naval activities from the Puerto Rican island of Culebra were transferred to Vieques,³⁸ and increased once again in the 1990s with the transfer of U.S. naval activities from Panama to Vieques.³⁹ In 1998 alone, the navy dropped 23,000 bombs on the island, most of which contained live explosives".⁴⁰ According to Fanon:

In the colonial countries...the policemen and the soldier, by their immediate presence and their frequent and direct action maintain contact with the native and advise him by means of rifle-butts and napalm not to budge.⁴¹

When the navy vacated Vieques in 2003, the lands it held were turned over to the U.S. Department of Fish and Wildlife and most of these lands are now officially designated as a wildlife refuge, as most are too contaminated for human inhabitation. The high-impact area that suffered the greatest exposure to ordnance has been officially designated as a wilderness preserve and is entirely prohibited from public access.⁴² Lands designated as such are not suitable for human inhabitation and therefore require only a "superficial cleanup".⁴³ McCaffery states, "Land inhabited by pelicans and sea turtles, simply put, is not a national priority for cleanup".⁴⁴ Residents of Vieques are frustrated beyond measure at

³⁸ Ronald Fernandez, *The Disenchanted Island: Puerto Rico and the United States in the Twentieth Century*, Second Edition (CT: Praeger Publishers, 1996), 244.

³⁹ Committee for Human Rights in Puerto Rico. *International Tribunal on Violation of Human Rights in Puerto Rico and Vieques by the United States of America*. Social Justice, Vol. 27, No. 4., Neoliberalism, Militarism, and Armed Conflict, 2000, 147-148.

⁴⁰ Katherine T. McCaffery, "Fish, Wildlife, and Bombs: The Struggle to Clean Up Vieques," *NACLA*, September/October 2009, 35.

⁴¹ Franz Fanon, *The Wretched of the Earth* (NY: Grove Press Inc., 1963), 31.

⁴² Katherine T. McCaffery, "Fish, Wildlife, and Bombs: The Struggle to Clean Up Vieques," *NACLA*, September/October 2009, 36.

⁴³ *Ibid.*

⁴⁴ *Ibid.*

the legal steps taken by the U.S. government, and most especially the U.S. navy, to shun their responsibility of cleaning up Vieques so that the lands can be considered suitable for human habitation. Fully believing that they would finally receive their land back, “many residents resent the agency (the Department of the Interior which supervises the Department of Fish and Wildlife) as the island’s most recent usurper. They see the mandate to protect former base land as an extension of restrictions and absolute control over the land established by the navy”.⁴⁵ It is both an irony and a travesty for Vieques’ inhabitants that the United States has turned their lands into wildlife preserves and refuges after bombing these same lands for over sixty years. The people of Vieques were deprived of their lands many years ago through expropriation and evictions, and they will continue to be deprived so long as the U.S. government deems the lands uninhabitable for human habitation, a status that may endure for generations.

On 21 November 2000, the International Tribunal on Violation of Human Rights in Puerto Rico and Vieques by the United States of America convened. With respect to the negative effects of militarization on the island of Vieques, under Section II, part 1, *Findings and Legal Foundations* states:

Evidence...shows a continuation of colonial domination over the Puerto Rican nation...Harm caused by this continuing domination is particularly acute in Vieques, three-fourths of which is occupied by the U.S. Navy that persists since 1941, in using the island for military exercises and aerial bombardment, thus destroying the environment, ecology, health, and life of its people. Despite the nearly unanimous sentiment of the people of Vieques and Puerto Rico...the U.S. government refuses to stop its bombing and withdraw its military force from Vieques...(fully and completely compensating the population for losses and damages, and repairing any and all damages caused by their presence on and around the island)...⁴⁶

⁴⁵ Ibid.

⁴⁶ Committee for Human Rights in Puerto Rico. International Tribunal on Violation of Human Rights in Puerto Rico and Vieques by the United States of America. Social Justice, Vol. 27, No. 4., Neoliberalism, Militarism, and Armed Conflict, 2000, 145.

The impact of this very strong statement would propel action by the U.S. government, ensuring removal of the U.S. Navy from Vieques in 2003.

Section II, article 3, makes clear reference to the utter decimation of the lands of Vieques and places blame directly on U.S. naval activities:

Extensive contamination of the land, waters, and air around Vieques has resulted from the U.S. military practices and maneuvers, including a large submarine wasteland or ordnance, exploded and unexploded, and ammunition depots in western Vieques, causing an ecological disaster. Some areas have been bombed for so long that no soil remains... unexploded bombs and shrapnel are buried...Some offshore keys have disappeared...and the hillsides facing the Caribbean are crumbling (causing) erosion and sedimentation of the sea grass beds and coral reefs, facilitating the entry of toxic substances into the food chain.⁴⁷

The Tribunal also brings to light the fact that, for years, the U.S. Navy lied about highly toxic materials in its ordnance, such as depleted uranium.⁴⁸ What is curious, however, is that the Tribunal does not mention specifically Project SHAD, or Project 112, and the use of chemical weapons on or around the island. This may be in part due to the extremely clandestine nature of the project for many years. The Tribunal does stress, however, that many toxins were used and still persist on Vieques due to the irresponsibility of the U.S. Navy, toxins which through leaching and bioaccumulation will undoubtedly end up in the local food chain.⁴⁹

The Tribunal addresses head-on the negative affects suffered by the civilian population in direct relation to poisonous U.S. naval exercises on the island of Vieques:

⁴⁷ Committee for Human Rights in Puerto Rico. International Tribunal on Violation of Human Rights in Puerto Rico and Vieques by the United States of America. Social Justice, Vol. 27, No. 4., Neoliberalism, Militarism, and Armed Conflict, 2000, 149-150.

⁴⁸ Committee for Human Rights in Puerto Rico. International Tribunal on Violation of Human Rights in Puerto Rico and Vieques by the United States of America. Social Justice, Vol. 27, No. 4., Neoliberalism, Militarism, and Armed Conflict, 2000, 149.

⁴⁹ Ibid, 150.

The metals found include: arsenic (metalloid), barium, cadmium, cobalt, copper, chromium, lead, nickel, vanadium, and zinc, all of which are highly toxic and most of which are carcinogenic. Many accumulate in the food chain...The spread of these toxic substances by Navy explosions, including depleted uranium and other radioactive and chemical materials, has caused serious health problems, including cancer and breathing and nervous system disorders, in the Viequense population. The people of Vieques have substantially poorer health than is the case with other Puerto Ricans. In 1997, the mortality rate of the people of Vieques was 141% in relation to the rest of Puerto Rico.⁵⁰

The most profoundly powerful statement in the Tribunal's findings is with respect to the colonialist bombardment of Vieques—that which can be related to the argument of genocide:

The situation of the people of Vieques, created by the U.S. government and particularly the U.S. Navy, results from the *intention to destroy in whole or in part the inhabitants of this island, by causing death or serious bodily and mental harm* (emphasis added)...The above findings of fact constitute multiple and gross violations of the human rights of the people of Puerto Rico and particularly the population of the Island of Vieques.⁵¹

In Section III, *Verdict*, the Tribunal places full blame on the U.S. government and the U.S. Navy for the plight of the Puerto Rican people, most especially the population of Vieques. Specifically with respect to the Viequenses, the Tribunal emphatically recommends an immediate end to U.S. military exploitation of Puerto Rican lands; immediate cessation of military activities in and around Vieques; and removal of all Puerto Rican military installations. In addition, the Tribunal calls for full redress to the peoples and reparations to the lands so that they are once again inhabitable.⁵²

⁵⁰ Ibid, 150.

⁵¹ Committee for Human Rights in Puerto Rico. International Tribunal on Violation of Human Rights in Puerto Rico and Vieques by the United States of America. Social Justice, Vol. 27, No. 4., Neoliberalism, Militarism, and Armed Conflict, 2000, 150.

⁵² Ibid, 151.

Despite the findings of the Tribunal in 2000, the U.S. navy continued to deny culpability for harm done to Vieques and its peoples. In May 2004, the Honorable Robert B. Pirie, Jr., Under Secretary of the Navy, provided testimony to counteract the findings of the Tribunal. Pirie testified that live fire did in no way harm civilians,⁵³ and that "...not one civilian living or working off the range has ever been killed, hurt or placed at risk." Yet in the next breath he testifies that, "During the entire history of our training on Vieques, exactly one civilian death...has resulted".⁵⁴ In addition, Pirie states that, "no round has fallen or explosion occurred outside the gates of the training complex—no civilian off-base has ever been so much as scratched by our operations".⁵⁵ However, Rabin Siegel in his article *Paradise Invaded: The U.S. Navy Bombs Puerto Rico* refutes this statement by Pirie. Rabin Siegel clarifies that, "In October of 1993, another F-18 fighter jet missed by about 10 miles, dropping 500-pound live bombs about a mile from the main town of Vieques"⁵⁶ and "during maneuvers involving Navy and Puerto Rican National Guard troops in 1998, bullets broke windows in school buses parked near the municipal government buildings in the Santa Maria sector of the island (the part that is not 'Navy Property')".⁵⁷ Although contradictions in Pirie's statement are evident, the U.S. navy shows no concern for the local population negatively affected by its operations in the name of U.S. national security. For the United States, the wellbeing of a small number of disaffected partial citizens within a colony such as Vieques is an insignificant issue.

⁵³ United States Navy. Interview of the Honorable Robert B., Pirie, Under Secretary of the Navy, 24 May 2001, <http://www.navy.mil> accessed 10 November 2011, 4.

⁵⁴ Ibid.

⁵⁵ Robert L. Rabin Siegel, "Paradise Invaded: The U.S. Navy Bombs Puerto Rico," *War Resisters' International*, 1 January 2001, <http://www.wri-irg.org/nonviolence/nvse10-en.htm> accessed 17 November 2011.

⁵⁶ Robert L. Rabin Siegel, "Paradise Invaded: The U.S. Navy Bombs Puerto Rico," *War Resisters' International*, 1 January 2001, <http://www.wri-irg.org/nonviolence/nvse10-en.htm> accessed 17 November 2011.

United States Navy. Interview of the Honorable Robert B. Pirie, Under Secretary of the Navy, 24 May 2001, <http://www.navy.mil> accessed 10 November 2011, 4.

⁵⁷ Robert L. Rabin Siegel, "Paradise Invaded: The U.S. Navy Bombs Puerto Rico," *War Resisters' International*, 1 January 2001, <http://www.wri-irg.org/nonviolence/nvse10-en.htm> accessed 17 November 2011.

Although this essay has not been able to adequately cover the issue of peaceful and persistent protest by the Viequeses with respect to their health and the lands of Vieques, it must be stated that their efforts have gained much momentum in the international arena, inspiring positive change such as the removal of the United States Navy from Vieques in 2003. However, as the United States continues to invoke the right of sovereign immunity, legal avenues to recourse for dominated peoples may continue to prove elusive unless the act of genocide is justly considered synonymous with colonialist and imperialist practices such as those endured in Vieques. Light for the colonized can be found within the Convention on the Prevention and Punishment of the Crime of Genocide (1948), for which sovereign immunity does not apply.⁵⁸ It is a convention that should be invoked immediately in this case, and for every similar case, past or present. Genocide is defined as:

Any of a number of acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group; killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part...⁵⁹

In closing, the case study of Vieques as a colony of the United States has shown how intentionally destructive imperialist and colonizing practices have been historically, and continue to be to this day. Though sovereign immunity helps to ensure protection of the colonizer despite pitiless atrocities committed against the colonized, sovereign immunity can be revoked through the Convention on the Prevention and Punishment of Genocide. It is under this convention that the Viequeses must pursue redress from the United States government and the United States Navy. Vieques must be ecologically restored to the fullest extent; the United States must be forced to claim culpability with respect to health issues of the Viequeses; and, once the lands and surrounding waters have been cleaned to their fullest potential, all U.S. occupation of the island must desist: colonization of all Puerto Rican lands must be dissolved. Above all, Puerto Ricans with the support of the

⁵⁸ United Nations, Convention on the Prevention and Punishment of the Crime of Genocide, 1948.

⁵⁹ United Nations, Convention on the Prevention and Punishment of the Crime of Genocide, 1948.

international human rights community must persist with actions that will ensure their right to decide for themselves the fate and future of *their territory* without further interference by the United States and its imperialist organizations. To end, I restate the quote provided at the outset by an enlightened Franz Fanon:

The truth is that we ought not to accept these conditions. We should flatly refuse the situation in which the western countries wish to condemn us...for centuries the capitalists have behaved in the underdeveloped world like nothing more than war criminals.⁶⁰

⁶⁰ Franz Fanon, *The Wretched of the Earth* (NY: Grove Press Inc., 1963), 79.

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