

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ONONDAGA**

In the Matter of

Columbus Monument Corporation, indiv. and as
successor in interest to the Columbus Monument
Association, Nicholas J. Pirro, Bob Gardino,
Joanne Gardino, James Albanese, Mike
Albanese, Katie Albanese, Mary Emily Alibrandi,
Silvio and Lauren Ascenzo, Brenda Wendy Lee
Bousefeld, Angelo and Margaret Chiodo, Joan
Christensen, Gabriel DiGenova, Peter DiGenova,
Gene Fisch, Andre Grasso, Kevin Kane, Shannon
Kennedy, Bill Kinne, Joe Lepiane, Tarky
Lombardi, Jr., Randy Potter, Joseph Russo,
Gerarada Scuderi, Charles Tremper, and John
Vigliotti,

Petitioners,

-vs-

City of Syracuse, Ben Walsh, as Mayor of the City
of Syracuse,

Respondents.

Index No. 004586/2021

AFFIRMATION OF
JOSEPH J. HEATH, ESQ.
IN SUPPORT OF
THE ONONDAGA
NATION'S *AMICUS*
CURIAE MOTION

Hon. Gerard J. Neri, J.S.C.

JOSEPH J. HEATH, ESQ., an attorney duly admitted to practice law in the State
of New York, affirms the following under penalty of perjury, pursuant to CPLR 2106:

1. I have been so licensed to practice law in the Courts of the State of New York
since 1975. Pursuant to CPLR 2106 (a), I make this Affirmation in Support of the
Onondaga Nation's Motion to join this matter as an *amicus curiae*.

2. I am familiar with the facts and issues raised in the underlying Amended
Verified Petition and the Verified Answer, Counter Statement of Material Facts and
Objections in Point of Law. The Nation and its leaders and citizens have been actively
involved over the past several years in the community discussions concerning the removal

of the Columbus monument.

3. The Onondaga Nation submits that no party can properly represent its interests in this matter or present an accurate factual history of the events which impact the Nation and its citizens. For instance, at a July 16, 2020 rally at Columbus Circle, in an attempt to say that the statue was about 1934 and not 1492, Petitioner Pirro was reported to have said: “two Onondaga chiefs attended the unveiling ceremony [in 1934], implying that the statue has been a source of unity not division.”¹

4. The Nation does not need Mr. Pirro or any other party to speak on its behalf. The Nation wants the Court to know how fundamentally offensive the current monument remains to its leaders and citizens and how firmly it would support any decision by the City to relocate or move the monument from the Circle.

5. The Nation seeks to join this matter as *Amicus*, to bring the following issues to the Court’s attention, which might otherwise escape the Court’s consideration or would otherwise be of assistance to the Court, and which the Nation believes the parties are not capable of a full and adequate presentation of these issues:

- a. Columbus Circle is located within the boundaries of the Onondaga Nation Reservation which was recognized by the 1794 Treaty of Canandaigua;
- b. Columbus Circle is also located within the original homelands of the Onondaga Nation;
- c. The Onondaga Nation and its citizens have been subjected to five centuries of the devastation caused by European colonialism, including but not limited to ethnic cleansing and removal, illegal takings of 99 % of its original lands and waters; boarding schools;

¹ See: *Syracuse Post Standard* article: “Supporters rally for Columbus statue in Syracuse. It’s about 1934, they say, not 1492,” July 16, 2020: <https://www.syracuse.com/news/2020/07/supporters-rally-for-columbus-statue-in-syracuse-its-about-1934-they-say-not-1492.html>.

- forced assimilation and attacks on their culture and language;
- d. One of the more harmful impact of these centuries of colonialism has been the historic trauma felt by the Onondaga Nation citizens, which continues to the present. This monument is a significant cause of historic trauma for the Onondaga Nation and its citizens.²
 - e. The Nation played an active role in the Mayor's Panel, with five of its citizens as members, with much historic research and with many internal discussions.
 - f. The Nation would strongly support any decision by the City to relocate or move the monument, partially as a step towards addressing the historic damages of colonialism, partially to help heal some of the historic trauma of its citizens and because the Nation supports the Mayor's June 26, 2021 publicly stated goal of the Panel: "I think that we can come up with a solution that leads to healing for our community, and that's the goal."³

6. Although the Petition purports to contain some historical and demographic information, it is remarkably silent concerning the actions of the City and the Mayor over, the past several years, to involve the entire community in a transparent, open and democratic process of evaluating the pros and cons of maintaining the Columbus Monument in its current location. This silence is even more inexplicable, given the personal activities and involvement of the principal Petitioner herein, Nicholas J. Pirro, in at least two of the City's discussion panels.

² As noted in the October 7, 2020 Final Report and Recommendations to the Mayor by the Columbus Circle Action Committee [Attached hereto, as Exhibit "A"], the Panel "shared documents describing Columbus' personal atrocities towards the people who were here [the Indigenous peoples], as well as the treatment of Indigenous people by his crews, . . ."

³ See: Syracuse Post Standard article: "Should Columbus statue remain in Syracuse? Mayor asks group for plan". June 27, 2020: <https://www.syracuse.com/news/2020/06/should-columbus-statue-remain-in-syracuse-mayor-asks-group-for-plan.html>.

7. In June of 2020, the Mayor announced the appointment of a twenty-three member “Columbus Circle Action Committee” [hereinafter: the”Panel”] “to develop a heritage and education site in what is now known as Columbus Circle in downtown Syracuse.”

8. Mr. Pirro was one of these 23 Panel members, as were 9 other citizens of Italian descent. More details concerning this Panel and its proceeding will be addressed later in this Affirmation.

HISTORY AND BACKGROUND OF THE ONONDAGA NATION AND ITS INTERESTS IN THIS LITIGATION:

9. The Onondaga Nation is a traditional Haudenosaunee Nation and one of the Six Nations of the Haudenosaunee [Iroquois] Confederacy. The Nation is the Central Fire or Capital of the Six Nations and its currently recognized territory is just south of the City of Syracuse.

10. Today, the Nation’s recognized territory, or reservation, is only about 7,500 acres which is merely a tiny fraction of the Nation original territory of approximately 2 ½ million acres, and which was the homeland of the Nation and its people for centuries before the European colonization.

11. The Nation has maintained its matrilineal system and is still governs itself under the traditional system of government that was given to them by the Peacemaker, over 1000 years ago, in the *Gayanashagowa*, the Great Law of Peace. The Nation is still governed by its Council of Chiefs, who are selected and nominated to these leadership positions by their respective Clan Mothers, and the Clan Mothers also hold the authority to remove from power a Chief, under certain specified protocol.

12. The Nation, its leaders and its people have a unique spiritual, cultural and historic relationship with the land. This relationship goes far beyond federal and state legal concepts of ownership, possession or legal rights. The people are one with the land,

and all the life that it holds and are stewards of it. It is the duty of the Nation's leaders to work for a healing of their land and waters, to protect them, and to pass them on to future generations.

13. The Nation and the other Six Nations of the Haudenosaunee hold four treaties with the United States: The 1775 Albany Treaty of Neutrality, the 1784 Treaty of Fort Stanwix, the 1789 Treaty of Fort Harmar and the 1794 Treaty of Canandaigua. In Article II of the Canandaigua Treaty, the United States government guaranteed the Nation the "free use and enjoyment" of their protected territory.

14. Columbus Circle is located within the boundaries of the Canandaigua Treaty recognized reservation, and so the Nation has clear historic ties and a right to be heard.

15. The Nation seeks to join this action, as *amicus*, on behalf of its people in the hope that it may hasten the process of healing historic harms; and to bring lasting justice, peace and respect among all who live in the community. Further, their cultural and spiritual obligation to be stewards of the original lands has been, and continues to be, negatively impacted by the continued presence of this statue of Columbus, who brought colonialism, the African slave trade, genocide and forced removal to this hemisphere.

**THE HISTORIC TRAUMA AND CONTINUING HARM
TO THE ONONDAGA NATION AND ITS PEOPLE
FROM THE COLUMBUS MONUMENT:**

16. The bronze statue of Columbus stands on top of four detached, idealized Indian heads, in Lakota head dresses; and at the base of the monument, two of the four frescos depict Indians kneeling at the feet of Columbus. So, the entire display of the monument is very offensive to all Indians generally, and to the Onondaga Nation and its people specifically.

17. Additionally, as noted in footnote 2 above, the Nation is now aware of documentation "describing Columbus' personal atrocities towards the [Indigenous]

people who were here, as well as the treatment of Indigenous people by his crews, . . .”

18. The negative impact of historic trauma on Indians was reflected in the Final Report of the Mayor’s 2020 Columbus Circle Action Committee:

Indigenous people faced early and continuing traumas as a result of European colonization and the subsequent actions resulting from the Doctrine of Discovery including slaughter, near genocide, removal from their ancestral lands, placement in Indian boarding schools, and theft of land through broken treaties. Most historians accept the estimate of 15 million deaths resulting from European colonization in the Americas, a near annihilation leaving only 250,000 Indigenous people [living in North America] at the turn of the 20th century. To this day Native people experience the highest levels of poverty of any people living within the U.S. borders, significant public health issues such as alcoholism and suicide, and growing number of the disappearance and the killing of Native women. ⁴

19. Evidence of the link between Columbus’ atrocities and historic trauma for Indigenous people can be found in the comments of the expert historian from the Onondaga Historical Association, as reported on June 25, 2020:

Bob Searing, Onondaga Historical Associations’s curator of history, said the Columbus statue has had a fascinating, controversial history, but has also been “**an open wound for the community.**”

“Columbus represents white supremacy, genocide and the

⁴ See: Exhibit “A”, p. 4.

near extermination of the American Indian,” Searing said. “He was not a good guy, even by the standards of his day. These are **inarguable facts.**”

Searing says he understands why people want to take down the statue now, just as people took down King George III statues during the American Revolution.

“Monuments are built for people at a particular time, and monuments come down,” Searing said. “**They don’t want symbols of oppression in public spaces.** This is part of societal evolution.”

⁵ [Emphasis added.]

20. These horrible historic facts continue to be part of the cause of the current generational trauma of the Onondaga Nation citizens. Denials of this history compound the problem and the trauma. This lawsuit is yet another denial of historic atrocities towards Indigenous peoples. Most of this history of Columbus’s colonial legacy and harms was not know to the general public in 1934, and certainly was not known by the two Onondagas who attending the opening ceremony for the monument.

21. The interest of the Onondaga Nation in this matter is to speak for their citizens, but also to speak for those four, detached Indian heads, to speak for the Indians in the frescos, and to speak for the 14.75 million victims of European colonization.

**THE ONONDAGA NATION’S INVOLVEMENT WITH
AND INTEREST IN THE COMMUNITY DISCUSSIONS
REGARDING THE COLUMBUS MONUMENT:**

⁵ See: Syracuse Post Standard article: “Syracuse’s Columbus statue debate: Why we should remove it and why we should keep it,” June 25, 2020: <https://www.syracuse.com/news/2020/07/syracuse-police-camera-watches-over-columbus-monument-as-battle-over-future-ages.html>.

22. In May of 2020, Onondaga Nation leaders, including Tadodaho Sidney Hill and others, met with Mayor Ben Walsh to discuss the monument and the Nation's strong desire to have the monument removed.

23. Five Onondaga Nation citizens were members of the Mayor's 23 member Panel, and in August of 2020, the Nation issued a Statement on the statue which was posted on their website and printed in the Syracuse Post Standard as a letter to the editor. The letter supported the process established in the Mayor's Panel, with its broad representation of many nationalities from our community:

We believe through diplomacy, discussion, and open minds; these discussions will lead to a positive solution for the future of Syracuse with inclusion for all people to live in peace as neighbors and brothers. It is our sincere hope that we can work as one to promote the best possible outcome.

The Statement is annexed as Exhibit "B".

24. The murder of George Floyd in May of 2020 created a significant increase in awareness of systematic racism and white supremacy nationally. Syracuse, along with every other major city, experienced a heightened level of community dialog about racial issues. In the same time period that over 170 other cities removed their Columbus statues, calls were made for Syracuse to do so as well. An on-line petition with over 16,000 signatures was submitted to Mayor Walsh in June of 2020, calling for the removal of the monument.

25. The debate over the statue heated up in May and June of 2020, consistent with the national discussions taking place more openly about racial problems and tensions. On June 27, 2020 a rally was held in Columbus Circle in support of removing the statue, and this rally was mentioned in ¶¶ 40 and 41 of the Amended Petition, with the curious, nonfactual claim: "*He was not an innocent bystander.*"

26. It is not clear how a mayor attending a public, peaceful rally to listen to his constituents is somehow a nefarious action. Listening to and encouraging public discourse about a controversial matter are not illegal. The Mayor's attendance was fully

protected by the First Amendment of the United State Constitution.

27. In response to the growing public debate, Mayor Walsh established a Columbus Circle Action Committee (hereinafter referred to as “the Panel”), with Mr. Pirro one of its members. The Panel was composed of 23, 10 of whom were of Italian heritage. In the Mayor’s announcement of the creation of the panel, he tasked them to “*develop a heritage and education site at what is now known as Columbus Circle in downtown Syracuse.*”⁶

28. The Mayor made it clear that the fate of the statue had not been determined at that point. The article makes this clear as well:

Whether or not the towering statue of Columbus will remain . . . has not been determined, Walsh said.

The Mayor said he will appoint a diverse advisory group to develop a plan for the educational site and to make recommendation about whether the statue should stay or come down. . . .

“The status quo in Columbus Circle today is not acceptable.” Walsh said, “I think that we can come up with **a solution that leads to healing for our community**, and that’s the goal.” [Emphasis added.]

29. The article also pointed out that the 2020 Columbus Circle Panel would build upon the three community dialogue sessions on Columbus Day which had been convened by the Mayor in 2018 and 2019 and hosted by InterFaith Works.

30. Again, the Petition is silent on the details of the earlier, procedural history of the City’s careful and reasoned approach to the controversy surrounding the monument. Mr. Pirro was also a vocal and active participant in these 2018/2019 “Columbus Dialogues”, which were also hosted by InterFaith Works. In 2018, Mayor Walsh had requested that InterFaith Works begin “a conversation about Columbus Day, Indigenous

⁶ See: *Syracuse Post Standard* article: “Should Columbus statue remain in Syracuse? Mayor asks group for plan.” June 27, 2020: <https://www.syracuse.com/news/2020/06/should-columbus-statue-remain-in-syracuse-mayor-asks-group-for-plan.html>.

Peoples' Day, and the Columbus Circle statue, **because of the tensions held in the Syracuse community about this issue.**" ⁷ [Emphasis added.]

31. From September of 2018 to July of 2019, three Columbus Day Dialogue circles were held, which included 34 people, including Mr. Pirro. Each of these "circles" met on multiple days for these discussions. Citizens of the Nation were involved in these discussions, as was a member of my staff. The goals of the Dialogues, as outlined by Mayor Walsh were set out in the July 2019 Report by InterFaith Works. The goals were to:

- allow concerned individuals in our community to be heard by one another,
- engage key community partners to enter into respectful relationships while the community educated itself on the critical issues that have led to community tension,
- find common ground where most can stand together and preserve the dignity of all groups, and
- inform public officials who have responsibility for decision making on this issue.

32. Unfortunately, these goals of listening to one another and finding common ground for the good of the community were not accepted by Mr. Pirro or the other Petitioners who took part in these Dialogues. Rather than work towards compromise and community consensus, Mr. Pirro has stubbornly insisted that the monument cannot be altered in any manner.

33. The 2020 Panel met for eight weeks and Petitioner Pirro and his backers made their positions known very clearly—he/they opposed moving the monument.

34. That position was rejected by the consensus of the Panel.

35. The Panel clearly recommended that after removal of the statue, as part of the

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https://www.syracuse.com/news/2018/09/mayor_walsh_to_kick_start_discussion_about_columbus_remembrance_in_syracuse.html

creation of a Heritage and Educational site, that the name of the circle should honor the Italian American community. The Petition is also notably silent on this important fact.

36. In addition to the growing national and local community debate over the symbolism of Columbus, the City and the Mayor took an additional step to assure calm and a peaceful dialog. The Syracuse Police Department installed a surveillance camera to monitor the monument in July of 2020, as reported on July 30th:

A Syracuse police surveillance camera is standing watch over the City's Columbus monument as demonstrators battle over its future.

The Italian explorer—and statues depicting him nationwide—have become a lightning rod as the country grapples with its history of conquest and racism.

Columbus statues in other cities have been removed or torn down. Buffalo's statue^[]⁸ was removed by the city in early July after being vandalized. In Baltimore, protestors pulled down the statue and threw it in the city's harbor. . . .

Despite a couple of months now of protests, Syracuse's statue has remained largely unscathed, other than some minor vandalism that has been cleaned up and is not readily apparent.

The City has taken a deliberate approach to the statue's future, convening a large committee from diverse backgrounds, which will meet remotely by video chat, to try to decide its future. The basis options are to take it down, keep it or keep it while adding other cultural figures to the circle as well. . . .

So, for now, the camera stands guard in an effort to make sure nothing rash happens.⁹

⁸ This article uses the plural: "statues" repeatedly to refer to a single statue. I have elected to use the singular in this quotation from the article.

⁹ See: Syracuse Post Standard article: "Syracuse police camera watches over Columbus monument as battle over future rages," July 30, 2020:

37. The City's and the Mayor's efforts to engage a broad cross section of the community in the discussions concerning St. Mary's Circle have not stopped, despite the announcement of and filing of this Petition. On May 13, 2021, the Mayor announced the appointment of an Advisory Commission to "guide creation of heritage park at Columbus Circle." The Mayor's office issued a press release to announce the creation of the Advisory Commission, and a copy is attached hereto, as Exhibit "C".

38. Upon information and belief, the sources of which are several conversation with personnel from City Hall, Petitioner Pirro was invited to join this Advisory Commission, but he refused to participate.

39. Once again, the Mayor's Advisory Commission includes a broad cross section of the City's multi-ethnic population, with participation by several Italian Americans and citizens of the Onondaga Nation.

40. The Mayor's directions to the Advisory Commission are illustrative of how inclusive this entire process has been and remains:

The expanded space will be both a tribute to Italian Americans and a place of healing that is welcoming to all," said Mayor Walsh, "In the work ahead, we will ensure that history is protected and that we celebrate and learn from our shared experiences as a community and a nation. I appreciate the willingness of these diverse stakeholders to offer their perspectives and to promote the collection of ideas from other in our community about what should be in the re-envisioned space. ¹⁰

41. The content of the press release also demonstrates how carefully the City and the Mayor continue to proceed to solicit and welcome the input of Italian Americans and that the new Heritage Park will honor Italian Americans, as well as all other ethnic

<https://www.syracuse.com/news/2020/07/syracuse-police-camera-watches-over-columbus-monument-as-battle-over-future-rages.html>.

¹⁰ See: Exhibit C.

segments of the community.

42. In addition to creating the Advisory Commission on Heritage Park, the Mayor also established the Columbus Statue Italian American Task Force, “to advise on relocating and preserving the Columbus Statue and on continuing a permanent honor for Italian Americans at the circle.” The Task Force will also “provide guidance on the permanent recognition of Italian Americans at the circle.”

43. Contrary to the allegation in ¶ 2-i¹¹ of the Amended Petition, the Mayor has not “disregarded” either the history of the monument or the interests of the Italian American residents of the city, many of whom remained positively involved and engaged in the processes established by the Mayor to peacefully resolve this delicate, multi-cultural problem.

**THE HISTORIC TRAUMA AND CONTINUING HARM
TO THE ONONDAGA NATION AND ITS PEOPLE
FROM THE ACTS OF COLUMBUS HIMSELF AND
EUROPEAN COLONIALISM**

44. Every American child learns in school that Columbus was the first European to come to this hemisphere and to land in the Caribbean. His voyages were the initial onslaught of European colonialism, which resulted in massive losses of Indigenous lives, culture, languages and land.

45. Unfortunately, the destructive actions of Columbus, after his initial landing in 1492 and during his subsequent three additional voyages, are not taught in most schools. However, his active promotion of enslaving Indigenous people, of taking their lands, and of killing and maiming the Indigenous peoples, of rape and other attacks on Indigenous women have been revealed by historians over the past few decades.

46. The Indigenous peoples he encountered, the Ludayan, Taino and Arawak, were peaceful and friendly, but from the moment he landed, Columbus was focused on domination, control of and slavery of the Indigenous people, as reflected in his journal

¹¹ It should be noted that the Amended Petition omits paragraphs numbering 2 to 7, and skips from ¶ 1 to ¶ 8.

entries during this first voyage:

They would make fine servants. . . . With fifty men we could subjugate them all and make them do whatever we want. ¹²

47. Columbus wrote this in his journal just two days after he had ordered some Natives to be seized and chained to be taken back to Spain:

As soon as I arrived in the Indies, on the first island which I found, I took some of the natives by force in order that they might learn and might give me information of whatever there is in this parts. ¹³

48. He returned to Spain with six Indigenous prisoners, in chains, who were subsequently baptized.

49. This was only the beginning of Columbus' active involvement in the slave trade:

The earliest European explorers, began this process by taking indigenous slaves. Columbus's very first business venture in the New World consisted of sending four caravels loaded to capacity with 550 Natives back to Europe, to be auctioned off in the markets of the Mediterranean. Others followed the Admiral's lead. ¹⁴

50. As the debate over Columbus and his historic legacy have increased in our community over the past few years, our office has worked with scholars and citizens of the Onondaga Nation, to learn more of what has been written about Columbus and his

¹² *Journals & Other Documents on the Life & Voyages of Christopher Columbus*, Samuel Eliot Morison, Translator and Editor, p. 68. ISBN 0-316-58478-9 (PB).

¹³ *A People's History of the United States*, by Howard Zinn, pp. 1 and 2.

¹⁴ *The Other Slavery: The Uncovered Story of Indian Enslavement in America*, by Andres Resendez, pp. 4 and 5.

impact.

51. Bartolome de las Casas, was a crew member on Columbus' first voyage, but later became a priest and a fierce critic of Spanish colonialism. Las Casas was so horrified by the wholesale massacre that he witnessed and in 1542, he wrote *A Short History of the Destruction of the Indies*.¹⁵

52. Las Casas documented the decimation of the Indigenous population of the islands:

When the Spanish first journeyed there, the indigenous population of the island of Hispaniola stood at some three million; today only two hundred survive. The island of Cuba, . . . is now to all intents and purposes uninhabited; and two other large and beautiful and fertile islands, Puerto Rico and Jamaica, have been similarly devastated. Not a living soul remains today on any of the islands of the Bahamas. . . .¹⁶

53. Las Casas' writings were from his first hand knowledge of the atrocities he witnessed, and his *Short Account* was written to bring these horrible matters to the attention of King Phillip II, in the hopes of correcting them. He wrote that:

Hispaniola was the first to witness the arrival of Europeans and the first to suffer the wholesale slaughter of its people and the devastation and depopulation of the land. It began with the Europeans taking native women and children both as servants and **to satisfy their own base appetites. . . .**

The Christians punched them, boxed their ears and flogged them in

¹⁵ *A Short Account of the Destruction of the Indies*, by Bartolome de las Casas, Penguin Books, 1992. ISBN-13: 978-0-140-44562-6.

¹⁶ *Id.*, p. 11.

order to track down the local leaders, and the whole shameful process came to a head when **one of the European commanders raped the wife of the paramount chief of the entire island. . . .**

They forced their way into native settlements, slaughtering everyone they found there, including women, and even women who had just given birth. They hacked them to pieces, slicing open their bellies with their swords. . . . They even laid wages on whether they could manage to slice a main in two at a stroke, or cut an individual's head from his body, or disembowel him with a single blow of their axes. **They grabbed suckling infants by the feet and, ripping them from their mother's breasts, dashed them headlong against the rocks. . . .** They slaughtered anyone and everyone in their path, on occasion running through a mother and her baby with a single thrust of their swords. They spared no one, erecting especially wide gibbets on which they could string their victims up with their feet just off the ground and then burn them alive thirteen at a time, **in honor of our Saviour and the twelve Apostles**, or tie dry straw to their bodies and set fire to it. . . . The way they normally dealt with the native leaders and nobles was to tie them to a kind of griddle consisting of sticks resting on pitchforks driven into the ground and then grill them over a slow fire, with the result that they howled in agony and despair as they died a lingering death.

It once happened that I myself witnessed their grilling of four or five local leaders in this fashion. ¹⁷ (Emphasis added.)

54. Another destructive pattern was Spanish colonialism's treatment of women and girls, as documented in the Pulitzer Prize winning history: *Admiral of the Ocean Sea*,

¹⁷ *Id.*, pp. 14 and 15.

A Life of Christopher Columbus, by Samuel Eliot Morison: ¹⁸

While I was in the boat I captured a very beautiful Carib woman, whom the said Lord Admiral [Columbus] gave to me, and with whom, having taken her into my cabin, she being naked according to their custom, I conceived desire to take pleasure. I wanted to put my desire into execution but she did not want it and treated me with her finger nails in such a manner that I wished I had never begun. But seeing that, (to tell you the end of it all), I took a rope and thrashed her well, for which she raised such unheard of screams that you would not have believed your ears. Finally we came to an agreement in such manner that I can tell you she seemed to have been brought up in a school of harlots. ¹⁹

55. Another account was relayed by Nicolo Syllacio to the Duke of Milan; Guillermo Coma was the companion of Columbus who penned the original account:

Bad feeling arose and broke out into warfare because of the licentious conduct of our men towards the Indian women, for each Spaniard had five women to minister to his pleasure - for the sake of progeny I have no doubt. But the husbands and relatives of the women, unable to take this, banded together. ²⁰

56. Columbus' own writings verify these atrocities This passage is from a letter he wrote back to a supporter at the Spanish court. He was attempting to defend his rule as governor of Hispaniola, by claiming that he was treating the Spanish colonist well, by

¹⁸ Little, Brown and Company, Boston, 1970.

¹⁹ Morison, *Admiral*, p. 212.

²⁰ *Id.*, pp. 239-240.

developing a profitable commodity—child sex slaves:

A hundred castellanos, or a farm, are paid for a woman, and this has become a common practice; there are many merchants who go looking for wenches - those of nine or ten years old are now at a premium, but a good price can be obtained for women of all ages. ²¹

57. When Indigenous people hear or read about these historic details, in Columbus' own journal, or in a Pulitzer Prize winning book, they are reminded of the centuries of losses suffered as a result of Spanish and European colonialism and generational trauma results.

58. I have contacted counsel for the Respondents, John G. Powers, Esq., and Todd M. Long, Esq., seeking their positions relative to the Nation's proposed *Amicus* appearance and filing. They have both indicated that they support the Nation's joining this matter, as *Amicus*.

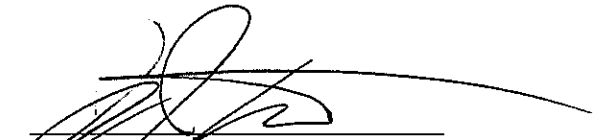
59. I have also contacted counsel for the Petitioners, Anthony J. Pietrafesa, Esq., seeking his positions relative to the Nation's proposed *Amicus* appearance and filing, and his most recent response to this inquiry was: "The petitioners withhold their consent to an amicus appearance by the Nation and will oppose a motion for same."

CONCLUSION:

WHEREFORE, I respectfully request that the Court grant this Motion to allow the Onondaga Nation to appear herein, as *Amicus Curiae*; and that the Nation's *Amicus* Affirmation and Memorandum of Law be accepted by this Court; and for such other and further relief as to the Court may seem just and proper.

²¹ *Id.*, p. 294.

Dated: Syracuse, New York
September 9, 2021



Joseph J. Heath, Esq.