

4224 W. 15th Avenue-Basement  
Vancouver, B.C.  
V6R 3A6  
(604) 224-6398

Rudy Ryser  
P. O. Box 911  
Snoqualmie, Washington  
U.S.A.  
98065

Dear Rudy:

Thank you very much for your letter of June 19th and the information re. International Tribunal. Beverley and I read the Planning Document #1 (Draft Plan of Action). We haven't had time to analyze it thoroughly, however, we do have the following comments/observations/questions:

- Title should be "International Tribunal on Genocide of the Indian Nations in Central America."
- Statistics -- Actual percentage of Indigenous peoples in Guatemala is 75-80%, not 50%. Official government publications always state about 45% and the leftists say 60%.
- About the Convenor Nations -- who are the Samis you are dealing with?
- Who are your contacts from Mexico, El Salvador, Belize, Panama, Honduras and Costa Rica? We need good strong people who believe in our Indian philosophy and ideology who are not sell outs to the governments or leftists.
- Spanish and/or British descendants mentioned as oppressors. The Latins (Ladinos) are in fact the majority of the populations in all countries of Central America, except Guatemala. They are oppressors, along with the small populations of Spanish/British/European descendants.
- Quoted on Page 1, paragraph 4 "More than 15 million Indians in Central America, Panama and Mexico." This is incorrect. Mexico itself has 15 million Indians.
- The part played by other governments in supporting the genocide is not mentioned: (and institutions)
  - 1) U.S. aid
  - 2) Canada (bilateral aid to El Salvador and Guatemala)
  - 3) Multinationals
  - 4) Military arms suppliers for Guatemala: Israel (arms and computerized intelligence system), -Belgium, Taiwan, Portugal, Italy, Yugoslavia, Spain (arms)

- Re. budget -- Funds not designated for publicity (very important part of a Tribunal -- must have international publicity).
- Time frame: Tribunal should not be held during the summer holidays, near Christmas or Easter.
- We have to be clear about the role played by both right and left political spectrums in the genocide. Re. Nicaragua, we could be used by the U.S. Government because of our support of the Miskitos, Sumos and Ramas who are opposing the Sandinistas. Hope I have explained this correctly.

I am, of course, interested in participating in the organization/ planning of this Tribunal. I think I can contribute more than just being a contact person for Guatemala because of my vast experience in International Indigenous politics, and the fact that I am a Mayan Indian from Guatemala. I would like to know formally what kind of involvement you envision for me in the Tribunal.

I have not been able to inform my brothers inside Guatemala about the Tribunal. This is almost impossible to do over the phone. I would have to meet one or two of them in Mexico City in order to make arrangements. As you know, they are organized underground.

Also, I would recommend that a meeting be convened with the organizers and contact persons. I know all of this takes money, but it is important.

I am sure you have thought of other areas that should be discussed. I look forward to meeting with you next time you are in Vancouver. You would be welcome to stay at my place. Or, give me a phone call.

See you soon. Have a good summer and take care.

Yours in Indigenous Struggle,

  
Andres Lopez (Lix)

P.S. I have enclosed the brochures from our Support Group.



# MEMORANDUM

---

1868 San Juan Avenue  
Berkeley, California 94707  
(415) 524-0865 U.S.A.

Simon Wiesenthal  
Jewish Documentation Center  
Salztorgasse 6/IV/5  
A-100 Vienna

16 June 86

Geliebte Freund:

I was heartened by our telephone conversation of Friday, June 13th. And I look forward to hearing about the results of your own talks with the German and Norwegian supporters of the project. (I've marked the day on the calendar when you thought you would be getting back to me in California with some very positive news. The sooner the better!)

Our colleagues here have been very busy. As I reported, I journeyed with Professor Nietschmann - whom you met on the phone - and Rudy Ryser to Seattle and then to Canada between the 3rd and 6th of June: four magnificent days during which we met and talked with leaders of Indians. Rudy Ryser is chairman of the Center for World Indigenous Studies. He drove Prof Nietschmann and me to meet with George Manuel, a paramount Chief of the Shuswap Nation, and founder of the first organization of world indigenous peoples. (It was George who - as I understand it - coined the term "FourthWorld.") The meeting was inspiring. George endorsed the notion that the Indians themselves would raise the major part of the costs of the Hearings, and would take a leading role in their organization. And he was moved beyond words by the prospect of your participation, and the coming together of two great streams of persecuted peoples.

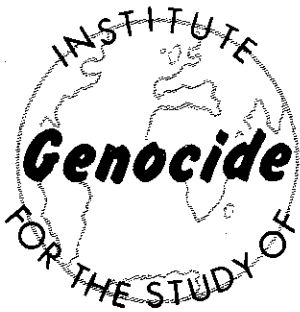
As a result of that meeting, Rudy has gone ahead and prepared a detailed draft proposal, including a budget. (He stresses that we should view it only as a basis for discussion.) I find it a remarkable document, and commend it to you with enthusiasm. Rudy is willing to take on the huge task of Coordinating our effort from this side of the Atlantic. His draft - prepared with extraordinary speed and thoroughness - testifies to our very good fortune in having him undertake this assignment. (Rudy sees himself as a disciple of Chief Manuel; he stands in relation to that great man somewhat in the same way I stand to you.)

As I told you on the phone, the prospect of the hearings has had an electrifying effect on all who have heard of it, especially on our Indian Brothers and Sisters, who view it as a long-awaited opportunity to take a new initiative toward negotiating their own fates in an indifferent and hostile world. We, their friends, will not fail them.

enclosure  
cc: Rudy, Bernard, ISG officers

With a full heart,

*Lick*  
Richard R. Korn



# INSTITUTE FOR THE STUDY OF GENOCIDE

John Jay College of Criminal Justice  
444 West 56th Street (Room 3114S) New York, N.Y. 10019  
212-489-3697.

Simon Wiesenthal, Founder

28 August 86

Rudolph C. Ryser, Chairman  
The Center for World Indigenous Studies  
P.O. Box 82038  
Kenmore, Washington 98028

Dear Chairman Ryser:

The officers of the Institute for the Study of Genocide take pleasure in authorizing the enclosed travel grant to facilitate a meeting with our founder, Simon Wiesenthal. It is our understanding that you and your distinguished colleagues, Professor Bernard Nietschmann and Ms. Ellie Menzies will be working with Simon Wiesenthal toward the implementation of our joint plan to set up an International Tribunal for the adjudication of alleged crimes of genocide against the peoples and indigenous nations of Central America.

We repose full confidence in you and your distinguished colleagues in this great venture. We welcome the privilege of collaboration with you, and we recall with gratitude the hospitality we enjoyed, via your good offices, in the home of Chief George Manuel, whose leadership and vision were indispensable in mobilizing the first historic recognition of the Fourth World in the political consciousness of humanity at large. We do not doubt that a venture co-led by leaders of the calibre of Wiesenthal and Manuel shall prevail.

With all good wishes,

Richard R. Korn, Ph. D.  
Vice-chairman and Program Director

enclosure: Air-travel ticket  
cc; Prof. Larry Kaplan, Treas.

*Rudy  
copy*

October 6, 1986

Professor Dick Korn  
Institute for the Study of Genocide  
John Jay College of Criminal Justice  
The City University of New York  
445 West 59th Street  
New York, N.Y. 10019

Dear Dick,

Today I received a copy of your Dear Simon letter. I am saddened by the events and the situation. I hope your letter serves as an electric shock for Simon and that you'll continue as chair of the ISG. I want some happy outcomes in the midst of the the bloody subject we've devoted our lives to expose.

As you've heard from Rudy our visit to Vienna to see Simon was less than we'd hoped for. Vienna is a somber place and perhaps that spilled over into our 4-hour meeting with Simon. We were received well, given coffee, and then listened to Simon recount the story of how he thought of helping the Indians. This went on for some time and it was not possible to break through and to get beyond what we already knew from you, from letters, and from our telephone conversations. Finally, we had a chance to talk about what we'd come to Vienna to discuss-- where do we go from here, how do we convert good intentions into tangible results? Simon surprised me by saying that he was not prepared to directly support the Tribunal (a term he doesn't like). He didn't want to be responsible for fund raising, something we never really asked that he do. Perhaps so many people come to him, he jumped to the conclusion that we were seeking funding. We were not. Instead, we simply wanted to meet him and to agree on the next steps that need to be taken to bring this situation before the world.

Much time was wasted with Simon telling how he came to the hearing idea, and then asking us what we do. This also set me back a bit; I was under the impression that he had some idea what we did as a profession. But, then, we didn't know each other and there may be some advantage to going over known ground face to face.

Simon invited us to lunch and we walked several blocks to a delightful old Vienna restaurant that served superb food. Simon is known by many people and several said hello during our walk and in the restaurant.

It was at this time that Rudy brought up the topic of Israel and Central America, especially Guatemala. He did it just to test the waters, to see how far Simon would go in pursuing the truth. It was a very awkward time. The already tread-water meeting went even more to the bad after the Israel topic came up. Rudy and Simon walked back to the Documentation Center in deep conversation over this.

When we returned Simon went at once to his desk, began opening letters, and withdrew from the conversation. The meeting was over. We agreed that he would write a letter in support of our efforts to get the Tribunal going. We left some xerox copies of various things. The secretary showed us out.

The Documentation Center put us up that night in a hotel. We had a look around Vienna. I left the next morning by plane for London. Rudy and Eli left later the same day by train.

I don't know what to make of our Vienna trip. Simon does not really know what's going on in Central America, but never even asked us for a synopsis. He is a great man who wants to continue to carry on the fight but it is hard to bring strangers into battle. He obviously feels more comfortable going it alone with the preliminary thinking. At the same time he doesn't want to carry on beyond the initial contact. Many contradictions. But what should we have expected?

If Simon sends a to whom it may concern letter that would be a big help. Unfortunately, I think he left the discussion when Israel was brought up. I am willing to bring my country to world attention because it has committed serious wrongs. I would expect others to at least consider that their countries (natural and adopted) may have done some wrongs, too. At least hear the story. Israel right or wrong, may have been the break point. Or, it could have been that he simply does not have the time or energy or commitment to carry through a very good idea and a very good fight.

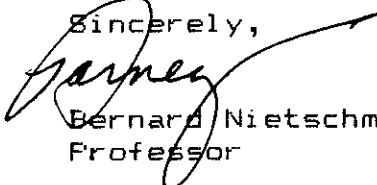
I hope that I am wrong and that Simon will come roaring out of Vienna, ready to take the bastards on and to go beyond one people's tragic history to bear witness that the killers are still loose and genocide continues.

It was good to meet Simon and the trip was worth it in that respect. The Fourth World Documentation Center is a commitment that we have and Vienna solidified the concept even more.

So, friend, we continue. Things may turn around. But we won't. I trust you'll continue with the ISG. At any rate, we have much to do and your ever welcome energy and enthusiasm has a place in the Fourth World. Don't despair. Our disappointments are minor things.

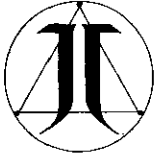
I am enclosing a check for \$108.00 which is the difference between what the ISG was able to cover and the cost of Rudy's ticket.

Sincerely,



Bernard Nietschmann  
Professor

cc: Rudy Ryser, Eli Menzies



# JOHN JAY COLLEGE OF CRIMINAL JUSTICE

*The City University of New York*

445 West 59th Street, New York, N. Y. 10019

212 489-5183

4 Oct. 86

Dear Rudy:

By now you must have received a copy of my letter to Simon. It was a moral necessity for me.

A few days ago I discovered something which dates from a happier time in Simon's relation with us. It was after he had met Armstrong Wiggins. The report speaks for itself.

Hang in there!



Richard Korn

# DOKUMENTATIONSZENTRUM

DES BUNDES  
JÖDISCHER VERFOLGTER DES NAZIREGIMES

1010 WIEN I, SALZTORGASSE 6, AUSTRIA — TELEFON 63 91 31, 63 98 05

BANKVERBINDUNG:  
CREDITANSTALT-BANKVEREIN WIEN  
KONTO NR. 47-32 606

Dear friends of the Documentation Center,

Below please find our annual report on activities in 1984.

BULLETIN OF INFORMATION NO. 25

Vienna, January 31, 1985

## 26. THE TRAGEDY OF THE MISKITO INDIANS IN NICARAGUA

On Simon Wiesenthal's initiative, an „Institute for the Study of Genocide“ was established in 1982 at the John-Jay-College for Criminal Justice of the University of New York.

At the last annual assembly of this Institute, in June 1984, two representatives of the Miskito Indians from Nicaragua were also present. Mr. Armstrong Wiggings from the „Indian Law Resource Center“ in Washington gave an account on the situation of this national group and simultaneously submitted a request to all those attending, for assistance to these persecuted people. For fear of the Sandinists, a certain proportion of Nicaragua's Miskito Indians fled to Honduras or Costa Rica. Those that remained in Nicaragua, are afraid of additional measures on the part of military formations loyal to the Government.

The Miskito Indians are the most ancient inhabitants of Nicaragua. For centuries in succession, they lived their independent lives in a specifically structured society, subsisting from hunting and fishing. They were economically self-sufficient.

The Sandinists have destroyed some of the Indian settlements and locked up many of its inhabitants in special camps so as to control them by food rationing. Following a lengthy discussion as to how these people could be helped, Simon Wiesenthal expressed readiness to write to Mr. Willy Brandt, the President of the Socialist International, asking that he intervene on behalf of this ethnic group. Following Wiesenthal's return to Europe — equipped with numerous documents and data — Wiesenthal despatched the letter to Willy Brandt with relevant enclosures. These included two reports of the „Inter-American Commission on Human Rights“ and the „Organisation of American States“ respectively. In his letter, Wiesenthal asked Mr. Brandt to receive a representative of the Miskito Indians, adding that such a representative would be prepared to come to Europe especially for this purpose. The emissary intended to brief the President of the Socialist International, on the strength of substantial data and other evidence, concerning the situation in his country.

Regrettably, the reaction was not as anticipated. Willy Brandt's Personal Bureau replied that if a representative of the Miskito Indians were to turn up in Europe, he would be welcome to drop in, for a visit of the Bureau of the Human Rights Commission.

The reply being quite unsatisfactory, the representative of the Miskito Indians decided to cancel his plan of travelling thousands of miles so as to visit the office only.

During an International Conference of Resistance Movements held in Brussels, September 21—23, 1984, Simon Wiesenthal took the initiative for submitting a resolution in which attention was drawn to the fate of the Miskito Indians in Nicaragua.



# International Tribunal On Genocide in Central America

## Planning Document #1 DRAFT PLAN OF ACTION

Prepared by:  
Center for World Indigenous Studies  
Snoqualmie, WA USA

13 June 1986

---

### OVERVIEW

Within the sub-continental region of Central America and Mexico eight states were formed following three hundred years of colonization by the European states of Great Britain and Spain. During the 19th century, the former colonies achieved independence resulting in the formation of the states of Mexico, Guatemala, Belize, Honduras, El Salvador, Nicaragua, Costa Rica and Panama.

This region that had come to be occupied by eight states was not without an original population. Indeed, even as the colonies were formed, and subsequently achieved the status of independent states more than fifty self-governing nations with a history of territorial occupation extending over 9000 years engaged in what is now a four hundred year struggle with the colonial states, their colonies and with the successor states. The patterns of struggle between the indigenous nations, european states, colonial populations and the successor states have ranged from direct violent confrontation, to benign coexistence and to periodic times of violent confrontation again.

During the last fifteen years (1970 - 1986), the Central American Region has experienced renewed violence following a period of sporadic violence and benign coexistence. Indeed, the intensity of violence within the region has reached new levels verging on a near total break-down of state institutions and open warfare between state governments, competing rebel forces challenging state authorities and indigenous nations. In a document promulgated by the U.S. based National Congress of American Indians in 1982 the climate in Central America was described in this way:

*The more than fifteen million indigenous peoples located within the asserted boundaries of Panama, Costa Rica, Nicaragua, Honduras, El Salvador, Belize, Guatemala and Mexico constitute majority populations within their respective territorial enclaves. The majority of Central American Indigenous peoples retain their own cultural practices, their own native languages and internal political systems, and have maintained their distinct group identity despite Spanish and British colonization of their territories and subsequent formation of eight . . . states by Spanish and British descendents.*

\* \* \* \*

*Over the generations, rival groups of Spanish and/or British descendents have met in violent confrontations to control the various state governments which have in turn, formulated laws or used violence to confiscate indigenous lands and natural resources for the direct benefit of a minority of wealthy, landed families. Thus forced off of their rich lands into less productive lands, indigenous populations in Central America and Mexico now occupy the last remaining parts of their original homelands.*

\* \* \* \*

*During the last twenty-five years, indigenous territories now occupied, have been found to contain vast amounts of petroleum, gold, nickle, timber and other raw materials of economic importance to the wealthy, landed families; and of significant strategic importance to the industrial states of North America and Europe.*

*The current violence in Central America reflects a resurgence of rivalries among non-indigenous groups seeking to hold or gain control over the instruments of state government to gain ultimate control over newly found wealth in the remaining indigenous territories. In the course of resurgent violence, acts of genocide and ethnocide are being committed against indigenous groups. Indigenous populations are caught between the rival forces as a 'third political force' which holds ideals and aspirations, values and political views in opposition to non-indigenous rivals." (NCAI Resolution No. 3-82: 1.0)*

Allegations of state sponsored and rebel force sponsored genocide against indigenous peoples have been repeatedly made throughout the course of the last fifteen years. Sporadic reports of massacres, torture, forced military service, land seizures, arbitrary arrests and imprisonments, population relocations, and systematic attacks on civilian populations within indigenous nations by state governments and rebel forces have been issued by indigenous nations themselves, numerous international nongovernmental organizations, and religious groups. For each of the first four sessions of the United Nations Working Group on Indigenous Populations testimony has been presented by representatives of indigenous nations and nongovernmental organizations detailing specific instances of genocide against indigenous nations in Central America. The Organization of America States has issued a report on the situation of the Miskito Nation, Sumo Nation and the Rama Nation revealing evidence of genocidal practices against these nations. And at its Fourth General Assembly held in Panama in 1984 the World Council of Indigenous Peoples adopted a resolution calling for the convening of an International Tribunal on Genocide against Indians in Guatemala and Nicaragua.

The weight of ever increasing allegations and reports of instances of genocide being committed against indigenous nations in Central America and Mexico by states governments and non-state rebel forces is heavily layed on the table of public opinion. Yet, despite the growing record of escalating genocide in Central America and Mexico no state, international state organization or other responsible party

outside of indigenous nations themselves has given official recognition to the allegations and charges made to date concerning genocide against indigenous nations. This condition exists despite the extensive allegations and reports, and despite the passage of the Convention on the Prevention and Punishment of the Crime of Genocide by the United Nations General Assembly in 1948; and the incorporation of this convention in the domestic laws of signatory states which includes many of the states in Central America.

No party to the Genocide Convention has invoked Article VIII of the Convention which authorizes that *Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article III . . . (of the Convention).* This despite the frequent submission of allegations and reports to United Nations Organs.

No party to the Genocide Convention has invoked Article IV which asserts that *Persons committing genocide or any of the other acts enumerated in Article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.* Again, no action under the existing convention has been taken by responsible parties despite public allegations and authoritative reports of acts of genocide being committed against indigenous nations in Central America.

Trial of persons charged with the crime of genocide is provided for under Article VI of the Genocide Convention relying upon a *competent tribunal of the State in the territory of which the act was committed . . . .* But, again despite the charges made and reports of crimes issued no state within Central America has taken such action. The Convention further provides for the establishment of *such international penal tribunal as may have jurisdiction . . . .* implying an alternative to state tribunals. Neither provision has been invoked by a state or other responsible party. The Genocide Convention is silent on the question of creating a tribunal.

Absent the explicit or even conditional willingness of states parties to the Genocide Convention to convene a tribunal to bring to trial those persons alleged to have committed the crime of genocide against various indigenous nations in Mexico and Central America the nations of Sami, Haudenosaunee, Shuswap have decided to take the initiative with the support and assistance of various non-governmental organizations including the National Indian Youth Council, Cultural Survival, Anthropology Resource Center, Indian Law Resource Center, Center for World Indigenous Studies, Institute for the Study of Genocide, Sami Institute and the Jewish Documentation Center.

That there is sufficient evidence to warrant the convening of a tribunal goes without question. The trial of individuals and institutions is contemplated to determine guilt and/or culpability. An International Tribunal on Genocide in Central America and Mexico will be convened in the Spring of 1987 hosted by the Sami Nation in cooperation with the Parliament of Norway.

## **PROJECT SUMMARY**

The Nations of Sami, Shuswap, and Haudenosaunee have joined together to convene an International Tribunal on Genocide in Central America in accordance with the natural law of nations to consider allegations and charges lodged against individuals and institutions for the crime of genocide against indigenous nations located within the boundaries of the states of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, and Panama . In support of this effort the assistance of the Jewish Document Center (Vienna, Austria), Center for World Indigenous Studies (Snoqualmie, USA), Sami Institute (Sweden), Institute for the Study of Genocide (New York, USA), Indian Law Resource Center (Washington, DC, USA), Anthropology Resource Center (Washington, DC, USA), Cultural Survival (Boston, USA), and the National Indian Youth Council (Albuquerque, USA) has been secured to perform organizational and technical preparations for the Tribunal over a nine month period beginning in July 1986 and ending in March 1987 when the International Tribunal on Genocide in Central America will be convened in Oslo, Norway.

The Center for World Indigenous Studies will function as the Tribunal Secretariat and provide facilities for a Fourth World Documentation Center which will combine to support the organization and execution of the International Tribunal. Two working groups (Working Group on Investigations and Working Group on Documentation) including participation from convening nations and supporting organizations will be formed in the early stages of the project to identify allegations, charges and defendents; and to identify witnesses for the prosecution. A Tribunal Steering Committee Chaired by a representative of the Haudenosaunee Nation and including participation from the various organizational support groups will be formalized to guide organizational and tribunal implementation efforts throughout the nine-month period.

A panel of twenty-five eminent authorities on human rights and international law will be impanelled as the judiciary for the Tribunal.

The findings and judgements of the Tribunal Judiciary will be made public in the form of a Tribunal Report which will be transmitted to indigenous nations and states directly as well as the competent international organizations and non-government organizations. Following the Tribunal's conclusion, the Fourth World Documentation Center will continue to function as the instrument by which the Tribunal's judgements will be impressed upon competent authorities within states and among international organizations for implementation.

### **PURPOSE:**

The purpose of this initiative is to create in the short-term a forum for the competent consideration of charges and allegations of genocidal crimes against indigenous nations located in the region of Central America and Mexico and the rendering of judgement on the guilt or innocence of parties charged; and the creation of an ongoing long-term international capability of monitoring and documenting the extent to which the crime of genocide is being committed against indigenous nations in Mexico and Central America and elsewhere in the world.

## **GOALS:**

To organize and conduct an International Tribunal on Crimes of Genocide in Central America and Mexico and to establish an ongoing Fourth World Documentation Center concerned with the recording of events, allegations and charges of genocide and the active bringing to trial of those parties charged with the crime of genocide against indigenous nations.

## **OBJECTIVES:**

[1] Organize and conduct short-term and long-term fund raising to support the conduct of an International Tribunal on Genocide in Central America.

- a. Organize fund raising to secure up to \$64,304 US by July 30, 1986.
- b. Organize fund raising to secure up to \$200,000 through a "Pennys for People Campaign" beginning July 15, 1986 and ending March 10, 1987.

[2] Establish organizational linkages between the International Tribunal Steering Committee and key Indigenous Nations and State organizations and governments to arrange facilities and protocols at a tribunal site by September 1986.

[3] Establish procedures and methods for identifying and securing potential and actual witnesses by July 30 1986.

- a. Establish a working group of "investigators" charged with identifying, interviewing and documenting potential witnesses by August 1986 made up of 5 investigators who will conduct their inquiries from August through February 1987.
- b. Identify, interview and document up to ten witnesses for each potential "case area" with initial emphasis being placed on the Maya Nation (to be concluded by November 1986), the Pipil Nation (to be concluded by January 1987 and the Miskito, Sumo and Rama Nations (to be concluded by February 1987).
- c. Secondary emphasis will be placed on Paya in Honduras, Monimbo in Nicaragua, Boruca in Costa Rica and the Guaymi and San Blas Kuna in Panama. Emphasis will be placed on the Zapotec and Mixe in Mexico. Final determinations of actual witnesses will be made by February 1987.



ITGCA Schedule-----Jun---Jul--Aug--Sep--Oct--Nov---Dec---Jan----Feb--Mar-

2 TRIBUNAL.....X

a OrganLinks X-----X-----X  
 b Judic Panel Ident X-----X  
 c Site locale, suppt X-----X X---X  
 d Trib Proc Proced X-----X  
 e Judic Panel Formal X-----X  
 f Witness Travel X  
 g Witness Final X

3 WORKING GROUP-Investg X--X----->X

a Etab WorkGroup X  
 b PRIME Witnesses X-----X-----X---X  
 c SecWitnesses X-----X

4 DOCUMENT CENTRE X-----

a Design Plan X  
 b Etab WorkGroup X  
 c Design Method X  
 d Design Rpt Frmt X-----X  
 e Org Database NtWrk X-----X  
 f Issue Prep Docs X X X X  
 g Revw Rpt Frmt X  
 h Finalize Frmt X  
 i Prepare Final Rpt X-----

5 STEERING COMT..x..x....X.....X.....X....X...X..

### BUDGETS & EXPENSES SUMMARY

It is anticipated that for the period from June 1986 through March 1987 costs associated with the development and conduct of the International Tribunal on Genocide in Central America will be an estimated \$301,416. This overall cost is distributed across six functional categories as follows: Administration (\$16,151 [5.36%]), Fund Raising (\$56,900 [18.88%]), Tribunal (\$129,579 [42.99%]), Documents Center (\$32,614 [10.82%]), Witness Preparations (\$34,222 [11.35%]), and Tribunal Steering Committee (\$31,951 [10.60%]). The bulk of these costs (59.22%) will be expended during the last three months of the project period (January, February and March).

Expenditures by Budget Category are anticipated to include: Personnel (\$71,716 or 23.79%), Consultants (\$10,500 or 3.48%), Travel (\$163,000 or 54.08%), General Expenses (\$56,200 or 18.64%). Personnel costs cover employment of a full-time Coordinator, full-time Assistant Coordinator, part-time Researcher and a part-time

Administrative Assistant and Secretary. Consultant costs are anticipated to include expenses for interpreters and translators as well as temporary experts. Travel includes a primary expense for witnesses and judges who will participate in the Tribunal, Steering Committee travel to planning meetings and the Tribunal and staff and investigator expenses for fund-raising, witness preparation and organizational linkages. General Expenses include costs for supplies, copy/duplication, postage, equipment leasing for core operations and the tribunal, telephone and telegraph, accounting services for audits and expenses associated with the publication and distribution of a final Tribunal report.

## **FUND RAISING STRATEGY**

The International Tribunal and the Fourth World Documentation Center are anticipated to receive the majority of funding support directly from indigenous communities and indigenous governments (73%). The remainder will be secured from the Jewish Documentation Center (its own fund-raising activities), Churches, individual contributions from "non-indigenous", state citizens, and non-governmental organizations.

Indigenous communities the world over will be invited to make individual and small group contributions in amounts ranging from the equivalent of one cent (US) to one dollar (US). While all indigenous communities, families and individuals will be invited to participate in what will be known as the "PENNY FOR PEOPLE" campaign to support the International Tribunal on Genocide in Central America, primary emphasis will be placed on indigenous nations in the South Pacific, North America, Central America, South America and Western Europe. The "PENNY FOR PEOPLE" will have to reach in excess of 550,000 people to raise an estimated \$200,000 (US). Accordingly, the fund raising campaign will be organized at the community level to invite individual and family contributions. To organize this campaign it is estimated that seed funding will have to be \$47,415 (US) or 16.667% of the total projected to be raised.

Funding raising efforts aimed at securing support from non-governmental organizations, churches, indigenous governments and non-indigenous individuals are expected to require \$9486 (US) or an amount equal to 11.24% of the \$84,397 (US) designated to be raised.

The Jewish Documentation Center is anticipated to assume the costs for raising its contribution to the Tribunal.

The funds required to raise \$244,516 (US) to support the Tribunal and the Documentation Center will be \$56,900 (US). This sum combined with the \$244,516 (US) equals the total budget of \$301,416 (US) currently projected.

Forty-one percent of the projected budget is anticipated to be spent between June 1986 and December 1986. Fifty-nine percent of the projected budget is expected to be spent during the last three months of the project. In accordance with these projections, Operational and fund raising support amounting to \$64,304 (US) must be secured within the first three months of operation. After this period an



average of \$40,000 must be raised each month to cover monthly operational costs and to support the ballooned expenses near the end of the project period.

# International Tribunal on Genocide in Central America

## DRAFT BUDGET

For the Period: June 1986 - March 1987

13/06/86 Today  
11/06/86 DateBeg  
10:47 Time

	Budget	FndRng	Tribunal	DocCntr	WitPrep	SteerCom
	100.00%	18.88%	42.99%	10.82%	11.35%	10.60%
<b>PERSONNEL</b>						
Coord	\$30,900	\$4,944	\$7,725	\$7,725	\$3,090	\$1,545
AssistCord	\$18,750	\$3,000	\$4,688	\$4,688	\$1,875	\$938
Researcher 1	\$10,000	\$1,600	\$2,500	\$2,500	\$1,000	\$500
Admn Assist	\$7,500	\$1,200	\$1,875	\$1,875	\$750	\$375
FRINGE:	\$4,566	\$306	\$1,142	\$1,142	\$457	\$228
CONSLT:	\$10,500		\$4,725	\$2,625	\$1,050	
<b>TRAVEL</b>						
Local	\$9,850	\$5,850	\$1,000	\$1,500	\$1,000	\$500
Distant	\$153,150	\$7,650	\$97,500	\$2,000	\$20,000	\$26,000
<b>GENEXPENS</b>						
Supplies	\$6,000	\$2,000	\$1,000	\$2,000	\$750	\$250
Copy/Dup	\$10,950	\$8,000	\$600	\$1,260	\$1,000	\$90
Postage	\$20,075	\$17,000	\$1,700	\$1,000	\$300	\$75
Equip	\$9,200	\$2,000	\$3,000	\$3,200	\$1,000	\$0
Telephone/Tel	\$8,975	\$3,150	\$1,925	\$900	\$1,750	\$1,250
Accounting Serv	\$1,000	\$200	\$200	\$200	\$200	\$200
<b>Total Expense</b>	<b>\$301,416</b>	<b>\$56,900</b>	<b>\$129,579</b>	<b>\$32,614</b>	<b>\$34,222</b>	<b>\$31,951</b>
<b>Percent Dist</b>	<b>100.00%</b>	<b>18.88%</b>	<b>42.99%</b>	<b>10.82%</b>	<b>11.35%</b>	<b>10.60%</b>

Revenue Source:	PenPeo	JDC	OrgSupt	IndgGov	Church	Indiv
Proportion---->	65%	7%	7%	8%	6%	7%
Total Funds:	\$195,921	\$21,099	\$21,099	\$22,908	\$19,291	\$21,099

Distribution of Administrative Expenses	Admin	Percent
Tribunal	\$6,943	
DocuCntr	\$1,748	
WitPrep	\$1,834	
SteerCom	\$1,712	
FndRng	\$3,049	
	\$16,151	5.36%

Budget: International Tribunal on Genocide in CA

Category	Budget	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Coord	\$30,900		\$3,433	\$3,433	\$3,433	\$3,433	\$3,433	\$3,433	\$3,433	\$3,433	\$3,433	\$30,900
AssistCoord	\$18,750		\$2,083	\$2,083	\$2,083	\$2,083	\$2,083	\$2,083	\$2,083	\$2,083	\$2,083	\$18,750
Researcher 1	\$10,000				\$1,667	\$1,667	\$1,667	\$1,667	\$1,667	\$1,667		\$10,000
Adm Assist	\$7,500					\$1,250	\$1,250	\$1,250	\$1,250	\$1,250	\$1,250	\$7,500
FRINGE:	\$4,566		\$375	\$375	\$488	\$573	\$573	\$573	\$573	\$573	\$460	\$4,566
CONSLT:	\$10,500				\$1,050	\$1,050	\$1,050	\$1,050	\$1,050	\$1,050	\$4,200	\$10,500
Local	\$9,850		\$1,313	\$1,313	\$1,313	\$985	\$985	\$985	\$985	\$985	\$985	\$9,850
Distant	\$153,150	\$1,000	\$3,678	\$3,678	\$7,678	\$3,678	\$3,678	\$3,678	\$7,678	\$115,178	\$3,222	\$153,150
Supplies	\$6,000		\$638	\$638	\$638	\$638	\$638	\$638	\$638	\$638	\$900	\$6,000
Copy/Dup	\$10,950		\$704	\$704	\$4,380	\$704	\$704	\$704	\$704	\$704	\$1,643	\$10,950
Postage	\$20,075		\$1,706	\$1,706	\$8,030	\$1,706	\$1,706	\$1,706	\$1,706	\$1,706	\$100	\$20,075
Equip	\$9,200		\$633	\$633	\$633	\$633	\$633	\$633	\$633	\$633	\$4,140	\$9,200
Telephone/Te	\$8,975		\$718	\$1,032	\$1,032	\$1,032	\$1,032	\$1,032	\$1,032	\$1,032	\$1,032	\$8,975
Accounting S	\$1,000							\$300			\$700	\$1,000

\$1,000 \$15,282 \$15,596 \$32,426 \$19,433 \$19,433 \$19,733 \$23,433 \$130,933 \$24,148 \$301,416  
 .33% 5.07% 5.17% 10.76% 6.45% 6.45% 6.55% 7.77% 43.44% 8.01% 100.00%

INDIAN NATIONS WITHIN CENTRAL AMERICAN STATES

[nations in boldface type suggested for testimony at the Tribunal]

GUATEMALA

**23 Mayan nations** ----- [ genocide  
massacres  
murder  
torture  
arbitrary arrests  
forced military service  
Pipil  
Black Carib

army bombings  
destruction of villages  
forced relocation  
displaced populations  
international refugees  
denial of asylum

BELIZE

**Maya (Mopán and Kekchi)** ----- [ ethnocide  
paraquat spraying  
land invasions  
Black Carib

HONDURAS

Pipil  
Lenca  
Jicaque  
Chortí  
Miskito  
Sumo  
Paya ----- [ seizure of land  
appropriation of resources  
ethnocide

EL SALVADOR

Pipil ----- [ genocide  
massacres  
murder  
torture  
arbitrary arrest  
forced military service  
Achi

army bombings  
destruction of villages  
displaced populations  
international refugees  
denial of asylum

NICARAGUA

**Monimbó** ----- [ forced military service  
land expropriation  
Subtiava  
Sumo  
Rama  
Miskito ----- [ genocide  
massacres  
murder  
torture  
arbitrary arrests  
forced military service  
seizure of lands  
appropriation of resources

army bombings  
destruction of villages  
forced relocation  
displaced peoples  
international refugees  
denial of asylum

COSTA RICA

Boruca  
Chirripó  
Quepo  
Boruca ----- [ seizure of lands  
appropriation of resources  
ethnocide  
denial of fundamental rights

PANAMA

Bayano Kuna  
Bribri  
Chocó  
Guaymí ----- [ dispossession of imposed roads, pipeline  
Cerro Colorado copper mine, Teribe-  
Changuinola hydroelectric project  
arrests and imprisonment  
San Blas Kuna ----- [ seizure of lands by cattle ranchers  
the Kuna have their own Indian-run  
autonomous nation, including lands, waters and  
resources. What the Kuna have is a goal for most  
other indigenous nations

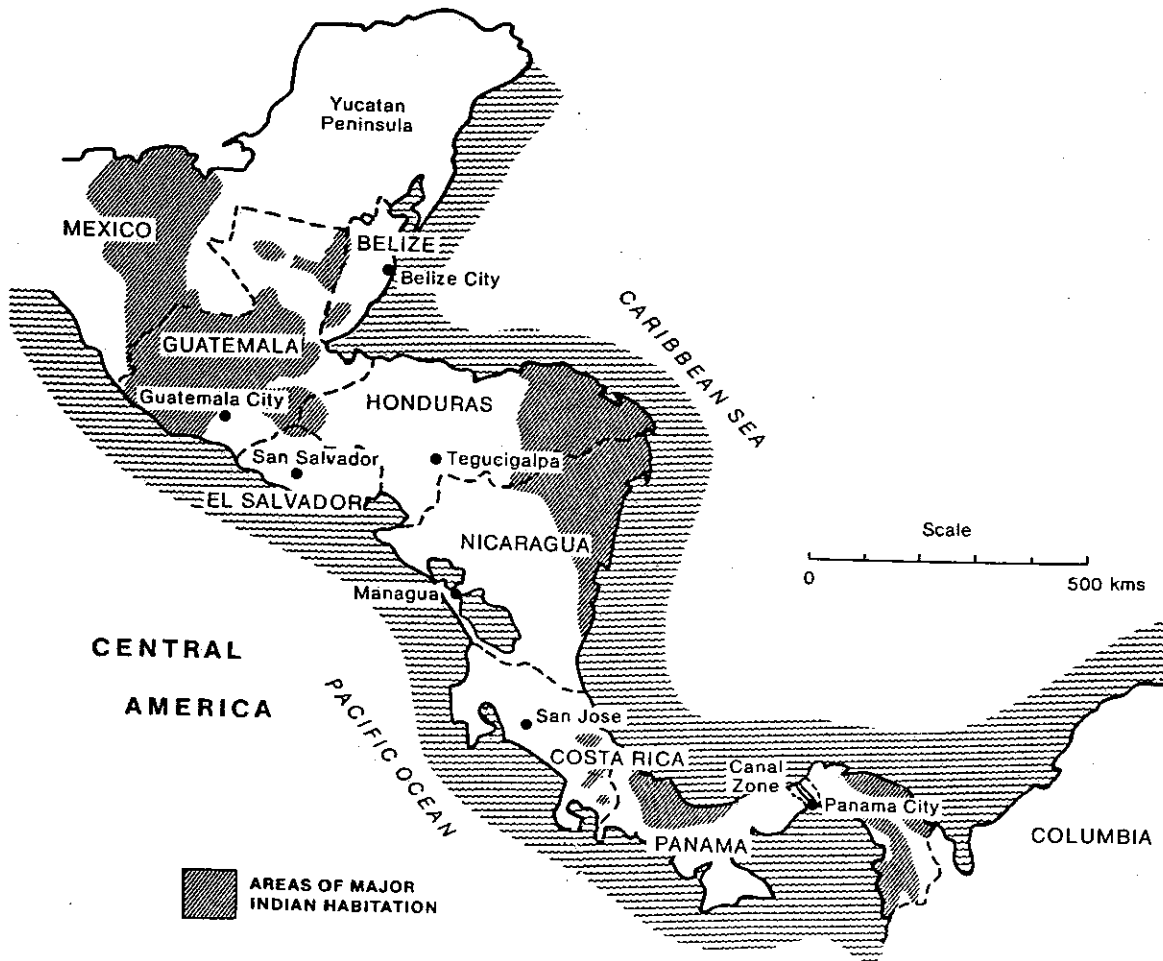
	<u>1985 Total Population Claimed by State</u>	<u>1985 Population of Indigenous Nations</u>	<u>Percentage of Indigenous Peoples</u>
GUATEMALA	8,000,000	> 4,200,000	> 50%
BELIZE	200,000	20,000	10%
HONDURAS	4,400,000	350,000	8%
EL SALVADOR	5,100,000	1,025,000	20%
NICARAGUA	3,000,000	150,000	5%
COSTA RICA	2,600,000	25,000	0.1%
PANAMA	2,000,000	120,000	6%
	<u>25,300,000</u>	<u>5,890,000</u>	<u>23%</u>

+ The collective Indian population in Central America is greater than 50% of the member states of the United Nations.

+ Yet within each Central American state and internationally, indigenous nations have no political representation, with the exception of the San Blas Kuna Nation.

+ Almost six million people--Indians--are the survivors of 500 years of genocide in Central America. But, today, these six million survivors are threatened by the same genocide that exterminated their forefathers: European wars and conquest, death and invasion, seizure of lands, theft of resources.

+ The Indian population of Central America is larger than the population of Israel.



INDIAN NATIONS WITHIN CENTRAL AMERICAN STATES

[nations in boldface type suggested for testimony at the Tribunal]

GUATEMALA

<p>23 Mayan nations -----                  Pipil                  Black Carib</p>	<p>[ genocide                  massacres                  murder                  torture                  arbitrary arrests                  forced military service</p>	<p>army bombings                  destruction of villages                  forced relocation                  displaced populations                  international refugees                  denial of asylum</p>
---	---	---

BELIZE

<p>Maya (Mopan and Kekchi) ---                  Black Carib</p>	<p>[ ethnocide                  paraquat spraying                  land invasions</p>
---	---

HONDURAS

<p>Pipil                  Lenca                  Jicaque                  Chortí                  Miskito                  Sumo                  Paya -----</p>	<p>[ seizure of land                  appropriation of resources                  ethnocide</p>
---	---

EL SALVADOR

<p>Pipil -----                  Achi</p>	<p>[ genocide                  massacres                  murder                  torture                  arbitrary arrest                  forced military service</p>	<p>army bombings                  destruction of villages                  displaced populations                  international refugees                  denial of asylum</p>
--	--	--

NICARAGUA

<p>Monimbó -----                  Subtiava                  Sumo                  Rama                  Miskito -----</p>	<p>[ forced military service                  land expropriation                  appropriation of resources                  displaced peoples</p>	<p>army bombings                  destruction of villages                  forced relocation                  displaced peoples                  international refugees                  denial of asylum</p>
<p>Miskito -----</p>	<p>[ genocide                  massacres                  murder                  torture                  arbitrary arrests                  forced military service                  seizure of lands                  appropriation of resources</p>	

COSTA RICA

<p>Boruca                  Chirripó                  Quepo                  Boruca -----</p>	<p>[ seizure of lands                  appropriation of resources                  ethnocide                  denial of fundamental rights</p>
--	--

PANAMA

<p>Bayano Kuna                  Bribri                  Chocó                  Guaymí -----</p>	<p>[ dispossession of imposed roads, pipeline                  Cerro Colorado copper mine, Teribe-                  Changuinola hydroelectric project                  arrests and imprisonment                  seizure of lands by cattle ranchers</p>
<p>San Blas Kuna -----</p>	<p>[ the Kuna have their own Indian-run                  autonomous nation, including lands, waters and                  resources. What the Kuna have is a goal for most                  other indigenous nations</p>

INDIAN NATIONS WITHIN CENTRAL AMERICAN STATES

[nations in boldface type suggested for testimony at the Tribunal]

GUATEMALA

**23** Mayan nations  
**Pipil**  
**Black Carib**

genocide  
 massacres  
 murder  
 torture  
 arbitrary arrests  
 forced military service

army bombings  
 destruction of villages  
 forced relocation  
 displaced populations  
 international refugees  
 denial of asylum

BELIZE

Maya (Yup'atán and Kek'ich')  
 Black Carib

ethnocide  
 paraquat spraying  
 land invasions

HONDURAS

Pipil  
 Lenca  
 Itz'atque  
 Chorri  
 Miskito  
 Sumo  
 Paya

seizure of land  
 appropriation of resources  
 ethnocide

EL SALVADOR

Pipil  
 Achi

genocide  
 massacres  
 murder  
 torture  
 arbitrary arrest  
 forced military service

army bombings  
 destruction of villages  
 displaced populations  
 international refugees  
 denial of asylum

NICARAGUA

**Moimimbé**  
**Subtlava**  
**Sumo**  
**Rama**  
**Miskito**

forced military service  
 land expropriation  
 appropriation of resources  
 displaced peoples

genocide  
 massacres  
 murder  
 torture  
 arbitrary arrests  
 forced military service  
 seizure of lands  
 appropriation of resources

army bombings  
 destruction of villages  
 forced relocation  
 displaced peoples  
 international refugees  
 denial of asylum

COSTA RICA

Boruca  
 Chirripó  
 Quepo  
 Boruca

seizure of lands  
 appropriation of resources  
 ethnocide  
 denial of fundamental rights

	<u>1985 Total Population Claimed by State</u>	<u>1985 Population of Indigenous Nations</u>	<u>Percentage of Indigenous Peoples</u>
GUATEMALA	8,000,000	> 4,200,000	> 50%
BELIZE	200,000	20,000	10%
HONDURAS	4,400,000	350,000	8%
EL SALVADOR	5,100,000	1,025,000	20%
NICARAGUA	3,000,000	150,000	5%
COSTA RICA	2,600,000	25,000	0.1%
PANAMA	2,000,000	120,000	6%
	<u>25,300,000</u>	<u>5,890,000</u>	<u>23%</u>

+ The collective Indian population in Central America is greater than 50% of the member states of the United Nations.

+ Yet within each Central American state and internationally, indigenous nations have no political representation, with the exception of the San Blas Kuna Nation.

+ Almost six million people--Indians--are the survivors of 500 years of genocide in Central America. But, today, these six million survivors are threatened by the same genocide that exterminated their forefathers: European wars and conquest, death and invasion, seizure of lands, theft of resources.

+ The Indian population of Central America is larger than the population of Israel.





CONFEDERATED TRIBES AND BANDS

*Yakima Indian Nation*

GENERAL COUNCIL  
TRIBAL COUNCIL

POST OFFICE BOX 151  
TOPPENISH, WASHINGTON 98948

RE: The Report and Recommendations to the President by the Presidential Commission on Indian Reservation Economies. Specifically, Explicit Repeal of House Concurrent Resolution 108 (83rd Congress)

Dear Congressman

All Counsel and advice inform the Yakima Indian Nation that HCR 83-108 has been implicitly repudiated by Congress by the passage of the Indian Self-Determination and Education Assistance Act of 1974, 88 Stat. 2203, 25 USC Sec. 450, et seq.; Menominee Restoration Act of 1973, 87 Stat. 770, 25 USC 903, et seq.; Indian Civil Rights Act of 1968, 82 Stat. 77; Indian Financing Act of 1974, 88 Stat. 77, 25 USC 1451, et seq., Indian Child Welfare Act of 1978, 92 Stat. 3069, 25 USC Sec. 1901, et seq.; Indian Business Development Act of 1974, 88 Stat. 82, 25 USC Sec. 1521, et seq., Indian Land Consolidation Act of 1983, 96 Stat. 2517, 25 USC Sec. 2201, et seq.; and Indian Freedom of Religion Act of 1978, 92 Stat. 469, 42 USC Sec. 1966, et Seq.

Although this may be true, it is hard for the Indian people to appreciate until HCR 108 is explicitly repealed. President Reagan in his January 24, 1984 American Indian policy Statement correctly reported this fact:

In Addition, this Administration calls upon Congress to replace House Concurrent Resolution 108 of the 83rd Congress, the resolution which established the now discredited policy of terminating the federal-Tribal relationship. Congress has implicitly rejected the termination policy by enacting the Indian Self-Determination and Education Assistance Act of 1975. However, because the termination policy declared in H. Con. Res. 108 has not been expressly and formally repudiated by a concurrent

January 3, 1985  
Page 2

resolution of Congress, it continues to create among Indian people an apprehension that the United States may not in the future honor the unique relationship between the Indian people and the federal government. A lingering threat of termination has no place in this Administration's policy of self-government for Indian tribes, and I ask Congress to again express its support of self-government.

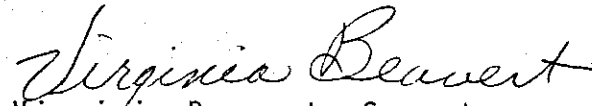
We are petitioning you and other members of Congress to introduce legislation explicitly repealing HCR 108. This will cost the government nothing and make no change in status, but will insure gratitude and a feeling of good faith among all Native Americans.

Sincerely,


YAKIMA INDIAN NATION

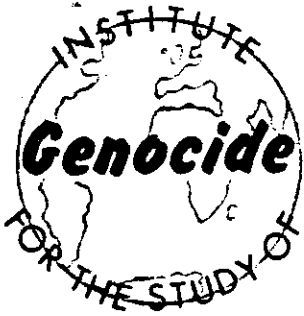
  
Walter J. Speedis, Chairman  
General Council

  
Joe Jay Pinkham, Vice-Chairman  
General Council

  
Virginia Beavert, Secretary  
General Council

CONCUR:

  
Roger R. Jim, Sr., Chairman  
Yakima Tribal Council



# MEMORANDUM

---

March 9, 1986

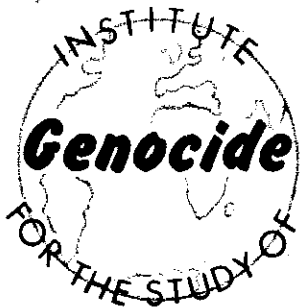
Simon Wiesenthal  
Jewish Documentation Center  
Salztorgasse 6/IV/5  
A-100 Wien  
AUSTRIA

Dear Simon:

Your decision to invite our participation in the hearings on genocide against the Indian peoples of Central America does us honor.

From our telephone conversation we understand the following:

- The President of the Norwegian Parliament has offered the Parliament building for a three-day session of hearings some time in late October or early November of this year.
- The task of organizing and conducting the hearings will involve three working groups:
  - A Tribunal of internationally known human rights and Indian rights advocates whose credentials are beyond challenge.
  - A host committee in Oslo that will make arrangements for the hearings, provide necessary assistance and make local preparations for the participants.
  - A committee of experts on Indian rights whose main tasks are three-fold:
    - 1) To prepare a background report on the problems and issues confronting indigenous peoples and nations in Central America. This document will be distributed to members of the Tribunal well before the hearings.
    - 2) To find and to invite appropriate witnesses from among the many threatened Indian nations who will testify before the Tribunal on the dangers confronting their peoples.
    - 3) To assist in preparing a final report on the findings and recommendations of the Tribunal.



# MEMORANDUM

---

Simon Wiesenthal  
Jewish Documentation Center  
1010 Wien, Austria

22 October 86

Geliebter Freund:

After your long silence, the non-events on the Indian Tribunal, and finally my painful letter to you, you can imagine how good it was to have your cordial letter of the 15th of October. I look forward to your visit at the end of this month - though we shall have to coordinate carefully, because I am due in California where I shall be dealing with a human rights crisis in prisons there (Oct. 31-Nov. 16). (Please see clippings)

In response to your letter. I am delighted that Prof. Nietschamnn impressed you - and for that reason, I ask you to take on his recommendation as well as mine the personal and professional credentials of Rudy Ryser as a man of great courage, intellectual integrity and precision, and love for humanity in general. This includes, I must say, those with whom he disagrees. It certainly includes the great state of Israel and the Jewish people, our people, with whom the Fourth World has every reason to identify. A government - as I do not have to tell you - is not the same thing as a people. The government of the 3rd Reich was not and is not the same thing as the German people. Nor is the Austria of Mahler, Nestroy, Karl Kraus, and Simon Wiesenthal to be considered represented by the political administrators, past or present, of the Austria state.

I do not know, Rudy does not know, and (I beg to suggest) that you do not know whether or not any Israel agents have supplied (in the recent past) or are supplying arms and training used by the notoriously genocidal military dictatorships of Central America, especially Guatemala. I suggest to you that the Israeli Ambassador, with whom you spoke, may not know either, and that (you would be the first to agree) that a conversation with him

is a very different thing <sup>from</sup> an investigation. Those who love Israel as much as you and I do - I was there last year, and I plan to return for a long time - maybe permanently - next year - have an enormous obligation to track down the basis and to establish the truth or falsehood of any allegations of this sort. And if God forbid some of them or any of them are true, then we have an obligation to expose and denounce them as treasonably contrary to the whole spirit, history, and the suffering of the Jewish people. God help any one who traduces our martyrdom by involving Israel in genocide! Such a person is my enemy; I will hunt him implacably - but I will never confuse him with the people of Israel, or even the state of Israel in the larger sense - just as I would not confuse the State of Israel with that monster, Kahane.

In the meantime, like yourself, I will reserve judgment. I will not say, out of hand, that it is impossible. I know that both the left and the right have reasons to inflame opinion against the Jewish people and the Jewish state. Rudy knows that too - that is why he came to you, the expert on documentation, for help on this question. One conversation with an ambassador is not enough. True, the burden of proof is on those who bring the charge - but we also know how easy it is to hide murderous tracks, in a jungle - and we also know something about hypocrisy. We have had Jewish racists, Jewish terrorists and Jewish liars before - and they are more dangerous to us than the goyem ever were.

On this matter of "left" versus "right". Rudy, of all people, knows. Indians have been martyred by both left and right. Nietschmann and the whole Indian movement are targetted by the Left, and for good reason. But they are also hated by the right: both of these destructive extremes will attempt to use the friends of the Fourth World for their own purposes. One other point. In helping Indians, we must not patronize them. We must not "save" them: we must help them save themselves: they must lead themselves: a Moses will rise among them: we will be there, and will cross the new Red sea together.

Love

Did



# MEMORANDUM

---

1 October 86

Simon Wiesenthal  
Jewish Documentation Center  
Salztorgasse 6/IV/5  
A-100, Vienna, Austria

My dear Simon:

In the light of all that has happened - and all that has not happened since your letters authorizing me to proceed with arrangements for a Tribunal on genocide in Central America, in the light of the results of the recent trip to Vienna of three persons selected by me to meet with you in order to expedite such arrangements and, finally, in the light of your unexpected apparent withdrawal from any further sponsorship or direct involvement, I am left with no alternative but to write this exceptionally painful letter.

- I find that my credibility and therefore my usefulness as a prime-mover of this Institute has been fatally compromised. There is no way I can honorably detach myself from the responsibility of first stimulating and then disappointing the hopes of the Indian peoples with whom, at your request, I worked long and hard to further the project.
- I am therefor seeking, with the concurrence of our Chairman, Prof. Joe O'Brien, to replace the present leadership of the ISG with figures who are not associated with the tragic volte-face on the matter of the Tribunal.

Because my only communication from you has been a copy of a letter you wrote to your visitors on the painful subject of possible Israeli involvement in providing arms and training to Central American dictatorships, I can only conclude that you have no wish to discuss your decision to withdraw support from the project you sponsored with such enthusiasm. So be it. I will continue to work as a professional and a private person on behalf of the tribunal idea, and for the Fourth World.

With all good wishes,

*Rich.*  
Richard R. Korn, Ph. D.  
Vice-Chairman & Program Dir.

Enclosures: two letters by S.W.  
cc: Rudy Ryser, Prof. Nietschmann,  
Ellie Menzies

SALZTORGASSE 8/IV/5, A-1010 VIENNA, AUSTRIA - TELEFON 63 91 31, 63 98 05

BANKVERBINDUNG:  
CREDITANSTALT BANKVEREIN WIEN  
KONTO NR. 47-32808

Prof.  
Richard Korn  
John Jay College of Criminal  
Justice  
4444 W. 56th St., Room 31145  
New York, N.Y. 10019  
USA

WIEN, 1986-01-20  
SW/gm

My dear Dick,

I know, it was an old dream of yours, to bring out the problem of the Indians in Guatemala.

I just returned from Oslo and according to the Norwegian's feeling to human rights, I had the idea - welcomed with great enthusiasm - to organize a Hearing of the tragedy of the Indians in Central America. The Hearing will take place in Oslo.

In this matter I'm in contact with two groups at the moment. The "Gesellschaft für bedrohte Völker" (Society of Nations in Danger) and the Lutheran Church (Norwegian State Church), which is giving aid to the Indians in Guatemala.

I've been in the house of the church aid, where I had the chance to see shocking pictures about the Indians in Guatemala, which influenced my idea.

We need an international panel and I have already sent a letter to my friend, Mr. Telford Taylor, who was the chief of the accusation in Nurenberg.

I can imagine and also hope that you'll be interested in participating. Please be so kind and let me know about your thoughts.

Cordially Yours,

  
Simon Wiesenthal

# DOKUMENTATIONSZENTRUM

DES BUNDES  
JÖDISCHER VERFOLGTER DES NAZIREGIMES

SALZTORGASSE 6/IV/5, A-1010 VIENNA, AUSTRIA - TELEFON 63 91 31, 63 98 05

BANKVERBINDUNG:  
CREDITANSTALT BANKVEREIN WIEN  
KONTO NR. 47-32608

Mr.  
Richard Korn

1868 San Juan Ave.  
Berkeley, CA 94707  
USA

WIEN, 1986-02-12  
SW/gm

Dear Dick,

thank you for your letter of January 29th. I was very delight to read that you agree with me that we have to undertake something in the matter of the terrible situation of the Indians in Central America. I hope that you had already the opportunity to speak about this with the organization "Americas Watch".

We intend to hold this Hearing in autumn - September/October - in the Parliament in Oslo.

Please make up your mind what personalities we should invite for the panel, as well as what experts there are for the situation in Nicaragua and Guatemala.

Cordially Yours,



Simon Wiesenthal

Encl. (annual report)





## Contra Update

# Military Intervention in Nicaragua

U.S. policy toward Nicaragua remains a focus of national debate. We face a stark choice: Either we support peace through regional negotiations, as urged by nations throughout Latin America, or we escalate the conflict, with the potential for deeper U.S. involvement and increased suffering for the people of that country.

President Reagan has consistently pressed for military and so-called "non-lethal" aid to the "Contra" insurgents. Since all aid supports the Contras' military activities, the distinction between lethal and non-lethal aid is meaningless. I remain opposed to all forms of aid because it is wrong to overthrow another country's government — especially when the victims of the effort are farmers, children, and health workers.

Furthermore, another \$100 million to the Contras will not achieve the misguided goal of overthrow. The President says that U.S. troops need not be sent because the Contras are a capable fighting force with popular support. It is a dangerous illusion that threatens to draw us deep into conflict.

### NO POPULAR SUPPORT

Edgar Chamorro was a civilian director of the Nicaraguan Democratic Force, or FDN, the major Contra group. He quit when he decided that it was a "proxy army controlled by the U.S. government." According to him, the FDN is "controlled, directed and financed by the CIA. I soon found that we civilians on the directorate had no control over the military. We were simply a democratic facade to convince Congress and the American public of our good intentions. I feel the current civilians associated with the FDN and UNO (United Nicaraguan Opposition) are being similarly used."

One reason the FDN does not have a base of popular support in Nicaragua is that many of its military leaders are ex-members of the "Guardia Nacional," the Somoza dictatorship's hated security force. The FDN's record of human rights abuses is another problem. Edgar Chamorro says "it was premeditated policy to terrorize civilian non-combatants"; he thinks that these practices will continue "because

terror is the most effective weapon of the 'contras.' "

The Contras' supporters claim that they have 20,000 committed troops. But Lt. Col. Edward King (USA-Ret.), an expert on Central American military affairs, thinks that there are only about 3,000 to 4,000 motivated Contras. Some battalions appear to be "ghost commands" that exist only on paper. The House Intelligence Committee reports that: "It continues to be the assessment of the United States intelligence community, that only United States forces could truly resolve the conflict in Nicaragua on a military basis." Edgar Chamorro says that, without U.S. aid, the Contras "would not only be incapable of conducting any military activities against the Sandinistas, but would also immediately begin to disintegrate."

### ESCALATION

Continued aid to the Contras will escalate the conflict but will not succeed in removing the Sandinista government as the President wants. Thus, in time, there will be a new request for more money and a wider U.S. role. In the past the Administration has pushed for deeper U.S. involvement. Covert aid became overt aid, "non-lethal" aid became lethal aid, and in March the President said that he wants to send in U.S. advisers. Although Administration officials deny it, direct U.S. involvement is a logical outcome of this escalation. I will oppose any such heightening of the conflict.

No country should suspend civil liberties, as Nicaragua has done. But I also do not believe that we help the cause of human rights by supporting insurgents who violate those rights. Moreover, there have been many human rights abuses by right-wing regimes in Latin America. The Administration is not sincerely concerned about human rights or democracy in the region, as shown by its long-held reluctance to oppose repression in Chile. I know, because I tried to convince Administration officials to speak out against the Chilean military dictatorship's "state of siege" in late 1984. These efforts were unsuccessful. In fact, those officials even refused to obey the law that requires the U.S. to vote against

multilateral development bank loans to countries with bad human rights records.

### THE CONTADORA PROCESS

We must also recognize that the Administration's Nicaragua policy is damaging our relations with countries throughout Latin America. They dislike U.S. interventionism, which violates the Charter of the Organization of American States. They are upset that the U.S. decided to ignore international law with respect to our actions in Central America. And they resent the implicit assumption that they are incompetent to negotiate a solution to the conflict.

Much of Latin America is uniting around a policy of support for the Contadora process — the regional peace initiative sponsored by Mexico, Venezuela, Colombia, and Panama. The four Contadora nations recently revived their peace effort with support from Argentina, Brazil, Peru, and Uruguay. Their goal is a treaty to limit all foreign military bases or forces in Central America. As a step in this direction, these eight countries asked the U.S. to resume direct negotiations with the Nicaraguan government. Their foreign ministers also asked that we stop aiding the Contras. Although his country's relations with Nicaragua are far from smooth, the President-elect of Costa Rica has also stated that the Contra aid should stop. Guatemala's new President, Vinicio Cerezo, wants his country to remain neutral in the Central American conflict.

Instead of supporting this Latin American initiative, the Administration has repeatedly undermined it. It is doubly unfortunate because Contadora offers a good opportunity to stop the Nicaraguan conflict from becoming even more of an East-West conflict. Any negotiations will be difficult, but Contadora could provide the basis for an arrangement between the U.S. and Nicaragua based on the following principles: no foreign bases or troops on Nicaraguan soil, pluralist political and economic systems, guarantees for human rights, and no intervention or arms supply to insurgents in other Central American countries. I will continue to work for a U.S. policy that offers real support for peace through negotiations.

# Congress of the United States

## House of Representatives

Washington, D.C. 20515

June 25, 1986

Dr. Belisario Betancur  
Presidente de Colombia  
Casa de Narino  
Bogota, Colombia

Dear Mr. President:

We extend to you our support for efforts to reach an agreement which would bring an end to armed conflict in Central America. A regional peace achieved through diplomacy would be an historic accomplishment.

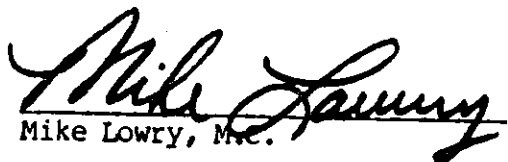
We strongly believe that there can be no lasting peace unless the human rights of the people of the region are guaranteed. We are concerned about the human rights of all of the people, but we wish to call special attention to the situation of the Indian peoples of the region. Too often their problems and needs have been overshadowed. They have suffered a host of abuses, including killings, disappearances, forced imprisonments, destruction of homes and entire communities, forcible relocations, and divided families. Many Indians have fled their homes and become refugees.

At this critical moment in the Contadora peace process, careful attention should be given to the rights of the long-suffering indigenous peoples. They are entitled to their own way of life. Their rights to land, natural resources, and autonomy should be respected.

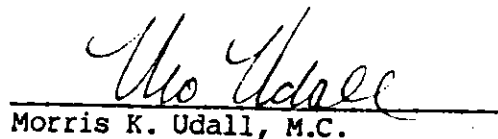
An immediate concern to us is the situation facing the Miskito and other Indian peoples of the Atlantic Coast region of Nicaragua. The autonomy which these Indian people have demanded and fought for should be guaranteed by formal agreement. Such guarantee of human rights would end much needless suffering, would resolve major grievances that have fueled armed conflict, and would help promote a wider peace in Nicaragua and the region.

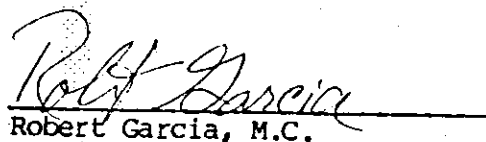
Again, we urge your best efforts as these important deliberations continue.

Sincerely,

  
Mike Lowry, M.C.

  
Patrick Williams, M.C.

  
Morris K. Udall, M.C.

  
Robert Garcia, M.C.

Esteban E. Torres  
Esteban Edward Torres, M.C.

Matthew G. Martinez  
Matthew G. Martinez, M.C.

Robert J. Lagomarsino  
Robert J. Lagomarsino, M.C.

Thomas A. Daschle  
Thomas A. Daschle, M.C.

Joe Moakley  
Joe Moakley, M.C.

Solomon P. Ortiz  
Solomon P. Ortiz, M.C.

Bill Richardson  
Bill Richardson, M.C.

Mike Synar  
Mike Synar, M.C.

Mervyn M. Dymally  
Mervyn M. Dymally, M.C.

**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**

June 25, 1986

Presidente Miguel de la Madrid  
Palacio Nacional  
Patio de Honor  
Segundo Piso  
067  
Mexico, D.F.

Dear Mr. President:

We extend to you our support for efforts to reach an agreement which would bring an end to armed conflict in Central America. A regional peace achieved through diplomacy would be an historic accomplishment.

We strongly believe that there can be no lasting peace unless the human rights of the people of the region are guaranteed. We are concerned about the human rights of all of the people, but we wish to call special attention to the situation of the Indian peoples of the region. Too often their problems and needs have been overshadowed. They have suffered a host of abuses, including killings, disappearances, forced imprisonments, destruction of homes and entire communities, forcible relocations, and divided families. Many Indians have fled their homes and become refugees.

At this critical moment in the Contadora peace process, careful attention should be given to the rights of the long-suffering indigenous peoples. They are entitled to their own way of life. Their rights to land, natural resources, and autonomy should be respected.

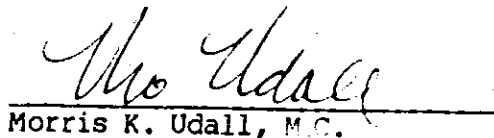
An immediate concern to us is the situation facing the Miskito and other Indian peoples of the Atlantic Coast region of Nicaragua. The autonomy which these Indian people have demanded and fought for should be guaranteed by formal agreement. Such guarantee of human rights would end much needless suffering, would resolve major grievances that have fueled armed conflict, and would help promote a wider peace in Nicaragua and the region.

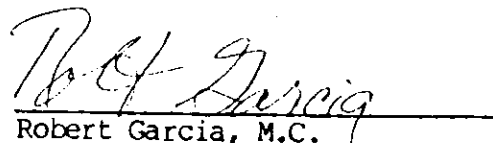
Again, we urge your best efforts as these important deliberations continue.

Sincerely,

  
Mike Lowry, M.C.

  
Patrick Williams, M.C.

  
Morris K. Udall, M.C.

  
Robert Garcia, M.C.

Esteban E. Torres  
Esteban Edward Torres, M.C.

Matthew G. Martinez  
Matthew G. Martinez, M.C.

Bob Legomarsino  
Robert J. Legomarsino, M.C.

Tom Daschle  
Thomas A. Daschle, M.C.

Joe Moakley  
Joe Moakley, M.C.

Solomon P. Ortiz  
Solomon P. Ortiz, M.C.

Bill Richardson  
Bill Richardson, M.C.

Mike Synar  
Mike Synar, M.C.

Mervyn M. Dymally  
Mervyn M. Dymally, M.C.

**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**

June 25, 1986

Presidente Arturo de Valle  
Apartado 53  
Panama 1  
Republica de Panama

Dear Mr. President:

We extend to you our support for efforts to reach an agreement which would bring an end to armed conflict in Central America. A regional peace achieved through diplomacy would be an historic accomplishment.

We strongly believe that there can be no lasting peace unless the human rights of the people of the region are guaranteed. We are concerned about the human rights of all of the people, but we wish to call special attention to the situation of the Indian peoples of the region. Too often their problems and needs have been overshadowed. They have suffered a host of abuses, including killings, disappearances, forced imprisonments, destruction of homes and entire communities, forcible relocations, and divided families. Many Indians have fled their homes and become refugees.

At this critical moment in the Contadora peace process, careful attention should be given to the rights of the long-suffering indigenous peoples. They are entitled to their own way of life. Their rights to land, natural resources, and autonomy should be respected.

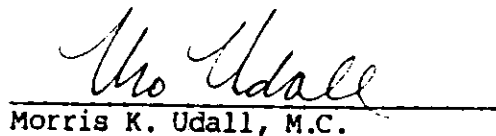
An immediate concern to us is the situation facing the Miskito and other Indian peoples of the Atlantic Coast region of Nicaragua. The autonomy which these Indian people have demanded and fought for should be guaranteed by formal agreement. Such guarantee of human rights would end much needless suffering, would resolve major grievances that have fueled armed conflict, and would help promote a wider peace in Nicaragua and the region.

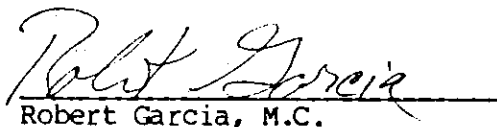
Again, we urge your best efforts as these important deliberations continue.

Sincerely,

  
Mike Lowry, M.C.

  
Patrick Williams, M.C.

  
Morris K. Udall, M.C.

  
Robert Garcia, M.C.

Esteban E. Torres  
Esteban Edward Torres, M.C.

Matthew G. Martinez  
Matthew G. Martinez, M.C.

Bob Lagomarsino  
Robert G. Lagomarsino, M.C.

Tom Daschle  
Thomas A. Daschle, M.C.

Joe Moakley  
Joe Moakley, M.C.

Solomon P. Ortiz  
Solomon P. Ortiz, M.C.

Bill Richardson  
Bill Richardson, M.C.

Mike Synar  
Mike Synar, M.C.

Mervyn M. Dymally  
Mervyn M. Dymally, M.C.



**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**

June 25, 1986

Presidente Jaime Lusinchi  
Palacio de Mira Flor  
Avenida Urdaneta  
Caracas 1010  
Venezuela

Dear Mr. President:

We extend to you our support for efforts to reach an agreement which would bring an end to armed conflict in Central America. A regional peace achieved through diplomacy would be an historic accomplishment.

We strongly believe that there can be no lasting peace unless the human rights of the people of the region are guaranteed. We are concerned about the human rights of all of the people, but we wish to call special attention to the situation of the Indian peoples of the region. Too often their problems and needs have been overshadowed. They have suffered a host of abuses, including killings, disappearances, forced imprisonments, destruction of homes and entire communities, forcible relocations, and divided families. Many Indians have fled their homes and become refugees.

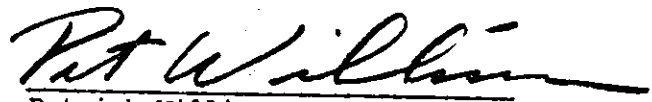
At this critical moment in the Contadora peace process, careful attention should be given to the rights of the long-suffering indigenous peoples. They are entitled to their own way of life. Their rights to land, natural resources, and autonomy should be respected.


An immediate concern to us is the situation facing the Miskito and other Indian peoples of the Atlantic Coast region of Nicaragua. The autonomy which these Indian people have demanded and fought for should be guaranteed by formal agreement. Such guarantee of human rights would end much needless suffering, would resolve major grievances that have fueled armed conflict, and would help promote a wider peace in Nicaragua and the region.


Again, we urge your best efforts as these important deliberations continue.

Sincerely,

  
Mike Lowry, M.C.

  
Patrick Williams, M.C.

  
Morris K. Udall, M.C.

  
Robert Garcia, M.C.

Esteban Torres  
Esteban Edward Torres, M.C.

Bob Lagomarsino  
Robert J. Lagomarsino, M.C.

Joe Moakley  
Joe Moakley, M.C.

Bill Richardson  
Bill Richardson, M.C.

Mervyn M. Dymally  
Mervyn M. Dymally, M.C.

Matthew G. Martinez  
Matthew G. Martinez, M.C.

Thomas W. Daschle  
Thomas W. Daschle, M.C.

Solomon P. Ortiz  
Solomon P. Ortiz, M.C.

Mike Synar  
Mike Synar, M.C.

MIKE LOWRY  
SEVENTH DISTRICT  
WASHINGTON

2454 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-3108

318 FIRST AVENUE SOUTH #300  
SEATTLE, WA 98104  
(206) 442-7170

Congress of the United States  
House of Representatives  
Washington, DC 20515

COMMITTEE:  
BUDGET  
MERCHANT MARINE AND FISHERIES  
BANKING, FINANCE AND URBAN  
AFFAIRS  
(ON LEAVE)

June 27, 1986


Presidente Raul Alfonsin  
Casa Rosada  
Buenos Aires  
Argentina

Dear Mr. President:

Along with a number of our colleagues, we recently wrote to the Presidents of Colombia, Mexico, Panama, and Venezuela concerning the Contadora peace process. In our letters, we stressed the need to consider the legitimate rights of the Indian peoples of Central America as the negotiations continue. Copies of our letters are enclosed.

We would be most grateful for any efforts that you can make on behalf of the Indian peoples of Central America. Thank you very much for your consideration of this request.

Sincerely,

  
Mike Lowry, M.C.

  
Patrick Williams, M.C.

Enclosures

MIKE LOWRY  
SEVENTH DISTRICT  
WASHINGTON

2454 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-3108

318 FIRST AVENUE SOUTH #300  
SEATTLE, WA 98104  
(206) 442-7170

Congress of the United States  
House of Representatives  
Washington, DC 20515

COMMITTEE  
BUDGET  
MERCHANT MARINE AND FISHERIES  
BANKING, FINANCE AND URBAN  
AFFAIRS  
(ON LEAVE)

June 27, 1986

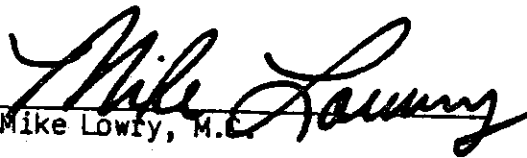
Presidente Jose Sarney  
Palacio do Planalto  
Brasilia DF  
Brasil 70,000  
Brasil

Dear Mr. President:

Along with a number of our colleagues, we recently wrote to the Presidents of Colombia, Mexico, Panama, and Venezuela concerning the Contadora peace process. In our letters, we stressed the need to consider the legitimate rights of the Indian peoples of Central America as the negotiations continue. Copies of our letters are enclosed.

We would be most grateful for any efforts that you can make on behalf of the Indian peoples of Central America. Thank you very much for your consideration of this request.

Sincerely,

  
Mike Lowry, M.C.

  
Patrick Williams, M.C.

Enclosures

MIKE LOWRY  
SEVENTH DISTRICT  
WASHINGTON

2454 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20516  
(202) 225-3108

318 FIRST AVENUE SOUTH #300  
SEATTLE, WA 98104  
(206) 442-7170

Congress of the United States  
House of Representatives  
Washington, DC 20515

COMMITTEE  
BUDGET  
MERCHANT MARINE AND FISHERIES  
BANKING, FINANCE AND URBAN  
AFFAIRS  
(JOB LEAVE)

June 27, 1986

Presidente Alan Garcia  
Palacio de Gobierno  
Lima  
Peru

Dear Mr. President:

Along with a number of our colleagues, we recently wrote to the Presidents of Colombia, Mexico, Panama, and Venezuela concerning the Contadora peace process. In our letters, we stressed the need to consider the legitimate rights of the Indian peoples of Central America as the negotiations continue. Copies of our letters are enclosed.

We would be most grateful for any efforts that you can make on behalf of the Indian peoples of Central America. Thank you very much for your consideration of this request.

Sincerely,

  
Mike Lowry, M.C.

  
Patrick Williams, M.C.

Enclosures

MIKE LOWRY  
SEVENTH DISTRICT  
WASHINGTON

2484 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 228-3108

318 FIRST AVENUE SOUTH #300  
SEATTLE, WA 98104  
(206) 442-7170

Congress of the United States  
House of Representatives  
Washington, DC 20515

COMMITTEE:  
BUDGET  
MERCHANT MARINE AND FISHERIES  
BANKING, FINANCE AND URBAN  
AFFAIRS  
(ON LEAVE)

June 27, 1986

Presidente Jose Maria Sanguinetti  
Plaza de Independencia 776  
Montevideo  
Uruguay

Dear Mr. President:

Along with a number of our colleagues, we recently wrote to the Presidents of Colombia, Mexico, Panama, and Venezuela concerning the Contadora peace process. In our letters, we stressed the need to consider the legitimate rights of the Indian peoples of Central America as the negotiations continue. Copies of our letters are enclosed.

We would be most grateful for any efforts that you can make on behalf of the Indian peoples of Central America. Thank you very much for your consideration of this request.

Sincerely,

  
Mike Lowry, M.C.

  
Patrick Williams, M.C.

Enclosures

Richard R. Korn

16 June 86

✓  
Rudy, Bernie

Dear Friends:

I almost lack words to convey my enthusiasm for the thoughtfulness, thoroughness and celerity of the document prepared by Rudy. I have sent a copy to Simon in Vienna; I think my cover letter expresses (with more restraint & understatement than I feel) my full endorsement of chapter and verse.

I am back in Berkeley, still tied up in prison litigation for at least 2-3 weeks (and then intermittantly through the summer) but ready, as ever, to a saddle up and ride in any (and all) directions when called on.

All good wishes,



Richard R. Korn

12 March 86  
Berkeley, Ca.  
(414) 524-0865

re: Meeting with Simon and  
The Advisory Group  
Geliebte Freund:

We have made good progress in a short time. Your idea has lit a fire in some of the most courageous and compassionate people I know: those who devote themselves, in the face of almost no rational hope at all, to the most desperately endangered peoples on earth. All of us agree on the importance of meeting with you personally.

Three of us (Nietschmann, Ryser and Korn) will be flying in from the Coast. I can pay my way out of the small amount we have in our ISG account. But the rest will need to have their travel expenses paid. If you wish, our ISG treasurer, Prof. Kaplan, can serve as the distributing agent for these funds, keeping a careful accounting. Any other method you suggest will be equally acceptable, of course. Please let me know.

Affectionately,



Richard R. Korn

Oct 22/86

Barny Nietschmann Rudy Ryser Ellie Menzies

Dear Friends:

I bend good manners correspondentially by sharing Simon's recent concilliatory response to my tough letter. I also share my response to that new letter.

I will try to see him when he comes. It would be very helpful if I had some documentary support - even if it is merely written summaries of oral testimony - to back up the allegations of Israeli involvement which, understandably, have become the test of the credibility of the Indian witnesses we shall be calling. Having crossed the Rubicon of bringing this matter up, we must now press it lest our credibility be compromised. It does not surprise me that a man who demanded a high standard of proof for even as miserable a character as the president of Austria would demand the same high standard of proof against officials of a nation and state he cares for: Israel. This is why I did not bring the matter before him, without ~~the~~ very strong evidence of some kind. Believing what I personally believe about the venality and racism of certain right-wing types of long continuity in Israel's military-industrial complex, I can more easily a somewhat lower standard: so much smoke implies a fire somewhere. But smoke does not constitute evidence, and the Scotch verdict, "not proven" still means innocent until otherwise refuted. So please get cracking on this matter.

And be in touch, by collect phone if need, as soon as you can get yours together.

Love,





Richard R. Korn

2 Oct. 86

To Ellie, Rudy and Barney

Dear Friends:

The decision was not even a hard one.

I wrote in honor of the man who was:

what the present man wants to do with it  
is not my concern.

Love,

Richard R. Korn  
("Enjoy" the stuff on San Quentin)

I have succeeded in interesting  
a great scholar, Dr. Helen Fein, in  
considering the post of head of our  
institute. We are negotiation. Her book,  
Accounting for Genocide is the classic  
disquisition on the methodological issues  
(huge, intractable) of genocide. I am  
busy filling her in on everything  
I have learned about Fourth World  
concerns. Keep in touch. The Israeli  
question should be pressed: anything which  
shows any hope of leading to hard  
evidence (who, when, where, how, etc) should  
be followed up. Let's have a dues schedule

and a Founder's Contribution for the Fourth World Documentation  
Center. Something between 250 and 500 would be appropriate.  
Let's start yesterday. I'll take any job you think I can do.

# San Quentin riot dust unsettled

## 1981 tear gas episode still wafts through courts, prison system

By Kent Pollock  
Bee Staff Writer

**SAN FRANCISCO** — By all accounts, it was brutal.

Teams of correctional officers, clad in full riot gear, systematically went from cell to cell, overpowering inmates with a stun gun and noxious gas. The tear gas inside San Quentin Prison's "adjustment center" — where California's toughest, most incorrigible inmates reside — was so

thick that one inmate said he thought he was going to suffocate until he found fresh air inside his toilet bowl.

Another told of having his pants and underwear forcefully removed by officers who sprayed tear gas directly on his genitals — causing permanent injury, according to court records.

What caused the 1981 melee? A decision to correct an infraction of a 20-year-old regulation that had been

ignored for years. The rule forbade inmates from placing anything on their cell bars.

Inmates have filed an \$8 million damage suit over the episode. The lawsuit's fate remains unclear, but last week, both sides were pursuing an out-of-court settlement.

"The administration's action was like firing a cannon in one's house to destroy a fly on one's wall," said

criminologist Richard Korn, who prepared a report for the court's consideration. "The triviality of the issue boggled the mind."

More than five years of litigation has produced a glimpse of how the state decided to force its toughest prisoners to obey the rules. Official records also reveal how a supervisor's diplomatic solution to avoid the violence was overruled by higher authorities hours before the trouble began.

One day last week, inmates told a special federal court master about their experiences after then-Warden George Sumner ordered his men to enforce the cell-bar rule. Inmates rebelled, correctional officers responded and the focus of controversy quickly became one of power and control.

"The symbolic gauntlet had been thrown down, and the predictable reaction of the inmates occurred," a Department of Corrections investigation concluded two months after the event.

When the smoke and gas cleared, the official injury toll was put at six correctional officers and 28 inmates. Eight prisoners were hospitalized. At least 46 prisoners were gassed while locked in their cells — a procedure

Even official accounts testify to the grim nature of what occurred. One report documents repeated attempts to subdue an inmate with gas and a stun gun that shoots a three-inch sack of birdshot out of a .40-caliber gun at a high velocity. At one point, so many fires had been set by inmates that visibility was reduced to about 70 feet, another report said.

A doctor said the effects of the gas could still be felt four days after its dispersal.

Official records reveal that it all began when Sumner, who resigned months later and currently runs Nevada State Prison in Carson City, conducted a personal inspection of the prison's "hole," known more formally as the "adjustment center." He didn't like seeing the pieces of newspaper, cloth and cardboard that were woven through cell bars, partially blocking the view inside, in violation of a long-ignored prison rule.

A few days later, on March 30, A. Calderon, the unit's program administrator, issued a two-sentence, written order to all adjustment center inmates: "Effective immediately, all cell coverings will be removed from the bars. Failure to comply with this order will result in disciplinary action."

Inmates complained bitterly and presented Calderon with a petition asking that he reconsider his action, according to court documents. They calmed down after Calderon issued a second memorandum, April 10, rescinding his earlier order and granting permission for inmates to cover cell bars from the floor to a specified height.

Three days later, according to official documents, a deputy warden noticed that the warden's order had not been carried out. As a result, Calderon was told on the morning of April 17 that the cell bars were to be stripped of all material by noon that day. The deadline was later extended to 4 p.m.

According to official reports filed by Calderon, officers began immediately informing inmates that his order rescinding his earlier order was no longer in effect. Prisoners were told officers would remove offending material, using "whatever force necessary."

At 4:15 p.m., thirteen officers armed with a stun gun and tear gas entered the unit and began asserting their authority. The officers wore helmets, gas masks, coveralls and boots.

Officials report that prisoners who refused to remove bar coverings were asked to back up to the bars to be handcuffed. If prisoners refused to be handcuffed, according to officials, they were doused with CN gas, a powerful form of tear gas that is actually a fine powder. Guards then

Negotiations to bring about cooperation had completely failed by Monday.

"As a supervisor on the scene during this entire matter, I sincerely believe staff utilized every resource at our disposal to avoid a confrontation," program administrator B. Rohrer reported.

Whatever the case, 20 officers entered the unit's second tier about 1:30 p.m. that Monday to enforce the regulation — a task that would take more than four violent hours.

"Some inmates used mattresses as shields," Sgt. S.J. Szmaczarz reported. "... (they) had their property stacked up on their bunks, placing themselves in a corner of their cells behind their property and placing the mattress over themselves for protection."

Inmate Ed Garcia described the assault from his perspective in criminologist Korn's report: "They (guards) started gassing in the front part of the tier and running in on people and assaulting them, cell by cell. ... I started feeling dizzy and felt like I was blacking out. My skin started burning. My eyes, my lungs and my throat were all in pain. They had not even reached my cell when this was happening. It was like thick fog and people were screaming, and I could hear officers kicking and beating other prisoners."

After inmates succumbed to the guards, they were taken to a shower and doused with hot water while they were fully clothed. The process intensified the effects of the water-soluble CN-tear gas powder, said Dr. Kim Thornburn, who worked at the prison hospital. Inmates were then returned to their contaminated cells in wet clothes, according to reports.

Thornburn reported that one inmate suffered burns over 25 percent of his body. Another vomited for a week following the episode.

According to Sgt. Szmaczarz's report, "At approximately 6 p.m. the unit was brought under control and into compliance" with the cell-bar regulation.

Two months later, a Department of Corrections review of events concluded that for years, "by silent acquiescence, staff sanctioned the existence of bar coverings" before ordering the coverings removed "with a confusing abruptness."

The department determined that correcting the regulatory infractions "could have and should have been handled differently," but pointed only to "acts of omission rather than willful deviation from regulations or illegal acts of commission."

A 1975 federal court injunction issued by Judge Alfonso Zirpoli, however, had banned prison officials "and all their successors" from using tear gas to extract inmates from

What caused the 1981 melee? A decision to correct an infraction of a 20-year-old regulation that had been

ignored for years. The rule forbade inmates from placing anything on their cell bars.

Inmates have filed an \$8 million damage suit over the episode. The lawsuit's fate remains unclear, but last week, both sides were pursuing an out-of-court settlement.

"The administration's action was like firing a cannon in one's house to destroy a fly on one's wall," said

criminologist Richard Korn, who prepared a report for the court's consideration. "The triviality of the issue boggled the mind."

More than five years of litigation has produced a glimpse of how the state decided to force its toughest prisoners to obey the rules. Official records also reveal how a supervisor's diplomatic solution to avoid the violence was overruled by higher authorities hours before the trouble began.

One day last week, inmates told a special federal court master about their experiences after then-Warden George Sumner ordered his men to enforce the cell-bar rule. Inmates rebelled, correctional officers responded and the focus of controversy quickly became one of power and control.

"The symbolic gauntlet had been thrown down, and the predictable reaction of the inmates occurred," a Department of Corrections investigation concluded two months after the event.

When the smoke and gas cleared, the official injury toll was put at six correctional officers and 28 inmates. Eight prisoners were hospitalized. At least 46 prisoners were gassed while locked in their cells — a procedure prohibited under a federal court injunction.

Predictably, correctional officers and inmates tell different tales of events, but by all accounts, enforcement of the regulation was brutal. Prisoners were doused with noxious gas before officers entered their cells, forcefully handcuffed and removed them while cell bars were cleared and all personal belongings confiscated. Many inmates who were injured claim they were attacked even though their cell bars were clear.

olation of a long-ignored prison rule.

A few days later, on March 30, A. Calderon, the unit's program administrator, issued a two-sentence, written order to all adjustment center inmates: "Effective immediately, all cell coverings will be removed from the bars. Failure to comply with this order will result in disciplinary action."

Inmates complained bitterly and presented Calderon with a petition asking that he reconsider his action, according to court documents. They calmed down after Calderon issued a second memorandum, April 10, rescinding his earlier order and granting permission for inmates to cover cell bars from the floor to a specified height.

Three days later, according to official documents, a deputy warden noticed that the warden's order had not been carried out. As a result, Calderon was told on the morning of April 17 that the cell bars were to be stripped of all material by noon that day. The deadline was later extended to 4 p.m.

According to official reports filed by Calderon, officers began immediately informing inmates that his order rescinding his earlier order was no longer in effect. Prisoners were told officers would remove offending material, using "whatever force necessary."

At 4:15 p.m., thirteen officers armed with a stun gun and tear gas entered the unit and began asserting their authority. The officers wore helmets, gas masks, coveralls and boots.

Officials report that prisoners who refused to remove bar coverings were asked to back up to the bars to be handcuffed. If prisoners refused to be handcuffed, according to officials, they were doused with CN gas, a powerful form of tear gas that is actually a fine powder. Guards then entered the cells and physically removed prisoners.

Ten inmates were gassed and removed before officers gave up for the day. "It was decided not to force the issue on the remaining tiers, as we were facing a weekend with a minimum of custodial coverage," Calderon reported. He said he also wanted to give inmates a few days to consider the consequences of refusing to obey orders.

The weekend was chaotic, according to official reports. Inmates set so many fires that special exhaust fans had to be brought in to clear the air. Prisoners then flooded the three-tiered facility by clogging and flushing their toilets.

assault from his perspective in criminologist Korn's report: "They (guards) started gassing in the front part of the tier and running in on people and assaulting them, cell by cell. . . . I started feeling dizzy and felt like I was blacking out. My skin started burning. My eyes, my lungs and my throat were all in pain. They had not even reached my cell when this was happening. It was like thick fog and people were screaming, and I could hear officers kicking and beating other prisoners."

After inmates succumbed to the guards, they were taken to a shower and doused with hot water while they were fully clothed. The process intensified the effects of the water-soluble CN tear gas powder, said Dr. Kim Thornburn, who worked at the prison hospital. Inmates were then returned to their contaminated cells in wet clothes, according to reports.

Thornburn reported that one inmate suffered burns over 25 percent of his body. Another vomited for a week following the episode.

According to Sgt. Szmciarz's report, "At approximately 6 p.m. the unit was brought under control and into compliance" with the cell-bar regulation.

Two months later, a Department of Corrections review of events concluded that for years, "by silent acquiescence, staff sanctioned the existence of bar coverings" before ordering the coverings removed "with a confusing abruptness."

The department determined that correcting the regulatory infractions "could have and should have been handled differently," but pointed only to "acts of omission rather than willful deviation from regulations or illegal acts of commission."

A 1975 federal court injunction issued by Judge Alfonso Zirpoli, however, had banned prison officials "and all their successors" from using tear gas to extract inmates from their locked cells. The judge rejected defense arguments that using tear gas was the only safe method of removing reluctant prisoners from their cells.

"Absent an actual or immediate threat of death or bodily harm or escape, an actual and imminent threat of serious damage to a substantial amount of valuable property or an actual or incipient riot involving a large number of unconfined inmates, the use of tear gas against inmates constitutes cruel and unusual punishment," Zirpoli ruled.

# DOKUMENTATIONSZENTRUM

DES BUNDES  
JÖDISCHER VERFOLGTER DES NAZIREGIMES

SALZTORGASSE 6/IV/5, A-1010 VIENNA, AUSTRIA - TELEFON 63 91 31, 63 98 05

BANKVERBINDUNG:  
CREDITANSTALT BANKVEREIN WIEN  
KONTO NR. 47-32608

Mr. Rudy Ryser

Center for World Indigenous Studies

P.O. Box 82038

Kenmore, Washington 98028

USA

WIEN, September 11, 1986

SW/MG

Akt Indianer

Dear Rudy,

it was a pleasure for me talking with you and your friends.

I could not get the story you told me about the Israeli military advisors in Guatemala and Salvador out of my thoughts. I contacted Israeli authorities - who should be well-informed - and they told me that there are no military advisors in Central America. I am sure that Israel's enemies and Nicaragua's friends would have harped on such a situation - if there were any military advisors.


You alleged that you had testimonies from people who spoke to such an Israeli military instructor and promised me to send me one of their testimonies. It is no secret that there are American military advisors in Central America since this is always openly discussed. So in me the question arises, how did your witnesses (you said, after all, that you had several such statements from various people) know that the people they talked to were Israelis since they did not wear uniforms? The places where such military instructors work (military training grounds, barracks) are isolated from the population who has no contact with military personal.

However, you promised me to send one of these statements. I ask you to please do that, because to me this aspect is also a test - if I may tell you frankly - how much witnesses can be believed.

It is important, because at a public hearing only such witnesses should be allowed to speak who are credible.

With best wishes,

Sincerely yours,



Simon Wiesenthal

cc: Richard Korn  
Bernard Nietschmann

# DOKUMENTATIONSZENTRUM

DES BUNDES  
JÖDISCHER VERFOLGTER DES NAZIREGIMES

SALZTORGASSE 6/IV/5, A-1010 VIENNA, AUSTRIA - TELEFON 63 91 31, 63 98 05

BANKVERBINDUNG:  
CREDITANSTALT BANKVEREIN WIEN  
KONTO NR. 47-32808

Mr.

Richard Korn

515 W. 59th St.

New York, NY 10019

USA

WIEN, October 15, 1986

SW/MG

Akt Indianer

Dear Dick,

I received your letter, it came at a very hectic period when I was involved in a number of projects; this year two of my books were published, a Calendar depicting 2000 years of Jewish history of suffering, published in French, and a book about the Polish resistance.

When those three people, Mr. Ryser, Mrs. Menzies and Mr. Nietschmann, were here, we had a very long and thorough talk about the Indian Tribunal or Hearing. Prof. Nietschmann made the best impression on me as a man who knows what he is talking about. Then we talked about the grade of the witnesses whom we will need for such a Hearing, for these witnesses have to support all accusations against what is being done to the Indians.

During the course of our talk, Mr. Ryser asked me why Israeli weapons are being sold to Guatemala and why Israeli military instructors work there. Because these weapons are used against the Indians, too. He alleged that he had a file of testimonies from Indians who had spoken to Israeli instructors. When I heard these statements from Ryser I realized that this way we could test the credibility of those Indians' statements, and in the meantime I received an answer on my

inquiry from Jerusalem that there are no Israeli military instructors in Guatemala. That is why I wrote the letter to Mr. Ryser. Before he left Vienna I asked him to send me at least one such testimony or statement, and he promised to do that. I repeated it again in my letter, you have a copy of it, for it is a matter of credibility of the witnesses. Then I received Ryser's answer that the statements had been just verbal, there was nothing in writing, which is exactly contrary to what he told me when he was in Vienna. Ryser also told me that for such a Hearing funds would have to be allocated, and they themselves could not contribute. And I think that this is very contrary to what people told you.

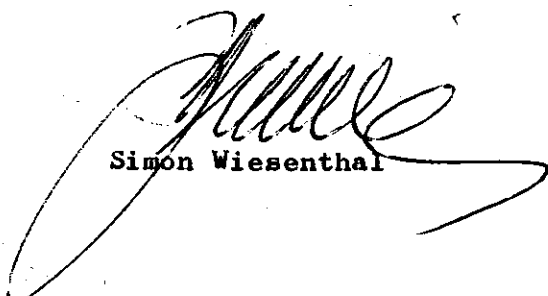
That is the situation right now. To stage such a Hearing one needs money, important personalities and witnesses, and the witnesses are the most important factor, for if Europeans and Americans get together, that is not a Hearing yet, and the choice of witnesses is vital, for we must consider that they have to return to their places of residence without fear of repression.

Mrs. Menzies was always present at the talks. In contrast to Mr. Nietschmann who was quite impressive and Mr. Ryser who knew exactly what he wanted, she did not say anything to contribute by herself to the discussion. She handed me a brochure of the New Jewish Agenda and said that the people from the New Jewish Agenda were friends of hers. According to my information, they are a leftist organisation.

Well, at the end of this month I will be in New York, and I hope we will get a chance to meet there and talk.

With my best wishes and regards, I remain

Cordially yours,



Simon Wiesenthal

**INDIAN NATIONS WITHIN CENTRAL AMERICAN STATES**

[nations in boldface type suggested for testimony at the Tribunal]

**GUATEMALA**

<p>23 <b>Mayan nations</b> -----</p> <p>Pipil</p> <p>Black Carib</p>	<p>[</p> <p>genocide</p> <p>massacres</p> <p>murder</p> <p>torture</p> <p>arbitrary arrests</p> <p>forced military service</p> <p>]</p>	<p>army bombings</p> <p>destruction of villages</p> <p>forced relocation</p> <p>displaced populations</p> <p>international refugees</p> <p>denial of asylum</p>
--	---	---

**BELIZE**

<p><b>Maya (Mopán and Kekchi)</b> -----</p> <p>Black Carib</p>	<p>[</p> <p>ethnocide</p> <p>paraquat spraying</p> <p>land invasions</p> <p>]</p>
--	---

**HONDURAS**

<p>Pipil</p> <p>Lenca</p> <p>Jicaque</p> <p>Chortí</p> <p>Miskito</p> <p>Sumo</p> <p><b>Paya</b> -----</p>	<p>[</p> <p>seizure of land</p> <p>appropriation of resources</p> <p>ethnocide</p> <p>]</p>
--	---

**EL SALVADOR**

<p><b>Pipil</b> -----</p> <p>Achi</p>	<p>[</p> <p>genocide</p> <p>massacres</p> <p>murder</p> <p>torture</p> <p>arbitrary arrest</p> <p>forced military service</p> <p>]</p>	<p>army bombings</p> <p>destruction of villages</p> <p>displaced populations</p> <p>international refugees</p> <p>denial of asylum</p>
---------------------------------------	--	--

**NICARAGUA**

<p><b>Monimbó</b> -----</p> <p>Subtiava</p> <p>Sumo</p> <p>Rama</p> <p><b>Miskito</b> -----</p>	<p>[</p> <p>forced military service</p> <p>land expropriation</p> <p>appropriation of resources</p> <p>displaced peoples</p> <p>]</p>	<p>army bombings</p> <p>destruction of villages</p> <p>forced relocation</p> <p>displaced peoples</p> <p>international refugee</p> <p>denial of asylum</p>
	<p>[</p> <p>genocide</p> <p>massacres</p> <p>murder</p> <p>torture</p> <p>arbitrary arrests</p> <p>forced military service</p> <p>seizure of lands</p> <p>appropriation of resources</p> <p>]</p>	

**COSTA RICA**

<p>Boruca</p> <p>Chirripó</p> <p>Quepo</p> <p><b>Boruca</b> -----</p>	<p>[</p> <p>seizure of lands</p> <p>appropriation of resources</p> <p>ethnocide</p> <p>denial of fundamental rights</p> <p>]</p>
---	--

**PANAMA**

<p>Bayano Kuna</p> <p>Bribri</p> <p>Chocó</p> <p><b>Guaymí</b> -----</p> <p><b>San Blas Kuna</b> -----</p>	<p>[</p> <p>dispossession of imposed roads, pipeline</p> <p>Cerro Colorado copper mine, Teribe-</p> <p>Changuinola hydroelectric project</p> <p>arrests and imprisonment</p> <p>seizure of lands by cattle ranchers</p> <p>the Kuna have their own Indian-run</p> <p>autonomous nation, including lands, waters and</p> <p>]</p>
--	--



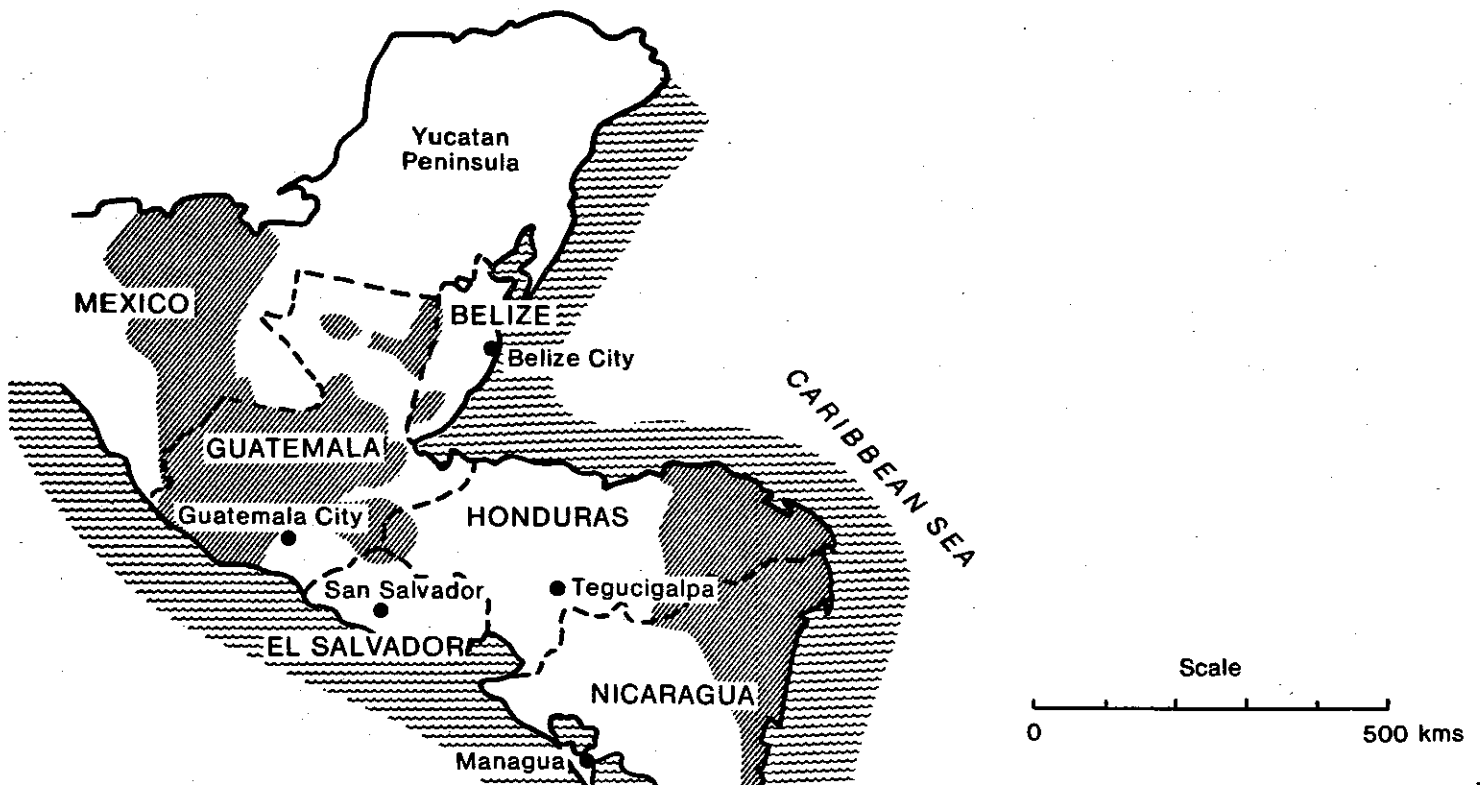
	<u>1985 Total Population Claimed by State</u>	<u>1985 Population of Indigenous Nations</u>	<u>Percentage of Indigenous Peoples</u>
GUATEMALA	8,000,000	> 4,200,000	> 50%
BELIZE	200,000	20,000	10%
HONDURAS	4,400,000	350,000	8%
EL SALVADOR	5,100,000	1,025,000	20%
NICARAGUA	3,000,000	150,000	5%
COSTA RICA	2,600,000	25,000	0.1%
PANAMA	2,000,000	120,000	6%
	<u>25,300,000</u>	<u>5,890,000</u>	<u>23%</u>

+ The collective Indian population in Central America is greater than 50% of the member states of the United Nations.

+ Yet within each Central American state and internationally, indigenous nations have no political representation, with the exception of the San Blas Kuna Nation.

+ Almost six million people--Indians--are the survivors of 500 years of genocide in Central America. But, today, these six million survivors are threatened by the same genocide that exterminated their forefathers: European wars and conquest, death and invasion, seizure of lands, theft of resources.

+ The Indian population of Central America is larger than the population of Israel.



+ The Indian population of Central America is larger than the population of Israel.

