

CONVERGENCE

The Christic Institute

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Hull faces murder indictment

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Prosecutors' report in Costa Rica confirms Christic charges

By **RICK EMRICH** and **ANDY LANG**

The Costa Rican state prosecutor's office has requested murder indictments against North American rancher John Hull and Cuban-American mercenary Felipe Vidal, two key defendants in the Christic Institute's La Penca lawsuit.

Costa Rican prosecutors say the two men, who worked for Oliver North's illegal operation to equip the *contras*, planned the 1984 terrorist bombing in La Penca, Nicaragua, which killed United States journalist Linda Frazier and several others. The prosecutors' 54-page report, released in early January, is the most dramatic confirmation to date of the basic charges outlined by the Christic Institute when the La Penca lawsuit was filed in Miami Federal court in May 1986 on behalf of journalist Martha Honey and her husband, Tony Avirgan. Avirgan was one of the reporters wounded in the explosion.

The report says that the bombing was organized by a network operating inside Costa Rica with links to the Central Intelligence Agency and former Panamanian strongman Manuel Noriega. In addition to Hull and Vidal, it recommends the indictment of 28 Costa Rican and United States citizens for a number of crimes, including murder, violations of Costa Rican neutrality, dereliction of duty and graft.

Seven of the 28 are defendants in the La Penca lawsuit.

Hull, who owns a sprawling ranch in northern Costa Rica near the border with Nicaragua, is now a fugitive from Costa Rican justice. He fled the country last year after a judge released him from prison where he was awaiting trial on charges that he trafficked drugs and violated Costa Rican neutrality. A Costa Rican court later dropped the drug charges on technical grounds, but authorities are now moving to extradite Hull from the United States on the neutrality indictment.

Hull's ranch was both a supply depot for the *contras* and a staging area for cocaine flights to the United States.

Hull says the murder allegations against him are the result of a communist plot. "I think the same thing I've always thought," he told the *Bay Guardian* newspaper in January. "The government down there is infiltrated and manipulated by communists led by the Christic

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'National security' obstructs Iran-contra trials

By TIA LESSIN

White House abuse of "national security" claims has protected those responsible for widespread drug trafficking, arms smuggling and political assassination, sending a clear message to intelligence agencies and private mercenaries: You are above the law.

"The Bush Administration has obstructed full prosecution of these and other individuals implicated in the Iran-contra scandal by refusing to release classified materials deemed relevant to their defense," says Sara Nelson, the Christic Institute's executive director. "The Christic Institute's La Penca lawsuit against many of the same defendants is fast becoming the last hope for comprehensive exposure and prosecution of their crimes and the criminal enterprise they created."

Free from political pressures imposed on the independent counsel and Congress, Christic Institute investigators contend that the Iran-contra scandal is just the tip of the iceberg. The Institute's civil racketeering lawsuit names 29 defendants who have engaged in a broad pattern of criminal activity traceable to covert wars in Southeast Asia, Cuba and Central America.

Evidence produced by the Christic lawsuit, congressional hearings and other investigations reveals flagrant violations of the Arms Export Control Act, the Neutrality Act and Federal statutes prohibiting narcotics trafficking. The original indictments issued by the office of Independent Counsel Lawrence Walsh ignored these revelations, limited the scope of the charges and named only a select few of those actually implicated in the scandal.

The attorney general's repeated intervention in the Iran-contra trials further narrowed the prosecution, leading to the dismissal of what was termed "the heart of the case"—the illegal sale of weapons to Iran and the diversion of profits to the Nicaraguan *contras*. The Justice Department's refusal to release documents on the grounds of "national security" forced Walsh to reduce a wide range of serious criminal offenses to petty misdemeanors and low-level felonies.

In effect, the Reagan and Bush Administrations pardoned Oliver North, Richard Secord, Albert Hakim and Joseph Fernandez for their involvement in the gravest constitutional crisis since Watergate. A review of the indictments, convictions and sentences is revealing.

■ Had **Joseph Fernandez** been tried and convicted of the two counts of obstruction of justice and two counts of false statements originally filed against him, the former C.I.A. station chief in Costa Rica could have been sentenced to 20 years in prison and \$1 million in fines. But Federal District Judge Claude Hilton dismissed the entire case against Fernandez in November 1989 after the attorney general blocked the disclosure of classified information that was ruled relevant to his defense.

■ Originally charged with five felonies, businessman **Albert Hakim** bargained the Justice Department down to

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Islanders versus developers

C.I. South works to empower blacks in South Carolina

By TIA LESSIN

Ella Mae Stevens has lived her life on Daufuskie, a small barrier island off the South Carolina coast. Stevens doesn't want to sell her family home, but she may have no other choice. The value of her small plot of land jumped by 700 percent last year—from \$11,500 to \$97,300—and she can't afford to pay the new taxes.

Sixty-year-old Bertha Stafford lives on two acres that have been in her family for over a century. Recently widowed, Stafford may soon lose her home to tax collectors because the 400-percent increase in the recent property assessment far exceeds her meager income.

Skyrocketing property taxes fueled by speculators and developers are driving many other longtime residents out of their homes and off the sea island.

Lewis Pitts, director of Christic Institute South, charges that Government officials on the mainland are simply confiscating property from poor blacks like Stevens and Stafford for resale to developers. C.I. South, the Institute's office for racial justice and community empowerment, is providing legal and organizing assistance to native islanders.

Daufuskie Postmistress Henrietta Canty says the inflated land values smack of racism, cronyism and corruption. She compared assessments and found that land owned by blacks on the island's interior was appraised at a higher value than waterfront land owned by white developers.

Until recently, Daufuskie Island was safe from the

resort development that has blighted neighboring Hilton Head. Relatively isolated from the mainland, some native islanders still speak the "Gullah" dialect of their West African ancestors who were brought to Daufuskie over two hundred years ago as slaves.

But developers, who have acquired more than two-thirds of the island through speculation, are changing the face of Daufuskie. Haig Point, a subsidiary of International Paper Corp., is bulldozing Daufuskie woodlands to build private tennis courts, golf courses and beachfront condominiums. The Melrose Company is rerouting a beach access road through Daufuskie's fragile wetlands, paving the way for the privatization of scenic Bloody Point, a popular local beach.

The erosion of beaches, the destruction of turtle nesting grounds and the widespread use of pesticides by developers concerns Yvonne Wilson, president of the Daufuskie Island Community Improvement Club.

"In a land where oysters and other marine life were plentiful, we have faced the closing of fisheries due to pollution," said Wilson. "We have become a people afraid of what we eat and drink."

Last month, Greenpeace U.S.A. joined C.I. South and Daufuskie residents in publicizing the environmental damage caused by large scale resort development.

They face an uphill battle. The South Carolina Coastal Council, a state commission charged with the protection of beaches, dunes and wetlands, has as its vice chair William Jones Jr. He also serves as the general counsel of the Melrose Company, the largest developer on Daufuskie.

"It's a classic case of the fox guarding the hen house," says Gayle Korotkin, assistant director of C.I. South. "There is evidence that Jones is using his insider's position on the Coastal Council to lobby for approval of Melrose's multi-million dollar projects from which he

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Strachan mansion offers luxury dining, drinking and guestrooms for members of the Haig Point development on Daufuskie Island. The mansion was transported by barge from a plantation on the mainland to provide a gracious setting for social gatherings.



Most native islanders, however, live in homes like this. Three generations live in this house, located on land owned by the family since Reconstruction.

DAUFUSKIE

■ *Continued from page 1*

himself stands to gain financially."

In May 1989 Jones played a key role in helping Melrose contractors obtain permits to fill-in endangered wetlands.

Organizers have had better luck before the county council than with the coastal council. In November 1989, Community Improvement Club members campaigned successfully against a proposed ordinance which would have restricted docking at Daufuskie's public dock and imposed a user's fee. After community organizers circulated petitions and testified before the county council, the ordinance was defeated overwhelmingly.

The public dock is the sole point of access to the mainland for poor residents and serves as a marketplace for local fishermen and the women who earn their living selling crab cakes to tour boats. Dock restrictions would have driven away the tour boats and benefited developers' plans to build an exclusive marina.

The dock is one of the few public facilities on the island. Since there is no public water system, garbage collection or sewage treatment on Daufuskie, many native islanders have done without basic services.

The island received its first public garbage dumpster recently, but only after residents badgered county officials for nearly two years and finally threatened to sue. The dumpster's arrival signaled the second victory of the Daufuskie Island Community Improvement Club in its efforts to regain control of the island.

"Although it was too small, there was only one for the entire island and it was in the wrong place, at least it was a start," said Czerny Brasuell, development director for Christic Institute South. "Many people realized that the only reason they got even this much from the county was because they began to organize and fight back."

Daufuskie's history typifies that of other Sea Islands. Inhabited by Native Americans for thousands of years, the first white settlers arrived in 1740 after an English trader took possession. White plantation owners brought African slaves to Daufuskie during the 1800s for the indigo and cotton harvests. After the Civil War, former slaves worked the lands abandoned by whites and later purchased small family plots.

During the 20th century, the island's farmers, loggers and fishermen have endured successive disasters: the Depression, the boll weevil infestation and the destruction of oyster beds by pollution. "Daufuskians have held onto their land through war, hurricanes and economic adversity," observed Korotkin. "Developers pose the gravest danger yet."

Christic Institute South was organized in 1985 to defend people under attack for their involvement in the region's movements for racial, political and economic justice. In addition to the residents of Daufuskie, C.I. South currently represents:

■ The black-led town government of Keysville, Ga., whose legitimacy has been repeatedly challenged in court by the town's white minority.

■ Earl Jones, a black city councilman from Greensboro, N.C., who is one of four targets of an F.B.I. probe of alleged political corruption.

■ Jeanne Lenzer, a North Carolina state mental health

worker who was fired from her job after she reported the sexual abuse of patients at an Alcohol Rehabilitation Center.

C.I. South is headed by attorney Lewis Pitts, who was chief counsel in the "Greensboro Massacre" case. The office's assistant director is attorney Gayle Korotkin, a poverty law attorney for the Vista program in New York before moving to North Carolina to work on the Greensboro case. Czerny Brasuell, a former director of the Third World Center at Princeton University, is development director. □

DOMINGO

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United States who boasted of his close relationship with the dictator. He was arrested after police traced the murder weapon to him, but was not charged by Government prosecutors in the case.

Baruso was linked with the Mabuhay Corp., a front headed by San Francisco businessman Leonillo Malabed that raised funds for Marcos' intelligence operations in the United States. Baruso's trip to the Bay Area just two weeks before the murders coincided with a \$15,000 expenditure from the Mabuhay fund and was one of many crucial facts that helped convince the jury of the association between Marcos, Baruso and the three men originally convicted of murder.

In a separate decision, Baruso and Malabed were both found liable of conspiracy on Jan. 12, 1990, by United States District Court Judge Barbara Rothstein. Judge Rothstein handed down a memoranda verdict finding Malabed liable of negligence in connection with the Domingo-Viernes murders and fined the two men \$8.4 million. Another decision is expected in March on an aggravated murder charge brought against Baruso in King County Superior Court in Seattle.

Cindy Domingo, who headed C.J.D.V.'s effort to bring the case to court, said after the legal victory: "It is possible to get justice in this country. It is not easy or fast, but it has been done. But we are only half-finished. We also want to show that the United States government played a role in this."

The lawsuit originally filed by the plaintiffs charged that the United States Government cooperated illegally with the Marcos regime, both by sharing reports on United States citizens and Filipino exiles with Marcos' security service and by allowing Filipino agents to operate without interference in the United States. But United States District Judge Donald Voorhees dismissed that portion of the suit against the United States Government in 1983, citing "national security" obstacles.

"It is clear from the evidence that we gathered," said Jeff Robinson, one of the plaintiffs' attorneys, "that the F.B.I. and other intelligence agencies were aware of the Marcos Government agencies' activities, and that United States agencies themselves were carefully monitoring the anti-Marcos activists in the United States."

Ironically, at the same time that police were investigating the murders, then-Vice President George Bush told Marcos during a state visit to Manila that "I love your adherence to democratic principles and to the democratic process." □

Sanctions order challenged

Public-interest groups, religious organizations support Christic appeal

By TIA LESSIN

A Federal judge's attempt to force the Christic Institute to pay more than \$1 million in punitive sanctions to key figures in the Iran-*contra* scandal has been challenged in court by leading public-interest organizations, law professors and religious groups.

In *amicus curiae* ("friend-of-the-court") briefs filed in November, the groups warn that a rash of sanctions imposed by judges against public-interest litigants could have a chilling effect on politically controversial lawsuits.

The judge's punitive order is without merit, the *amicus* briefs argue.

In February 1989 Federal District Judge James Lawrence King ordered the Christic Institute, its leading attorney, and plaintiffs Tony Avirgan and Martha Honey to pay more than \$1 million in punitive sanctions to 15 defendants named in *Avirgan v. Hull*. The order was handed down after King's surprise dismissal of the lawsuit in June 1988, just four days before the trial was scheduled to open in Miami Federal Court.

The Institute has appealed both rulings. The Federal Appeals Court in Atlanta will decide later this year whether to revoke Judge King's sanctions ruling and order the lawsuit to trial.

Among the defendants are most of the leading personalities implicated in the Iran-*contra* affair, including retired Air Force Maj. Gen. Richard Secord, retired Army Maj. Gen. John Singlaub, rancher John Hull, and political consultant Robert Owen, who acted as Oliver North's liaison with the *contras*. The Institute alleges these men formed a criminal racketeering enterprise that smuggled weapons, trafficked in drugs, laundered money and planned several murders.

[Editor's note: Costa Rican prosecutors have asked the courts in their country to add murder charges to a standing indictment that John Hull violated Costa Rican neutrality. An official police investigation there has concluded Hull and several other defendants in Avirgan v. Hull planned the La Penca bombing, which claimed several lives. For details, see the story on page 1.]

"We were ready to shut them down. We were ready to seize all their assets: their town-house office building in Washington, their computer, their furniture, their mailing list—anything and everything they owned. . . . [W]e could have closed down the Christic Institute. It would have ceased to exist, and the General would be rid of his torment."

Lawyer for Maj. Gen. John K. Singlaub in a fundraising letter mailed late last year

A barrage of court-ordered sanctions has targeted other prominent public interest and civil rights attorneys in recent months, including

■ A.C.L.U. lawyers representing AIDS victims in southern Texas.

■ Former Attorney General Ramsey Clark, who represented victims of the United States bombing of civilian targets in Libya.

■ N.A.A.C.P. Legal Defense and Education Fund Director-Counsel Julius Chambers, who litigated an employment discrimination case in North Carolina.

■ Attorney Lewis Pitts, director of Christic Institute South, who sued North Carolina officials for the harassment of African-Americans and Native Americans who had exposed drug corruption in Robeson County, N.C.

Civil rights litigants have been especially vulnerable

to sanctions, in part because of the increasingly conservative judiciary which hears their cases. More than half of all Federal judges now in office were appointed during the Nixon, Reagan or Bush Administrations.

"Legal scholars have documented how sanctions are disproportionately entered against civil rights lawyers," says Pitts. "While this seriously affects lawyers, the real victims are citizens seeking justice through the courts who will now find it more difficult to obtain lawyers willing to represent them in controversial cases."

Amicus briefs supporting the Institute's appeal to reverse the sanctions order were filed by Trial Lawyers for Public Justice, a nationwide association of attorneys; the Alliance for Justice, a coalition of 30 public-interest groups, and Public Citizen Litigation Group, a nonprofit law firm founded by consumer activist Ralph Nader. A separate brief was filed by three legal scholars—

Hastings School of Law Prof. Melissa Nelken, University of Montana Prof. Carl Tobias and University of Florida Prof. Mary Twitchell.

Ten churches and religious organizations also contributed a brief supporting the Institute. They are the National Council of the Churches of Christ in the U.S.A., Church of the Brethren, Maryknoll Fathers and Brothers, the Women's Division of the United Methodist Board of Global Ministries, Church Women United, Disciples of Christ Peace Fellowship, General Conference Mennonite Church, the Unitarian Universalist Association, and two umbrella organizations representing Roman Catholic monks, friars and nuns—the Leadership Conference of Women Religious and the Conference of Major Superiors of Men.

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