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NATIONAL
JEWISH
COALITION

NATIONAL JEWISH COALITION

REPORT ON

CENTRAL AMERICAN JEWS

AND THE SANDINISTAS

January 15, 1988

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The National Jewish Coalition will furnish, upon request, further documents relating to this paper, including: the New Jewish Agenda's 1985 report on the 1984 fact-finding mission to Nicaragua; documents from the U.S. embassy in Managua; State Department statements in regard to the persecution of Jews in Nicaragua.

INTRODUCTION

INTRODUCTION

The democratic states of Central America, Costa Rica, El Salvador, Guatemala and Honduras all have thriving Jewish communities. The National Jewish Coalition has interviewed representatives of those Jewish communities about the consequences of the Arias Peace Plan, continued American support for the contras, the anti-Semitism of the Sandinistas, the threat posed by the Marxist insurgencies in El Salvador and Guatemala and the fate of the Nicaraguan Jews. On each of these subjects the National Jewish Coalition found an important message for the American Jewish community.

Many of the Central American Jews the NJC spoke with had similar experiences and insights. For instance, several told us that they believe the left-wing insurgencies, if victorious, would persecute Jews for their social/economic status, not the Jewish religion. On the other hand, all agreed that the fact that the Marxist insurgencies are co-financed, trained and armed by the Soviet Union, Cuba, Nicaragua and the PLO suggests an automatic anti-Israel, anti-Zionist sentiment.

Another common theme expressed by the Central American Jewish community leaders is their strong commitment to Israel and their pride in relations between their countries and the State of Israel. For example, Costa Rica and El Salvador are the only two states in the world with embassies in Jerusalem. The Honduran Air Force is trained in Israel. Guatemala now exports agricultural products due to Israeli technical assistance.

The Jews of Central America are much like the Jewish community in the United States. The Jews of El Salvador, Costa Rica, Honduras and Guatemala have built synagogues that have become the cultural and religious centers of their communities. The Central American Jews provide a Jewish education for their children and many of their children have made aliyah or spent time on an Israeli kibbutz. In other words, they are much like any Jewish community in the Free World.

In 1979, when the Sandinistas came to power, there were 70 Jewish families in Nicaragua. By 1981, there were no Jews in Nicaragua. The story of the Nicaraguan Jews, what happened to them and why they were forced into exile, has been buried almost from the beginning. A debate has arisen over the legitimacy of the Nicaraguan Jews' claims of Sandinista anti-Semitism, and the credibility of the Nicaraguan Jews has been questioned.

Much of the credit for keeping the true story of this persecution out of the press goes to the New Jewish Agenda and religious "leaders" such as Rabbi Balfour Brickner. After the New Jewish Agenda sent a "fact-finding" mission to Nicaragua in 1984 to investigate charges of Sandinista anti-Semitism, the organization gave the Nicaraguan government a clean bill of health. The Agenda's trip was arranged by the Sandinista government and most of the individuals the Agenda delegation spoke with were Sandinista officials or supporters.

On the other hand, the NJA delegation met with only two members of the several dozen members of the Nicaraguan Jewish community-in-exile now living in Miami, and then for only 45 minutes during their stopover in Miami International Airport en route to Nicaragua. After this brief encounter, the NJA publicly dismissed the testimony of the Nicaraguan Jews and accepted the Sandinistas' version of events.

Since that time, the NJA and the members of the NJA to Nicaragua have spent a great deal time and energy dispelling the story of Sandinista anti-Semitism. In the NJA's Discussion Bulletin, issued at their national convention in July, 1987, is the following rationale for their active effort to "challenge disinformation (especially about anti-Semitism)" in Nicaragua:

"False charges of Sandinista anti-Semitism continue to be used to manipulate Jewish public opinion in favor of intervention. Specifically, fears of PLO involvement in Central America have justified intervention to many American Jews. The NJA delegation to Nicaragua has already documented the lack of government sponsored anti-Semitism in that country...There is little understanding of the negative impact of Israeli intervention (or surrogate U.S. intervention) in Central America...a particularly unrecognized situation is a genocidal war in Guatemala against its native population supported in large part by Israeli advisors, arms and surveillance equipment."

The NJA has, in fact, accepted every charge the Sandinistas have leveled against the Jews of Nicaragua, including charges of collusion with the Somoza regime and charges that members of the Jewish community were actively involved in securing Israeli arms sales to the Somoza regime. The NJA's stance on Nicaraguan Jewry is not a simple disagreement within the American Jewish community. The NJA has stated that those (such as the National Jewish Coalition and the Anti-Defamation League) who are trying to publicize the truth about Sandinista anti-Semitism are,

according to NJA's Discussion Bulletin issued at the NJA national convention in July, 1987, spreading "disinformation" about the story of Nicaragua's Jews.

The Agenda's philosophy, as stated in the Discussion Bulletin for the 1987 national convention, is that "the safety of the Jewish people is integrally linked to the safety of all peoples and that no one is safe unless all are safe." What does that mean? Perhaps that the safety of Jews as an individual group can be compromised for the sake of the whole, the whole being, in this case, the Sandinista movement in Nicaragua.

This briefing paper has been assembled so that the American Jewish community can learn the facts about what happened in Nicaragua. The Jews of Nicaragua are all in exile now, unlikely ever to return. They continue to speak out not so that they may one day be reunited with their country; they speak out so that we will not forget. There are other Central American Jewish communities in Costa Rica, El Salvador, Guatemala and Honduras, all of which feel threatened by Sandinista expansionism and support for Marxist internal insurgencies.

WHAT CENTRAL AMERICAN JEWISH LEADERS
ARE SAYING ABOUT
THE SANDINISTAS

These Central American Jews were interviewed by David A. Chodrow of the National Jewish Coalition in June, August and September, 1987 and January, 1988. If you have any questions, please contact Mr. Chodrow at (202) 547-7701.

1. Roberto Stein, president, Jewish community of Guatemala
2. Jean-Claude Kahn, president, Jewish community of El Salvador
3. Gilberto Goldstein, congressman and member of the Jewish community of Honduras
4. Jamie Darenbloom, president, Jewish community of Costa Rica

INTERVIEW WITH ROBERTO STEIN, PRESIDENT
JEWISH COMMUNITY OF GUATEMELA
June and August, 1987

"On the same day as the attack on the Israeli embassy [the guerillas] threw sticks of dynamite over the wall of the synagogue. Fortunately, something was wrong with the wicks and they didn't go off. According to experts it would have easily destroyed half a block. It is part of the strategy of the terrorists to attack such places."

Q: Do you think that the Guatemalan insurgency is anti-Semitic in nature?

A: There are no indications of anti-Semitism within the insurgency; the only indication of anything significant is that the PLO is playing an important role in Nicaragua and maintains close ties with the local insurgents. It suggests an anti-Israel sentiment. One usually leads to the next.

Q: What would happen to the Guatemalan Jewish community if the left-wing insurgency was victorious?

A: We would be wiped out. And for the following reasons: 90% of the Jewish community is upper-middle-class socially and are therefore prime targets socially. I stress the aspect because this is the main reason for attacks against Jews, not anti-Semitism. It happened in Cuba. Castro was not really anti-Semitic but he went against the upper-middle-class. Jews don't want to live in a country where they can't develop their initiative.

Q: Can you tell me about the attack on the main synagogue in Guatemala City?

A: On the same day as the attack on the Israeli embassy [the guerillas] threw sticks of dynamite over the wall of the synagogue. Fortunately, something was wrong with the wicks and they didn't go off. According to experts it would have easily destroyed half a block. It is part of the strategy of the terrorists to attack such places.

Q: Do you feel that the Sandinistas are in the Soviet sphere of influence?

A: The Sandinistas are absolutely a Soviet spearhead for Central America. They are coached and financed by the Soviets and Cubans. Unless something is done to halt them there will be a serious problem in Central America for everyone, including the United States.

Q: Would you consider Guatemala to be a democracy?

A: Guatemala is not a democracy yet, but we're headed for democracy. There were definitely free elections. The Christian Democrats got a substantial majority. They're just now at the stage where the honeymoon has ended and the people are expecting substantial action from them. But there will be no coup in Guatemala. The army learned their lesson.

Q: What should the American Jewish community know about the situation in Guatemala and Central America as a whole?

A: The American Jewish community should be aware that if the Sandinista movement spreads through Central America all Jewish communities will disappear. From the point of view of the State of Israel these communities have had a tremendous importance. The Central American countries of Costa Rica, Guatemala, Honduras and El Salvador have supported Israel to the hilt. Since Israel's creation, Costa Rica and El Salvador are the only states with embassies in Jerusalem. Relations with the State of Israel are excellent. Guatemala was the second country, after the United States, to recognize the State of Israel. In the early 1960's Israeli agricultural technicians were sent to Guatemala to help our agricultural situation. Because of their expertise, Guatemala now exports tomatoes and melons.

Q: How has the insurgency affected the Jewish community?

A: There was a time of much kidnapping from the Jewish community because of their social status. Many Jews left Guatemala, most went to Israel, some to Miami, during the critical period. Forty families left, thirty have returned.

Q: Do you think that the Arias Plan will create a real dialogue between the Sandinistas and their political opposition?

A: It was signed by the elected officials, but that doesn't mean that the opposition is going to agree or comply.

Q: Do you think that the provision on "Democratization" in regard to newspapers means that La Prensa will be reopened?

A: Well, I think the written statement means exactly that. I doubt very much that it will stay open. If it remains opened it will be under such controlled conditions that it will really not be worth-while.

Q: Wouldn't that be a violation of the treaty?

A: Yes. And I have no doubt that it is going to be violated.

Q: What do you think will happen if the treaty is violated? Do you think the process of verification will work?

A: I think the whole show that was put on...I think that anybody who signed it knows that it was just put on for public relations and public opinion. And I don't think that if some party violated [the treaty] that the others are going to do anything about it. They can't do anything.

Q: What about the Soviet and Cuban aid to the Sandinistas? It's not mentioned in the Arias Plan.

A: Of course it isn't mentioned! That's the whole triumph of the other side. It isn't mentioned, so they keep on getting aid from the Soviets and Cubans. I think that the Reagan Plan was presented 48 hours into the conference and so they didn't succeed in that. Everything was done haphazardly. It is not a solution. It is just like if you have cancer and they give you an aspirin. It is not a solution.

INTERVIEW WITH JEAN-CLAUDE KAHN, PRESIDENT
JEWISH COMMUNITY OF EL SALVADOR
January, 1988

"We have a democracy here. We live in a free country. Nicaragua is not a free country and the Sandinistas do not have a democracy. They control everything."

Q: If the Marxist insurgency won, would anything happen to the Jewish community of El Salvador?

A: Yes. Because of the leftist involvement with the PLO. But it will happen not only to the Jews but with all those who are involved with free enterprise. If the leftists won in El Salvador there would be no way to conduct business. Everything will be nationalized like in Nicaragua.

Q: Have there been any kidnappings or other actions against the Jewish community of El Salvador as there were in Guatemala in the past?

A: Yes, we had some kidnappings here too. But it was not really against the Jews only, it was against the business community.

Q: How much of the Jewish community of El Salvador is involved in the business community?

A: More or less all of them. 90%. Living in a communist country is not so easy for Jews, or anybody for that matter. Especially if you are in business.

Q: I understand that El Salvador has its embassy in Israel. Are there good relations between El Salvador and Israel?

A: Yes. In fact, the Salvadoran Ambassador to Israel is from our [Jewish] community. Israel is involved with technical and agricultural projects in El Salvador which help our economy. The Jewish community here worked very hard to help develop relations between El Salvador and Israel.

Q: Do you think that Duarte will say that the Arias Plan has failed?

A: The Arias Plan, we thought, was like the Contradora Plan. A lot of people here think that the Arias Plan is something to help the Sandinistas. The government here tried to comply with the Arias Plan. The government released 600 leftist prisoners and the next day there was a sabotage of electrical plants and for three days we were

with no lights. That was the result of the release of the leftist prisoners.

Q: Is there a National Reconciliation Commission set up in El Salvador to comply with the Arias Plan?

A: Yes, but the opposition withdrew. It worked about a month and then the opposition left because, they said, the government was not listening to them.

Q: You're referring to the armed opposition supported by the Soviets, Cubans and Nicaraguans?

A: Here we have a left opposition and a right opposition.

Q: Which did the sabotaging, the left or the right?

A: The left.

Q: What is the political situation like in El Salvador today?

A: Here we have a free press, you can say anything about the government and everyday you see strong articles against the government in the newspapers. We have a democracy here. We live in a free country. Nicaragua is not a free country and the Sandinistas do not have a democracy. They control everything.

Q: Will they adhere to the Arias Plan?

A: I don't think so. Only if Gorbachev tells them to adhere to the Plan, if Gorbachev applies pressure.

Q: Do you think that the Sandinistas are continuing to arm and train the left-wing insurgency in El Salvador?

A: I don't know. But, really, morally they are with them. And Samora [a Salvadoran Marxist leader] was living in Nicaragua for a long time. This is an indication.

Q: What do you think the American Jewish community should know about your community in El Salvador?

A: We are not a politically involved community. We have someone who conducts services on Friday night and another person who is responsible for the children's education. We have parties for Purim and Hannukah and we have a collective seder for Pesach. And so we try to keep something. Some of our children have made aliyah. My own son has been twice to Israel and has worked on a kibbutz. We try to give something to our children.

INTERVIEW WITH CONGRESSMAN GILBERTO GOLDSTEIN
JEWISH COMMUNITY OF HONDURAS
June and August, 1987

"I was just at the funeral of a Nicaraguan Jew, Elias Wouk. Imagine...he had to leave his country for the second time. The first time was Germany of the fascists and now it was Nicaragua because of the communists."

Q: Can you tell me what happened to the Managua synagogue?

A: The Sandinistas declared that the Managua synagogue was illegally obtained, so they took it away. But the synagogue was properly bought by the Nicaraguan Jews. The documentation was there. Every single Jew had to leave. I was just at the funeral of a Nicaraguan Jew, Elias Wouk. Imagine...he had to leave his country for the second time. The first time was Germany of the fascists and now it was Nicaragua because of the communists.

Q: What do you think would happen to the Jews of Honduras in the event of an insurgency victory?

A: They would all have to leave. Fifty families. In Nicaragua, one of the biggest declared enemies is Israel. Mr. Arafat of the PLO is a constant visitor. Many trainers of the government forces are from the PLO. Mr. Ortega said last week in the Mexican press [Excelsior] that the Sandinistas helped the [Salvadoran] FMLN with arms. Reagan's charges of many years were confirmed.

Q: Is it true that the people of Honduras do not want the contras on their territory?

A: It's true. I have been quoted in the Washington Post. We feel that the contras should be in Nicaragua fighting their war. They should have the support of the United States in their own country, not in Honduras. We asked three questions and here are the results: Do you approve of the contra presence in Honduras? 60% said no. Do you approve of the Sandinista government? Over 70% said no. Do you approve of the U.S. presence (troops, bases, training exercises) in Honduras? Over 80% said yes. I might then add that I feel the contras should be helped, well-equipped. It is important for the United States and for the countries of Central America.

Q: How are Honduras' relations with Israel?

A: We have excellent relations with Israel. The President was in Israel two weeks ago. The leader of the opposition,

the next President of Honduras and I will be traveling to Israel in November.

Q: Is there anything you want to convey to the people of the United States?

A: A country so committed to democracy since 1776, a light to the whole world, how can it not possibly realize that Nicaraguan people want democracy? And why shouldn't the United States know that?

Q: What do you think about the Arias Plan?

A: I personally don't think that this accord reached in Guatemala is going to work. Especially starting with the fact that the congresses don't even have to approve it. Normally the national congresses have to approve such agreements. So, [the Arias Plan] is something strictly by directive.

Q: So you think that the Arias Plan will create a real dialogue between the Sandinistas and their political opposition?

A: Some time ago (in August, 1987) I was listening to the BBC of London and Mr. Ramirez, who is the Vice President of Nicaragua, was somewhere in Europe saying that there is a very big oil crunch in Nicaragua. So [Ramirez] announced over there that a country without energy, without petroleum, was in a very difficult position to make peace with its enemies. So they are going to use any excuse. How could anybody tie up the Arias agreement with the fact that they have oil shortages? So, if this is an indication, it will be difficult to effect any true dialogue.

Q: The provision of the Arias Plan on "Democratization" states that the press will exercise without prior censorship. Do you believe this will be the case in Nicaragua?

A: No. I don't believe it will be true. I feel that the papers will open. I think censorship will still be imposed.

Q: Won't that be a violation?

A: I think there will be a violation.

Q: And how will your government respond to that?

A: Well that is the criticism of the whole Plan. Nowhere does it say what the punishment for non-compliance will be. Nowhere. The plan does not specify what happens.

Q: What is the benefit of this treaty to Central American states, outside of Nicaragua?

A: I think there is a real desire for peace. I think that these countries are very worried because the signs coming from Washington have been so "yes, no", so iffy, nobody knows what's going on. That any peace is better than no peace.

Q: Will there be peace?

A: We don't know. We think this is a result of U.S. inconsistency over policies in Central America. So all the countries are worried that the actions of the U.S. Congress especially would lead us worse and worse everyday, and all of a sudden they would pull out and leave us hanging. The whole thing about this process, even the Reagan Administration admits it, is that it stops too short. The U.S. [Reagan-Wright] plan involved negotiations, involved democratization, involved a system of free press and of regulating elections, a very short time down the road. The Central American [Arias] proposal picked up a lot of these things, but it stopped short. We must be careful for any non-compliance.

Q: If there is no compliance will the countries in Central America take a different stance on Nicaragua?

A: I would think that this is the last diplomatic effort. I think the whole world, as Mr. Arias pointed out in his speech, would see a non-compliance at this level. It would automatically force the world to realize what is going on and take action.

Q: Do you think that the world will?

A: I don't know this world. Starting with your system of government where everything is such a normal chaos. Everybody out here is still shaking from your Iran-Contra hearings which were nothing. The U.S. position is very easy. It makes an issue, plays with it, but abandons the outcome. The sufferers of the outcome are the ones who relied on the U.S. government. The U.S. leaves while the fighting goes on. So the U.S. government, they have to play these diplomatic games, they play now. I think the first decision would have to come from the U.S.

INTERVIEW WITH JAMIE DARENBLUM, PRESIDENT
JEWISH COMMUNITY OF COSTA RICA
September 7, 1987

"The Sandinistas are known to represent anti-Semitic forces in the area, particularly the PLO...that could present a very real danger to the Jewish communities in the rest of Central America."

Q: Senor Darenbloom, what do you think of the Arias Plan?

A: The reason for the Arias Plan was that the leaders of the Central American countries want peace. But that can only come about if there is true democratization in Nicaragua. That will never happen.

Q: Do you think the Arias Plan will create a real dialogue between the Sandinistas and their political opposition?

A: No. The Sandinistas want a monologue, not a dialogue. Most of the political opposition participating in talks with the Sandinistas are already friendly with the Sandinistas.

Q: Will the Sandinistas release the 10,000 political prisoners they have admitted to having in their jails?

A: Never. They've already had an amnesty since 1983. Besides, in a totalitarian regime, how can you possibly verify if all political prisoners have been released or even to determine who among the interned are political prisoners?

Q: Do you think the provision which refers to freedom of the press will mean that La Prensa will be reopened?

A: La Prensa? What is the significance of reopening La Prensa when the Sandinistas will control the political, police and military structures? What is the difference if political repression continues? My answer to the question of the reopening of La Prensa, though, is they might.

Q: Will the state of emergency be lifted and the Constitution restored and respected?

A: No. [The Sandinistas] have already said they're not going to start anything until the contras are eliminated.

Q: Will this be congruent with the Peace Plan?

A: Well, obviously, it's a violation of the letter of the agreement. But, since when have the Sandinistas complied with any agreement? In 1979 they agreed to have pluralism

and non-alignment, and look at what we have now in Nicaragua.

Q: What would they say about charges that the contras are Samocistas?

A: Well, that's a myth. There are Samocistas also in the Sandinista government. The contras are basically Nicaraguans and most of them are young peasants who were not grown up at the time of Somoza. And they are the bulk, the majority of the contras.

Q: Why would the Central American leaders sign an agreement with the Sandinistas?

A: Well, everyone was betting that no agreement would be signed; but your President and the Speaker of the House, Mr. Wright, came up with a peace plan in a very inopportune time. Their timing was terrible and it left no choice to the Central American presidents than to sign this [Arias] document because otherwise they would look like puppets.

Q: Do you think the Central American leaders can resolve their differences with the Sandinistas, such as Sandinista arming of the insurgencies in their countries?

A: The Jewish community in the United States should be highly supportive of the opposition to the Sandinistas because the Sandinistas are known to represent anti-Semitic forces in the area, particularly the PLO. And they have given great evidence of that. So, if the Sandinistas consolidate themselves in power, that could present a very real danger to the Jewish communities in the rest of Central America.

Q: What do you think the danger would entail?

A: The Sandinistas are promoting the extreme left forces in the rest of the area which have as one of their main targets the Jewish community. Not only for social and economic reasons but also for ideological reasons.

Q: Such as?

A: Anti-Semitism disguised as anti-Zionism.

STATEMENT OF
SECRETARY OF THE JEWISH COMMUNITY-IN-EXILE
FRED S. LUFT

STATEMENT OF FRED S. LUFT,
SECRETARY OF THE JEWISH NICARAGUAN COMMUNITY-IN-EXILE
March 19, 1986
Miami Beach, Florida

I am here today as a member of the exiled Jewish Nicaraguan community.

Today, there is no Jewish community or Jewish congregation or Jewish life in Nicaragua. Only two Nicaraguan Jews who were members of the congregation still work in Managua. The rest of our small community left the country because of fears for our personal safety. This fear was stimulated by the firebombing of our synagogue by the Sandinistas while we were worshipping inside, by repeated telephone threats and graffiti on the walls of our businesses, warning us that after their take-over we will suffer at the hands of their "Sandinista justice". The graffiti said: "Jewish pigs, gun sellers, we will apply the Sandinista justice to you".

This reflected the fact that the Sandinistas have long been virulently anti-Israeli, anti-Zionists and close collaborators with the PLO and other enemies of Israel. They even planned to kill the president of the community and other members who they believed were helping Israel in selling the weapons to Somoza, something which was totally absurd.

Although they did not kill the president of the Jewish congregation, a 70-year-old gentleman, he was jailed, forced to sweep the streets and his property was confiscated.

President Reagan has on various occasions made mention of Sandinista anti-semitism. Unfortunately, many individuals who opposed the President's policy in Central America have repeatedly attempted to distort the facts of Sandinista state induced anti-Semitism. Most recently this was done by Rabbi Balfour Brickner in a statement which appears in the New York Times today.

Because this is a direct challenge to the credibility of President Reagan, and due to the fact that when such false statements have appeared in print in the past, we have written letters to the editors of the newspapers, including the New York Times and the Washington Post, and our letters to the editors have never been printed.

I hope that this will be an effective way to set the record straight so we can obtain a fair acknowledgement of our plight. Thank you.

TESTIMONY OF
NICARAGUAN JEWS-IN-EXILE
SARITA KELLERMAN, OSCAR KELLERMAN AND ELENA GORN

TESTIMONY OF SARITA KELLERMAN, OSCAR KELLERMAN AND ELENA GORN
The White House
March 14, 1985

Sarita Kellerman

"I could not live in a country where I know I could not have the freedom of practicing my religion. But I am here, begging you on behalf of the other Jewish communities that are in Central America and other parts of the world, because if this is not stopped now, they will also suffer the consequences of what has happened to us. And there will be a mass exodus of the Jewish people all over the world."

My name is Sarita Kellerman. I was born in Nicaragua. I am of the Jewish faith. I have had Jewish education because my father sent me to study in the States because the community was so very small, we could not afford to have a teacher.

When the revolution was over, and the Sandinista government took power, I felt safe to return to Nicaragua because I had never been involved in politics or anything other than working and raising up my children. So I returned twice, to try to work there and continue my life, because the Sandinista government had promised the people a true democracy, human rights social justice.

I was in my house, and day after day, I had to open the doors to trucks with soldiers with machine guns, with rifles, that came to search the house without a warrant. And they then vandalized and looted the house every time. I was even afraid to pick up a phone because all I heard on the phone were threats against me as a Jew. "Dirty Jew". "You better get out before we kill you". "What Hitler started, we'll finish". And I could go on, saying what I heard.

Now, it's not very pleasant, to be intimidated in that form. And I found it very difficult to live in an atmosphere where I knew that I was being persecuted because I was a Jew. The only they could accuse me of was my religion.

So, I was forced to leave the country. Leaving everything I worked for behind me. Through the ADL, which is the Anti-Defamation League, we tried to contact the Sandinista government and find out what charges they had against us that made them harass us in such a form. There were no charges.

However, they said, there was a law, they had passed a law that said that if you did not live in Nicaragua for six months, you, your property, whatever you owned, would be confiscated. And they applied that law to my case, as to all the cases of all the other people from the Jewish community of Nicaragua. There are no Jews that belong to our community today. And our only crime was that.

Now they say there is no anti-semitism. I feel my duty to come before you, the American people, the American Jews, to let you know the story of our Jewish community in exile. Because since we were so few, we have received hardly any attention. And I appreciate your concern, to hear me out, in order to learn about the other side of the story which has not been told.

I appeal to you as humanitarians, as defenders of true democracies to help stop the Sandinista government from exporting its anti-Semitism to other countries of Central and South America. I am here not to ask for myself, because I don't live there anymore. I would not return there anymore. Even today, if they told me they would return everything to me, I could not live in a country where I know I could not have the freedom of practicing my religion. But I am here, begging you on behalf of the other Jewish communities that are in Central America and other parts of the world, because if this is not stopped now, they will also suffer the consequences of what has happened to us. And there will be a mass exodus from the Jewish people, all over the world. It is in your hands to help those Nicaraguans who are fighting to regain their country which is in the hands of foreigners, so that we may have again democracy, and the right to have freedom of choice of religion, human rights for all. Thank you.

Oscar Kellerman

"There are no Jews of our congregation in Managua today. As an American and as a Jew, I feel it's very important to help the Nicaraguan people to regain their independence, their democracy, betrayed by the Sandinistas."

Good afternoon, ladies and gentlemen. It is my privilege to be here today and an obligation to the Jewish community in exile today in North America. And also, to the rest of the Jewish communities of the world, to let them know what happened to these 50 to 60 families, 300 people more or less, of Nicaraguan Jews that lived in the heart of America, only two hours by plane from U.S. soil.

I am Sarita's husband. I am Czechoslovakian born. I am an American citizen. I came to Nicaragua when I was 9 years old. I was pulled off a truck that was taking me and my parents to a concentration camp. Friends of my father, the underground, smuggled me out of the country, and this is the way we came to Nicaragua, because my father had two brothers living there since 1923.

We came to Nicaragua, the only country in those days accepting Jewish refugees. I lived in Nicaragua. As my wife said, there were no Jewish schools there. We had no rabbi. We had no shochet. We had no cantor. The only Jewish life we had was what our parents would teach us. We all attended Catholic schools.

In 1948, my parents, to give us a better education, left Nicaragua and came to the United States, to Los Angeles. I attended Hollywood High School. I graduated from Loyola. I started my college career when the Korean war broke out. I joined the United States Air Force. I spent five years in the Air Force. I am a Korean War veteran. In 1955-56 I returned to Nicaragua, as my parents had moved there because my brother was in the Navy, I was in the Air Force, they had nobody, so I returned to Nicaragua again.

I found my parents. My mother was sick. I spent some time. She got better. I lived. I got married there. I raised two children with my wife. We had a nice Jewish family. I worked and prospered in my family business.

During those years, since I can remember, there was no anti-Semitism in Nicaragua. We are a very few families, too small to be in politics. We could not afford to be in politics. In 1977-78, I was vice-president of the Jewish community in Nicaragua. I remember one day, one evening, on a Shabbat evening while we were singing Lecha Dodi, two bombs hit the door. We had a big wooden door in the synagogue where a big Star of David was, and all of a sudden, the whole place was on fire.

I remember running, getting the fire hose, and started running to the entrance of the synagogue, when I stopped because two other members that used to be in concentration camps in Europe, they had already reached the outside of the synagogue. We were met by a jeep and another small car with eight members that had handkerchiefs on their faces, and they identified themselves as members of the FSLN, which stands for the Sandinista movement, the guerilla movement. They said that they were the FSLN and the PLO and that they were going to burn all the Jews. So we were forced back into the synagogue.

I tried to hit the fire with the hose, and I only made the fire bigger. So we wet the curtains, and we were able to put all the fire out. We had to wait about twenty minutes, I believe it was, because we couldn't go outside. Those people were still outside. But when they left, we finally put the fire out, and this way, didn't burn the whole synagogue.

Also, in 1979, one of the members of the Jewish community, but an American citizen, was shot and left for dead in the streets of Managua. I have a copy of a letter, which I later on got from a friend, in which he explains. This letter was written by an employee of ours, my ex-partner raised this man from when he was 12-13 years old until he was about 19 years. This guy wrote to the Sandinista government after we had left Nicaragua that he was really the one that got all these things together and had us, wanted to try to burn us.

He had the information about all the Jews that lived in Managua, their license plates, make of the cars, how many people were in the community. This is the way they knew exactly what time to hit us in the synagogue.

He also says, and the friend says to me, he sent them the letter, that the biggest lies they told the Sandinista government, the bigger jobs they would get in the Sandinista government.

Three times I was followed, and they tried to kill me three times. Twice they tried to burn me. With gasoline, they tried to burn the car. Other times, I did not take the path or the road that they thought I was going to take, because every day we would take a different road. We knew already that we were being followed. We were all receiving, not only myself, but the rest of the Jewish families, receiving harassment, threats, phone calls. And all this made us little by little, one by one, leave Nicaragua.

On the 25th of June, 1979, I received a call from the American Embassy, and they told me Nicaragua was no longer a safe place for American citizens, and I should leave the country, especially me of the Jewish faith. So of course the next day, me and my family and my brother and my brother's family, we were Americans, we went to the Embassy as they told us. And we took a little small valise with us. And that's all we were able to take out of Nicaragua. And we left Nicaragua. They flew us into Panama to an American air base.

There are no Jews of our congregation in Managua today.

As an American and as a Jew, I feel it's very important to help the Nicaraguan people to regain their independence, their democracy, betrayed by the Sandinistas. They will regain their freedom of religion, their freedom of movement, of press, no matter what it takes. And to expel from Nicaragua, or the American continent, I would say, the Russians, the Cubans, the Bulgarians, the Libyans, the PLO, the East Germans, the North Koreans, the Vietnamese, and all of those foreign countries, or foreign members of countries that today are ruling Nicaragua. Thank you very much.

Elena Gorn

"Yes, there were 60, 70 families who were a small community, but still we were Jews. And we are already out of Nicaragua. We are just only here to tell you what happened to us, so that you can open your eyes and be aware of what can happen to the other [Jewish] communities in Central America."

Good afternoon. My name is Elena Gorn. I was born in Nicaragua. I am here talking on behalf of my father-in-law, Abraham, who was the president of the Jewish congregation in Nicaragua. And he went through an experience that leaves us without a doubt that it was anti-Semitism, the main reason, as a matter of fact, might be the only reason, why the government of Nicaragua, the Sandinistas, forced us to exile.

I am talking of a 70-year-old man who had been living in Nicaragua for 50 years, who had worked hard to have, you know, his own business, who never was involved in politics, and therefore, when the change of government came to be in 1979, he didn't fear nothing. He had nothing. So he decided to come back to Nicaragua.

When he went there, he was put in jail by the Sandinista government. He was in jail for two weeks. He was forced to sweep the streets in the Tipitapa town where he was staying in the jail. And after that, the Sandinistas say that he has committed no crime. There was no case, you know, to persecute him. And they released him.

So, he lived there for three months, three-and-a-half months, until the Sandinistas went back to him, went to his factory, he had a textile factory, and just came in and said, this is being confiscated. This belongs to the government, and you just better go. So, from his business, he went to his home. And at 10 o'clock at night, somebody knocks at the door, and he sees the Sandinistas with 15 or

20 soldiers, you know, with guns and everything. And they told him, you haven't got the message through yet. Pack whatever you can, you know, clothing and you'll be thanking us for letting you go. I mean, you're still alive, so while you can run, go.

So he went to the Costa Rican Embassy. He asked for asylum, where he stayed for six more weeks, until my husband made all the transactions. And, through governments, I mean through the Costa Rican government and the Sandinistas, [it] was finally agreed to let him go.

I am telling you a story from somebody who went back to Nicaragua, who the Sandinistas released from jail because they didn't have any charges against him, who lived three-and-a-half months there. And then he was forced into exile.

We see the experience I'm telling you. As I could tell you, the Staviskys and Retenle, and all other families also were followed. Before that we had phone calls, threats, you know, that make you afraid to the point that you had to leave the country, and are the experiences that we the Jews experienced, went through, when we lived in Nicaragua.

That they didn't have any charges against us but that we were Jews. There was no anti-Semitism in Nicaragua until 1979, when the PLO put the seed, you know, in the Sandinista government to hate the Jews. They thought that any Jew who was in Nicaragua represents the State of Israel. And since they have been saying that their enemy was the Sandinistas' enemy and that they were blood brothers, it came out to be that they have to prove their closeness to each other by pushing the Jews out of Nicaragua.

Yes, there were 60, 70 families who were a small community, but still we were Jews. And we are already out of Nicaragua. We are just only here to tell you what happened to us, so that you can open your eyes and be aware of what can happen to the other communities in Central America. So this is my testimony. And just, I would like to thank you all.

I would like to tell you that we did have burned our synagogue in Nicaragua. That after one year that we were in exile we have made a request with Rabbi Morton Rosenthal, who works for the Latin Americans of ADL. And we ask him to tell, ask the government of Nicaragua, the Sandinistas, why, what was the reason we were forced into exile? And at that same time, ask them what they have done with the synagogue. They confiscated the synagogue and after two years of writing them, Rabbi Rosenthal finally got an answer from the government of Nicaragua, the Sandinista government, saying

that they didn't know anything about it. And that, yes, they were going to appoint somebody to look at what happened with the Jewish community and of course with the synagogue.

Six months later they answered and said they made a mistake, that they thought the synagogue was a private home, and that's why it had been confiscated. So we said, they already knew there was a synagogue since they firebombed it while we were in a Friday service. They knew that it was a synagogue because you could tell, you know, from the outside of the temple. We have a big Star of David, and we have a big plate saying that this is the congregation of the Jewish community in Nicaragua.

So the position today of the Sandinistas is that they are not anti-Semitic. That we just left the country because we were either Somoza supporters. By the way, I was in Nicaragua and I went to Law School and during my four years of law, I fought against the Somoza regime. I mean, I did my part as a student, and I opposed him. And none of the Jewish community ever participated in anything that was linked with the government. We never held any key positions, like today, the government has so many officials who are Arabs. In the junta was Hassan. And I can name ten to twelve more people who are really into the government.

They said that they confiscated everything because we left, we abandoned. And they passed a law saying that after six months, whoever was out [of the country] after the six months, everything was being confiscated. But of course, they pushed us out. There was no other way, we have to abandon everything. We got to a point that either it was our life or our properties. And we said that our life was more than anything else. And, we were, as they told my father-in-law, very lucky to get out of the country.

Today, even though they say there is no anti-Semitism, and of course, they are such smart people, knowing that the Jewish community here in the United States is very well-connected, are people who make decisions, [the Sandinistas] don't want to antagonize them by saying that they are anti-Semitic. So, they have been trying to be friendly. They have been trying to invite Jewish people back to Nicaragua so they can show they are not anti-Semitic.

But it was the same pattern that even Hitler did, by the time the concentration camps were in Germany. They invited people and said "Yes, everything is fine here". That nothing happened. [The Sandinistas] didn't kill us that way, it's very inaccurate - - I mean, it's not really nice to make that comparison, but yes I can do it because by the Miskito Indians, what they did to the Miskito Indians

is the same thing that Hitler did to the Jewish people at that time. And we [Nicaraguan Jews] weren't that many, so we weren't that much of a headache for them, but yes they have followed the same pattern.

And here I am to tell you to be objective about the case, and thank you for giving us the chance to tell our story.

STATEMENT BY A
MEMBER OF THE NICARAGUAN JEWISH COMMUNITY-IN-EXILE
MR. ISAAC STAVISKY

STATEMENT BY MR. ISAAC STAVISKY
July 20, 1983

"The two men who were confronted by the Sandinistas as the synagogue doors burned were both survivors of Nazi concentration camps - - Mr. Gewrustz and Mr. Pinkes. This was a traumatic experience for them and other survivors, because it evoked terrible memories which they thought they had put behind them when they fled from Nazi terrors and found refuge in Nicaragua."

On behalf of all members of the Nicaraguan Jewish community, I wish to express our appreciation for your interest and thank you for this opportunity to speak about the suffering which we have experienced at the hands of the Sandinistas.

The Jewish community has always been small, numbering about 50 families at its peak. Jews began coming to Nicaragua in the late 1920's from Eastern Europe. They dedicated themselves to farming, manufacturing and retail sales and made significant contributions to the country's economic development.

Nicaraguan Jews never experienced anti-Semitism, until the Sandinistas started their revolution. Even before the Sandinistas came to power they began threatening Jews. A favorite tactic was to anonymously phone Jewish homes with warnings that "We are going to get you Jews", claiming we are responsible for the killing of our people by guns sold to the Somoza regime by Israel. Graffiti by Sandinistas was widespread, with attacks on Jews and their religion. One was "Death to the Jewish Pigs". The initials FSLN in red and black left no doubt as to who was responsible.

Once the Sandinistas came to power in July, 1979, they moved swiftly against Jews. Jewish-owned properties were among the first to be confiscated and Jews were forced into exile.

A few specific cases might best illustrate the situation which we confronted.

Mr. Freddy Luft came to Nicaragua from Rumania after the Second World War, running away from the Russians. By hard work he became the owner of a textile plant and two retail stores, in partnership with Mr. Oscar Kellerman. Freddy Luft never participated in politics.

A young man by the name of Mauricio, whom he appointed general manager of his business, was a member of the

Sandinista party. Mauricio was very active and used his position to have a valid excuse to stay around the synagogue and write down the license plates of the vehicles in which the Jews arrived for prayers. Mauricio warned Mr. Luft that as soon as the Sandinista Revolution took power, all his businesses would be confiscated and that he would be thrown in jail. A few weeks before the Sandinista victory, Mr. Luft went to the German Embassy in Managua and was evacuated with other members of the German community.

Mr. Max Najman, who was the Honorary Consul of the State of Israel, had to leave Nicaragua one year before the Sandinistas came to power. He fled because the Sandinista's clandestine radio had announced they would execute Max Najman because he was the Consul of Israel.

He left his plastics factory in the hands of his son, Jimmy. He ran the factory for approximately one year and then the Sandinistas came to his factory and plainly informed him that the plant was being confiscated. When he was handed the decree he noticed that it had been dated ONE YEAR BEFORE. He protested, to no avail. He then approached the newspaper, La Prensa, which carried his complaint publicly. After the publication, the Sandinistas came looking for him, but he was fortunate enough to cross the border on foot to Costa Rica.

Mr. Abraham Gorn's factory was burned. When the Sandinistas came to power they collected the insurance money from London. While the fighting for power was going on, Mr. Gorn left Nicaragua. When the Sandinistas came to power, Mr. Gorn returned to Nicaragua because he felt that he had done no wrong to anyone. As soon as he returned, he was accused of stealing land and was sent to jail. Mr. Gorn was 70 years old at that time. During the jail sentence he was made to sweep the streets.

After his release he went back to his business. He was running the factory for six months when the Sandinistas took everything away that belonged to him, forcing him to seek asylum in the Costa Rican Embassy where he remained until he was taken to Costa Rica in a private plane. The reason the Sandinistas gave Mr. Gorn for the confiscation was that he had sold Israeli arms to Somoza. Since when do governments need a civilian to make an arms deal?

The Sandinistas confiscated the synagogue. When they were asked by Rabbi Morton Rosenthal the reasons for such an act, the Sandinistas responded that the synagogue belonged to Abraham Gorn! This of course is not true; we have the DEED that certifies that the synagogue belongs to the Jewish community of Nicaragua. It seems that the Sandinistas are

creating the GORN CASE as an apparent parallel with the well-known Dreyfuss case.

Permit me some words about my personal situation. I, together with my brother-in-law, Mr. Saul Retelny, ran a complex of factories manufacturing textiles and candy which employed, at peaks, over 1,200 heads of families. For a period of 18 months prior to July, 1979, anonymous callers would contact Mr. Retelny and threaten his life and that of his wife. These calls came to his business office and to his home, now also confiscated, at all hours of the night. One favorite tactic was to call around three in the morning and tell my brother-in-law that I had been shot and killed! At the same time, I would get a telephone call claiming that my brother-in-law was shot and killed.

In addition, there were writings on the walls inside and outside the factories: "Death to the Jews; Isaac will be killed. Beware of Sandinista justice". Dry runs of abduction attempts were made. In one instance, I was stopped, with my son inside the car, and at gun point my life was threatened. I was warned that my businesses were to be taken over when the Sandinistas came to power. Although Mr. Retelny and I were both born in Nicaragua, we never participated directly or indirectly in politics.

In 1978, the Sandinistas sent a strong message to the entire community when the synagogue was attacked by five Sandinistas wearing face handkerchiefs. They set the building on fire by throwing gasoline in the main entrance doors, shouting PLO victory slogans and anti-Jewish defamatory language. This direct attack on the synagogue showed the PLO influence on the Sandinistas. As the doors caught fire, two members of the community, at prayer during Sabbath services, ran through a side door. The Sandinistas met them with a show of automatic weapons and ordered them inside.

The two men who were confronted by the Sandinistas as the synagogue doors burned were both survivors of Nazi concentration camps - - Mr. Lazlo Gewrustz and Mr. Gyula Pinkes. This was a traumatic experience for them and other survivors, because it evoked terrible memories which they thought they had put behind them when they fled from Nazi terrors and found refuge in Nicaragua.

The Sandinistas threatened to take our property, and they did. They threatened our lives and for that reason we left our country. We want to return to Nicaragua and live with our fellow countrymen under a democratic government which respects human rights. We hope that we will be able to do that soon.

ANTI-DEFAMATION LEAGUE
ON
SANDINISTA ANTI-SEMITISM

A WHITE PAPER ON THE SANDINISTAS AND THE JEWS

- published by the Anti-Defamation League of B'nai B'rith
March 19, 1986

INTRODUCTION

Members of the Jewish community-in-exile came to the Anti-Defamation League of B'nai B'rith to tell of their experience of Sandinista anti-Semitism in Nicaragua and seek assistance. In 1981, a legal representative raised this issue in New York with Foreign Minister Miguel D'Escoto. Despite assurances that the government would investigate, the ADL received no reply to queries about anti-Semitism, the status of the synagogue and private properties.

In May, 1983, after 19 months of futile quiet diplomacy, the ADL publicized the plight of Nicaraguan Jewry. Only then did the government of Nicaragua react. It denied charges of anti-Semitism, and falsely claimed that four Cabinet members are Jews. It also claimed that the synagogue was a private home, legally confiscated. When ADL provided documents proving that the synagogue was built by the congregation, the government offered to return the building.

At that time only two or three members of the congregation were still in the country. The small Jewish community, its members fearing for their lives, had fled in the face of anti-Semitic threats and harassment.

Since then, various individuals and organizations have attempted to distort the facts and deny that Jews, as Jews, had reason to fear or flee the country. This paper sets forth basic facts about the Sandinistas and Jews.

ANTI-SEMITISM

"Anti-Semitism was one of the major factors, though not the only one, which caused the Nicaraguan Jews to leave Nicaragua."

- Federation of Jewish Communities of Central America (FEDECO), May, 1984.

* * *

Nuevo Diario, a Managua newspaper which closely adheres to the government line, charged (July 17, 1982), that "the world's money, banking and finance are in the hands of descendants of Jews, the eternal protectors of Zionism. Consequently, controlling economic power, they control political power as now happens in the United States".

* * *

"I remembered that it was the Levites in the synagogue who crucified our Lord."

- Foreign Minister Miguel D'Escoto
Washington Post January 27, 1985

THE SYNAGOGUE

The synagogue in Mangua was firebombed in 1978 while the congregation was worshipping inside. When congregants attempted to flee, they were confronted with armed Sandinistas who ordered them not to leave the burning building.

* * *

"I remember one day, one evening, on a Shabbat evening while we were singing, two bombs hit the door. We had a big wooden door in the synagogue, where a big Star of David was, and all of a sudden, the whole place was on fire.

I remember running, getting the fire hose, and started running to the entrance of the synagogue, when I stopped because two other members that used to be in concentration camps in Europe, they had already reached the outside of the synagogue. We were met by a jeep and another small car with eight members that had handkerchiefs on their faces, and they identified themselves as members of the FSLN, the Sandinista movement, guerilla movement. They said that they were the FSLN and the PLO and that they were going to burn all the Jews. So we were forced back into the synagogue."

- Oscar Kellerman, Washington, July 20, 1983

* * *

Mauricio Palacio is a non-Jew who lived among the Jews and served as a Sandinista informant.

"I let them know where...the Jewish people would gather so that a little burning of the cars of these Zionists could be done and tell them all "JEWS GO HOME".

"The purpose of this operation was intended to intimidate the community and, in that way, to stop the flow of arms from Israel. It was determined that the best place to carry out the operation was the synagogue...the synagogue was attacked and they attempted to set fire to the doors; a verbal message was given to the congregation..."

- Mauricio Palacio, Chicago, April 15, 1986.

THREATS AND INTIMIDATION OF INDIVIDUAL JEWS

"I, together with my brother-in-law, Mr. Saul Retelny, ran a complex of factories manufacturing textiles and candy which employed at peaks, over 1,200 heads of families. For a period of 18 months prior to July, 1979, anonymous callers would contact Mr. Retelny and threaten his life and that of his wife. These calls came to his business office and to his home, now also confiscated, at all hours of the night. One favorite tactic was to call around three in the morning and tell my brother-in-law that I had been shot and killed! At the same time, I would get a phone call claiming that my brother-in-law was shot and killed.

In addition, there were writings on the walls inside and outside the factories: 'Death to the Jews; Isaac will be killed. Beware of Sandinista justice.' Dry runs of abductions were made. In one instance, I was stopped, with my son inside the car, and at gun point my life was threatened. I was warned that my businesses were to be taken over when the Sandinistas came to power. Although Mr. Retelny and I were both born in Nicaragua, we never participated directly or indirectly in politics.

Isaac Stavisky, Washington, July 20, 1983

* * *

"Three times I was followed, and they tried to kill me three times. With gasoline, they tried to burn the car. Other times, I did not take the path or the road that they thought I was going to take, because every day we would take a different road. We know already that we were being followed. We were all receiving, not only myself, but the rest of the Jewish families, receiving harassment, threats, phone calls. And all this made us little by little, one by one, leave Nicaragua."

- Oscar Kellerman, Washington, March 14, 1985

CONFISCATION OF PROPERTY

The government of Nicaragua informed the ADL in December, 1983, that only two members of the Jewish community faced the possibility of criminal charges, but that 17 had had their properties confiscated by degrees. The others are caught in the "Catch 22" situation of being out of the country for fear that their lives are in danger and, therefore, falling under the Nicaraguan law providing for the confiscation of property of those who remain outside the country for more than six months.

SANDINISTAS' RELATIONS WITH ISRAEL

After coming to power in 1979, the Sandinistas maintained minimal relations with the State of Israel, never permitting the Israeli Ambassador to present credentials. In 1982, the Nicaraguans broke relations with Israel.

Foreign Minister Miguel D'Escoto, in a speech before the General Assembly of the United Nations announcing that his country was breaking relations with Israel, used the Israeli move into Lebanon as a pretext for action. He told the U.N. body, "Never since the time of Hitler has such mass genocide been witnessed..." D'Escoto said that his government, since it came to power, had "suspended all contact with the Zionist regime...all that remained was to break off diplomatic relations formally".

In the last two sessions of the General Assembly, Nicaragua has actively supported efforts to expel Israel from that world body.

SANDINISTA LINKS TO P.L.O.

The P.L.O.-Sandinist relationship involved P.L.O.-supplied weapons, training and funds. Sandinist guerillas and P.L.O. terrorists have also fought side by side. Jorge Mandi, a Sandinist spokesman, told a reporter for the Kuwaiti newspaper Al Watan (August 7, 1979), "There is a longstanding bloody unity between us and the Palestinian revolution...Many of the units belonging to the Sandinist movement were at Palestinian revolutionary bases in Jordan. In the early 1970's, Nicaraguan and Palestinian blood was spilled together in Amman and in other places during the 'Black September' battles".

In August, 1980, the Kuwaiti press reported that P.L.O. members had gone to Nicaragua to supervise military training. This was done in accord with an agreement reached with Yassir Arafat, the P.L.O. chieftain, who had gone to Managua in July to celebrate the first anniversary of the revolutionary government. The Sandinists paid their debt by authorizing the opening of a P.L.O. "embassy" in Managua.

STATEMENT BY ANTI-DEFAMATION LEAGUE
LATIN AMERICAN AFFAIRS DIRECTOR
ON SANDINISTA ANTI-SEMITISM

"NICARAGUA WITHOUT JEWS"
Rabbi Morton M. Rosenthal,
Director of the Latin American Affairs Department
Anti-Defamation League of B'nai B'rith

"Nicaragua today is a country without Jews,
but not without anti-Semitism."

Amid the upheavals that have wracked Nicaragua since the Sandinists came to power, one internal development has escaped the attention of the world. Nicaragua today is a country without Jews, but not without anti-Semitism.

When the Sandinists toppled the Somoza regime in 1979, they succeeded in driving the entire small Jewish community - - numbering about 50 families - - into exile.

The Sandinists commandeered Managua's synagogue and today Sandinist propaganda posters cover the four Stars of David at the front entrance. The interior is adorned with anti-Zionist posters. Throughout the capital, Jewish-owned property has been confiscated. Despite appeals from the Anti-Defamation League, the government of Nicaragua has refused to address these human rights violations.

Nicaraguan Jews, many of whom were born in Nicaragua, attribute their plight to their Jewishness and the unwillingness of the Sandinists to distinguish between the Nicaraguan Jewish community and the State of Israel. The Sandinists' enmity toward Israel and Nicaraguan Jews flows from two sources: their long, close relationship with the Palestine Liberation Organization and the fact that Israel sold weapons to the Somoza pre-revolutionary government.

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government. The Sandinists paid their debt by authorizing the opening in Managua of a P.L.O. "embassy".

As far as the Israeli supply of weapons to the Somoza government is concerned, Nicaraguan Jews indignantly deny accusations they were involved in these transactions. They explain that Israel's policy of selling weapons to the Somoza government was based on a sense of gratitude for Nicaraguan support at a time of Israel's great peril in 1948. Struggling for its very existence against overwhelmingly superior Arab armies, the newly established State found virtually all sources of weaponry closed to it. President Somoza acted as a discreet middle-man, procuring arms that were then transshipped to Israel.

Nicaraguan Jews also claim that because of the P.L.O.-Sandinist relationship, Nicaraguans of Arab descent were able to remain in Nicaragua and continue their business activities, often similar to those engaged in by Jews.

In sharp contrast are blatant manifestations of anti-Semitism. Last July, Nuevo Diario, a Managua newspaper which closely adheres to the government line, published an article under the headline, "About Zionism and the Palestinian Cause". It spoke of "synagogues of Satan" and denounced Jews "who crucified Jesus Christ and...used the myth of G-d's chosen people to massacre the Palestinian people without mercy."

Two days later, July 17, 1982, the same paper charged that "the world's money, banking and finance are in the hands of descendants of Jews, the eternal protectors of Zionism. Consequently, controlling economic power, they control political power as now happens in the United States."

The newspaper even went as far as to claim that President Reagan's support for Israel stems from the fact that he "must have Jewish ancestry".

The clouds over the Nicaraguan Jewish community began to darken even before the Sandinist victory. Sandinist supporters painted on the synagogue walls and elsewhere slogans such as "Israel, Jews and Somoza - The Same Thing". The synagogue itself was firebombed in 1978 while the congregation was worshipping inside. The men who threw the bomb shouted "Long live Sandino" as their Jeep sped away. Many Jews received threatening phone calls shortly before the Sandinist victory warning "Jews, get out of here."

When the Sandinists came to power in July, 1979, the storm broke. Some members of the Jewish community were advised to leave "for their own safety". Others, who had

gone abroad during the last months of the revolutionary struggle, found that they were unable to return. The Nicaraguan Jews went into "exile" mainly in the United States.

Isaac Stavisky, a textile engineer who was born in Nicaragua, said, "I was willing to return to my native country and engage in my usual activities, but I was stopped cold." It was suggested that he refrain from returning for his own safety because he and his brother-in-law were considered enemies of the revolution.

The president of the Jewish community, Abraham Gorn, was jailed after the Sandinist victory. Gorn, who was then 70 years old, was falsely accused of stealing some land and forced to sweep streets during the two weeks of his confinement.

Through the intervention of Costa Rican officials and after a Sandinist government investigation found him innocent, he was released.

Six months later, in February 1980, without any warning whatsoever, the Sandinists came to his factory and told him it was not his and he should leave. In addition, some employees told him that the Sandinists had instructed them to bomb his car if he returned. Gorn says that the man who directed the takeover of his factory, farm and bank accounts and "then kicked me out of my home" was Carlos Arguello, currently Vice-Minister of Justice in Nicaragua.

I was in Nicaragua some months prior to the Sandinist victory and remember the anxiety that was already apparent. I was struck by the fact that this small community had strong roots in Nicaragua and saw its future there. That they had no intention of leaving was clearly evident - - after the earthquake of 1972 which leveled all of the capital city of Managua, the Jewish community built a new synagogue. The synagogue served as the center of Jewish communal life since its dedication in 1976.

Two years after my visit to Nicaragua, I heard the Foreign Minister of Nicaragua, Miguel D'Escoto, tell a meeting at the New York headquarters of the National Conference of Christians and Jews that "there is no anti-Semitism in Nicaragua." I brought to the Foreign Minister's attention the fact that there are no Jews in his country and that the Jews of Nicaragua claimed that they were victims of anti-Semitism.

The Foreign Minister immediately introduced me to the First Secretary of the Nicaraguan Mission to the United

Nations, Orlando Moncada Zapata, and designated him as liaison to ADL on this problem. This led to periodic discussions and correspondence with Nicaraguan government representatives on three issues: 1) conditions under which Nicaraguan Jews could return to their country; 2) the status of the synagogue; 3) review of the confiscation of Jewish-owned property.

We received no response on the first two issues. On the third, we were told that the government would review cases at our request. Three were submitted, but we received no response, as of May this year.

When the Human Rights Committee met at the United Nations this year in April, members asked the status of the Nicaraguan Jewish community. The Nicaraguan representative, Vice-Minister of Justice Arguello, told the committee that the Governing Junta had assigned the synagogue building to the Association of Sandinist Children to be used for social purposes. He added, "Should the owners of the building request that it should again be a place of worship, the Government Junta would evaluate that request in the context of religious freedom".

This is a meaningless promise in a country without Jews.

Given the failure of the government of Nicaragua to respond to ADL's long-standing requests and the forced exile of Nicaraguan Jews, it seems unlikely that the Governing Junta will soon be faced with the question of restoring the synagogue as a place of worship.

Nicaragua cannot have Judaism without Jews, even though it has demonstrated, like Poland, the possibility of anti-Semitism without Jews."

STATEMENT BY
SANDINISTA COLLABORATOR
MAURICIO PALACIO

Mauricio Palacio, as a young boy, became the ward of Fred S. Luft. Mr. Luft, a member of the Nicaraguan Jewish community, placed his trust and confidence in the young man. Palacio eventually became general manager of Mr. Luft's business in Nicaragua while at the same time becoming an activist in the Sandinista movement. Palacio came to play a pivotal role in the Sandinistas' plan to intimidate the Jews of Nicaragua both before and after the Revolution.

STATEMENT BY MAURICIO PALACIOS
Chicago, Illinois
April 15, 1985

"Since I was a member of the Sandinistas since mid-1978, [the Sandinistas] asked me for information about a member of the Nicaraguan Jewish community in order to carry out an "operation" against him. The reason for this was that it was said that he was the contact between Israel and Somoza for arms sales from Israel."

My name is Mauricio Palacios. I was born in Nicaragua and I worked within the Jewish community there. My principal interest is in clarifying certain situations that occurred in my life, for the purpose of clearing up, before the Jewish community, my involvement in an operation having to do with that community. That operation could be to kill, burn their houses, cars, businesses, or to attempt kidnappings. They have not let me know what type of actions were carried out. The "operation" was a Sandinista one.

I want to clarify that (this?) was not an initiative of mine, but of a member of the United States Jewish community who sought me out (solicited me); clarifying further that this individual knows sufficient details regarding the above mentioned "operation" to perhaps implicate me as an actor in the Sandinista action. Since I was a member of the Sandinistas since mid-1978, [the Sandinistas] asked me for information about a member of the Nicaraguan Jewish community in order to carry out an "operation" against him. The reason for this was that it was said that he was the contact between Israel and Somoza for arms sales from Israel.

I tried to avoid carrying out this request because, knowing this member of the community, I considered that he was not responsible or involved in this kind of business (or these kind of dealings). They said (it was said) that yes, he was involved, because he was the person most likely to be, and besides he helped with money for Israel, depositing part of his earnings in Israeli banks.

This "operation" was cancelled, however, because I promised to find out who was involved in this business (the arms deals - trans. note), but I was not able to find anything to verify that such dealings, involving a member of the community, existed at all.

Some time later we arrived at the conclusion that the best thing would be to frighten the community by burning some of their cars and placing signs saying that the Jews

should stop the sale of arms to the dictator. It seemed like a good idea, and I would be in charge of getting license plate numbers of the community members' cars. They said they had already done that, but they wanted more information.

I want to clarify that this operation only had to do with intimidating the community and thus stop the flow of arms from Israel. It was decided that the best place to carry out this operation was the synagogue. The day and hour when the cars were to be burned was planned. Those who carried out the operation would do so without my participation. It was logical that I wouldn't be able to participate. With this, I tried to avoid a senseless act of violence being committed against an innocent member of the community, for I knew full well that the person was not a participant in the arms sales.

The operation was carried out, but not as it was planned. Instead of burning the cars, the synagogue was assaulted and an intent was made to set fire to the doors. A verbal message was also given to the congregation; I do not know what the message was.

The next day I contacted my superior and protested the fact that things were done differently from the plan. He told me they weren't able to carry it out as planned, but they didn't intend to harm anybody, just to scare them and make an impression on the Israeli government.

The impact was positive for the revolution since according to what was said, the Israeli Parliament took (the incident) into consideration, and some members of the community left the country.

Mauricio Palacios

Subscribed and sworn to me this 15th day of April 1985,
Chicago, Illinois

Notary Public

QUOTES BY SANDINISTA OFFICIALS AND NEWSPAPERS
ON
JEWS, ISRAEL AND ZIONISM

QUOTES FROM THE SANDINISTAS ON JEWS, ZIONISM AND ISRAEL

"Zionists from Wall Street, the U.S. Congress, and other powerful sectors of the establishment install and depose Presidents [and] determine fundamental aspects of foreign and domestic policy."

- El Nuevo Diario, July 8, 1982.

"[Jews worship in] synagogues of Satan."

- El Nuevo Diario, July 15, 1982.

"Jews who crucified Jesus Christ...used the myth of G-d's chosen people to massacre the Palestinian people without mercy."

- El Nuevo Diario, July 15, 1982.

"The world's money, banking and finance are in the hands of descendants of Jews, the eternal protectors of Zionism. Consequently, controlling economic power, they control political power as now happens in the United States."

- El Nuevo Diario, July 17, 1982.

"I remembered that it was the Levites in the synagogue who crucified our Lord."

- Miguel D'Escoto, Washington Post, January 27, 1985.

"Like Jews, They Crucify With Prices"

- Headline, El Nuevo Diario, April 21, 1987.

On the Israeli invasion of Lebanon: "Never since the time of Hitler has such mass genocide been witnessed."

- Miguel D'Escoto, Nicaraguan Foreign Minister, 1982.

On President Ronald Reagan's support for Israel: "[Reagan] must have Jewish ancestry."

- El Nuevo Diario.

"We say to our brother Arafat that Nicaragua is his land and the PLO cause is the cause of the Sandinistas."

- Tomas Borge, Minister of the Interior of Nicaragua, July 22, 1980.

"The only country with which our country never had any type of relations, nor do we believe will have, is Israel."

- Managua Domestic Service, January 2, 1980;

"I let the [Sandinistas] know where...the Jewish people would gather so that a little burning of the cars of these Zionists could be done and tell them all "JEWS GO HOME".

- Mauricio Palacio, a non-Jewish Sandinista informant among the Jews of Nicaragua; April 15, 1986.

Charles S. Robb

Support the Peace Plan and the Contras

The meeting of Central American presidents in San José, Costa Rica, a week ago brought important gains to the democratic cause in the region and could help us recast our own policy on a sound bipartisan base.

The four presidents of the Central American democracies showed far more mettle than was predicted of them. The democratic presidents:

- refused to extend again the deadline for compliance with the Arias plan;
- took responsibility for verification and compliance into their own hands and eliminated the role of others more susceptible to political pressures; the U.N., Panama and Mexico;
- brushed aside the argument that a policy of containment can be applied to Nicaragua. Their stated objective is democratization now;
- rejected Daniel Ortega's claim that U.S. aid to the Nicaraguan resistance is the principal obstacle to fulfillment of the Arias plan. They said the contra uprising was a reaction to Sandinista repression and called on Nicaragua to end the war by keeping its promises to democratize.

For their part, the Sandinistas stated publicly that their latest concessions were designed to persuade Congress to end aid to the contras, thus ending the fiction that the resistance forces only serve to undermine U.S. policy goals. Yet while Ortega in San José was trumpeting loudly to the world his latest good intentions to democratize, his state security police in Nicaragua were arresting the leaders of the democratic opposition, including the editor of *La Prensa*, sending a very different message to his own people.

Cardinal Obando y Bravo reports that "there is talk of democratization, but it has not happened." The leader of the opposition Independent Liberal Party, Virgilio Godoy, says: "I am afraid this is just another act of theater designed for the outside world."

How should the United States respond constructively to these developments? I believe we should and can both support the Central American peace process and sustain the Nicaraguan resistance while the Sandinista regime's promises are put to the test. To do so, each side in our overly partisan and ideological domestic debate should concede that the other's position has proved to contain an element of truth: the combination of regional diplomacy and the increasing pressure of the contras together have brought progress and should guide our future action.

Both the administration and Congress should avoid seeking a narrow victory in an up-or-down vote Feb. 3 on a large new installment of military aid. Instead, we should seek bipartisan support for a new policy that includes the best elements of both regional diplomacy and military pressure.

■ The United States should reaffirm its strong support for the Central American peace accords and the principle stated by its author, Oscar Arias: "Without democracy there can be no peace in Central America."

■ The United States should provide additional assistance for a cooperative regional economic development effort among those Central American nations that have complied with the democratization provisions of the Arias plan. Let the Central American democracies recommend to

the United States whether Nicaragua should be eligible.

■ A reasonable amount of U.S. assistance for Nicaragua should also be appropriated, but these new funds, and any remaining military aid still left over from previous appropriations, should be suspended for 30 days.

■ After that period, both new and old funds should be used for economic and civic development, through the Conference of Bishops, if either the president certifies or Congress under expedited procedure affirms by majority vote not subject to veto that:

a) the Sandinistas and the resistance have met directly and made serious progress toward a cease-fire;

b) the Nicaraguan government has released all remaining political prisoners under a general amnesty and permitted them to return to full participation in civic and political life;

c) the people of Nicaragua are enjoying full freedom of the press and mass communications, speech, religion, association, movement, trade union activity and other recognized democratic liberties; and

d) the Sandinista front has relinquished its centralized political control of the armed forces, security police, the judiciary, the trade union movement and food rationing.

Those four criteria were specifically cited by the House of Representatives Dec. 8 by a vote of 346-58 as standards for judging Nicaragua's compliance with the Central American peace accords. They also conform closely to the demands adopted by the Nicaraguan civic opposition in Caracas, Venezuela, on Dec. 5.

If the government of Nicaragua fails to meet these four standards for democratization within

the period provided, the funds appropriated should be released to sustain the Nicaraguan resistance. If the Sandinistas do meet these criteria at any time in the process, the funds should instead be used to rebuild Nicaraguan civic and economic life.

Something is happening in Central America, and those of us in the United States need to learn from it. The democratic leaders in the region have stood up in a broad, united front to press for full democratization in Nicaragua now. We need to do the same instead of diverting world attention onto our domestic partisan divisions.

Inside Nicaragua, thousands of courageous trade unionists, religious leaders, peasants and ordinary citizens, struggling to free the democratic genie from the bottle of Sandinista state control, depend on our constancy of purpose to sustain their struggle for democracy. We must not let them down.

To throw away unilaterally on Feb. 3 either the promise of regional diplomacy, which has given such heart to Central America's democrats, or the pressure of the Nicaraguan resistance, the driving force for Sandinista concessions unthinkable just a few weeks ago, is to leave Central America's democrats and the United States no serious options for the future short of capitulation or wider hostilities. Instead, we should unite behind a sustainable, bipartisan policy and give both peace and democracy a chance in Central America.

The writer, former governor of Virginia, has led several delegations to Central America on behalf of Central American Peace and Democracy Watch.



"I DON'T WANT TO HEAR ONE SHOT FIRED UNTIL CONGRESS CUTS OFF ALL AID TO THE CONTRAS... I'VE GOT THE TROOPS SILENCERS!"

Philip Geyelin

for Straight Talk

Franklin D. Roosevelt's famous "Four Big Principles" vision in 1941.

reconcile them with his own, hard-earned, firsthand experience. He need not even lay claim to sure answers. It would be enough for him to identify the right questions that the

And all cry out for effort to address problems.

PRESERVATION COPY

Journalist: Well, whatever we mean by the dark night of the soul, of that sort of personal difficulty.

Bush: Have you ever sat and watched your child die?

Journalist: Thank God, no.

Bush: I did, for six months.

Journalist: What did that do to you? Is that the answer?

Enough, already. Today's Dole-Bush debate about who looks spiffier in bow-

"Let's agree that they have both suffered enough, and that their argument has enabled us all to make the same boast."

ing shoes is (as a reviewer said of a dreary novel) "like a long hike home in wet socks and gym shoes, uncomfortable and unnecessary." Let's agree that they have both suffered enough, and that their argument has enabled us all to make the same boast.

Such arguments recur because they are rooted in Republican history. Democrats can nominate the gently born (FDR, JFK), but Republicans recoil from the idea. Robert Taft and Nelson Rockefeller, from opposite wings of the party, failed. Nixon knew the rule: when the going gets tough, the tough wrap themselves in their wife's "Republican cloth coat."

As you might expect, Republicans cannot get the hang of the class struggle, so things get confusing. Taft, a president's son and a Yale, was beaten by Dewey and Eisenhower, two men from modest backgrounds backed by the wicked East. But at least Taft was from Ohio; conservatives called him a tribune of the plain people. Wilkie and Hoover made sacks of money (as Landon later did) but, as Dole understands, Republicans are permitted to make it, just not inherit it.

Coolidge rose by the effervescence of his personality (that's a joke, son) and Harding rose because things lighter than air do that. Charles Evans Hughes was the humbly born son of an immigrant clergyman. Not for 76 years, not since William Howard Taft, have Republicans nominated someone born to wealth.

Dole's point is that his life has etched on his consciousness an awareness that many deserving people need help from government. But he can sing that refrain in a different, less grating key, the one he improvised recently in a New Hampshire

The candidates were square their ritual drugs and gow the fact th ties are some

Key figure in fight against Contra aid dismays moderate Democratic wing

By Peter LaBarbera
THE WASHINGTON TIMES

In the battle over aid to the Nicaraguan resistance, Rep. David E. Bonior, Michigan Democrat, is a key figure.

As the Democrats' chief deputy whip in the House, he has been designated the point man in trying to defeat President Reagan's aid request.

But Mr. Bonior's rise in Democratic foreign policy circles worries some moderate Democrats, who say his stridency on the issue is damaging to a party struggling to regain the political middle ground.

Penn Kemble, chairman of the executive committee of the Coalition for a Democratic Majority, which promotes a strong foreign policy and defense posture within the Democratic Party, said Mr. Bonior's leading role opposing aid to the resistance is a "terrible thing" for the party.

"This demonstrates that the left has acquired a type of veto power, a franchise on these kinds of foreign policy issues," he said.

"It exposes a certain vulnerability for the party," Mr. Kemble added. "Mainstream Democrats are hesitant to take this issue on their shoulders, and are avoiding responsibility by giving it to the left."

"It's unfortunate that the Democratic leadership should leave such a crucial issue with such portentous implications in the hands of a man

who is not serious about democracy or our national security," says Robert S. Leiken, visiting scholar at Harvard University's Center for International Affairs and a supporter of U.S. aid to the resistance.

Besides opposing aid to the resistance in every congressional vote—including short-term funding requests for humanitarian aid—the Michigan representative has worked with several groups that have drawn criticism for their alleged pro-Sandinista bias.

One such group is Witness for Peace, a church group that sends opponents of the "U.S. war on Nicaragua" to Nicaraguan war zones to report back on the war. The group's reports typically list case after case of alleged atrocities committed by the Nicaraguan resistance, coupled with praise of life in Nicaragua under the Sandinistas.

"Our experience with Mr. Bonior has been one of deep appreciation for his open-mindedness on the issue of Contra aid," said Sam Hope, director of program resources at the organization's national headquarters in Durham, N.C.

Mr. Hope, who served for two years as Washington communications director for Witness for Peace before being transferred last December, said Mr. Bonior has made several appearances at news conferences called by Witness for Peace.

In July 1986, following the con-

gressional appropriation of \$100 million in aid to the Nicaraguan resistance, Mr. Bonior sent out a "Dear Colleague" letter on behalf of a "campaign of conscience" coordinated by Witness for Peace. Attached to the letter was an account of a series of alleged resistance "attacks on innocent civilians."

Alan Wisdom, research director for the Institute on Religion and Democracy, a conservative research group, says Witness for Peace's reports are "completely one-sided" in favor of the Sandinistas.

"They copiously document and even exaggerate Contra violations, and scarcely mention Sandinista violations," he said.

In an interview, Mr. Bonior defended his use of Witness for Peace information: "I have no real close ties with... Witness for Peace. They may ask me to do something. I look at the request and if it seems reasonable—and it often does—then I will do something for them."

Mr. Bonior has also drawn fire from conservatives over activities by an anti-Contra political action committee, called Pax Americas, that he co-founded with Dr. Charles Clements last year.

Dr. Clements served as a medical officer for the FMLN guerrillas fighting to overthrow the government of El Salvador. He has also raised humanitarian aid for guerrilla-controlled war zones, money that one high-level Salva-

doran guerrilla defector recently charged is often diverted for military uses.

"Charlie Clements... has a point of view, which I generally agree with—not all the time," said Mr. Bonior. "I think his goal is to promote democracy and peace."

Mr. Bonior described the ruling Sandinista directorate as a diverse group with different philosophies.

"I think the struggle for freedom within the Sandinista directorate is still being waged," he said. "I believe there is an influential group within the directorate... that believes in a pluralistic and democratic society."

Mr. Bonior noted that several members of the Sandinista ruling group "have a religious commitment" while others are "literary people"—factors he said make the characterization of the directorate as Marxist-Leninist "exaggerated" and "too simplistic."

The Michigan Democrat has been accused by several House members of telling congressmen not to believe the testimony of Sandinista defector Maj. Roger Miranda Bengoechea, the former top aide to Nicaraguan Defense Minister Humberto Ortega. Mr. Bonior said in the interview that "there's not much new" in Mr. Miranda's revelations.

The plans revealed by Maj. Miranda of a massive Sandinista arms buildup represent the "radical expression" of the hard-line faction within the Sandinista directorate,



Photo by Willard Voiz/The Washington Times

David Bonior, Michigan Democrat and chief deputy whip in the House of Representatives, is making some moderate Democrats nervous with his stridency about the issue of aid for the Nicaraguan Resistance.

according to Mr. Bonior.

That analysis was labeled "absurd" by Harvard University's

Mr. Leiken, who said the entire Sandinista national directorate approved planned arms buildup.

Denby says his release was Sandinista political move

violated no laws.

Mr. Denby declined to discuss those activities, his feelings about

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The Case of James Jordan Denby

January 2, 1988

INTRODUCTION.

James Jordan Denby is an American farmer who is presently a prisoner of the Sandinista government of Nicaragua, awaiting charges to be filed arising out of his being shot down in a private plane by Sandinista Marines.

This office, in conjunction with the associated law offices of Noble & Campbell (Los Angeles, California), William Denby (James' brother, of Carlinville, Illinois), Dr. Enrique Meneses Pena (Managua, Nicaragua), and Dr. Enrique Sotelo Borgen (Managua, Nicaragua), represents Mr. Denby and has been involved in extensive private discussions with the Sandinista government as well as preparation for his defense in the trial which we expect to be held in the first half of January, 1988.

There has been great speculation about the case in many circles, including among American political and governmental figures as well as the press. From what I have seen, the rumors have only a random chance of being accurate. Unfortunately, Mr. Denby is in a position where he suffers real and serious risk of harm (he faces 30 years in a Nicaraguan prison) as a result of these inaccurate surmises and unauthorized attempts to influence his case.

The purpose of this paper is to set forth the essential facts and legal considerations affecting his case, in the hopes that it will minimize speculation and allow us to get on with the important task of defending an American in a foreign jail.

I. STATEMENT OF THE CASE.

On December 6, 1987, at about 2:00 p.m., Sandinista Marines at the mouth of the Rio San Juan shot down the Cessna 172 aircraft being piloted by James Denby as it approached for an emergency landing at a strip at the fishing village of Barra de Colorado, just across the border in Costa Rica. Denby made a "dead stick" landing on the beach, about 200 yards from the border, and was immediately taken prisoner by the Sandinista patrol.

Denby was taken to Managua, where he was put in solitary confinement at El Chipote Prison under the jurisdiction of the DGSE (secret police under the Ministry of the Interior).

To date, no charges have been filed against Denby. Article 33 of the Nicaraguan Constitution provides that Denby should have been charged or released within 72 hours, but that provision is suspended. The Sandinista government has reported to us that it is investigating the matter and analyzing whether to charge him with violating Nicaraguan airspace, "crimes against humanity" for suspected anti-Sandinista sympathies, or both. The Penal Prosecutor for Nicaragua has said that he will file the charges and arraign Denby on January 7 or 8, 1988.

As we will discuss below, the choice of charges may have dramatic impact on the nature of the forum in which his case will be tried. The Sandinista prosecutor claims that the latter charges can be tried in the revolutionary courts called the Popular Anti-Somocista Tribunals (TPA).

This office, along with the associated lawyers, has been in direct discussion with the Sandinista authorities. I personally went to Managua for that purpose from December 13 through December 24, and I plan to return to continue the defense on January 6, 1988. So far we have had three meetings with Mr. Denby in custody, and thirteen with various high officials in the Sandinista Ministries of Interior, Exterior, and Justice. Many of those discussions are too sensitive and confidential to reveal, except in the most general way.

II. STATEMENT OF FACTS.

A. Who Is James Denby?

James Denby is a 57 year old tenant farmer from Carlinville, Illinois. He and his wife, Marie, have an adult son, James, Jr. Serving in the United States Army during the Korean Conflict, Denby was discharged as a corporal. He studied agriculture, and has attempted several business ventures in Latin America, including Argentina, Guatemala, Belize, and Costa Rica.

He owns 700 acres of jungle timberland in the San Carlos area of Costa Rica, right on Nicaragua's southern border. The poor American farm economy at times has motivated a number of Midwesterners to relocate there, and several hundred Americans live in that region. In Denby's case, he sold the lumber from his property and cultivated endangered species of orchids, but spent the great majority of his time farming in Illinois.

As for political activity, Denby has had none in recent years. In the fifties, he narrowly lost election to the Illinois state legislature, and more recently his wife worked as a volunteer for Paul Simon, now Senator from Illinois and a Democratic Presidential contender.

Denby has been a pilot for many years, and owns a Cessna 172, registered in Costa Rica.

My impression is that he is something of an adventuresome romantic, very fond of Central America, its people, and culture. And he may be prone to embellishing a tale on occasion.

B. The Ill-Fated Flight.

In October, 1987, Denby drove from Illinois to his Costa Rican ranch in a Chevrolet van for the purpose of delivering a television and Maytag washing machine to the ranch. He drove through Nicaragua at the time, and was duly processed by Sandinista immigration and customs officials, as revealed in his passport which was with him when he was captured.

He flew his Cessna back to Carlinville for Thanksgiving with his family, but because his plane is of foreign registry, he was required to remove it from the United States within a short time.

After Thanksgiving he began the slow process of flying back to Costa Rica. His 172 is a very light, short-range plane of the simplest type, without navigational instruments, and with a top speed of about 120 m.p.h. Long trips must be broken down into numerous short legs.

Denby had arranged with a reporter and a photographer for the *St. Louis Post-Dispatch* to meet them at the airfield at La Ceiba, Honduras, to pick them up for the final leg of the flight. They intended to research a story on American farmers in Costa Rica.

He arrived at La Ceiba in early December, and filed a flight plan with Honduran air authorities. **ON DECEMBER 4, 1987, HE ALSO WIRED THE NICARAGUAN AUTHORITIES TO INFORM THEM OF HIS FLIGHT.** According to regional authorities, the Sandinista aviation officials do not respond to such wires, unless to give an immediate negative; by custom created by the Sandinistas, "silence is consent." After two days, the Sandinistas had not responded.

On December 6, 1987, Denby prepared to depart from La Ceiba. Both the photographer and the reporter, after seeing the tiny plane, declined to join him on the flight. Denby took extra fuel in jerry-cans in the cockpit instead. His last words to the journalists before he took off were, "You're going to miss a hell of a ride!"

Denby, with no passengers, lifted off a little after 8:00 a.m. and headed south along the Atlantic Coast of Central America. There were rainstorms throughout the region, and he had to divert around them almost immediately. He landed for a "safety check" at Puerto Lempira, Honduras, a fishing village just north of Nicaragua. With the help of three Miskito Indians who happened to be present, he topped off his fuel tank from the cans in the cockpit.

At about 11:30 a.m., he took off again, flying south along the coast. The weather was still very poor, and he had to divert around rainstorms in the areas of Puerto Cabezas and Bluefields, Nicaragua. On both occasions he tried to radio Sandinista airport authorities on all generally-used channels, but there was no response.

As he approached San Juan del Norte, the southernmost village on the Atlantic Coast of Nicaragua, he encountered another storm. He had been cruising at about 4500 feet altitude, and descended as low as 500 feet in a vain attempt to go under the storm. It was impossible in his plane to go through or over the storm, and suicidal to attempt to go further out to sea. Therefore, he headed inland, toward the west, but within a few minutes was confronted by the coastal mountain range. He turned back east, toward the Atlantic, in order to make an emergency landing at Barra de Colorado, on the southern side of the Nicaragua-Costa Rica border.

According to the Sandinista Marines who shot him down, Denby was clearly signalling his intention to make the landing. Without warning, while he was at about 200 feet altitude, they fired on him with machine guns.

Denby reported to me that he believed he was being struck by hail. His engine suddenly died, and Denby made a "dead stick" landing on the beach, just 200 yards from Costa Rica. When he exited to examine his plane, still unaware he had been attacked, he was confronted by Sandinistas armed with machine-guns and rockets, and taken prisoner.

According to the patrol which captured him, the Sandinista Marines fired over 300 rounds at the plane, of which 8 struck it. One pair of holes (the plane is so fragile that the rounds went entirely through it) shows that a round narrowly missed Denby's head, and another apparently severed a fuel line.

The Sandinista armed forces immediately assumed that they had shot down another "mercenary," and that fact was publicly announced by Defense Minister Umberto Ortega. Meanwhile, all of Denby's personal effects were forwarded to investigators in Managua for evaluation. The most damaging were shown to the press on December 8, and consisted of several photographs of armed men presumed to be "contras", a cap with American Army colonel's insignia, an address book listing almost everyone James Denby knew, both in Costa Rica and the United States, and some articles from local papers in Illinois relating Denby's alleged sympathies for the contras. There was **NO** evidence of espionage or military equipment, nor of any active support by Denby for the contras.

C. Evidence of Denby's Political Sympathies.

To date, the Sandinista government has refused, despite more than a dozen requests, to show the defense team any evidence against him, except for providing a copy of his passport. We have been informed by Dr. Julio Cabrera, the head prosecutor, that the evidence is secret and will only be revealed during trial, although most of it was shown to international reporters.

However, Mr. Denby has been extensively interrogated (**35 DIFFERENT** investigators questioned him virtually around-the-clock from the time he was captured until I was permitted to see him for the first time on December 16) and required to sign a "Declaration", and from the contents of the questions and the statement presented to him, we can glean the essence of the Sandinista case against him. Dr. Cabrera told me, in my last meeting with him on December 23, that Denby's political affiliations are "fundamental" to the case. Derived from these sources, then, the "crimes against humanity" for which he will be made to stand trial are:

1. Possession of about 40 photographs of "contras."

Among the many photographs taken from Denby's plane, which included what amounted to a scrapbook of living 14 years in Costa Rica, and which he brought to show to the St. Louis *Post-Dispatch* journalists, were many which showed armed men, and some which showed Denby apparently celebrating with armed men.

THE SANDINISTAS HAVE CONCEDED PRIVATELY THAT THE PHOTOGRAPHS SHOWING DENBY WITH ARMED MEN ARE ACTUALLY OF DENBY WITH SANDINISTAS IN 1979. It happened that Denby bought a small lot in Nicaragua, near Castillo, during the waning days of the Sandinista revolution, and he was in the town the day they seized control, in July, 1979. The whole town celebrated, and Denby joined in, having his photograph taken with various Sandinista commandantes.

Of further interest, the Sandinistas actually used Denby's property at times as a staging area during their war against Somoza, from 1973 to 1979. As an absentee landlord, and having property which is true jungle on the border, Denby has no control, and little knowledge, of who uses parts of his land. Even if he did, in a remote jungle area where a man can be mur-

dered and dumped in the Rio San Juan without a trace, neither Denby nor any property owner in the area has been able to evict armed Nicaraguans, whether Sandinistas or contras.

Of the remaining photographs, depicting purported contras, some are more recent. Denby had them in hopes of being able to market them, but so far has had no success. None of these photographs depicts scenes in Nicaragua, or of combat, or of Denby.

2. Possession of U. S. Army insignia.

In the San Carlos area of Costa Rica there is what may best be described as a drinking society called the "Army of Rio San Juan." Its "General" is a barmaid named Shirley in a local cantina, and most of its members are Americans; there is no rank below "Colonel" in the society. Jim Denby reportedly had a cap with its eagles in his plane, as well as a bag of additional insignia purchased at surplus stores in the United States.

3. Knowing John Hull.

Hull is an American who has had a long and considerable presence in Costa Rica. In various investigations evidence has been produced that connects Hull with anti-Communist political activities. Most American farmers there know him.

The evidence is that Denby met Hull's wife in 1972 in Indiana, when he went to watch his son in a motorcycle race. Denby and Mrs. Hull discussed the growing American community in Costa Rica, and through her husband she put Denby in touch with a realtor there. Denby eventually bought his ranch through the realtor, NOT from Hull, as has been erroneously reported.

While Denby has been acquainted with Hull, as most Americans are in Costa Rica, there is no evidence of any further connection with him or his activities.

4. Possession of Rob Owen's Telephone Number.

Rob Owen was a witness in the Iran-Contra hearings, and was an assistant at one point for Col. North. He fulfilled other roles in Central America, including during about 1982 - 1984 as a "public relations" consultant for one faction of Nicaraguan freedom fighters. He was active in that capacity in the San Carlos area, and met Denby and many other Americans in the area.

Denby put Owen's phone number in his address book, but had no further dealings with him.

5. Possession of an Outline for a Documentary.

Among Denby's effects was an outline for a documentary on the "contra" movement which was proposed by a San Jose, Costa Rica businessman. It contained ideas for general scenes, such as "Meeting Contra Leader at Camp," "Training," and so on. No financing was ever provided, and the concept went no farther than the outline stage. It was to be filmed in Costa Rica.

6. Knowing Michael Manning.

Several years ago Michael Manning was a student at Southern Illinois University, and he campaigned against the political activities of one of his professors, Richard Mollette. Mollette was a vocal Sandinista sympathizer; the foreword to one of his books was actually written by Miguel

D'Escoto, the Sandinista Foreign Minister. Mollette testified often in favor of the Sandinista cause during the Carter Administration, until Manning's attacks undermined his credibility.

Denby knew Manning, who is now in Illinois state government, and the Sandinista interrogators are disturbed by the acquaintance.

7. Knowing Other Americans in Costa Rica.

The Sandinistas assume that the many American farmers in northern Costa Rica are operatives of the Central Intelligence Agency. Denby had the names and addresses of many neighbors with him, and was extensively questioned about them.

9. Meeting Eden Pastora.

Eden Pastora was one of the most famous Sandinista commandantes, as well as an original member of the "junta." He eventually broke with the other commandantes and fought for a time against them. Pastora held a press conference in San Carlos to announce his withdrawal from the war due to lack of supplies. Denby was in the village at the time, and met Pastora.

10. Meeting Adolfo Calero.

In about 1984, Adolfo Calero, a contra political leader, hosted a public reception at the Hotel Costa Rica in San Jose. Denby stopped by, and he shook Calero's hand.

11. Meeting David Johnson.

David Johnson is a mysterious American who arrived in northern Costa Rica in fall of 1987, very vocally seeking to meet "contras" so that he could help them. He carried business cards of several paramilitary-sounding companies, and distributed them widely. He met a number of Americans in Costa Rica, but most were very leery because of Johnson's overt demeanor. Johnson reportedly has been a subject of inquiry by a federal Grand Jury investigation of possible Neutrality Act violations. Denby received his cards at a bar in Costa Rica, but had no dealings with him and does not know or wish to know what his activities are.

12. Aiding an Injured Man.

On one occasion Denby reportedly found some men carrying one or more badly wounded men on his ranch in Costa Rica. He provided transportation to medical help, without inquiring about identity, nationality, or affiliations. The Sandinista interrogators insist that the injured must have been a "contra."

Denby remarked to me, "When a man has holes in him and is bleeding to death, you don't ask who he is. I doubt that even the Sandinistas would watch a man bleed to death."

III. LEGAL ISSUES.

The facts presented by the case seem to present some clear substantive issues, and to raise some procedural ones. Given the nature of the Nicaraguan legal system, with both governmental courts and Sandinista Party "revolutionary tribunals" claiming jurisdiction, it is not clear

that there will be a forum where the issues can be resolved publicly and in accord with concepts of Due Process. It seems appropriate here to outline the issues we are confronting.

A. Considerations Surrounding the Airspace Violations.

Given the undisputed facts outlined above, international aviation law gives abundant justification for Denby's conduct.

In the first place, he **DID** file a flight plan -- a curious action if a person were on a clandestine mission -- and notify the Nicaraguan government of it. By local custom created by the Sandinistas, they consented to his flight.

Next, even if he had not expected to enter Nicaraguan airspace, he was justified by the emergency situation. The "safe harbor" doctrine permits an aviator in danger, such as by the loss of an engine, weather, or other cause, to enter the airspace and present himself promptly to local authorities upon landing. Witnesses and international weather reports confirm the serious storm activity in the San Juan del Norte area that forced Denby to attempt the emergency landing, and the patrol which shot him down confirmed that he was signalling his intentions. It has not been determined yet why Sandinista authorities did not respond to Denby's numerous radio calls. International aviation covenants, then, precisely justify Denby's flight.

Finally, the Nicaraguan government has elected to keep its airspace open to general aviation, rather than closing it. By so electing, the Sandinistas subject themselves to the requirements of international law. One of those requirements, beyond those already touched upon, is to **WARN** an intruder to leave the airspace or land **BEFORE** using deadly force on it. Before the Soviets destroyed Korean Air Lines Flight 007, they warned it to leave Soviet airspace. The Nicaraguan government confirmed that **NO WARNING** was given to Denby before his plane was attacked. Perhaps the Sandinista government should close its airspace in order to prevent another tragic incident like this one.

For all of these reasons, Denby has a good defense to a charge of an airspace violation.

B. Considerations About Denby's Political Sympathies.

A fundamental issue presented in the case is whether sympathies and actions which are legal where they are held -- in the United States and Costa Rica -- can be punished as criminal when a person comes by chance into the hands of a different regime.

Even taken out of context and alone, the Sandinista investigators have not alluded to a single **ACTION** by Denby against their government. The case, built upon possession of photographs, entries in an address book, newspaper clippings, and so on, shows a man who has an interest in Nicaragua and who has met people who oppose the regime; he has even been a "Good Samaritan" to some. One might even infer that he sympathizes with the Sandinistas' opponents (although he sympathized with the Sandinistas themselves not long ago).

Promptly upon receiving reports of Denby being shot down, the government of Costa Rica launched an investigation by its Ministry of Public Security, headed by Vice Minister Rogelio Castro. He and a team of investigators thoroughly searched Denby's property and questioned

all available witnesses. **On December 17, they concluded the investigation and reported that James Denby had no connection whatever with "contra" activity.**

Under the Nicaraguan Constitution -- suspended -- there is no punishment for "guilt by association," nor for free thought. If there is to be punishment for these "crimes" under the revolutionary tribunals, then literally millions of Americans could be imprisoned if they were to fall into the hands of the Sandinista authorities.

Unfortunately, the laws creating the "Popular Anti-Somocista Tribunals" specify a punishment of 30 years in prison and confiscation of property for acts such as "mere gestures" against the Sandinista government, and there is no published authority on the definition of a "gesture." We are presently awaiting the interpretation of this point by Dr. Cabrera.

Interestingly, even if Denby's associations constitute crimes before the Tribunals, everything alleged against him occurred before Nicaragua agreed to the amnesty provided in the "Arias Peace Plan" on August 7, 1987, and ought to be covered by it.

C. Jurisdictional Considerations.

As pointed out earlier, Nicaragua has a dual penal system, one operated by the traditional national courts, under the Constitution, and one by the Sandinista Party, under the Tribunals. On the face of it, the Tribunals do **NOT** have jurisdiction of airspace violations, unless they are deemed anti-Sandinista "gestures." Further, the law creating the Tribunals specifically invokes authority to create summary procedures for its own **NATIONALS**, not foreigners. Denby is clearly not a Nicaraguan national.

In candor, we on the defense team are hoping that a decision will be made to try the case, if at all, in the civilian courts.

IV. POLITICAL SENSITIVITIES.

Very frankly, the defense team has endeavored strenuously to keep the matter what it is, a private one. However, given the undeniable difficulties between the United States and Nicaragua, we fear conduct by others may introduce political stakes that make our client a hostage to political ambitions. The danger is there if the Sandinistas (who have reminded us several times that while their Constitution gives Denby certain protections, it is suspended) make a policy decision to use Denby to political advantage, such as to influence votes in Congress, to embarrass their opponents, or to divert attention from the revelations of the defector, Maj. Miranda. It is likewise there if American politicians or candidates choose to exercise their rights to free speech and "raise the ante" without consideration to my client's freedom.

V. CONCLUSION.

The defense team is putting together a defense for whatever the future holds. There is no time between arraignment and trial in the Nicaraguan system, so we must prepare as best we can to defend any conceivable charge.

We have broken down responsibilities along the following lines: having experience in criminal defense and some proficiency in Spanish, I am heading the team, and will return to Nicaragua before arraignment to oversee the case; I have been organizing the evidentiary defense over the holidays. William Denby, our client's brother, is helping to make major defense strategy decisions and coordinate the support efforts, as well as gathering evidence in the Midwest; he is also, obviously, speaking as the Denby family spokesman. The Los Angeles firm of Noble & Campbell, through its senior partner, Richard Noble, and at least one associate attorney, Tim Vrastil, is working on the legal background, particularly as it pertains to international law. In Nicaragua, Dr. Enrique Meneses is conducting matters on a daily basis, maintaining contact with the prisoner and the Sandinista government. Dr. Sotelo is consulting with us to share insights based upon his experiences in other cases before the Popular Tribunals.

THE DENBY DEFENSE FUND.

It is no secret that defending a case such as this, especially in the very short time constraints imposed by Nicaraguan law, is an expensive proposition. We have encountered enormous expenses just in locating, interviewing, and transporting witnesses in several countries.

It is also a fact that Mr. Denby, as is the case with most Americans (particularly, perhaps, those in the farming business), does not have the funds necessary to finance his defense. From his cell in El Chipote Prison, he has no prospect of earning or raising such funds.

It is a fact, too, that the defense has received not a penny of government assistance, either from the United States or Nicaragua, whose Constitution provides for legal assistance for indigents.

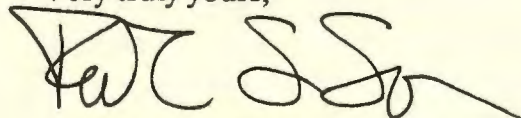
Therefore, at the encouragement of a few supporters, we have authorized the creation of the "JAMES DENBY DEFENSE FUND." It has been established, and donations will be used entirely for the defense of this case. An accounting will be available as soon as events permit after completion of the case. If there is any excess, it will be returned proportionately to the donors, except for those who are anonymous.

The address of the fund is:

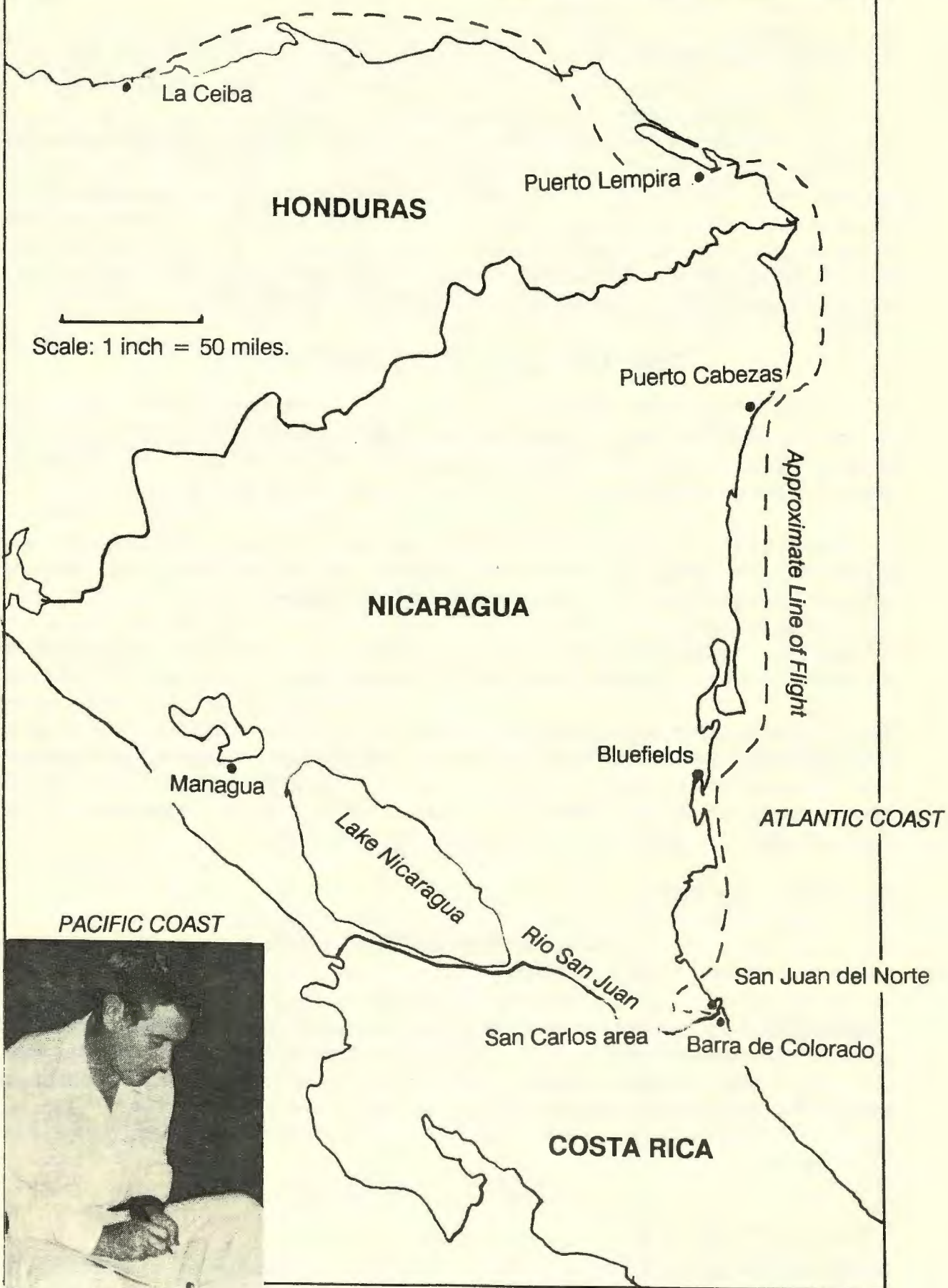
**JAMES DENBY DEFENSE FUND
BOX 9078-19
VAN NUYS, CA 91409**

I hope that this summary has been helpful to your understanding of the case. If you have any particular question or interest in the matter, please feel free to contact me at my office number. After I return to Managua for the trial, I can be reached through the Intercontinental Hotel there. Mr. Noble can be reached at his office at (213) 485-0231.

Very truly yours,

A handwritten signature in black ink, appearing to read 'RCS' followed by a stylized flourish.

ROBERT C. SWANSON



Jim Denby writing home for Christmas from interview room at El Chipote Prison. His cell, in contrast, has no furniture.