



# CONVERGENCE

QUARTERLY NEWSLETTER OF THE CHRISTIC INSTITUTE, 1324 N. CAPITOL ST., WASHINGTON, D.C. 20002  
Vol. 1, No. 1

Winter, 1982

## THE CHRISTIC INSTITUTE: An Idea is Born . . . .

### History and Purposes

The Christic Institute was founded in 1980 by the core team of lawyers, investigators, and public education experts who successfully prosecuted the Karen Silkwood Case in federal court in Oklahoma. The personal injury dimension of the case won a judgment of \$10.5 million and established important legal precedents to force the nuclear industry to protect the health and safety rights of workers. An account of recent rulings on the Silkwood Case appears on page 2.

This team of people, now joined by others similarly motivated to work for social justice, has formed the Christic Institute. The Institute's purpose is to serve the public interest through litigation and public education. More specifically, Institute lawyers represent persons who cannot afford legal services in cases of social justice or empowerment in the democratic process, in the defense of human and civil rights, and in the support of peace and ecology issues. Staff members conduct public education and outreach activities related to these cases and to other concerns related to these issue areas. Through research and activities, the Institute hopes to promote the convergence of religious values and public policy.

### Religious Dimension

The Christic Institute is distinguished from other public interest law firms and public education centers by its underlying religious orientation. This orientation is expressed in a number of ways.

First among the Institute's goals is to focus the resources of the American public in general, and the American religious community in particular, on crucial problems with the hope of mobilizing efforts toward their solution and toward changes in public policy.

Persons working at the Institute view their work toward this goal as part of the call to Christians to participate actively in the building and renewal of the earth. This focus of human energies is expressed in the words of Teilhard de Chardin whose thought underlies the Institute's activity: "The principle of unity which saves our guilty world, wherein all is in process of returning to dust, is Christ. Through the force of his magnetism, the light of his ethical teaching, the unitive power of his very being, Jesus established again at the heart of the world the harmony of all endeavours and the convergence of all beings."

The Institute considers its issue areas — empowerment in the democratic process, the defense of human and civil rights, and the support of peace and environmental issues — among the most serious for the freedom, survival, and development of all peoples. They are issues which in themselves embody a religious perspective and which offer a challenge to the religious basis of American life. The dignity of the human person and his/her right to a full and productive life are deeply rooted in the Judeo-Christian tradition out of which American principles grew. In this tradition, God created man and woman in his image, gave them the bounty of his creation, and exhorted them to love him above all and their neighbor as themselves. This love implies respect for human life, justice in attitude and action, and the translation of one's faith in God into loving action on behalf of others.

The Christic Institute's legal and educational activities on behalf of human and civil liberties, empowerment, environmental and peace issues are expressive of these principles. The deliberate taking of human life cannot be ignored. Loving one's neighbor does not allow



qualifications; it does not exclude minorities, Communists, labor organizers, or any other persons. Persons' lives should be free from fear of nuclear holocaust, from the dangers of an unsafe environment, from surveillance and harassment.

Seeing these connections between professed religious beliefs and the realities and events in society is a significant impetus in the work of the Christic Institute. Faith, life and work are not separate entities. They converge in the Christian effort to renew the earth in Christ. The title of the Institute's newsletter and its logo convey this perspective.

Institute staff members try to make the religious dimension of their work consistent in their life styles. All earn \$500 a month, many live as a community and participate in discussion and prayer together. They rely on the generosity and interest of those who are also committed to the protection of human and civil rights, especially the rights of those who lack the resources necessary for their own protection.

### Legal Activities

Since its inception the Institute has involved itself in a number of legal cases and research projects. Each issue of the newsletter will feature several of these cases and projects, as well as legal updates. As an introduction, however, the following brief accounts of each of these activities and its focus will elucidate the scope of the Institute's legal work.

The Karen Silkwood Case.\*

The right of union workers to promote nuclear safety standards.

The Greensboro Civil Rights Suit.\*

The right of anti-racist labor organizers to unite black and white workers on an equal basis.

The Three Mile Island Case.

The right of the public to participate in decisions about the disposal of radioactive materials.

CARECEN.

Legal services on behalf of El Salvadoran refugees in the Washington, D.C. area.

The Vicki Monks Case.

Defense of the right of news reporters to attend a political demonstration on public land in order to gather and report news to the public.

Research for legal action for compensation of a worker's radiation injury and death.

Participation in administrative hearings questioning Metropolitan Edison's operator competence at Three Mile Island.

Continued on p.4

\*The Silkwood and Greensboro cases are featured in this issue.

# LEGAL FEATURE: THE KAREN SILKWOOD CASE

## *The Case and 1981 Rulings*

In May of 1979, an Oklahoma jury found the Kerr-McGee Corporation legally liable for the radioactive contamination of Karen Silkwood, a 28-year-old laboratory analyst and local leader of the Oil, Chemical and Atomic Workers Unions, who was killed in a controversial car crash in November, 1974. At the time of her death, Karen Silkwood was enroute to a meeting with a union official and a *NY Times* reporter and was allegedly delivering documented evidence of missing plutonium and falsification of safety tests on Kerr-McGee produced plutonium fuel rods. A week before her death, Silkwood and her apartment were contaminated with plutonium, the highest levels registering on the food in her refrigerator. An Atomic Energy Commission report said the contamination may have been deliberate. Plutonium is one of the most dangerous cancer-causing substances known.

This 1979 decision, which awarded \$10.5 million in personal damages to the Silkwood children, was investigated and tried by several present staff members of the Christic Institute and provided the experience from which the idea of the Institute was generated.



*Karen Silkwood*

In December, 1981, the 10th Circuit Court of Appeals panel in a 2-1 ruling, stripped the Karen Silkwood Estate of the \$10.5 million judgment against Kerr-McGee. The appellate panel's ruling rejected a May, 1979 federal court jury award of \$500,000 in personal injuries and \$10 million for punitive damages against the corporation. The panel left intact only a \$5,000 property damage award for furniture and clothing that had to be destroyed because of radioactive contamination of Silkwood's apartment. The ruling dismissed the punitive award, saying that the 1954 Atomic Energy Act pre-empts state remedies authorizing such damages. It ruled further that the personal injury claim should have been dealt with in Oklahoma's Workers' Compensation Court, and that there was not enough evidence to support the contention that the nuclear plant worker was intentionally contaminated with plutonium.

In October, 1981, the U.S. Supreme Court denied the Silkwood Estate's request for a trial on its second lawsuit. At issue was whether or not labor union organizers are protected against a private anti-civil rights conspiracy. In 1978, this second lawsuit had first been dismissed on the grounds that only blacks and people of ethnic origin are so protected under the Civil Rights Act. Later, however, the Silkwood litigation team's appeal of this decision established a legal precedent by acknowledging that labor unions are a protected class. The court denied the Silkwood Estate a trial, however, by stating that relief under the Act is available only to union members who can show that they were deprived of their constitutional rights because of their mere passive membership in a union, rather than because of their organizing activities on behalf of labor unions.

The Silkwood Estate legal team will appeal the \$10.5 million case to the full 10th Circuit Court of Appeals, asking a reversal of the three-member panel's ruling. If their request is denied on the grounds that there was not enough evidence to support the claim that Silkwood was intentionally contaminated, the Silkwood team will initiate action toward a new lawsuit. This suit will address the contamination question, as well as many of the civil liberties issues raised in the second lawsuit.

## **Perspective**

The October and December rulings on the Silkwood Case give us pause to reflect.

In October, when the Supreme Court refused to hear the Silkwood civil liberties suit, it was in effect telling us that a citizen, allegedly being victimized by criminal conspiracy because of attempts to enlighten and

organize workers and the public about nuclear industry abuses, cannot receive protection under the law from such harassment; and further, that the evidence to support these charges may not even be heard.

According to Silkwood lead lawyer Dan Sheehan, evidence in the case demonstrated beyond reasonable doubt that Karen Silkwood and others at the Kerr-McGee nuclear facility who were attempting to communicate to other plant workers and to the American public the extraordinary dangers of nuclear contamination which were rampant at the Oklahoma facility and of the possible government-endorsed smuggling of bomb-grade plutonium, were the victims of a classical criminal conspiracy. As was stated by Judge Frank G. Theis, the specially-appointed federal judge who supervised the trial in the first Silkwood case, "If this evidence is put in front of a jury, this jury will conclude that the Kerr-McGee defendants killed Karen Silkwood."

The Silkwood family's attempt to obtain assistance from the federal executive department resulted only in a manifest criminal involvement of FBI officials in the cover-up of valuable evidence incriminating Kerr-McGee officials and local police officials in the civil rights' violations of workers at the facility. The legislative investigations by both the Senate and the House of Representatives were terminated in the face of a campaign of smear tactics undertaken by the FBI against the Congressmen, Congressional staff, and American citizens who were witnesses in these hearings. Finally, the Supreme Court refused to allow a trial.

The human and civil liberties in question in this case deserve to be heard. The ongoing refusal of the legal system to do this, despite public opinion, despite the moral and financial support of thousands of concerned citizens, and despite years of tenacious efforts by many people to have the charges reviewed, make us wonder for whom the legal system exists.

One disquieting answer to this question perhaps lies in the December Silkwood ruling which removed the \$10 million punitive damages and \$500,000 personal damages won in the first case. According to this ruling, the Atomic Energy Act pre-empts state remedies for abuses in the nuclear industry. Apparently only the federal government has the right to determine whether or not the industry is guilty of endangering the lives of its workers and the public; only the federal government can regulate and/or administer punitive measures for such abuses. Punitive damages awarded through the legal system in the form of sizable fines like the \$10 million Silkwood award might endanger the growth of the nuclear industry, one of the government's prime contractors. It seems not to matter that there is increasing public concern about this industry and its danger to life and the environment, and its relationship to the imminence of nuclear war. What seems to be the priority is protecting the industry from public action on behalf of these concerns.

The recent rulings leave us with more questions than answers. One thing is certain. We cannot let the troublesome questions they raise fade away. They are questions of civil liberties and the right of citizens to a voice and to action in issues which affect their lives and futures. The Silkwood team will continue to pursue legal avenues to bring these questions to the public forum. We ask your continued support.

## **Karen's Parents Respond**

"Our beloved daughter, Karen, died while working and struggling for what this case once stood for — to test whether corporate America, in particular Kerr-McGee, could be trusted with handling the most dangerous substance known to us, plutonium.

Karen had found out that Kerr-McGee was one of the corporations abusing that trust. She saw that Kerr-McGee did not properly train its workers before sending them in to work with the deadly plutonium; she saw that dozens and dozens of her fellow employees were being contaminated, even as they were being assured that the operation was safe. She discovered that the workers were being lied to. She saw that security procedures were lax and that poor equipment was being used.

Continued on p. 4

# LEGAL FEATURE: THE GREENSBORO CIVIL RIGHTS SUIT

## The Facts

On November 3, 1979, five labor organizers and political activists, member of the Communist Workers Party, were shot and killed by the Ku Klux Klan and Nazi Party in Greensboro, North Carolina.

At the time of their deaths, three of these people were involved in organizing and leading unions in the North Carolina textile industry. Jim Waller had led a wildcat strike at a Cone Mills plant near Greensboro and had subsequently been elected president of his local. Bill Sampson was a shop steward, head of a militant rank-and-file caucus, and was running unopposed as president of his mill's local. Sandi Smith had been chairperson of a union organizing committee at a non-union plant and had made substantial inroads in organizing there before she was fired. The other two, Cesar Cauce and Dr. Michael Nathan, were active in hospital organizing in Durham, North Carolina. Dr. Nathan was also a key figure in providing medical support for Zimbabwean freedom fighters.

The coincidence of their deaths out of a crowd of 100 demonstrators was highly suspicious to even casual observers. However, in the year that followed the shootings, suspicion was compounded by evidence of government agent involvement in the planning and execution of the Klan/Nazi attack. These facts have emerged:

- \* Bureau of Alcohol, Tobacco, and Firearms agent Bernard Butkovich infiltrated the Nazi group involved in the killings in July, 1979, and worked with them until November 4 with the knowledge and close supervision of the Washington BATF headquarters.
- \* Butkovich attended the planning meetings for November 3. He encouraged the Nazi attack, attempted to instigate other violence, and finally offered to harbor the Nazi killers.
- \* According to Nazi Raeford Caudle, a man "who was not a Klansman" was to bring the guns to Greensboro and know "who was to be shot." He was not to meet with the others at the rally point. The identity of this individual (whose description is remarkably similar to Butkovich) was never investigated in the course of the Klan/Nazi trial, which took place in 1980.
- \* Butkovich was neither charged nor called to testify in the Klan trial.
- \* Police and former FBI informant Edward Dawson recruited Klansmen to participate on November 3, organized the Klan caravan, and led it to the anti-Klan rally site, after delaying it for the late arrival of the Nazi arsenal car.
- \* Greensboro police gave a copy of the rally permit to Dawson on November 1. It told the little-known starting site of the rally and the restriction against firearms imposed on the demonstrators by the police.
- \* On November 3, prior to the attack, Dawson was in touch by telephone with the Greensboro police, who later reported that they had "from a reliable source" information that the Klan was armed and planning to attack the march.
- \* A Greensboro police car followed the Klan caravan into Greensboro and allowed it to proceed unhindered to the demonstration site. The demonstrators were not warned and no other police were on the scene to protect them.
- \* Dawson was never arrested or called to testify in the Klan trial.
- \* The FBI began an investigation of the Communist Workers Party in Greensboro two days after the parade permit was requested. In the course of the investigation, agents circulated pictures of CWP leadership in the Greensboro community for identification. A number of those pictured were later shot. The investigation ended on November 2, 1980, one day prior to the killings.
- \* Eight of the nine cars in the Klan/Nazi caravan which attacked the rally were never pursued by the Greensboro police.
- \* Despite the widely publicized history of planning meetings by the Klan and Nazis prior to November 3, no conspiracy charges were brought, limiting the scope of the trial.



... But it was in the mills of North Carolina among the mostly female, increasingly black work force — underpaid and unorganized, facing the prospect of slow death by byssinosis, the debilitating lung ailment often contracted by textile workers — that Sandi Smith found her place.

—Mark Pinsky  
Ms Magazine, April 1981

- \* Charges were dropped against Nazi Raeford Caudle, who owned most of the guns and the car that carried them and who reported on the man who "knew who was to be shot."
- \* The widows were denied the right to a private prosecutor, a common practice in North Carolina, this despite prejudicial statements by the district attorney who prosecuted the Klansmen prior to the trial.
- \* On November 17, 1980, the six Klan and Nazis tried were acquitted by an all-white jury which included the next-door neighbor of a leading Klansman and a foreman who stated under oath that it was less of a crime to kill Communists than to kill other people. Now the case is closed as far as the state of North Carolina is concerned.
- \* A debriefing of Dawson was quashed by the North Carolina Attorney General's office.
- \* The BATF cleared Butkovich after an internal investigation which was never made public.
- \* The FBI investigation has remained secret.
- \* The Justice Department cleared the Greensboro police of foul play.

Because justice was not obtained in the criminal trial, lawyers representing several groups have filed a Civil Rights Suit in Federal District Court on behalf of the widows and injured and other militant anti-racist labor organizers in the Greensboro area.

Christic Institute lawyers are part of the legal team on this suit. The suit names as defendants individual Klan and Nazi agents and officials of the BATF, the Greensboro police, the FBI, the State Bureau of Investigation, and officials of Cone Mills.

The complaint alleges that the attack of November 3, 1979, was part of a long-standing conspiracy by the Ku Klux Klan and Nazis to prevent anti-racist labor organizers from uniting black and white workers on an equal basis. Most importantly, the complaint alleges that both state and federal government agencies were involved in this attack and conspiracy.

The conspiracy overall is alleged to have dated back at least to 1968 and consisted of a number of covert acts, including:

- \* Electronic and physical surveillance of the plaintiffs;
- \* Recording license plates and distributing them to textile and other

Continued on p. 8





*Silkwood Legal Team: Art Angel, Jim Ikard, Gerry Spence, and Christie Institute's Dan Sheehan, lead Silkwood lawyer.*

Silkwood, from p.2

She learned that a speck of plutonium the size of a pollen grain could guarantee lung cancer, while 40 pounds of plutonium was unaccounted for — enough to cause lung cancer to countless millions or to make several atomic bombs like the ones which destroyed Hiroshima and Nagasaki. Karen also learned that fuel rod quality control pictures were being doctored by Kerr-McGee employees, and she was afraid of the terrible consequences of using faulty rods in a nuclear reactor.

At the trial we heard internationally renowned experts call what Kerr-McGee did grossly, recklessly, and even callously negligent.

A jury listened for 11 weeks to the evidence and to the nightmare which our daughter experienced. The jury heard the evidence of Kerr-McGee's recklessness — and showed their disapproval and their desire to protect the American public from such conduct in the future by awarding \$10 million punitive damages against Kerr-McGee.

Our daughter knew about Kerr-McGee's misconduct — she discovered it all, but was killed before she could reach the press with her information.

We are now told that by various legal means, the jury's verdict is meaningless, and that two judges on the appeals court have thrown out the jury's verdict and replaced it with their own idea about what happened, and about what the law should be, even though they never heard the testimony or got to look the witnesses in the eye.

We understand that the court's ruling means that Kerr-McGee or other nuclear facilities could contaminate members of the public, recklessly or even intentionally, and no jury could ever award punitive damages to stop such conduct. This frightens us, shocks us, and saddens us very much.

We grieve not only for the loss of our daughter but for the loss of the law's protection and disillusionment and insecurity which we feel, and we believe the vast majority of the American people will grieve with us.

In these hard, uncertain times, the citizens of our country must have renewed faith in their courts and in the justice system. We are taught to respect the law and put our faith in the law. Where will we be if Americans come to believe that in cases when a lot is on the line, that the jury's verdict is just a farce, that it means nothing.

We still believe in our system of justice and have faith that justice will ultimately be done.

When a case goes to a jury, the jury is supposed to decide the facts — that's what the right to a jury trial means — and the jury's verdict is supposed to be respected even by learned judges in appeals courts.

Because of our abiding faith in our country and in our system of justice, we have not given up. We maintain our faith and have asked our attorneys to fight on."

Bill and Merle Silkwood

Nederland, Texas

Christie Institute, from p. 1

- Research toward a civil rights suit opposing racist practices and legal procedures in Mississippi.
- Participation in administrative hearings on faulty construction practices of Brown & Root and inadequate character of Houston Lighting & Power for South Texas Nuclear Project operating license.
- Assistance in a federal lawsuit in Nevada to compel the Defense Department to evaluate and publicize the environmental impact of the MX Missile System.

## Public Education

Integral to the Christie Institute's work are public education and outreach activities related to its legal cases and other issue projects. During the Institute's first year, these activities have focused on the Silkwood and Greensboro cases, and the anti-nuclear movement.

Early public education efforts around the Silkwood Case resulted in numerous programs celebrating the November 13, 1980, anniversary of Karen Silkwood's death, sponsored throughout the country by environmental, feminist, and other groups.

In April, 1981, a significant public education and fund-raising effort for the second Silkwood Case took place in Washington, D.C. The event featured speakers, as well as the initial promotion of Richard Rashke's newly-published book, *The Killing of Karen Silkwood*. The Institute also conducted an extensive direct mail campaign toward promotion of the Rashke book. Another Silkwood book, *Who Killed Karen Silkwood?* by Howard Kohn, was published in October, 1981. In an attempt to develop public information and interest in the issues involved in the Silkwood Case, the Christie Institute again engaged in extensive outreach activities on behalf of this book. Informational fliers and letters were widely circulated among labor, civil liberties, religious, environmental, and feminist groups, describing the book, encouraging its review in national periodicals, and promoting the dissemination of the fliers among national organizational memberships.

In anticipation of the 1981 anniversary of Karen Silkwood's death, the Institute developed a Silkwood Case Speakers' Bureau, a list of suggested activities, and an informational packet, which it publicized among national, state, and local groups. A significant number of Silkwood memorial activities took place as a result of these efforts. Among them were a memorial concert, speakers at educational gatherings, leaflet distribution at a nuclear plant, viewings of a BBC Silkwood film, educational displays, and memorial articles.

Along with a number of activities linking environmental and peace concerns was the promotion of a book by Jim Garrison entitled, *The Plutonium Culture: From Hiroshima to Harrisburg*. Several public education projects also were directed toward mobilizing women's groups around nuclear and militarism issues.

A major portion of the public education efforts around the Greensboro Civil Rights Case are done in North Carolina. However, the Institute staff has undertaken outreach activities to secure endorsements of the suit from national leaders in the religious community, and will assume a larger public education role as the suit comes to trial.

## CHRISTIC INSTITUTE STAFF

Carolyn Burgholzer, R.S.M., Assistant Public Education Director  
 John Clewett, Staff Attorney  
 Rev. William J. Davis, S.J., Executive Director  
 Joaquin Dominques Parada, CARECEN Community Coordinator  
 Kathleen Donahue, Development Director  
 Mary Ellen Fitzmaurice, O.P., Staff Attorney  
 M. Eugene Gibbs, Legal Staff  
 Robert Hager, Legal Division Director  
 Rev. Walter Kasuboski, O.F.M., Cap., Legal Staff  
 Sara Nelson, Public Education Director  
 Patrice Perillie, CARECEN Executive Director  
 Lewis Pitts, Staff Attorney  
 Paul Pooley, Administrative Staff  
 Daniel P. Sheehan, General Counsel



## INSTITUTE PROGRAM RECEIVES GRANT

Washington, D.C.'s Central American Refugee Center (CARECEN) recently received a \$10,000 grant from the Sisters of Mercy of the Union, Mercy Center Washington, to further CARECEN's work on behalf of Salvadoran refugees.

As an independent operation undertaken by Patrice Perillie, candidate for the D.C. bar, and Joaquin Dominguez Parada, a Salvadoran refugee attorney, CARECEN has served Washington, D.C.'s Salvadoran community since August, 1981. In January, 1982, CARECEN affiliated with the Christic Institute and became one of its permanent programs. The Institute will provide additional legal, funding, public education, and administrative service to CARECEN's already-operative activities.

The grant was funded from the Mercy Shelter of the Homeless Project, an outgrowth of the 1980 sale of Sisters of Mercy property and national administrative office building in Potomac, Maryland. The Sisters determined that money derived from sale of the building be designated for projects providing shelter for the dispossessed and the destitute, a priority of the Sisters of Mercy and their foundress, Catherine McAuley. The Sisters of Mercy of the Union currently rent administrative offices in Silver Spring, Maryland. The order has over 4,000 members nationally and is headed by Sister Theresa Kane.

CARECEN offers immigration and political asylum assistance to the El Salvadoran refugee community in D.C., which numbers an estimated 65,000 persons. This assistance includes providing legal services in deportation hearings, organizing landlord-tenant meetings to mediate refugee housing problems, educating refugees to their rights with the Immigration and Naturalization Service, and directing refugees to



Patrice Perillie, CARECEN director, receives grant from Sister Theresa Blaquiére, R.S.M., Mercy Shelter the Homeless Project Director.

appropriate sources for food, clothing, shelter, and health services. The group is also active in attempts to secure Extended Voluntary Departure status for Salvadoran refugees, according to Patrice Perillie, CARECEN Director. Such status allows refugees to remain temporarily in the U.S. until conditions are safer in their countries, and has been extended in the past to Vietnamese, Laotian, Cambodian, Ethiopian, Ugandan, and Nicaraguan refugees.

"CARECEN's shelter assistance to Salvadoran refugees is unique among our funded projects," according to Mercy Project Director Sister Theresa Blaquiére, in that "it stretches our understanding of the homeless to those from another country who seek refuge here. It also affirms the Christian commitment to serving universal human needs."

### CARECEN Viewpoint

## The Case of Santana Chirino-Amaya

Santana Chirino-Amaya was one of the more than 25,000 Salvadoran refugees returned to El Salvador by the United States Immigration and Naturalization Service during the last two years. He was 24 years of age, had light brown hair, hazel eyes, medium build and was about 5' 8" tall. In El Salvador, he lived in the region El Botadero and was originally from Amalupapa, San Vicente.

Young Amaya came to the United States in 1976 seeking the liberty which was denied him in El Salvador. He did not flee at gunpoint, but instead came in search of refuge from a political system which denied him his basic economic and social rights, to live and work in a free society. Beginning in 1976, he lived and worked in Washington, D.C. He was deported twice back to El Salvador, first in October, 1980; he returned to the U.S. in February, 1981, and was deported again in June of that year.

Less than two months after this second deportation, Santana Chirino-Amaya was found decapitated near the bathing resort of Amalupapa. Found with him, also decapitated, was Bernardo Antonio Rivas Hernandez of Zacatecoluca, a 14-year-old friend of Amaya who accompanied him to run some errands. Both had also been tortured. Had young Amaya been accustomed to living in his war-torn country, chances are that he would not have taken the route he took that day, the route characterized by the Human Rights Commission of El Salvador as the "Road of Death," because the Salvadoran Army regularly patrolled it, and because it was the site of many other Salvadoran murders.

Amaya's torture and brutal murder was documented by press reports, by a Salvadoran judicial inspection report, and by a coroner's report. As a Salvadoran refugee deported from the United States, his fate, tragically, is not unique. As a documented case, however, his

death represents an important refutation of the State Department's claim that Salvadoran deportees face no greater danger upon their return than other Salvadoran nationals. Young Amaya was one of an unknown number of Salvadorans who have suffered violence in their country upon deportation from the U.S., in part because their absence from El Salvador leaves them defenseless to the everyday dangers of life in that country today. He may have been the victim either of the indiscriminate violence which wracks El Salvador, or of the fact that the authorities were aware of his deportation from the U.S. and murdered him as a traitor who had fled.

Whatever the motives for his murder were and by whom ever it was accomplished, Amaya's death brings into question U.S. policy on the status of Salvadoran refugees.

The U.S. State Department and Immigration and Naturalization Service consider Salvadorans who flee their country and seek asylum here to be economic refugees. In other words, they are seen as coming to the U.S. simply looking for jobs and a better life. They are thus considered "returnable" by the INS, as contrasted with thousands of Cuban and Polish refugees who are classified as political refugees because they are fleeing oppression in a Communist country.

In reality, Salvadoran refugees have fled to the U.S. to escape the mounting violence of the civil war in their own country and the increased level of military activity. The refugees are mostly young men and young widows with children. More than 30,000 Salvadorans have been killed since January, 1980, according to a diverse range of human rights sources. In 1981, according to statistics compiled by the office of Archbishop Arturo Rivera y Damas, Apostolic Administrator of San Salvador, 11,723 persons were murdered, most of them peasants between the ages of 16 and 30; and additional 1,808 persons were arrested or missing, most of these being workers, students, or professionals. Such rampant violence is a convincing motive for flight, even if it is not considered political in nature.

The ideological distinctions between those fleeing an oppressive Communist government which the U.S. opposes (as in the case of

Continued on p. 6

Amaya, from p.5

Cuba), and those fleeing violence in a country whose government the U.S. supports (as in El Salvador) should not regulate this country's policy toward those seeking asylum from oppression and violence. At present, this is not the case. Those fleeing countries whose governments are supported by the U.S., are denied asylum and deported as economic refugees.

Without judging the merits of these distinctions, such categories lose all meaning in the context of a war-torn country like El Salvador. Its people are seeking refuge here from violence and civil war. They come here for reasons similar to those which millions of other people have had in coming to this country seeking haven, refuge, and freedom. We are a country which has long characterized itself as a place where people can find shelter from oppression and civil strife.

Despite recommendations by the U.N. High Commission for refugees (UNHCR), the National Conference of Catholic Bishops, the National Council of Churches, the Synagogue Council of America, and numerous refugee relief agencies that Salvadoran refugees be granted asylum, the U.S. State Department has consistently maintained a practice of denying asylum claims and of deporting all Salvadorans found to be in this country illegally. Many Salvadorans are coerced or induced to sign "voluntary departure agreements" which authorize the U.S. to deport them without going through formal deportation proceedings. Reports from Texas and California have revealed that most Salvadorans are induced to sign these documents without having been advised of their right to request asylum or with threats of long incarceration. Salvadorans are currently being returned to El Salvador at an alarming rate of 200 to 300 per week in the southwestern U.S. alone. The Department of State and the Immigration Service have summarily denied all but two of the 5,559 Salvadoran asylum applications.

Those Salvadorans who are sent back are flown to the Ilopango Airport in San Salvador and released, while passenger lists are given to the Salvadoran authorities. Regardless of the political background of the deportees, experts agree that they face great danger upon being returned. Those who fled the country from fear of government persecution are exposed to the greatest danger, as the Salvadoran government is provided with names and dates of arrival by the INS authorities. But even those with no previous political affiliation face a danger, whether it be from possible government retribution for leaving the country or simply as victims of the pervasive climate of violence which has gripped El Salvador.

What are the alternatives to the current U.S. Salvadoran deportation policy? Several administrative devices exist for halting the deportation of persons fleeing civil wars and granting them temporary asylum. The INS may withhold deportation of refugees to a place of civil

## FIRST ANNUAL REPORT PUBLISHED BY CHRISTIC INSTITUTE

The first Christic Institute *Annual Report* was published recently, according to Kathleen Donahue, Development Director.

Included in the report are descriptions of all Institute legal cases, programs, and projects, as well as a financial status report.

The financial data includes an income and expense report and acknowledgment of the many contributions and grants by individual persons, religious communities, organizations, and foundations which have been received by the Institute since its formal inception in January of 1981.

Ms. Donahue commented: "When they get a chance to read our first year's operations report, our donors will be pleased to have been a part of launching the Institute's first year. An impressive amount of work has been accomplished by a small group of people. In what has been a fairly bleak year for the advancement of justice and human rights, it's important to be reminded of our successes. We're looking forward to sharing that information in the *Annual Report*."

A copy of the *Annual Report* is available from the Institute on request.



Santana Chirino-Amaya

strife. Acting on the recommendation of the Secretary of State, the INS is also empowered to allow groups of any nationality to remain in the U.S. temporarily under a status termed "extended voluntary departure." This device has recently been used to allow Vietnamese, Laotians, Cambodians, Ethiopians, Ugandans, Lebanese, and Nicaraguans to remain temporarily until conditions are safer in their countries. Such persons acquire no long-term right to reside here and must return to their countries as soon as peace is restored. Extended voluntary departure, therefore, would allow Salvadoran refugees to find asylum here, free from the fear of deportation and of the violent consequences such as were evidenced by the death of Santana Chirino-Amaya.

Initiatives are now under way in Congress which seek passage of resolutions calling on the President to grant Salvadoran refugees extended voluntary departure status. Such action seems consonant with the positive historic commitment and response to homeless people which this country often has demonstrated. It is consonant with the Judeo-Christian tradition which inspired that commitment and response.

From this viewpoint, we ask you to support extended voluntary departure status for Salvadoran refugees. There are a number of things you can do. Efforts can be directed to the Senate Judiciary Committee urging sponsorship of a Senate resolution supporting extended voluntary departure status. Senator Strom Thurmond chairs the Senate Committee (U.S. Senate, Washington, D.C. 20510). Letters could also be directed to the President urging him to grant this status to Salvadoran refugees.

Other actions which could be undertaken include letter or phone campaigns, press work, and/or organizing. Please contact CARECEN (Central American Refugee Center) for additional information or suggestions. CARECEN, Spanish for "They are needy," was founded in Washington, D.C. by a Salvadoran refugee attorney and a U.S. law graduate to meet the emergency needs of the refugee community in the D.C. area and to serve as an advocate for them in Congress. CARECEN is committed to change in the U.S. policy on Salvadoran refugees - so that the story of Santana Chirino-Amaya will cease being repeated.

CARECEN  
P.O. Box 53088  
Washington, D.C. 20009  
(202) 328-9799

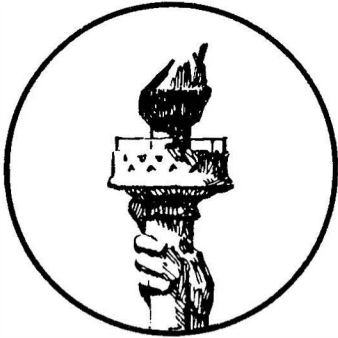
CARECEN is a project of the Christic Institute.

## CONVERGENCE

A quarterly newsletter of The Christic Institute,  
1324 N. Capitol St., Washington, D.C. 20002  
(202) 797-8106

The Christic Institute is a non-profit religious public  
interest law firm and public education center.

Carolyn Burgholzer, R.S.M. Editor



## PUBLIC EDUCATION MATERIALS

The Christic Institute promotes materials related to its legal cases and to its projects and issues areas.

**The Killing of Karen Silkwood** by Richard Rashke  
Houghton-Mifflin \$12.95 (incl. postage & handling). Hardbound. 1981. The *Washington Post* termed this "an impressive and vital new book" which is "a chronicle that meets a demanding test of objectivity." In the tradition of investigative reporting, the book is documented from trial transcripts, pre-trial depositions, FBI documents, legal and other papers, and extensive interviews.

**Who Killed Karen Silkwood?** by Howard Kohn  
Summit \$10.95 (incl. postage & handling). Paperback. 1981. Journalist Jack Anderson describes this book about the Silkwood Case as "The inside story of the case that became a crusade. Solidly reported, sensitively told. Danger and suspense on every page. A dramatic true-life detective yarn."

**Silkwood**  
Brochure describing actress-playwright Jehane Dyllan's one-woman show. Includes booking information. The *Washington Post* said, "Silkwood is good theater, with a tautly-written script and an arresting performance by Jehane Dyllan."

**Uranium Killed Joe.** National Citizens' Hearings for Radiation Victims. 1980. \$.50 (includes postage). This pamphlet tells the story of Joe Harding, his physical disabilities and death after 18 years of working at Union Carbide's uranium enrichment plant in Paducah, Kentucky.

### **The Plutonium Culture: From Hiroshima to Harrisburg**

by Jim Garrison  
Continuum \$15.95 (incl. postage & handling). Hardbound. 1981 The author demonstrates that humankind has made a frightening leap into technology without making a corresponding leap in consciousness in human self-awareness and morality. Beginning with the cultural climate in which the atomic bomb was developed, to the Harrisburg tragedy, to the Karen Silkwood Case, this book tries to aid people in making that necessary leap in consciousness and avoid the ultimate tragedies of a Plutonium Culture. Garrison's humanistic approach makes this book "outstanding and unique," according to *The Bloomsbury Review*.

**Greensboro Justice Fund Newsletter.** \$3.00 for a year's subscription (includes postage). Issued every two months, this newsletter contains updates on the status and actions around the Greensboro Civil Rights Suit.

**The Greensboro Massacre: Labor Under Fire.** Greensboro Justice Fund. 1981. \$.50 (includes postage). This booklet examines the Greensboro Case with special emphasis on the labor union activity of its five victims.

**The Third of November.** Institute for Southern Studies. \$3.00 (includes postage). This report concludes that the Ku Klux Klan and Nazi gunmen who were accused of the Greensboro killings had an intimate alliance with the local district attorney and police officials, and that the civil rights suit should be prosecuted. The Institute, headed by Julian Bond, is a private, non-profit corporation which monitors reports of civil liberties violations. Although this study does not emphasize the labor organizing motivation for the killings, it details the events and, as a group independent from the Greensboro Legal Team, it comes to similar conclusions.

## Public Education Materials

**The Killing of Karen Silkwood** by Richard Rashke  
\_\_\_\_\_ copies at \$12.95 . . . . . \$ \_\_\_\_\_

**Who Killed Karen Silkwood?** by Howard Kohn  
\_\_\_\_\_ copies at \$10.45 . . . . . \$ \_\_\_\_\_

**Silkwood** brochure on play by Jehane Dyllan (free)  
\_\_\_\_\_ copies

**Uranium Killed Joe**  
\_\_\_\_\_ copies at \$.50 . . . . . \$ \_\_\_\_\_

**The Plutonium Culture: From Hiroshima to Harrisburg**  
by Jim Garrison  
\_\_\_\_\_ copies at \$15.95 . . . . . \$ \_\_\_\_\_

**Greensboro Justice Fund Newsletter**  
\_\_\_\_\_ subscriptions at \$3.00 . . . . . \$ \_\_\_\_\_

**The Greensboro Massacre: Labor Under Fire**  
\_\_\_\_\_ copies at \$.50 . . . . . \$ \_\_\_\_\_

**The Third of November.** Institute for Southern Studies  
\_\_\_\_\_ copies at \$3.00 . . . . . \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

The Christic Institute is a non-profit corporation which relies on the generosity of those who are also committed to serious social change. As a public interest law firm and public education center, the Institute accepts no legal fees and relies on grants and contributions from groups and individuals to cover the expenses of its work. Contributions are tax deductible.

Enclosed is a contribution of \$ \_\_\_\_\_ to support the work of the Christic Institute.  
Please put me on the mailing list to receive the Institute quarterly newsletter, **Convergence**, and other information.

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

ZIP CODE \_\_\_\_\_

Mail to: Christic Institute  
1324 N. Capitol St.  
Washington, D.C. 20002



Greensboro, from p.3  
interested industries;

- ★ Disruption and infiltration of union and other political meetings;
- ★ Threats to and injury and murder of several labor organizers;
- ★ Covering up acts by falsifying records and committing perjury.

Presently, the Justice Department is conducting an investigation to determine whether or not there is a basis for bringing civil rights charges against the parties cited in the suit.

In addition, on November 12, 1981, Congressman John Conyers, head of the House Judiciary Subcommittee on Criminal Justice, heard testimony on the Greensboro Case. The discussion of the Greensboro

### **Greensboro Justice Fund Perspective On Justice Department Intervention**

The U.S. Justice Department's motion for a protective order is an attempt to shield two of the participants and planners in the November 3 killings from public disclosure of their knowledge about the attack. The Department claims that depositions by Caudle and Dawson would be a needless expense until the court has passed on the validity of the suit against the federal officials named as defendants.

However, in fact, through the depositions, the victims are providing it with the opportunity to do the investigation and questioning it is charged to do by law and by public demand. For two years the Department has stalled the criminal prosecution of those responsible for the shootings, despite the recommendations of U.S. Attorney Michaux, despite the testimony before a Congressional subcommittee by Professor Van Alstyne, despite pressure from the people of Greensboro, despite demonstrations and petitions across the country. Now it is spending taxpayers' money to try to prevent that investigation and questioning from taking place, and defending the same right-wing terrorists it is charged with prosecuting.

As far as we can see, the Department's real reason for blocking depositions and stalling the suit is concern for what Klansman/police informant Dawson and Nazi Caudle have to say. What does the Justice Department have to hide?

We deplore the fact that this federal agency is barricading the only remaining means of legal redress of civil rights' violations in Greensboro. It is an important precedent for the future of human rights in this country. As the Reagan administration publicly denounces human rights' violations in Poland, its Justice Department defends political violence in Greensboro.

Dr. Martha Nathan, M.D.  
Director, Greensboro Justice Fund

violence surfaced as Conyers' subcommittee held its fourth hearing on increases in the number of racially-motivated and violent incidents around the country. William Van Alstyne of the Duke University Law School, an ex-employee of the Justice Department and an expert on constitutional law, testified that the Justice Department had jurisdiction to bring civil rights statutes and blamed the Department for not acting sooner. Conyers' summation of the testimony indicated that he thought federal charges should be brought but that his committee



*Dr. Martha Nathan, widow of Greensboro victim Dr. Michael Nathan, and Director of the Greensboro Justice Fund, with daughter, Leah.*

would wait until the Justice Department investigation was finished to take action. He states, "I view this as a matter in which we have an interest in terms of the fact that racial violence has occurred. . . It seems to me that some laws very likely were broken somewhere. I don't know how five people can be killed and everybody can say 'things are okay.' That's a staggering conclusion to come to."

In December, 1981, the Greensboro legal team attempted to move the suit closer to trial by scheduling depositions of Klansman/Greensboro police informant Edward Dawson and Nazi Raeford Caudle. The Justice Department then filed a motion for a protective order to prevent these depositions, on the grounds that several motions to dismiss the suit should be heard before depositions are taken.

### **Greensboro Video Programs**

*The Greensboro murders were recorded on television. A showing of this 30-minute video tape and a speaker about the case can be arranged for by contacting:*

*The Greensboro Justice Fund  
853 Broadway, Room 1912  
New York, NY 10003  
(212) 254 4695*

*"Resurgence: The movement for Equality vs. the Ku Klux Klan" is a 56-minute film which contains a section on Greensboro and highlights Klan activity aimed at stopping anti-racist labor organizing. This film can be made available through the New York office of the Greensboro Justice Fund.*

CHRISTIC INSTITUTE  
1324 N. Capitol St.  
Washington, D.C. 20002

**Address Correction Requested**

NON-PROFIT ORG.  
US POSTAGE  
PAID  
WASHINGTON, D.C.  
PERMIT NO. 3573