



Call For Justice

Aquino Government Supports Justice Efforts

THE ASCENDANCY OF CORY Aquino to the presidency of The Philippines has not only ushered in a new era of democracy and reforms, but has unleashed the most exciting opportunities and developments for the Domingo and Viernes justice efforts.

In the civil suit Domingo v. Republic of The Philippines filed by the families of the deceased and flanked by the Committee for Justice, plaintiffs have recently gained undisputed legal initiative and obtained explosive new documents which link the Seattle-based murders of Silme Domingo and Gene Viernes to the Marcos intelligence apparatus in the U.S. These developments have resulted in important new refinements in the Committee's theory of the murders, in particular, the exact roles played by key suspects in the "middle and upper levels" of the murder conspiracy — i.e., from Marcos ally Tony Baruso up to Marcos himself.

Perhaps most importantly, these developments represent new opportunities for joint efforts with the Aquino government.

AQUINO GOVERNMENT SUPPORTIVE

The Aquino government has indicated support for our justice efforts. Such support is entirely consistent with their commitment to embark upon a protracted process to democratize and reform the Philippine government and military after years of corrupt rule under Marcos.

In particular, the Ministry of Justice has prioritized the Domingo/Viernes case as one of the top three priorities of the new government in solving cases involving fascist acts of the Marcos regime. The other two cases are the disappearance of Marcos critic Primitivo Mijares, and the murder of Benigno Aquino.

Other indications of the reform efforts include the establishment of the Presidential Commission on Human Rights, chaired by former Senator Jose Diokno, to investigate human rights violations under the Marcos regime, and the review of intelligence files from the Presidential Security Command, the National Intelligence and Security Authority, and the intelligence services of the armed forces of The Philippines ordered by Chief of the Philippine Army, General Fidel W. Ramos. Ramos also has ordered

the immediate recall of more than a dozen military and intelligence officers who worked under diplomatic cover or with false names at the Philippine Embassy in Washington, D.C. and at consulates in New York, Los Angeles, San Francisco and Chicago. It is believed that there are thousands of documents, as well as the information from many key witnesses that the Committee for Justice hopes to secure with the assistance from the Aquino government. Plaintiffs have also re-

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5th Annual Memorial for Gene and Silme



Gene, ILWU Int'l Convention, Hawaii



Silme, Local 37 Union Hall

June 1, 1986 marks the fifth anniversary of the deaths of Gene Viernes and Silme Domingo. The Committee for Justice firmly believes that our 5-year quest for justice is closer than ever to realization. In seeking justice, we seek not only retribution from the perpetrators of the murders, but to also put an end to the repressive Marcos intelligence apparatus in this country. We further extend our broader political goals to support the ongoing efforts for democracy and reform in The Philippines. And in that light, we seek to carry on the work that Gene and Silme had begun in their short lives.

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Aquino government cont.

quested to visit The Philippines to speak directly with the new government to explore opportunities for mutual cooperation in the case.

On the legal front, the Philippine government has retained new legal counsel in the case after the original counsel for the Marcos government requested a 90-day delay of proceedings in the case. This delay was denied by Magistrate Phillip Sweigert in late March 1986. Plaintiffs and the new law firm have opened up lines of communication to identify the mutual interests and concerns which may exist.



Trial has been set for April 1987. The suit is currently in the fact-finding (discovery) stages.

MARCOS SUBPOENAED:

On May 6, 1986, the U.S. District Court in Honolulu, Hawaii, ordered Ferdinand Marcos to appear at a deposition (questioning under oath) in the case and overruled Marcos' plea that his former immunity from suit as the Philippine head of state prevented plaintiffs from asking questions or obtaining documents from him. The Aquino government, through their local counsel in Hawaii, supported the plaintiffs' position, stating that Marcos enjoyed no privileges or immunity in this suit recognized by the present Philippine government. The Philippines indicated that it, as a party to the suit, had a number of pertinent questions to ask Marcos in the deposition. Marcos' appeal of the court order is pending but is expected to be resolved shortly. Plaintiffs and Marcos have stipulated that the deposition could be taken at his residence in Honolulu and limited to two hours per day.

The Philippine government has documents that prove Philippine agents in the Bay Area met with Baruso.

MABUHAY CORPORATION — "THE SMOKING GUN"

The CJDV has in its possession a *smoking gun document* which links a Marcos-controlled intelligence slush fund to payments to central murder conspirator Tony Baruso two weeks prior to the Domingo/Viernes murders.

When Marcos left The Philippines in late February, he brought with him file cabinets containing his most sensitive papers. This was an obvious but futile attempt to prevent these documents from falling into the hands of the new administration. The documents were seized by U.S. Customs Service and turned over to the Philippine Commission on Good Government and are now publicly available.

A key document entitled "Mabuhay Corporation Statement of Expenses" contains a handwritten note at the bottom indicating the author withdrew \$1 million from Philippine National Bank for intelligence purposes under the authority of the Chief of Staff Commanding General Fabian Ver. The Mabuhay Corporation President Dr. Leonilo Malabed is a long-time crony of Ferdinand Marcos. The document itemizes expenditures for purchase of a Bay Area radio station and campaign contributions to national and California office seekers.

More sinister are payments for "special security projects," totalling over \$500,000 from 1979 until early 1982. Of special significance to our case is the itemized expenditures of \$15,000 on May 17, 1981, and \$15,000 in August of 1981.

The day after the 1981 ILWU convention in Hawaii, Tony Baruso returned to Seattle and immediately purchased a round-trip plane ticket to San Francisco for the May 16-17 weekend. Plaintiffs have alleged that Baruso met with Philippine agents in Hawaii to discuss the murders. Baruso flew to San Francisco on May 16 on Western Airlines, and stayed in a hotel within blocks of the Philippine consulate. On May 17, it is presumed that he met with Dr. Malabed and receive \$15,000 from the special security project account before returning to Seattle that evening.

Sworn testimony in the trials of the hitmen established that:

1. The murder conspiracy was initiated in the days following May 17 and culminated on June 1, 1981.

2. Baruso promised to pay the hitmen \$5,000 for the murders.

3. Baruso met with Tulisan Gang leader Tony Dictado on May 30, two days prior to the murders.

The hitmen trials began in late August, 1981 and Baruso was arrested and released in late July 1981, after his Mac-10, 45-caliber execution piece was discovered to be the murder weapon. In August, Baruso again traveled on a 24-hour round trip to California and another \$15,000 was expended in August 1981 from the Mabuhay Corporation statement of expenses. Plaintiffs believe this second \$15,000 payment was for the murder cover-up.

The Philippine government has admitted that Philippine agents in the Bay Area met with Baruso in the Bay Area and in Seattle.

Plaintiffs have initiated further investigation in San Francisco to track down who withdrew the funds from the Mabuhay account on the key dates and other information which would help further implicate Marcos' intelligence slush fund in the murders.

Malabed's deposition was taken on May 15, 1986, in San Francisco at which he admitted using his own personal funds for all Mabuhay Corporation expenses, but he refused to answer any questions about the Mabuhay 'Special Security Projects' or its expenditures on the ground it would tend to incriminate him. He did provide a handwriting sample that will allow plaintiffs to establish whether he was the author of the Mabuhay Corporation's statement of expenses document.

U.S. AGENCIES QUESTIONED

After five months of delay, plaintiffs held depositions of ten U.S. government agencies in April 1986. Our requests were limited to U.S. documents indicating Philippine government involvement in the murders and did not touch upon the "hard questions," e.g., Tony Baruso's State Department phone calls within 24 hours of the murders, Baruso's high-level

national security clearance, or documents indicating that naval intelligence and the FBI had informed Marcos intelligence that Viernes had carried a large sum of money to The Philippines in March 1981.

Initial promises for full cooperation and extensive documentation turned into delay and obfuscation after Marcos was deposed from power and U.S. policy shifted away from interest in Marcos. The plaintiffs were successful in obtaining an excised version of the FBI main investigative files into the Domingo/Viernes murders. However, other agencies either provided no documents or asserted a foreign policy and national security privilege. The National Security Agency, which monitors all cables and telephone communications between the United States and The Philippines, brought a motion to quash our subpoena on the grounds that "the requests were too burdensome." Plaintiffs believe key cables and telephone calls were made in late April, May and June of 1981 between and amongst Malcanang Palace, Malabed in San Francisco, Baruso in Hawaii and in Seattle, and the Consul Generals in Hawaii, San Francisco and Seattle.

The CJDV believes that we stand at the threshold of establishing, through documents and sworn testimony, the Marcos regime's involvement in the murders of Gene and Silme. Our present legal and political initiative gives the CJDV confidence that we are now within grasp of the goals we set out in this case.

Memorial cont.

In Seattle, a Fifth Annual Memorial is being held to commemorate the lives and work of Gene and Silme and to reaffirm our commitment to persevere until full justice is obtained. Our distinguished speaker at the Memorial will be Mr. Bonifacio Gillego, National Coordinator of the Philippine Commission on Good Government.

It is highly appropriate that at this Fifth Year Anniversary, we pay tribute and remember the lives and work of Gene and Silme. As young leaders in the anti-Marcos movement and in the progressive labor movement, Gene and Silme spent their youth and short adult lives fighting for the rights of workers both in this country and in The Philippines. As officers of ILWU Local 37, Gene and Silme were spearheading the reform movement in their union at the time of their deaths. Gene and Silme were also members of the Union of Democratic Philippines (KDP).



As KDP members, Gene and Silme directed their energies into translating KDP's program into concrete action: organizing against bad working conditions and discrimination, and taking up the struggle against the repressive Marcos dictatorship.



Since their murders, much has been accomplished towards the vision that these two men shared. Their union has been reformed, yet continues to fight for survival against the powerful seafood industry intent upon union busting. The Marcos dictatorship has been dismantled, yet the struggle continues in The Philippines to break up the fascist infrastructures and implement widespread political and economic reforms.

Let us take this moment to pay tribute to the path that was laid by Gene and Silme's work. And with this tribute let us recommit ourselves to the struggle for justice in the murders, and to the broader political challenges that lie ahead.

We wish to acknowledge the following individuals, organizations, and foundations for their support. This is a partial list; there have been hundreds more who have come forth to support the justice efforts for Gene and Silme.

Thomas Ambriego, Executive Director, Social Justice Commission, The Catholic Archdiocese of San Francisco

*Luisa Blue, Past President, SEIU, Local 400 ILWU, Local 37

*Dr. William Cate, President, Church Council of Greater Seattle

*William J. Davis, SJ, Executive Director, Christian Institute

*Rep. Ronald Dellums, Democrat, California

Ramsey Clark, former U.S. Attorney General

Bob Santos, aide to Rep. Mike Lowry Carol Ferry

Rep. Mike Lowry, D., Washington Bob Boehm, Esq.

*Juan Lombard, President, SEIU, Local 616

*Isabel Letelier, Institute for Policy Studies

*Saul Landau, Institute for Policy Studies Kitty Tucker

*Tony Russo, scientist, Co-Author, *The Pentagon Papers**

*Sue Sullivan, Past Co-Director, Haitian Refugee Project

*Kathleen Taylor, American Civil Liberties Union, Washington State

*Richard Falk, Professor of International Law, Princeton University

*Rev. Hubert White and Rev. Alfonso Roman, United Church Board for Home-Land Ministries

*Rev. Philip Wheaton, Director, Ecumenical Program for Inter-American Communication and Action (EPICA)

*Rev. Tharis Harvey, Executive Director, North American Coalition for Human Rights in Korea

*Katipunan ng mga Demokratikong Pilipino (Union of Democratic Filipinos-KDP) The Youth Project

*Frank Wilkenson, Director, National Committee Against Repressive Legislation (NCARL)

Craig Shimabukuro, American Friends Service Committee, Seattle

National Lawyers Guild, Seattle Chapter, Elizabeth Schott, Pres

Michael Glennon, Professor of Law, U. of Cincinnati

Jerome Garchick, Attorney for Estate of Henry Liu

Center for Constitutional Rights, New York

Ruthann Kurose Peace and Solidarity Alliance

Rami Arditi, Esq. Mfundi Vundla, playwright

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Bonifacio Gillego, Philippine Presidential Commission on Good Government

Committee to Advance the Movement for Democracy and Independence-Philippines (CAMDI)

*Don Hoppis, Executive Director, Peace and Justice Office, The Catholic Archdiocese of Seattle





INVESTIGATIVE REPORT AIRED

KGO-TV, an ABC affiliate in San Francisco, produced and aired an excellent 30-minute investigative report on the Marcos intelligence apparatus in the U.S. and on the Domingo/Viernes murders. The report represents the hardest-hitting media report done to date in exposing the extensive and illegal intelligence activities of the Marcos-type in the U.S., and the U.S./Marcos connections in the murders.

Encourage your local affiliate to air this report by calling your local station or by contacting KGO-TV, 900 Front St., San Francisco, CA.

Video tapes are also available for purchase or group rental by calling the CJDV at (206) 682-0690.

CJDV NEEDS YOUR SUPPORT

At this fifth-year juncture, the Committee for Justice appeals for your support. The Committee's successes have been hard-fought and have cost tremendous human and financial resources. Over the next year alone, the legal costs will be \$50,000. Equally critical is the CJDV political education efforts that flank the legal work. The estimated costs will be \$45,000. While much of our support has come from progressive foundations, the bulk of it comes from the hundreds of individuals who are willing to "give what they can."

SEND YOUR SUPPORT TODAY!



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