

Dear Mr. Butterfield and Mr. Kaplan:

I am in receipt of your letter of intent and lawsuit that will be filed against Dr. Wanda Schindley and me by Barry Lituchy, et. al. unless we collect by Wednesday all the Jasenovac conference books we have donated and send them to Mr. Lituchy along with money from any sales of the books.

Here are a few facts you should know about.

Various powerful forces were able for more than 60 years now to keep from the public eye one of the most contemptible crimes of all time. During WWII and existence of Independent State of Croatia (a Hitler formed entity which included entire Bosnia-Herzegovina) Croatian and Bosnian Muslim Nazis got free hand to slaughter all Serbs, Jews and Roma (Gypsie) people they could find. Hundreds of thousands of Serbs, Jews and Roma people were murdered in degrading fashion as the indescribable orgy of death lasted for years. The Nazi tormentors evidently enjoyed? their gruesome acts. While there were many books talking about the above events, the name of Jasenovac, the place where so many of the victims perished still remains unknown to the general public. Even less known is the role that Catholic Clergy played in this Holocaust. Suffice to say that one of the Commanders of the Death Camp at Jasenovac was himself a Catholic priest.

With the collapse of Croat Tito's Communist system of government, one of the powerful forces to suppress the above truths was eliminated. This is how it was possible, in late 1997, more than 52 years after the events of WWII, to organize the first ever International Conference on Jasenovac and to invite a handful of survivors who were still alive to participate. What they had to say is a treasure impossible to recreate. It is a treasure that belongs to no one other than all of Mankind. The story of Jasenovac must serve as a warning to the Mankind. A warning for all times to come. It illustrates what horror was possible when raw -- even though unwarranted --hatred was left uncontrolled.

Passions are high both among those who intent to reveal the truths about the carnage and among those who still try to suppress it.

The express purpose of the Jasenovac Conference in 1997 was to reveal the facts of Jasenovac TO THE PUBLIC. In particular there was

eagerness in the Serbian community both in ex-Yugoslavia and abroad to tell the world about the suffering that the Serbian people endured during WWII. The suffering was in large part a direct consequence of the astonishing bravery of the Serbian people to say "No!" to Hitler in April 1941, at the time when he was at the peak of his power. In the mind of many participants, the Jasenovac Conference was a PUBLIC event intended, among other things, to educate those who were so casually bashing the Serbian people to think twice before applying terms like "Nazi". The Serbs were one of the prime victims of Nazism. The media should also think twice in simply calling Croats and Bosnian Muslims "independent minded, tolerant people" when there is a wealth of documentation showing that both groups participated, en masse, in support of Hitler's New World Order.

While the Conference was a tremendous success in getting information to surface, it completely failed in the eyes of those who had a desperate hope that it would change the attitude of the West. The survivors went back to their homes, mostly in Serbia, only to be viciously bombed by the NATO forces a year and a half later.

It was immediately obvious that those who took upon themselves the difficult task to inform the general public, to invite Western media and to make them be interested in the issue - failed. Those who took upon themselves a task to at least inform the general public about the Conference *after* the event failed miserably. **Today, almost eight years after the event and after at least five of the survivors who participated in the Conference died, the world still does not know of Jasenovac, the world largest WWII Concentration Camp that was not directly controlled by Nazi Germans.** The question that will interest people right now as well as for all times to come is who was fighting for the truth about Jasenovac to reach the public and who fights for it not to reach the public?

When Dr. Schindley and I set down to prepare the book about the Conference we knew immediately that it was an act of bravery. We anticipated that someday, somehow we would be attacked for daring to expose the truths about Jasenovac. We were not certain who would attack our hard work or how. This frivolous lawsuit answers seems to answer all our questions.

I am admitting, right away, that - yes - I participated in the Conference. I participated in ways I could not envision before I entered the room. I though

I would be just a spectator. I'd just take notes of what was said. Instead **I was one of the two people who, from the public, volunteered to serve a role of a translator.** As I was sitting next to these survivors, frail old people, the horrors they were describing were hard to put into words. One would have a hard time finding words even in a native language, but I was doing live, simultaneous translation from Serbo-Croatian to English which (as obvious from this letter) is not my native language. Worse, **I was frequently overwhelmed with emotion and tried, through tears, to translate what a survivor was describing. I had no idea that someone could video my tears, try to make an *exclusive* copyright of them and then try to "exploit them" by selling them for profit.**

Could they do it all even without asking for my permission?

Among the exhibits you sent in your intent to sue letter there was a copy of my letter dated April 28, 1998 where I cheerfully sent my gratefulness to "The Memory Film Group" for their "effort to make the truth about Jasenovac be known." **I was not certain whether the "Group" was registered or not.** I sent my hard earned \$250 knowing full well that it would take some time for the tapes to be prepared. I would wait. I did not know how long.

I had no idea whether they would cut out the moments where I was, as translator, breaking in tears. **They did not ask for my permission.** I did not know whether they would edit out the moments when, in anger, I attacked one of the Holocaust experts, Dr. Rosenbaum. He claimed that his organization "discovered that [ex UN Secretary General] Mr. Waldheim was a [Nazi] criminal in 1986." In saying what I thought, but in translating literally from a Serbian phrase I said "It is your father who had to discover it in 1946."

I am guilty of speaking symbolically. What I should have said in English, in order to make it literally clear what I meant is that it was Dr. Rosenbaum's father's *generation* that had to see the obvious. Mr. Waldheim participated, in Nazi uniform, in a mass extermination of Kozara mountain Serbs (in Bosnia). Majority of Kozara Serb families, including children, ended their lives in Jasenovac. I wanted to ask: "Who is so naive here not to believe that world powers knew who Mr. Waldheim was?"

This turned out to be one of the hottest discussions of the Conference as Dr. Rosenbaum took it literally as an insult of his *father*. I am not too proud about the event and I tried to apologize to Dr. Rosenbaum for misunderstanding.

Would "The Memory Film Group" edit out the embarrassing moments? They most certainly never asked me for a permission to use my face in anger, let alone to try to "exploit it" for profit.

One should know that neither "Memory Film Productions" nor "JRI" existed at the time of the Conference. I am not a copyright lawyer **but I do not see how now these two entities can have *exclusive* rights to everything of what happened during the Conference.** Can they? Can they assume the right without even asking for the permission of its participants?

In a brief investigation I conducted in these days, I talked to at least half a dozen people who participated in the Conference either from the audience or from the panel. **Each said that he/she were never asked by "Memory Film Productions" of "JRI" for any permission - let alone *exclusive* permission to copyright their images or statements.** Most importantly the Plaintiffs probably have *no* permission and most certainly have no *exclusive* permission to statements of Jasenovac survivors. Whichever way they want to twist Copyright laws to fit their purposes - they are most certainly breaching the ad-hock rules they are creating themselves.

In the minds of the people I talked to in the last four days the intention of this lawsuit is to intimidate anyone who dares expose the truth about Jasenovac. **As people heard from each other about the issue, many called me and volunteered to testify against Mr. Lituchy.** Some of them were sued by Mr. Lituchy for other supposed transgressions and they cannot wait for the second chance to expose his repeated use of the United States courts for intimidation. Many called from abroad to participate in any way they could. Still others called to pledge their financial help with the lawsuit.

What they have in common is the desire that Mr. Lituchy's patterns of intimidation and self aggrandizement be exposed and, if possible, prevented in the future.

Frankly, I am touched that the Serbian community has united behind me let alone any issue. Many of these people are aware that "Jasenovac

Proceedings..." book being given away. They question how anyone with honor wants to stop dissemination of the truth about Jasenovac. Others are appalled that anyone openly intends to sell the truth about carnage for profit. as the Plaintiffs in your statement clearly do. **Stated succinctly, many are in disbelief that someone "dares profit from Nazi Croat bloody knives?"**

As far as I know the book was given away to some Congressmen, Senators, public libraries, Holocaust researchers, survivors and to most participants who could be located. Both Dr. Schindley and I are aware that we will never get our investment back. from the start, our intention never was - a profit.

I paid for good part of the costs to publish and ship the books.

I look forward for this lawsuit if I can make public aware of the true nature of Mr. Lituchy. In my case, perhaps more so than for Dr. Schindley's the lawsuit is frivolous. **I am Editor and only Editor of The Book. I had nothing to do with copyright issues.**

I did have many technical roles and I worked extremely hard. I was involved in finding volunteers and coordinating their work. Many people volunteered to work on the book and they were all credited for it. Other people and organizations donated money.

I did my best to help check spelling, too. In addition, I wrote "Snapshots of Genocide" for the book. It is a collection of excerpts from world books and encyclopedia that proves that Jasenovac is not simply a secret. Only, it was never "politically correct" to talk about Jasenovac much in the West. I was certain to credit the sources I quoted. Somehow the collection got pushed way back in the Book. It is published on page 339.

I do not see how anyone can sue an Editor for Copyright. I do not understand how can a Publisher be sued for the Copyright. The Book clearly states that the Copyright holder is (and appropriately so) the organizer of the Conference - Kingsborough Community College.

While I will not get into the listed points of your proposed law suit, I have to say that each one is either wrong or makes an incorrect assumption. Suffice to say: **The Conference was a Public event videotaped by at least two, sometimes three professional cameramen. It was also videotaped by a**

number of private cameras from the audience. All people who were present at the Conference are aware of this fact.

It was easy to obtain (raw!) video footage from all of those different sources. **Two out of three members of what was then the future "Memory Film Productions" (MFP) distributed raw footage well before any one put copyright stamps on them.** At that time, the members directed people to freely duplicate and distribute the footage. Plaintiff, Mr. Friendly, for example, says in his statement of December 15, 1998 that (quote):

“We have also presented a complete set, transferred in the PAL European TV standard, to participant [Dr.] Milan Bulaic, at our cost, for use in the prosecution of Sakic, and *duplication* and *distribution* in Europe.”
(Emphasis is mine).

The above statement has been sitting (for years now) on the public web page:

<ftp://ftp.nyct.net/pub/users/tallpaul/docs/anti-fa/afdoc023.txt>

I should add here that the tapes I paid for to MFP on April 28, 1998 finally arrived (I still keep the box with the post date stamped on it) on June 22, 1999. That is almost a year after my payment. It was almost two years after the Conference. It was at the time when NATO was already done bombing the Serbian people and when, as result of bombing, the UN (actually NATO) forces occupied Kosovo, the cradle of the Serbian culture and when the mass exodus of the Serbian people from Kosovo started. At the same time, NATO protected Kosovo Albanians started mass eradication of ancient Serbian (i.e. Christian) churches in Kosovo.

In short, I cannot given you all the details here but I ask you to inform the Plaintiffs that they will be unpleasantly surprised in court to learn how many people are ready to testify against them.

Further, they should know that I will not take this harassment lightly. If it comes to a lawsuit, I will most certainly counter sue. **The first thing I will ask from the Plaintiffs is the list of current "JRI" Board of Directors who presumably voted to join this law suit..** Assuming that I can be freed from the bonds imposed after the previous lawsuit that Lituchy at. al. filed against me and others, - I will make public my investigation into the apparent breach of JRI bylaws at the end of summer 2002. At that moment

the majority of the original JRI members including those who contributed for its legal existence left the organization. In the mind of many of these people JRI ceased to exist at that time.

Before we communicate again, could you also please verify the legal existence of "**Memory Film Productions**"? I do not want to be sued by non-existent entities.

Very truly yours,
Petar Makara

(Draft Response to Barry Lituchy's lawsuit against Wanda Schindley and Petar Makara)

Dear Mr. Butterfield and Mr. Kaplan:

I am in receipt of your letter of intent and lawsuit that will be filed against Petar Makara and me by Barry Lituchy, et.al. unless we collect by Wednesday all the Jasenovac conference books we have donated and send them to Lituchy along with money from any sales of the books.

Apparently, you are unaware of the true facts surrounding

(1) the 1997 Jasenovac Conference at Kingsborough College that was organized by Dr. Bernard Klein, Chair of the History Department, with assistance from many people, including a graduate student named Barry Lituchy (who allows people to call him "Doctor" without correcting them), who afterward claimed that *he* organized the conference;

(2) the founding of JRI by the Oklejas brothers and subsequent power grab by Barry Lituchy, who, from a non-voting position as Research Director, with an illegal "secret ballot" without a quorum, expelled an internationally known researcher and author of more than 40 books, Dr. Milan Bulajic, and stirred up such trouble that serious researchers resigned from the organization after donating their time and money toward the effort of exposing the truth about Jasenovac;

(3) Lituchy's use of raw footage made by others (mostly Vladimir Bibic) and work and expertise of others to make the video series (without permission of the speakers) of the First Conference for private interest and boldly promoting himself in the series as "Historical Director" when he contributed nothing in the way of narrative;

(4) Lituchy's proposal that he get a \$70,000 yearly salary from funds solicited in the name of Jasenovac victims;

(5) the \$8.5 million lawsuit Barry Lituchy and Joe Friendly filed against Robert Oklejas, Petar Makara, Dusan Dragic, and Dr. Milan Bulajic, resulting in tens of thousands in legal fees and the handing over of JRI (which by now was, de facto, a defunct organization) to Lituchy;

(6) Lituchy's efforts to sabotage the Dec., 2002, conference in Jerusalem, again organized by Dr. Bernard Klein, and to suppress the publication of the Proceedings book of the First Conference as five of the survivors died;

(7) Lituchy's continuous slander, libel, and defamation of people who work to tell the truth about Jasenovac and attempted obstruction of others' projects.

This despicable behavior, not to mention his claim that we are infringing on his right to "exploit" for gain the words of survivor's of Jasenovac and various other speakers, leads to a conclusion that Lituchy's motivation is personal gain and obstructing efforts to tell the truth about Jasenovac, and if he is not being paid by enemies of the truth about Jasenovac, he should be.

Furthermore, I will tell you that I have produced a number of projects (all at my own expense), have made six trips to the Balkans and one to Israel and to Canada (all at my own expense), have credentials (two doctorates and two masters in the fields of Sociology, Rhetoric/The College Teaching of English, Psychology, and Counseling and Guidance) to support my research, have personally been slandered and maligned by Lituchy and have heard him slander and malign numerous other people, have never solicited nor accepted a dime for my work on these projects, have a publishing company that is drastically in the red and no support after my husband (who has terminal cancer) receives his last check (and no assets that Lituchy can steal through court or otherwise), and have and will continue to *give* books freely—but not to Lituchy. However, if Lituchy wants to pay money solicited in the name of Jasenovac victims to sue me, he should be aware that I will countersue, and members of JRI and other parties should be made aware that they may be personally liable even if they also have been lied to by Lituchy. In contrast to other suits filed by Lituchy in which defendants settled and remained quiet about Lituchy's behavior, I will not.

Furthermore, you must be aware that several people videoed the conference (I went to Belgrade in 2003 to obtain raw footage of the conference and also obtained from Vladimir Bibic his raw footage), and Lituchy's claim to exclusive rights is absurd. You must also be aware that anything said in a public forum without qualification or disclaimer is open record and that Dr. Mosaic's attempt to copyright his words and Lituchy's attempt to obtain exclusive permission to this historical record (eight years after the fact) is equally absurd. However, Dr. Milan Bulajic's presentation at the conference

was also to be published, and he did not give Lituchy exclusive rights to his words. From the most rudimentary standpoint, Lituchy has a major problem in claiming exclusive copyright without permission of *all* the speakers, including audience participants. His attempts to get exclusive permission now are certainly in vain. I can provide numerous letters such as the attached letters from Dr. Bulajic and Petar Makara, and by Lituchy's own (if incorrect) standard, all those who said a single word at the conference could sue him for selling their words and images on a videotape.

Additionally, Lituchy's inclusion of Petar Makara in the lawsuit and calling him a "publisher" is ludicrous. Makara's name is not to be found in the records of Dallas Publishing, a company founded 20 years ago. I am the sole owner of Dallas Publishing and the only one who is liable in court. I demand that you immediately drop Petar Makara from the suit.

I was fully aware of Lituchy's past behavior and the fact that he seems willing to do anything to get money and to suppress the truth by obstructing the work of others through lies and slander. As stated in the letter he produced as evidence that I would not publish the book myself, I clearly said I would not publish the book without permission from Memory Film (which no longer exists, according to Joe Friendly, and which included a third member and supplier of the expertise and the only good quality raw footage) OR without obtaining original raw footage. I did obtain raw footage *and* permission from Joe Friendly to use photographs pulled from the video. I re-did almost all of the photographs from raw footage, and I am confident that Joe Friendly's permission is valid for the half dozen or so remaining from his footage. (I have many conversations with Lituchy and a couple with Joe Friendly on tape, as in entirely legal in Texas.)

As for partial transcripts paid for by JRI (with contributions from the previous, sincere membership), those were the subject of another lawsuit because of Lituchy's refusal to pay for the transcriptions. At any rate, a second (partial) set of transcriptions were also unusable, and Lituchy's "work" contribution of "editing" four pages was also not used. I simply looked at one word and knew that the work could not be used as he had misquoted Mr. Zibrin to say "communists" instead of "countries."

I can only explain the fact that you were even willing to file this frivolous lawsuit by assuming Mr. Lituchy lied to you and paid you well. The idea that he paid you with funds solicited from unsuspecting people who only

wanted to tell the truth about Jasenovac and honor the victims (and most recently solicited to pay lawyers regarding a stone in a park and a proclamation signed by the mayor of New York that attributes blame to “Nazis” instead of Croat Ustasha) is contemptible beyond words.

Sincerely,

Wanda Schindley, EdD, PhD