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Nazi War Criminals Safe in the U.S.?

Time is running out on their deportations.

BY MATTHEW RINALDI

President Carter recently appointed 24 members to a commission on the Holocaust. The commission is supposed to come up with recommendations for observing "days of remembrance" on April 28 and 29. Carter's planned "Holocaust holiday" is a nice gesture, perhaps, but it papers over some unpleasant facts: On December 31, 1979, the West German statute of limitations on Nazi war crimes expires. Currently, the hundreds of Nazi war criminals living in the U.S.—many with what appears to be the tacit approval of the U.S. government—are immune from prosecution here for crimes committed overseas. Throughout the world, voices have been raised, demanding that the West German statute be waived; for once the statute expires, these criminals can never be brought to trial.

Feodor Fedorenko, an admitted armed guard at the Treblinka annihilation camp in Poland, is one of these alleged war criminals. Recently, Fedorenko was brought to trial in Florida and was acquitted. One of the two women to survive Treblinka described her experiences testifying in Florida, "They treated us like we were on trial . . . They heard our testimony and they laughed at us."

The American Jewish Congress (AJC), the Anti-Defamation League of B'nai B'rith (ADL) and the Simon Wiesenthal Center of Los Angeles have filed briefs in U.S. Circuit Court asking that the verdict allowing Fedorenko to retain his American citizenship be overturned. As one Israeli police investigator put it, "If we ultimately lose the Fedorenko case, every Nazi collaborator in America will regain his composure."

Feodor Fedorenko was born in 1907 in the Kherson region of the Ukraine. When World War II broke out he was drafted into the Red Army only to be captured within weeks by the Germans and placed in a POW camp. Along with hundreds of Ukrainians, Fedorenko was recruited from the camp into the service of the SS.

In September 1942, Fedorenko was assigned to Treblinka. Here he rose to the



General Reinhard Gehlen (left) reviews collaborationist troops on the Eastern front during World War II.

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rank of *oberwachmann* and reportedly tortured prisoners and processed them on their way to the gas chambers where in the course of the next 13 months over 700,000 Jews were killed.

When Treblinka was abandoned by the Nazis in late 1943, Fedorenko was transferred to Germany. At the end of the war, he submerged himself in the sea of displaced persons and, in 1949, posing as a Polish refugee, emigrated to the United States. Fedorenko settled in Waterbury, Connecticut, and went quietly to work in a local factory.

In 1964 Fedorenko's name and correct address were included in a list of alleged Nazi war criminals living in the United States. The list was compiled by Simon Wiesenthal with the help of Israelis who identified Fedorenko from captured SS photographs. It was sent to the Immigration and Naturalization Service (INS), but no action was taken. In 1970 Fedorenko applied for and was granted United States citizenship.

The INS finally began its rather lethargic prosecution of the case in 1977, after Fedorenko had retired and moved to Miami Beach, where charges designed to strip him of his citizenship, the necessary prelude to deportation, were filed in the Southern District Court in Florida.

Reaction in the United States has been growing.

A second case has already generated considerable media coverage. Valerian Trifa, a Romanian national, immigrated to the United States from Italy in 1950. Al-



Gehlen in 1972 after the funeral of Colonel-General Franz Halder, chief of staff of the Wehrmacht in World War II.

WIDE WORLD

General Reinhard Gehlen: The CIA Connection

One explanation for the apparent ineptitude of the INS in prosecuting Nazi war criminals involves the curious figure of General Reinhard Gehlen. During most of World War II Gehlen was the director of Foreign Armies East, the branch of the German General Staff charged with gathering data on the Soviet Union.

As the *Wehrmacht* swept through Poland, the Ukraine, and the Baltic states, it was relatively easy for Gehlen to recruit agents among right-wing organizations. He became an ally of

Stefan Bandera, leader of the Organization of Ukrainian Nationalists, and formed a working relationship with Andrei Vlassov, the Red Army general who switched sides after being captured. There is evidence that members of the Ukrainian SS death-camp units were later used for intelligence work. Fortified by these allies, Gehlen was able to create a large network on occupied Soviet territory.

Despite the tireless work of the Gehlen organization, the German Army was crushed on the eastern front. By early 1945 Gehlen had drawn the obvious conclusion that the war was lost. A staunch anti-Communist, he reasoned that there would be an inevitable postwar clash between the Soviet Union and the newly dominant Western power, the United States. Deciding on a calculated risk, General Gehlen had his most important archives secretly buried, sent his staff into

hiding, and settled down in the mountains of Bavaria to wait for the Americans.

Hitler was dead and Nazi Germany lay in ruins by April 1945; in late May Gehlen emerged from his hiding place and presented himself to U.S. occupation authorities. He had a simple offer. He would put his entire network at the service of the Americans, thus filling a serious gap in their intelligence system. He would gather material on the Soviet Union and Eastern Europe, providing a full analysis; and, he could guarantee that his staff was thoroughly anti-Communist. All Gehlen asked was organizational autonomy and the right to return to the service of Germany whenever it was reestablished as a state.

Once it became clear that Gehlen was indeed in possession of extremely valuable material, he and his top aides were secretly flown to Washington for negotiations. The United States soon

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though he described himself as a school-teacher and had no ecclesiastical training, he was welcomed into the top circles of the Romanian Orthodox Church. In 1952 he was anointed as a bishop, and, after a brief internal struggle, was named head of the Romanian Orthodox Episcopate.

Trifa quickly developed a working relationship with the U.S. government. He recorded speeches for Radio Free Europe and described J. Edgar Hoover as a "good friend." In 1955, at the invitation of Vice

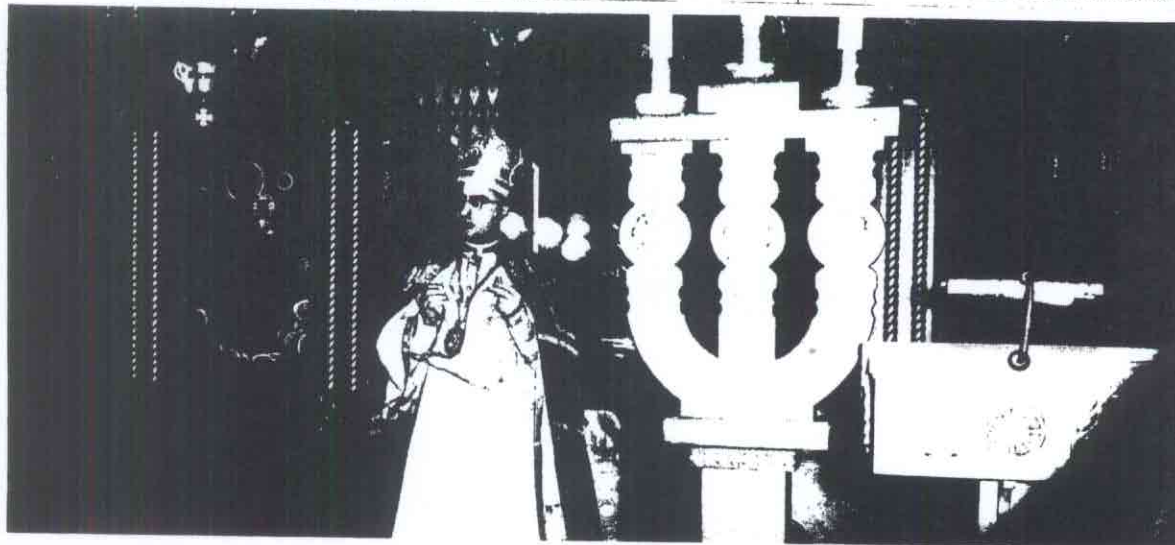
President Richard Nixon, Trifa gave the opening prayer in the U.S. Senate.

Despite this appearance of respectability, Valerian Trifa is alleged to have been a top leader of the Iron Guard, a Romanian fascist organization during World War II. He has been accused of initiating a bloody pogrom in Bucharest in 1941 and has been linked to at least one murder. In 1946 the new Communist government in Romania tried him *in absentia* and pronounced him guilty.

These charges surfaced in the United States as early as 1952, but in 1957 Trifa was granted United States citizenship anyway.

During the next two decades, evidence against Trifa continued to mount, and a new investigation of the case was opened in 1973. Two years later, in May 1975, the government filed formal denaturalization charges.

In fall 1976 leading Jewish organizations protested Bishop Trifa's membership



Valerian Trifa, formerly of the fascist Romanian Iron Guard, is now an archbishop of the Romanian Orthodox Church in America. Trifa is alleged to have been an operative of the Gehlen organization in 1945.

agreed to this arrangement, and Gehlen and his staff set up shop in Washington. A year later they were sent back to the occupied zone in Germany. They had left as prisoners, and returned as operatives for American intelligence. The Gehlen organization filled this role until 1953, when it was allowed to transfer its allegiance to the new West German government.

Other German minds also found useful work during the Cold War. Gustav Hilger, an aide to Nazi Foreign Secretary Ribbentrop, was hired by the State Department as a consultant, while Hubertus Strughold, accused of supervising experiments on prisoners at Dachau concentration camp, was hired by NASA as a medical researcher. Former Nazi collaborators were hired to broadcast over Radio Free Europe.

This atmosphere made it easy for a number of Gehlen's people to remain in the United States. Others entered with

the wave of immigrants during the late '40s and early '50s. Carl Oglesby has linked one Gehlen operative, George de Mohrenschildt, to Lee Harvey Oswald and the "conspiracy" in Dallas. When the Government Accounting Office, at Congressional request, selected 111 names from the INS list of alleged Nazi war criminals and sent them to the CIA for a reference check, the Agency admitted that 21 of the individuals named had functioned as "sources of information."

Did the CIA encourage INS to ignore these cases? While the GAO study found no widespread conspiracy, it stated that it could not "absolutely rule out the possibility of undetected, isolated instances of deliberate obstruction." Some instances were easy to detect. In 1976 Edgar Lapenienks, accused of slaughtering Jews in his native Latvia, called a press conference at his San Diego home to exhibit a letter

from the CIA. The letter read:

"Please excuse the exceedingly long delay in responding to your last correspondence. During the interim we have been corresponding with the INS about your status. We have now been advised that you are 'not amenable to deportation under existing laws.' It is our understanding that INS has advised their San Diego office to cease any action against you.

"If such does not prove the case, please let us know immediately. Thank you once again for your patience in this instance, and for your past assistance to the Agency."

The letter was signed by Charles Savage for Gene Wilson, CIA information and privacy coordinator.

Edgars Lapenienks has a ready explanation for his wartime activities. He describes himself as a "plain-clothes intelligence officer" for the pro-Nazi Latvian police.

—MR

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on the board of governors of the National Council of Churches. Trifa proclaimed that he was the victim of a Communist conspiracy, but as the protests grew, the Romanian Orthodox Church arranged for his removal from the board. Trifa reluctantly agreed.

Despite this progress, the Trifa case still languishes in the courts. For four years it has been "in the discovery stage," though INS attorneys continue to assure the public that it will soon come to trial. Meanwhile, Valerian Trifa remains a free man and a functioning bishop.

"Ivan" Demjanjuk is also a free man. While the memoirs of Treblinka survivors identify few individual SS guards, one name repeatedly appears. "Ivan," the young diesel mechanic who operated the camp's gas chambers, is described as "a real sadist," a "terrible, terrible man," who derived great pleasure from his work. One account written by an escapee in 1944 states: "The machinery of the gas chambers was operated by two Ukrainians. One of them, Ivan, was tall, had kind and gentle eyes, but . . . often attacked us while we worked and nailed our ears to the wall or made us lie down on the floor and whipped us brutally. While doing this, his face showed sadistic satisfaction, and he laughed and joked. He finished off the gas victims according to his mood at the moment."

In 1977 the Justice Department filed denaturalization charges against John Demjanjuk, a six-foot-one-inch diesel mechanic at Ford's Cleveland Plant Number One, identifying him as the notorious "Ivan." The suspect had immigrated to the United States from West Germany in 1952 as Ivan Demjanjuk, a Polish refugee, although he now admits to being Ukrainian.

Witnesses in Israel have identified Demjanjuk from his 1952 immigration photo, but the Cleveland resident denies everything. When asked recently why he thought the case had been brought against him, Demjanjuk stated simply, "It's because the Jews are lying about me."

It is now almost two years since the original charges were filed. A trial date has not yet been set.

These are only a few examples of over 200 cases currently under investigation by INS. The majority of the individuals involved are not Germans, but eastern Europeans. Members of such groups as the Organization of Ukrainian Nationalists, the Romanian Iron Guard, and the Croatian Ustachi, they welcomed the arrival of the Nazis into their homelands and often participated in the slaughter of the Jews.

When the Third Reich collapsed they

fled for safety, frequently assuming new names and identities. The passage of the Displaced Persons Act in 1948 and the Refugee Relief Act in 1953 gave many of them the opportunity to present themselves as "refugees from Communism" and lawfully emigrate to the United States.

Their presence here has hardly been a secret. As early as 1951 the Yugoslavian government requested the extradition of Andrija Artukovic, commander of the concentration camp system in the Nazi puppet state of Croatia, who was living in California. Soon afterwards the Romanian government requested the ex-

tradition of Valerian Trifa. Both requests were denied on the grounds that the men would be the victims of "political persecution" by the Communist governments in their homelands.

Despite numerous allegations concerning other Nazi war criminals in the U.S., despite the explicit 1964 list, the INS has not until this decade attempted any systematic investigation.

The reasons for this inactivity remain obscure. But it is known that a number of alleged Nazis found work as consultants for the CIA and the State Department, and there has been speculation that the INS was specifically asked to protect these men (see box, pp. 12-13).

In the early '70s, together with Representative Elizabeth Holtzman, U.S. Congressman Joshua Eilberg initiated a series of congressional hearings which sparked an internal review by the INS of its entire handling of the Nazi cases. For the first time the files were centralized and opened for inspection. By August over 150 cases had been assigned for investigation and 12 were under active court proceedings.

That summer the INS also proposed the creation of a special litigation unit whose sole responsibility would be the investigation and prosecution of war criminals. Martin Mendelson was named as unit chief, and by March of 1978 an active staff was working in Washington, D.C. But major Jewish organizations are becoming concerned about the pace of these prosecutions. On December 11 several groups, including the Anti-Defamation League and the American Jewish Congress, met with representatives of the INS to express their dissatisfaction.

Some Jewish militants called for a stronger reaction. On June 5, 1978, bullets were fired into the Santa Monica home of Mecis Paskiavicius, and on August 4 Boleslavs Maikavskis was seriously wounded in Mineola by a group calling itself the Jewish Armed Resistance. Both men have been accused of working with the Nazi police forces. (In December JAR took credit for fire-bombing a Romanian church in New York long believed to be dominated by Valerian Trifa's Iron Guard.)

"It is incumbent on INS to demonstrate that it means business and is not simply spinning wheels," Representative Holtzman has stated. "Mere talk of 'continuing investigations' when they are likely to lead nowhere is a cruel hoax to the surviving victims of the Nazi holocaust. It adds an ironic and bitter postscript to this country's fight against the Nazis in World War II." Hopefully some members of Carter's new "remembrance" commission were listening. □

Cases Currently in the U.S. Courts

1. **Artukovic, Andrija.** Allegation: Chief of Internal Security for the Nazi puppet state of Croatia, ordered the executions of Jews, Gypsies, and Serbs.
2. **Demjanjuk, Ivan.** Allegation: Member of the Ukrainian SS, operated the gas chambers at the annihilation camp Treblinka.
3. **Detlavs, Karlis.** Allegation: Participated with SS Einsatzgruppen in the executions of Latvian Jews.
4. **Fedorenko, Feodor.** Allegation: Member of the Ukrainian SS, guard at the annihilation camp Treblinka.
5. **Hazners, Vilis.** Allegation: Officer in the Latvian SS, participated in the executions of Latvian Jews.
6. **Kaminskas, Bronius.** Allegation: Member of Nazi police forces in Lithuania, participated in executions of Lithuanian Jews.
7. **Kowalczuk, Mykola.** Allegation: Member of the Ukrainian militia, participated in executions of Polish and Ukrainian Jews.
8. **Kowalczuk, Sergei.** Allegation: Member of the Ukrainian militia, participated in the executions of Polish and Ukrainian Jews.
9. **Maikovskis, Boleslavs.** Allegation: Member of the Nazi police forces in Latvia, participated in executions of Latvian Jews.
10. **Paskiavicius, Mecis.** Allegation: Chief of Nazi political police in Ukmerge, Lithuania, participated in executions of Lithuanian Jews.
11. **Trifa, Valerian.** Allegation: Leader of the Iron Guard, organized a major pogrom in Bucharest.
12. **Walus, Frank.** Allegation: Member of the Gestapo, participated in executions of Polish Jews.