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 Matthew Rinaldi is a free-lance writer who has written for Radical America and Judaism, and other publications.
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rank of Obersturmbannführer 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. After the funeral of Colonel-General Franz Halder, chief of staff of the Wehrmacht in World War II.

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
agreed to this arrangement, and Gehlen and his staff set up shop in Washing-
ton. 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
Mil
1953, when it was allowed to
transfer its allegience 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
Harbert us St rughold, accused of super-
vising 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, iso-
lated instances of deliberate obstruc-
tion." 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
departure 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 informa-
tion 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

Valentin Trite, formerly of the !midst Romanian Iron Guard, is now an archbishop of the Romanian Orthodox Church in America.
Trite is alleged to have been an operative of the Gehlen organization in 1945.
Ustachi, they welcomed the arrival of the Nazis but the Cleveland resident thought the case was a "moment." He finished off 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 extradition of "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."