

Judge Orders Ex-Nazi Official To Be Deported

A U.S. immigration judge in New York City has ordered deportation of a 63-year-old man who has lived on Long Island since 1951 because he concealed from immigration authorities the fact that he was commandant of a concentration camp in Estonia during World War II.

Immigration and Naturalization Service Judge Howard Cohen ordered the deportation of Karl Linnas, a native Estonian who previously was convicted in three courts and whose appeal had been turned down by the Supreme Court.

Based on evidence presented by the Justice Department's Office of Special Investigations, the courts found that Linnas lied to gain entry to the United States and to become a citizen in 1964.

Cohen noted that the Displaced Persons Act says that any person "who shall willfully make a misrepresentation for the purpose of gaining admission into the U.S. as an eligible displaced person shall, thereafter, not be admissible into the U.S." The judge also pointed out that three federal courts had found that Linnas had not been a farmer and a student as he said he was in World War II, but in fact was commandant of the Tartu concentration camp in Estonia, where people were "tortured and persecuted."

Linnas was ordered deported to Estonia, now part of the Soviet Union. He is the second Nazi to be deported from the United States in cases begun by the Office of Special Investigations. The first was Hans Lipschis, who was deported to West Germany on April 14 after the courts found that he had concealed his past as a guard at Auschwitz.

THE NEW YORK TIMES, SUNDAY, MAY 22, 1983

L.I. Man Is Ordered Deported For Concentration Camp Role

By JOHN T. McQUISTON

A 63-year-old Long Island man who was stripped of his United States citizenship because he commanded a Nazi concentration camp during World War II has been ordered deported by a judge for the Immigration and Naturalization Service.

Judge Howard Cohen affirmed that the defendant, Karl Linnas of Greenvale, L.I., had been an officer in an Estonian partisan group that collaborated with the German Army, and that he had conducted executions of Jews and Communists at a prison in Tartu, Estonia, in 1941. More than 12,000 Eastern Europeans, including 2,000 Jews, were executed at the camp.

"The respondent ordered, incited, assisted or otherwise participated in the persecution of persons because of race, religion, national origin or political opinion," said Judge Cohen, who observed that his findings were the same as those of three previous tribunals in Mr. Linnas's case.

Mr. Linnas was stripped of his citizenship in a nonjury trial in July 1981 conducted by Judge Jacob Mishler in Federal District Court in Westbury, L.I. Judge Mishler found that Mr. Linnas, an engineering draftsman, had concealed his World War II activities.

Linnas Is Accused of Lying

The charges against Mr. Linnas were initiated in June 1981 by the Federal Justice Department's Office of Special Investigations. The Government accused him of lying to immigration authorities in 1951, when he entered the United States as a displaced person from Germany, and again when he became a citizen in 1960.

Judge Mishler's ruling was upheld, on appeal, by the Court of Appeals and was

let stand by the United States Supreme Court in October 1982.

Mr. Linnas, who did not appear in court during any of the proceedings against him, now has the right to appeal Judge Cohen's deportation ruling before the Board of Immigration Appeal, the Court of Appeals and the Supreme Court. His attorney, Ivars Berzins, declined to comment and has advised his client to do the same.

Neal Sher, acting director of the Office of Special Investigations, said Mr. Linnas had chosen Estonia as the country he wanted to go to should the deportation proceedings go against him.

Now Part of Soviet Union

However, since Estonia is now part of the Soviet Union, Mr. Sher said Mr. Linnas would be deported to the Soviet Union, which has sentenced Mr. Linnas in absentia for war crimes.

The Soviet Union provided some of the documents placed in evidence against Mr. Linnas at his trial before Judge Mishler.

The documents were notes purportedly signed by Mr. Linnas when he served as an officer in the prison camp in Tartu. His attorney had attempted to prove that any testimony or documents provided by the Soviet Union were untrustworthy.

The ruling by Judge Cohen, which was signed last Thursday, "brings us a major step closer to our ultimate goal of expelling Linnas from the U.S., where he was never entitled to live in the first place because of his unspeakable actions during World War II," Mr. Sher said.

He said his special investigations unit, which was formed in 1979, now had 27 immigration cases pending against suspected former Nazi war criminals.

Nazi collaborator Linnas ordered deported

By STEWART AIN

A 65-year-old Greenlawn man has been ordered deported by the Board of Immigration Appeals after it ruled that his assistance in "Nazi persecution of Jews and Communists at the Tartu (Estonia) concentration camp...constitute(d) a crime against humanity..."

The court directed also that before the man, Karl Linnas, is deported, a judge must determine exactly where he should be sent.

The board's ruling was disclosed on the heels of another decision in which the appeals court overturned a New York judge's finding and held that Boleslavs Maikovskis of Mineola should be deported. It held that he is deportable because as chief of police of the Rezekne District in Latvia, now a part of the Soviet Union, he persecuted civilians during the Nazi occupation there.

In the case against Linnas, the Board of Immigration Appeals held that the immigration judge who was to decide whether to deport Linnas had acted correctly. That judge had ruled that the facts and legal issues before him had been resolved during earlier court proceedings in which Linnas was stripped of his citizenship.

The board said it was "convinced that the respondent received a full and fair opportunity to litigate the issues in the denaturalization proceedings," thereby dismissing the claims of Linnas' attorney, Ivars Berzins, that his client did not receive a fair trial. The board noted also that the denaturalization judgment was affirmed by the Court of Appeals and that the U.S. Supreme Court refused to review it.

Denaturalization Issues

"Both the respondent and the Government reasonably could have foreseen that issues raised in the denaturalization proceeding might be raised in a subsequent deportation proceeding," the court held.

The appeals board also dismissed Berzins' contention that the denaturalization judge had improperly relied upon videotaped statements from four Soviet citizens in which they identified Linnas as the "chief of the guards at (the) Tartu concentration camp and placed him in charge of several mass executions of Jews and non-Jews."

In its 17-page opinion, the board reviewed the charges against Linnas, noting that he was born in Tartu, Estonia on Aug. 6, 1919. In 1941, the Nazis occupied Estonia and, as part of their policy of exterminating the Jews in occupied territories, the Nazis established mobile killing units known as Einsatzkommandos.

"The Einsatzkommandos accomplished their duties in Tartu with the assistance of the Estonian 'Home Guard' or 'Self-Help' forces, referred to as the 'Selbstschutz' by the Germans and as the 'Omakaitse' by the Estonians," the board wrote. "The Selbstschutz carried out most of the arrests and execu-

tions of Jews in Estonia in order to minimize the public's awareness of the Nazis' plan for exterminating the Jews.

"In Tartu, over 1,200 persons were arrested at the direction of the Nazis; the majority were taken into custody because they were suspected of Communist activity. Of the 1,200 people arrested, almost 300 were imprisoned at the concentration camp in Tartu, while another 405 were executed, including at least 50 Jews. By mid-January, 1942, the Nazis achieved the goal of making Estonia 'Judenfrei' (free of Jews).

"In the fall of 1941, the respondent (Linnas) was an active, ranking member of the Selbstschutz in Tartu and occupied a supervisory role in the management at the concentration camp located at the Kuperjanov Barracks. Sometime between 1942 and 1944, the respondent volunteered for membership in a Nazi-controlled security force in Tartu and by 1944 he had become a member of the 38th Police Battalion which went into battle under the Nazis in an effort to halt a Soviet counter-offensive."

Supervised Mass Executions

The board noted in a footnote that there was "considerable evidence" in the denaturalization proceeding that Linnas also "supervised mass executions of Jewish and non-Jewish prisoners at a site outside Tartu." This evidence came from the Soviet witnesses in their taped depositions. The denaturalization judge found their testimony to be credible but gave it only limited weight because of the "prejudicial language" used by the Soviet prosecutors during the questioning.

Linnas came to the United States in 1951 after his father filled out an application form in 1948 alleging that his son had been a student and technical artist in Estonia from 1940 through 1943. That statement thus made him eligible to enter the United States as a refugee and a displaced person. But in seeking admission, the court said he knowingly concealed the facts regarding his World War II activities.

"The respondent twice falsely swore that he had never participated in the persecution of any person because of race, religion or national origin," the board said.

It said also that United States law automatically barred individuals from entry into this country who were "voluntarily involved in atrocities against men, women and children during World War II."

"The facts established...show that almost 300 persons were confined at the Tartu concentration camp as of 1941 either because they were Jews or because they were suspected of Communist activities," the court continued. "The imprisonment of the inmates of the Tartu camp clearly constitutes 'persecution' of them..."

Constituted Assistance

"We have already held that the actions of a Ukrainian prisoner of war who was forced by the Nazis to guard the

perimeter of a concentration camp constituted assistance in persecution within the meaning of (the law) because his actions would have aided the Nazis, in some small measure, in their confinement of the prisoners of the camp. It follows...that the respondent's involvement in supervising the management of the Tartu concentration camp constituted assistance in persecution within the (law) because his actions would have significantly aided the Nazis in their confinement of the prisoners at the camp."

The board noted that facts brought out at the trial showed that the Nazis confined "almost 300 persons at the Tartu concentration camp because they were suspected of having Communist sympathies or were Jewish." And it dismissed Linnas' claim that there was no evidence that he was motivated by religious or political prejudice, stating that motivation and intent are "irrelevant."

"The absence of a finding that the respondent had either religious or political motivations for his actions does not alter the fact that he 'assisted' in physical persecution which occurred 'because of' official policies directed against people of the Jewish religion and people with Communist sympathies," it held. "Thus, his conduct clearly constituted assistance in persecution 'because of religion or...political opinion.'"

In conclusion, the board wrote: "The facts established...show that the respondent engaged in his activities at the Tartu concentration camp as a member of the Selbstschutz and that the Selbstschutz was an Estonian organization which assisted the Nazis in their plan to arrest and execute Jews and Communists in Estonia. These findings clearly show that the respondent's activities at the Tartu concentration camp were 'under the direction of, or in association with' the Nazi Government of Germany.

"The facts discussed above show clearly, unequivocally and convincingly that in the fall of 1941, under the direction of, or in association with the Nazi Government of Germany, the respondent assisted in the persecution of persons because of their religion or political opinion. Thus, the immigration judge correctly found the respondent deportable...We consider the respondent's assistance in Nazi persecution of Jews and Communists at the Tartu concentration camp to constitute a crime against humanity..."

But the board delayed the deportation order because of Linnas' claim that he faces "execution before a firing-squad if deported to the U.S.S.R." The Soviet Union tried him in absentia and imposed a death sentence for his Nazi war crimes.

The board noted that the immigration judge designated the Soviet Union as the country to which Linnas is to be deported but that he did not address the question of the U.S. Government's refusal to recognize the Soviet annexation of Estonia. Thus, it sent the matter back to the immigration judge for him to assess the "reasonableness" of the designation of the Soviet Union as the country of deportation.

'Keeper of the Order'

In the Maikovskis decision, the board reviewed the record, noting that there were some 135 exhibits marshaled as evidence against him. It pointed out that when he applied for admission to the United States in 1949, Maikovskis claimed he had been a farm worker from 1939 to December 1941 in the Rezekne District of Latvia (now a part of the Soviet Union). He claimed that he was then employed until October 1944 by the Latvian Railway Department.

Maikovskis was admitted into the United States in 1951 based upon that assertion. But in a sworn statement in 1966, Maikovskis told Government investigators that he acted not as a bookkeeper but as a temporary "keeper of the order" after the Germans occupied Latvia. He denied that he was a police officer, that he arrested people or gave arrest orders or even cooperated with the German Government. He said he also had no knowledge of arrests and killings of Jews and gypsies in the Rezekne area.

"By the time of the respondent's 1975 statement, he was no longer denying that he was a police officer during World War II," the board said. "By the time the respondent's deportation hearing reconvened in July of 1981, he had stipulated that he was in fact the chief of police of the Second Police Precinct in Rezekne from August of 1941 until 1944, when the Germans began their retreat.

"The respondent also now admits to limited involvement in an incident involving the residents of Audrini, a small village within his precinct, which culminated in the executions of all the villagers. According to numerous accounts, the trouble in Audrini began when two or more Latvian policemen were shot to death in the village by Soviet partisans who had been hiding there. There was evidence to the effect that the village was known to harbor Soviet partisans.

"The killing of the policemen occurred on or about December 18 and 21, 1941. On or about Dec. 22, 1941, all of the 200-300 Audrini residents were arrested. The respondent conceded that he ordered the arrests of all the villagers but stated that he had no choice: his orders came from his Latvian superior, A. Eichelis, the chief of police of Rezekne District, who in turn received his orders directly from the Germans.

"The respondent also admits that following the arrests, he ordered that Audrini itself be burned. Again, he testified that his orders to burn the village were based on directives from his superiors. The village was burned to the ground on approximately Jan. 2, 1942."

Denied Participation

The board observed that Maikovskis consistently denied any participation in subsequent events, namely "the public executions in the Rezekne market place of 30 of the Audrini villagers. These people were apparently executed in public as a warning to all Rezekne residents not to aid the Soviets. The respondent testified that he was in church when these executions were carried out. He states that he did not know who shot these people but that he 'heard' it was both Germans and Latvians. He also denies any involvement in the massacre of all the rest of the villagers, who apparently were trucked to an area within the respondent's precinct, known as the Ancupani Hills, and there shot to death."

In analyzing the evidence presented during the trial, the court noted that one of the witnesses, historian Wolfgang Scheffler, testified that local police units also participated in clearing ghettos and "sometimes participated in mass executions of Jews and other civilians" because they lacked sufficient manpower.

He noted also that hundreds of Jews were shot and killed in Rezekne by Latvian self-defense and that it would be difficult for a police chief not to participate.

Maikovskis himself testified after having been compelled to do so by a court order. In his testimony on Sept. 1, 1981, he said he joined the Latvian self-defense organization in 1932 after leaving the Latvian army. But that group was disbanded when the Communists took over Latvia in 1940, he said. The Russian Army left Latvia before the Nazis moved in and during that void Maikovskis said he assisted in protecting people.

When the Germans marched in, Maikovskis said he became a member of the self-defense league and in August 1941 he became chief of the Second Police Precinct in Rezekne. He said also that the self-defense force was absorbed into the regular police force at the end of 1941 and that he continued to wear the self-defense force's uniform until the end of 1942. After that, he wore a German officer's uniform until 1944, when the Germans pulled out of Latvia, he said.

"The respondent insisted that it was not his duty as police chief to deal with the Jews or the Communists in his district and he further stated that there were only 50 Jews in his precinct, in the village of Kaunata," the board wrote. "However, the respondent conceded that he thought that the Latvian police were involved in killing Jews in Rezekne generally, but he testified that he was not himself involved."

Had No Choice

"He also stated that he did not believe that men under his own command were involved in the killings. The respondent admitted that his police assisted in the arrests of the residents of Audrini, and in the burning of that village. The respondent testified that he passed the order on for the police to be there but that he was not present himself during the arrests and the burning. He stated that he had no choice but to order the arrests in that the Germans through his Latvian superior Eichelis ordered him to do it.

"The respondent stated that he was not present when 30 of the villagers from Audrini were shot in the Rezekne market square and that he knew nothing about these public executions. The respondent further maintains that he was not in any way involved in the massacre of the rest of the Audrini villagers in the Ancupani Hills. He insisted that it was not his job to kill civilians and that he could not have stopped the killing in any event. He stated that he does not know who shot the villagers in the Ancupani Hills but he heard a rumor that they were shot. The respondent denies that he ever engaged in any form of persecution."

Included among the exhibits placed into evidence is a memo from the Rezekne District Police Precinct 2 Chief that refers to efforts to arrest the "Communist bandits" who killed Latvian policemen, the arrest of all Audrini residents on Dec. 22, 1941, and the burning of the village. It concludes by stating: "Also, the inhabitants were shot to death, with 30 of the death sentences carried out in the Rezekne market square."

Maikovskis' name appears on the document but the copy of the document introduced at the trial does not bear anyone's signature. The original document was apparently lost, the board concluded. And it dismissed defense claims that the document was fabricated.

Another document, this one signed by Maikovskis, was introduced. It states: "On orders of the German authorities, all the residents of Audrini village, Makaseni County, were imprisoned but the village itself was burned."

Free of Jewish Leftovers

Yet another document praises the work of the police force under Maikovskis' command and states that "during the last six months, our work has been dominated by our desire to free ourselves of Communist and Jewish leftovers..."

Maikovskis, according to the document, was awarded the Iron Cross, 2nd Class, with Swords.

Four witnesses testified for the defense, each saying they never heard of Maikovskis ever being linked to atrocities. One said she believed the Germans themselves carried out the executions and the others said they did not know who did it.

In its conclusion, the board found that Jeffrey Mausner, trial attorney of the Justice Department's Office of Special Investigations, had presented convincing evidence of Maikovskis' past as a police chief who cooperated with the Nazis.

"The Government's expert witness, Wolfgang Scheffler, testified that the German Nazi Government exercised ultimate control over the indigenous police forces in Latvia," the court wrote. "Documentary evidence of record fully corroborates this testimony."

It went on to conclude, based on Maikovskis' own admissions, that he "did assist in persecution. The respondent has now admitted that he participated in the arrests of all the inhabitants of Audrini and that he subsequently ordered that the village be burned. The immigration judge characterized these actions as a 'reprisal against the killing of one or more Latvian policemen.' He notes that these events 'ultimately led to the Audrini massacre,' but he said that the massacre 'has

not been shown to be predictable, planned or inevitable.' He therefore concluded that the Government had not proven that the respondent engaged in persecution.

"Other than simply calling the arrests and burning a 'reprisal,' the immigration judge does not explain why he does not consider those acts to constitute persecution. In his brief on appeal, counsel for the respondent contends that the arrests and burning were a military necessity, similar to actions carried out by American soldiers in Vietnam. He argues that 'there is nothing illegal or immoral about arresting villagers for the purpose of investigating and ascertaining the scope and nature of their activities so that proper preventative measures can be taken and the guilty ones who have been harboring guerrillas segregated from the innocent ones.'"

Constituted War Crimes

"The Government, on the other hand, contends that the respondent's admitted actions constituted assistance to the enemy in persecuting civilian populations. The Government also argues that the acts constituted war crimes.

"We agree with the Government's position that even on the facts admitted by the respondent and found by the immigration judge, the respondent engaged in persecution of civilian populations. While it may be true, as the respondent argues, that mass arrests and interrogations are sometimes necessary in time of war to prevent guerrilla activity, the actions admitted by the respondent went beyond that.

"Counsel suggests that the arrests were simply for the purpose of ascertaining which villagers were guilty of harboring Soviet partisans and segregating them from the innocent villagers. No evidence has been presented as to how long the villagers were held and interrogated and under what conditions. However, we know that the homes of all the villagers, innocent and 'guilty,' were burned. The burning of the entire village of Audrini hardly served the claimed purpose of ferreting out and punishing only the guilty villagers. In our view, the arrests of every inhabitant closely followed by the burning of their village constituted persecution of the civilian population."

"We note that the respondent in his brief contends that 'the Government has not established that the villagers were innocent.' We do not believe that the Government was required to prove that some of the villagers were innocent. Rather, we think it fair to assume, absent evidence to the contrary, that not every man, woman and child in Audrini assisted Soviet partisans."

The court supported its conclusion with case law and a review of Congressional intent. It found that depriving individuals of their homes also imposed severe economic hardships on them and that therefore this constituted persecution. The fact that Maikovskis "may have been acting on orders from his Latvian and German supervisors is not a defense," it wrote.

"The inhabitants of Audrini, who were Latvian, and whose

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faith was apparently Orthodox, were persecuted because Soviet partisans had been found hiding in the village," the court added. "As a result of the act that some of the villagers were apparently sympathetic to the Soviet cause, all were arrested and eventually killed and the village was burned. The dragnet was large and no doubt encompassed some who were not sympathetic to the Communists, and who, in fact, may have held no political views at all."

Within Meaning of Law

"Nevertheless, the actions carried out against the Audrini villagers were initiated because of the political opinions held by some of the inhabitants. Under these circumstances, we have no difficulty in concluding that the persecution in which the respondent assisted was based on political opinion and comes within the meaning of (the law).

"In view of all the foregoing, we find, by clear, unequivocal, and convincing evidence that the respondent, under the direction of and in association with the Nazi German Government, assisted and otherwise participated in the persecution of persons because of political opinion. Therefore, the respondent is deportable..."

The court then examined the question of whether Maikovskis, simply because he was a police chief under Nazi domination, would have been allowed into the United States. The Government witnesses insisted that a person who held that position would have been automatically denied admission. Maikovskis' lawyer presented a witness who said there was no such automatic rejection and that other police officers with similar positions had been allowed in.

But under cross examination, the witness admitted that an applicant would not have been admitted if it was learned that he lied when he claimed he was a farmer during the war.

The court concluded that Maikovskis' "misrepresentation" to gain admission to the United States is crucial and that it also renders him deportable. Had he told the Displaced Persons Commission his true position during the war, further investigation would have been ordered and his role in the persecution of the citizens of Audrini discovered, it said. That, in turn, would have led to an outright denial of a visa.

The court's decision concluded by directing that the Government carry out Maikovskis' wish to be deported to Switzerland. Maikovskis has 60 days to appeal