

# Whose Justice?

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The United States is on the verge of deporting an accused Nazi collaborator and war criminal to the Soviet Union under circumstances that are as deeply troubling as they are unusual.

The case involves Karl Linnas, 67, who was convicted in absentia by a Soviet court in 1962 and sentenced to death for allegedly running a prison and concentration camp in Estonia during World War II. Linnas denies his guilt, but was stripped of his naturalized American citizenship in 1981 for not reporting his wartime activities on his citizenship application. Earlier this year the U.S. Supreme Court refused to hear his case, and Linnas is now in jail in New York awaiting deportation as an illegal alien.

The trouble is that the only country in the world that is apparently willing to accept him is the Soviet Union, and sending him back there would be tantamount to delivering him to a firing squad on the basis of Soviet-style justice, which is not justice by U.S. standards.

Though Linnas had a civil proceeding in this country on the question of revoking his citizenship, he has never been the subject of a criminal trial, where the standards of due process and evidence are higher and where a jury would have decided his guilt. The evidence against him at the citizenship hearing consisted mainly of videotape testimony by four Soviet citizens—the same four who testified against him at his 1962 trial there.

So the question now is whether the United States is willing to accept the findings of the Soviet criminal-justice system, particularly in a capital case, and hand over to the Soviets someone who has been convicted under their system. There is more than ample evidence that the Russians do not share this country's high regard for due process and the rule of law.

This is not an extradition case. The United States

does not have an extradition agreement with the Russians, in part because it is not comfortable with turning accused criminals over to them. At the time of Linnas' 1962 trial, the Russians asked for his extradition and the United States refused. But now this has become a deportation case, and government misgivings about Soviet justice appear to be falling by the wayside.

Great Britain has faced a similar problem with regard to accused war criminals there. Commenting on this situation earlier this month, the British home secretary, Douglas Hurd, said, "We do not have effective extradition agreements with the Soviet Union, and I made it clear that we do not in any case consider sending people back to face trial in the Soviet Union. It is not our policy to do so with countries whose legal traditions conflict so very substantially with our own."

To be absolutely clear: We have no brief on behalf of Linnas. He is charged with unspeakable crimes that were part of one of the most horrible and savage periods of human history. By one account, he says that he was merely a guard at the camp. There were thousands of Soviet guards and administrators in Soviet labor camps who devoted their police careers to persecutions scarcely distinguishable from the charges against Linnas.

The Canadians are considering conducting war-crimes trials in their country for the accused Nazis who are there, and similar suggestions have been made in this country, though there are enormous questions of jurisdiction and logistics that would have to be addressed. It is not at all clear what should be done with Linnas. But it is clear that the desire for revenge and punishment should not obscure this country's fundamental and unshakable commitment to the rule of law. Maintaining that commitment is more important than punishing a war criminal.