

From the desk of
Jr. Margolis

4/1/87

Seth

A very much to the point and on
the issue response. We are
all appreciative.

Sey, Director
SWE.

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March 21, 1987

Robert Berger
Editor, Op-Ed Pages
Los Angeles Times
Times Mirror Square
Los Angeles, CA 90053

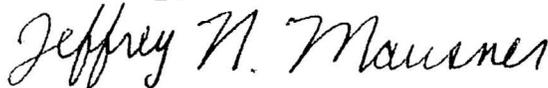
Dear Mr. Berger:

Enclosed please find a proposed Op-Ed piece dealing with deportation of Nazi war criminals from the United States and use of evidence from the Soviet Union in the prosecution of Nazis. The piece focuses on the case of Karl Linnas.

I believe this piece is timely, in light of the Times Editorial of March 18, 1987 entitled "Whose Justice," which deals with the case of Linnas, and recent articles written by Robert Gillette dealing with the deportation of Nazis.

I served as a Trial Attorney in the Office of Special Investigations, Criminal Division, U.S. Department of Justice from July 1979 to January 1986, and was one of the prosecutors in the Linnas case, as well as in other cases involving Nazi war criminals. I am currently a partner in the law firm of Berman & Blanchard in Century City.

Sincerely,



Jeffrey N. Mausner

Recently, there has been a great deal of controversy surrounding the deportation of Nazi war criminals from the United States. There are certain groups in the United States who would like to stop these deportations entirely. Since the deportation of Nazi war criminals began in earnest in the United States in 1979, these groups have used a variety of tactics to deflect public attention away from the real issue, which is bringing war criminals to justice. The most recent tactic is to discredit the use of all evidence which comes from the Soviet Union.

The controversy over use of evidence from the Soviet Union has come to a head in the case of Karl Linnas, who served as Chief of a Nazi Concentration Camp in Tartu, Estonia during World War II. The United States Courts have ordered that Linnas be deported to the Soviet Union, where he was tried in absentia for the crimes he committed and sentenced to death. Most of the controversy surrounding Linnas' case arises from misinformation concerning the evidence against him.

Denaturalization and deportation proceedings against Nazi war criminals in the United States are prosecuted by a unit of the U.S. Justice Department called the Office of Special Investigations (OSI). Because many of the crimes committed by the Nazis took place in areas which are now part of the Soviet Union, some of the evidence in some OSI prosecutions comes from the Soviet Union. This evidence consists of documents and videotaped testimony of witnesses. In many of these cases, the Soviet government has sent original 1940's documents to the United States and allowed the documents to be tested by handwriting examiners and other forensic document experts. Whenever the testimony of witnesses in the Soviet Union is used in United States Courts, OSI attorneys have gone to the Soviet Union

to conduct videotaped depositions of the witnesses. To insure that the rights of the accused are protected, defense attorneys are always given the opportunity to go to the Soviet Union and cross-examine these witnesses. In many cases, the Justice Department has even paid the travel expenses of the defendant's attorney. The videotaped depositions are then shown in the United States Courts, during the trials of the accused Nazi.

The groups opposing use of all evidence from the Soviet Union have never been able to state a convincing argument why evidence from the Soviet Union should not be treated like any other evidence. United States Courts are well equipped to determine the authenticity and reliability of this evidence. Before any evidence from the Soviet Union is introduced in American Courts, OSI goes to great lengths to test it. The documents which OSI receives from the Soviet Union are actual World War II documents written by the Nazis, which have been kept in Soviet archives. All documents which OSI receives from the Soviet Union are examined by handwriting experts, chemists, and other scientists from the FBI, Immigration Service, or Treasury Department, who testify in court regarding the authenticity of the documents. Every document which has been examined, without exception, has been found to be authentic. Testimony of witnesses in the Soviet Union is corroborated by documents and witnesses living in other countries. Often, the defendant himself will end up admitting the truth of facts proven by documents and witnesses from the Soviet Union.

A case in point is the prosecution of Boleslavs Maikovskis. On his visa application to come to the United States, Maikovskis claimed that he had been a bookkeeper during

World War II. The Justice Department received documents from the the Soviet Union, purportedly signed by Maikovskis, stating that he had been the Nazi Chief of Police in a District in Latvia during the years 1941-1944. These documents also stated that Maikovskis had participated in the arrest of all the residents of the village of Audrini, Latvia, and the burning to the ground of the entire village. I went to Latvia to take the depositions of witnesses there. These witnesses, who had been Nazi policemen in Latvia, testified that Maikovskis had served as Chief of Police and had given them orders to arrest the inhabitants of the village of Audrini, to burn the village, and to murder the inhabitants. These orders were carried out. The entire village was destroyed and its inhabitants were murdered.

When we first questioned Maikovskis about this, he denied serving as police chief or taking part in the destruction of the village. He claimed that the documents were forged by the Soviet KGB and that all the witnesses were lying because they had been tortured by the KGB. At the trial, a handwriting expert testified that Maikovskis had in fact signed the documents from the Soviet Union. At that point, Maikovskis admitted that he had lied, that he had been the chief of police, that he had written the documents which came from the Soviet Union, and that he had ordered his men to arrest the residents of Audrini and to burn the village. It was Maikovskis who had lied, not the Soviet documents or Soviet witnesses.

The evidence against Karl Linnas, the Chief of a Nazi Concentration Camp, is just as conclusive. The case against Linnas has been heard by five United States Courts. Each of those Courts found the evidence against Linnas to be "overwhelming." That evidence consisted of the following:

1. Linnas wrote several documents in 1941 which he signed "Karl Linnas, Chief of the Tartu Concentration Camps." An FBI forensic document expert testified that there was no indication that these documents were not authentic. At his trial, Linnas took the 5th Amendment and refused to testify regarding these documents, claiming that his answer would incriminate him.

2. In interviews with the New York Times and Newsday in 1961, Linnas admitted being in charge of the guard duty detail at the Nazi concentration camp in Tartu, Estonia.

3. A friend of Linnas who lives in Long Island, New York testified at the trial. This individual testified that Linnas told him that he had served as a guard at the concentration camp.

4. Witnesses who currently live in Tartu, Estonia testified by videotape at Linnas' trial that he was Chief of the Concentration Camp. They testified that Linnas supervised the transportation of innocent Jewish women and children from his camp to a nearby antitank ditch. At the ditch, the women and children were tied by their hands and brought in their underwear to the edge of the ditch and forced to kneel. The guards then opened fire and murdered them. There was eyewitness testimony that Linnas, on at least one occasion, announced the victims' death sentence at the side of the ditch and gave the order to fire. Witnesses testified that on at least one occasion, Linnas personally approached the edge of the ditch and fired into it. Another eyewitness recounted having seen Linnas help direct Jews out of a school and onto a schoolbus. That witness recalled that Linnas helped a small child with a doll onto the bus, and that the doll was later placed in a storage area for the personal effects of those who had been murdered.

At his trial in United States District Court, Linnas did not deny his guilt -- he took the Fifth Amendment, claiming that his answers would incriminate him.

Five United States Courts, including two panels of the United States Court of Appeals, have found that Karl Linnas served as Chief of a Nazi concentration camp and participated in murders and other atrocities against men, women, and children. Thirteen United States judges have unanimously found against Linnas. The U.S. Supreme Court refused to hear his case on three occasions. Certainly, if there was any question as to his guilt, the Supreme Court would have heard the case. Linnas has received much more consideration in the U.S. Courts than most accused criminals receive.

The law is clear that Linnas must be deported to the Soviet Union. That is where his crimes took place. Misplaced sympathy for this man, who showed no sympathy for his innocent victims, or antipathy for the Soviet Union, should not stand in the way of justice.

Sincerely,



Jeffrey N. Mausner
Los Angeles
Former Justice Department Trial
Attorney