

U.S. Resumes Maikovskis Hearing

JUL 22 1981

By James Bernstein

New York—The U.S. Justice Department resumed its efforts this week to deport Boleslavs Maikovskis, a 75-year-old retired carpenter accused of complicity in the deaths of 20,000 Latvian Jews during World War II. The case had become bogged down in legal technicalities and no hearings in the matter had been held since 1977.

On Monday, the case opened in U.S. Immigration Court in Manhattan with Justice Department lawyers presenting the first of seven videotaped interviews prosecutors said will prove that Maikovskis, who lives in Mineola and was sentenced to death in absentia by a Soviet Court in 1965, participated in "crimes against humanity."

It was the first time the videotaped interviews with Latvians have been shown in the case against Maikovskis. It was the question of the admissibility of the videotapes that slowed the hearings.

Maikovskis sat silently with his lawyer, Ivar Birzens, and a Latvian

interpreter, by his side as the deportation hearing began in a small, makeshift courtroom on the 13th floor of a federal office building at 26 Federal Plaza. About a dozen persons were present, including reporters, immigration officials and representatives of Jewish rights organizations.

Judge Francis J. Lyons wore a black robe and no necktie during the morning session, but discarded the robe as the afternoon heat bore into the windowless room.

The government is attempting to prove that Maikovskis, a permanent resident alien of the United States, falsely swore, when he entered the United States in 1951, that he had never participated in any atrocities during World War II. Maikovskis has denied any role in the extermination of Jews in Latvia, saying the charges against him were "Communist propaganda." He faces deportation if the government can prove he lied.

The U.S. Board of Immigration Appeals ruled in January that the

videotaped interviews were permissible in the hearings because similar cases against accused Nazis have been based, in part at least, on videotapes.

That decision overturned Lyons' ruling in August, 1978, that denied the government's request to take depositions from witnesses in Latvia because, he said, fair depositions could not be taken in the Soviet Union.

Assistant U.S. Attorney Richard Sullivan said yesterday the government would present seven videotaped depositions during the hearing, which is to take the better part of this week.

Yesterday, the first of them was shown. Anton Zhukovskis, a 76-year-old former Latvian police officer and retired farmer, was interviewed on tape on May 18 by U.S. prosecutors in Latvia.

In the interview, he testified that after the German occupation of Latvia he had "entered the police service." He identified Maikovskis as commander of a police force in Lat-

via, and said that he had worked for him. Zhukovskis said Maikovskis "gave orders" in 1941 to shoot 40 Latvian villagers as a reprisal after one of Maikovskis' men was shot by an anti-Nazi partisan.

"I was present when Maikovskis gave the orders, when he was organizing the firing squad," the thin, bald Zhukovskis said. "They were taken to a hill, and there I saw pits that were already dug." Zhukovskis said that Maikovskis did not personally shoot any of the people in the village. "He had servants who did it for him," Zhukovskis said.

The oppressive heat of the courtroom did not diminish the enthusiasm of the Jewish rights' organization representatives, there for what they say they hope will be the conclusion of the case. Ilana Stern, 32, an official of the Jewish Community Relations Council of New York Inc., who was among the spectators, said, "We hope this deportation hearing will be concluded. It's been on for five years."

Newsday

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