

Contempt Action in War Crime Trial

By Sylvia Moreno

New York—U.S. Justice Department attorneys began contempt proceedings against Boleslavs Maikovskis of Mineola, accused of having been a Nazi collaborator, after he refused to testify yesterday during his deportation hearing.

Maikovskis refused to testify, citing the Fifth Amendment right not to give evidence that might incriminate him, marking the second time in four years he has refused to answer questions in court regarding his alleged participation in the slaughter of 20,000 Latvian Jews during World War II.

The first time the 75-year-old retired carpenter refused to testify was in 1977, a year after the deportation hearings before U.S. Immigration Judge Francis J. Lyons began in a small courtroom in the Immigration and Naturalization Service offices in lower Manhattan.

Yesterday, Maikovskis took the witness stand to the right of Judge Lyons and, speaking almost inaudibly and with no discernible facial expression, the slight and balding man repeated five times: "According to my attorney's advice, I decline to answer on the ground that the answer may tend to incriminate me."

He gave his name, his address and confirmed he is the respondent (defendant) in the deportation proceeding. But he refused to answer when trial attorney Richard D. Sullivan, of the Justice Department's Office of Special Investigations, asked him to tell the date and place he was born, his marital status, his wife's first name and her name before marriage.

Judge Lyons then excused Maikovskis from the stand, the hearing was recessed, and Sullivan walked across the street to U.S. District Court and obtained an order signed by Judge Robert Sweet requiring Maikovskis to prove why he should not be required to testify. Several years ago, he denied to immigration interviewers that he had complied in the killing of Latvian Jews and said that the charges against him are "Communist propaganda."

The order to show cause in the contempt matter will be argued before Judge Sweet on Tuesday morning. The Justice Department has asked for a \$5,000 fine for each day Maikovskis refuses to testify, and a penalty of incarceration in the Metropolitan Correctional Center in Manhattan, if he is found guilty of contempt.

The deportation hearing was recessed until Sept. 1, when Maikovskis' attorney, Ivar Berzins, said he will be ready to call defense witnesses.

Maikovskis is a resident alien who has been living in the United States since 1951. In 1965, a Soviet court in Riga convicted him in absentia for war crimes and sentenced him to death. The U.S. government is trying to deport Maikovskis as an undesirable for allegedly concealing his record of war crimes when he entered the United States from Germany.

His refusal to testify is an old issue that Justice Department attorneys expected to face anew yesterday, the fifth day of a deportation hearing that was postponed in the winter of 1977, when the Mineola resident first refused to be cross-examined by government attorneys. The government challenged his refusal to testify and in March, 1978, a U.S. District Court judge ruled that Maikovskis could not properly invoke the Fifth Amendment because deportation is a civil, not a criminal, proceeding. In September, 1978, the U.S. Court of Appeals in New York upheld the lower court, leaving Maikovskis no choice but to testify.