

# U.S. Moves to Oust Alleged Ex-Nazi

Washington

The Justice Department yesterday took steps to revoke the citizenship of a Carmichael, Calif., man because he allegedly concealed his background in the Nazis' infamous SS and helped Adolf Eichmann plan the persecution of European Jews.

The government filed a complaint in U.S. District Court in Sacramento to lift the citizenship of Otto Albrecht Alfred von Bolschwing, 71.

He obtained citizenship April 6, 1959, without disclosing his participation in the Nazi program of racial, religious and political persecution, the government said.

The complaint charged that von Bolschwing was a member of the Schutzstaffel, or SS, an elite unit of the Nazi Party, and worked

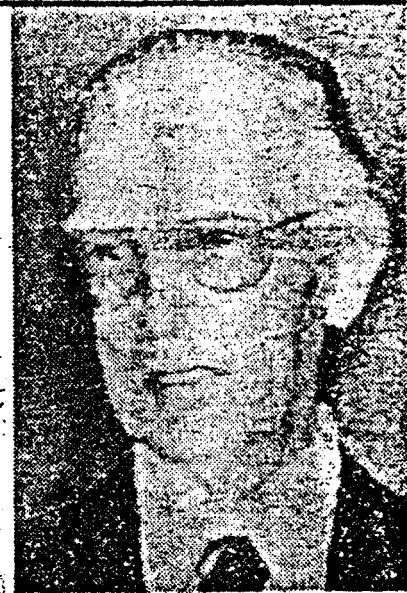
with the SS Office of Jewish Affairs.

Von Bolschwing allegedly advised that office and Eichmann in planning persecution and forced emigration of Jews from Nazi-controlled areas.

Eichmann, later head of the Office of Jewish Affairs, was executed in Israel in 1962 for his part in the mass murders of Jews during World War II.

The complaint charged that von Bolschwing advocated and devised proposals that included complete exclusion of Jews from the German economy, use of physical intimidation against Jews, and use of anti-Jewish propaganda to achieve the forced emigration of all Jews from Germany.

He also allegedly provided information to the SS on people



OTTO VON BOLSCHWING  
He's accused of SS role

"deemed to be inimical or politically suspicious" to the Nazi Party.

Von Bolschwing, born in Schoenbruch, Germany, was an agent of the SS from 1934 until at least 1941, the Justice Department said.

United Press

Thursday, May 28, 1981

# U.S. charges Carmichael man is e

WASHINGTON (AP)— The Justice Department filed suit Wednesday to strip U.S. citizenship from a 71-year-old California man who, it said, was a Nazi SS captain and an adviser to Adolf Eichmann on the persecution of Jews during World War II.

A three-count civil complaint was filed in U.S. District Court in Sacramento against Otto Albrecht Alfred von Bolschwing of Carmichael, a Sacramento suburb.

The Justice Department's Office of Special Investigations, which is charged with tracking Nazi war criminals in this country, alleged in its brief that von Bolschwing concealed his membership in the Nazi Party and in the SS and his role as an adviser to the intelligence branch of the SS and the Gestapo when he applied for and received U.S. citizenship in New York City in 1959.

Von Bolschwing said in a telephone interview that the allegations are "not true" and that he worked with U.S. intelligence during the war.

According to the government, von Bolschwing joined the Allgemeine (General) SS, an elite Nazi unit, in 1940 and rose to the rank of captain the next year.

The government said he was an official of the SD, the SS intelligence arm, from 1934 until 1941, during which time he allegedly advocated and devised proposals which included a complete exclusion of Jews from the economy of Germany, the use of physical intimidation against Jews, and the use of anti-Jewish propaganda to achieve the forced emigration of all Jews from Germany.

The government said von Bolschwing headed the SD in Romania in late 1940 and early 1941. It said that between September 1940 and January 1941, a violent, Fascist, anti-Semitic movement in Romania known as the "Iron Guard" murdered and persecuted Jews and non-ethnic Romanians. In January 1941, the Iron Guard staged a rebellion against the government of Romania during which it "brutally murdered or tortured" large numbers of Jewish citizens, according to the government.

The Justice Department said that von Bolschwing, as head of the SD for Romania, encouraged and aided the Iron Guard in its January 1941 rebellion and pogrom, protected Iron Guard leaders after those activities were unsuccessful and aided their escape into Germany.

According to the government, von Bolschwing was also an official of the Reich Security Main Office, established in September 1939 to unify under its jurisdiction the SD, Gestapo and Criminal Police.

The SS, the SD and Gestapo were declared to be criminal organizations by the International Military Tribunal at Nuremberg, Germany, in 1946 for their "programmatic and massive participation in the commission of war crimes and crimes against humanity," the Justice Department said.

Reached by telephone in California, von Bolschwing said, "It's not true. I never served in the SS or Gestapo or SD. I did serve in the OSS for the Americans, and I did parachute into Austria. It was dangerous work. I did major work in

The OSS, which stood for Office of Strategic Services, was the U.S. military precursor during World War II of the Central Intelligence Agency.

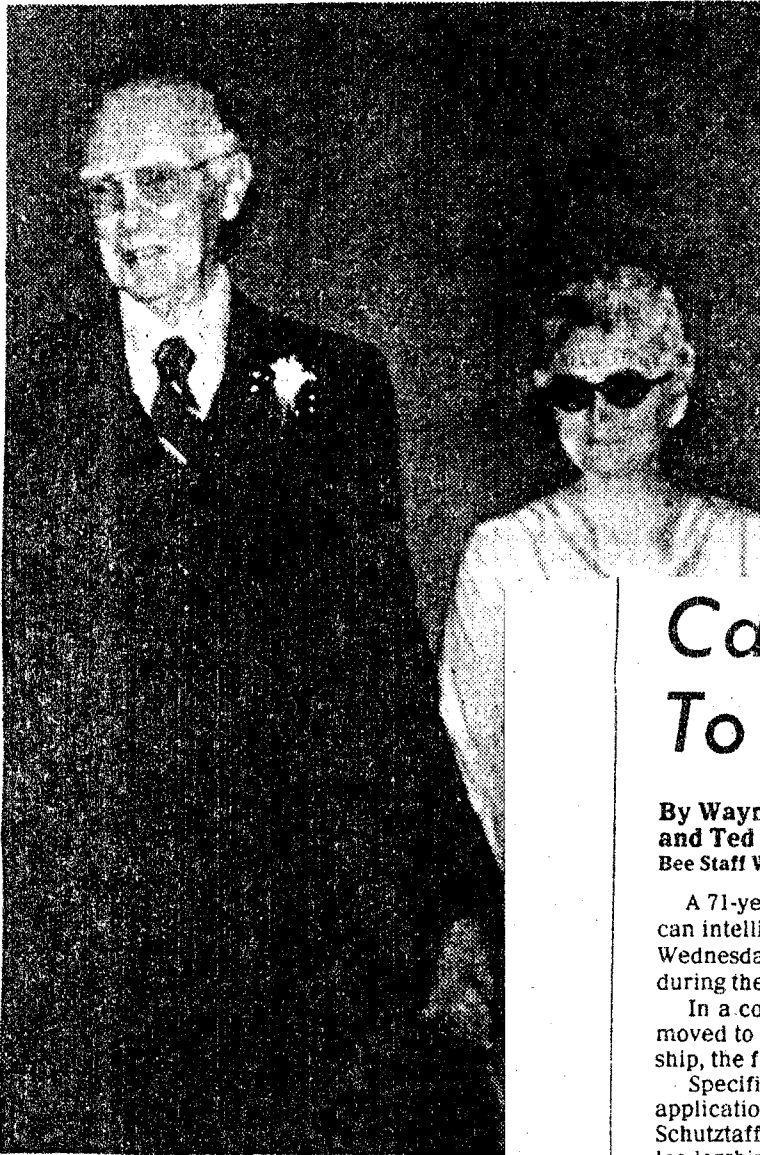
In an affidavit filed with the suit, Charles Gittens, deputy director of the Office of Special Investigations, said the information on von Bolschwing's participation in various Nazi units had been obtained by him from documents in the Berlin Document Center, a repository of captured German documents — including personnel records of the Nazi government — maintained by the United States Mission in West Berlin.

The government's complaint charges that von Bolschwing is not and has not been a person of good moral character because of his substantial and extended participation in the Nazi policy of racial, religious and political persecution.

The government said that because he was not a person of good moral character and because he concealed his Nazi activities on his citizenship application, he was ineligible to become a U.S. citizen under the Immigration and Nationality Act of 1952.

The government's brief noted that the citizenship application on which von Bolschwing allegedly failed to reveal Nazi activities contained a warning that citizenship may be revoked for concealment of the material fact or for willful misrepresentation.

## Double Agent?



Otto Albrecht Alfred von Bolschwing and

## Capital Man Linked To Nazi War Crimes

By Wayne Wilson  
and Ted Bell  
Bee Staff Writers

A 71-year-old Sacramento man who says he was an agent for American intelligence in World War II was accused by the U.S. government Wednesday of having been a high-ranking adviser to Adolf Eichmann during the Nazi persecution of Jews.

In a complaint filed in U.S. District Court, the Justice Department moved to strip Otto Albrecht Alfred von Bolschwing of his U.S. citizenship, the first step toward deportation proceedings.

Specifically, the complaint alleges that in his 1959 naturalization application, von Bolschwing concealed his wartime membership in the Schutzstaffeln, an elite unit of the Nazi Party known as the SS, and his leadership role in the Sicherheitsdienst, or SD, the intelligence-gathering arm for the Nazi Party, the SS and the Gestapo (State Secret Police).

As head of the Romanian SD in 1941, von Bolschwing "encouraged and aided" the Iron Guard, a violent fascist, anti-Semitic rebellion in Romania during which "large numbers of Jewish citizens ... were brutally murdered or tortured," the complaint alleges.

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# Nazi

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Von Bolschwing, speaking by telephone from his bed in a Carmichael convalescent hospital, told the Associated Press, "It's not true. I never served in the SS or Gestapo or SD. I did serve in the OSS (Office of Strategic Services, the forerunner of the Central Intelligence Agency) for the Americans, and I did parachute into Austria. It was dangerous work. I did major work in Germany (for the Americans)."

Von Bolschwing suggested that the federal action was the result of "an old feud" between the attorney general and him. He would not be more specific about the feud, but said that it originated "some years back."

His wife of 15 months, Agnes, 72, said she has seen documents verifying von Bolschwing's statement that he was working for the OSS.

"I'm absolutely bewildered," Agnes von Bolschwing said. "It just doesn't make sense to me because there is all kinds of evidence of the help he provided us during the war."

She said von Bolschwing came to the United States in 1938, became a lieutenant colonel in the OSS and was dropped behind the lines to direct U.S. underground operations during the war. At one time, he was captured by the Gestapo and imprisoned for nine months, she said. When he came out of the prison camp, von Bolschwing weighed only 104 pounds, "and he's 6-2," she said.

Agnes von Bolschwing said she has seen a certificate of thanks from the province of Tirol, Austria, "for the lives he saved."

"He brought in more than 25 high Nazi officials," she said.

She said that two CIA agents and two Justice Department agents interviewed her husband in February. "I thought the matter was settled. Apparently there is some eager beaver that doesn't want it settled."

She went on to say:

"I consider myself a good citizen. I have always loved my country, but I think this is more like Russia persecuting a sick old man than it is like the United States."

Agnes von Bolschwing said her husband is very ill, suffering from emphysema, supranuclear palsy and an ailment that affects his balance. He is able to walk, but only with a walker or cane, she said.

She added that she would not allow a personal interview of her husband on the advice of his psychiatrist, who said he is "not able, either physically or mentally," to undergo such a strain.

U.S. Attorney William B. Shubb, who filed the complaint against von Bolschwing in the Eastern District of California with the personal authorization of Assistant Attorney General D. Lowell Jensen, said he has no information that indicates von Bolschwing was a double agent for the OSS.

The complaint seeks to revoke von Bolschwing's citizenship on grounds he illegally procured his naturalization by "concealment of material facts or by willful misrepresentations" and was not "a person of good moral character."

An outline of von Bolschwing's activities before and during World War II is included in the complaint and attached affidavit, which is signed by Charles Gittens, deputy director of operations for the Office of Special Investigations, established in 1979 by the Carter administration to find Nazi war criminals in the United States.

Gittens declared that captured German documents maintained by the U.S. Mission in West Berlin verify von Bolschwing's involvement with the Nazi Party of Germany.

According to those documents, von Bolschwing joined the Allgemeine SS in April 1940 and rose to the rank of captain in about January 1941.

He also was an agent, official or employee of the SD from 1934 until at least 1941, and served in Office II 112 of the SD, known as the "Jewish Affairs" office, from at least 1937 until 1939, the affidavit states.

A source close to the investigation of von Bolschwing said Wednesday that von Bolschwing accompanied Adolf Eichmann to Palestine in 1936 or 1937, a trip presumably designed to find a destination for Jews the Nazis originally intended to ship out of Germany.

Eichmann was convicted and executed in Israel in 1962 for his part

in the mass murders of 6 million Jews.

While with the SD, von Bolschwing "provided information and advice to . . . Eichmann" and participated in planning the "program of persecution and forced emigration of Jews from areas under the control of the Nazi government of Germany," the affidavit states.

"In particular, (he) advocated and devised proposals which included a complete exclusion of Jews from the economy of Germany, the use of physical intimidation against Jews, and the use of anti-Jewish propaganda to achieve the forced emigration of all Jews from Germany," it states.

In 1941, von Bolschwing is alleged to have headed the SD section in Bucharest, Romania, where he helped orchestrate the Iron Guard rebellion.

Later, according to the affidavit, von Bolschwing protected the Iron Guard sect leaders and aided their escape into Germany.

One such Iron Guard leader assisted by von Bolschwing, said source close to the investigation, was the sect's top student leader Valerian Trifa, who showed up in the United States in about 1950 and subsequently became the archbishop of the Romanian Orthodox Episcopate of America in Detroit.

Trifa, who lives in Grass Lake, Mich., agreed to voluntarily surrender his citizenship in August 1980, but he is now appealing the denaturalization order.

The investigation of Trifa is believed to have led authorities to von Bolschwing, who has always used his true name in the United States.

Von Bolschwing, who was born in Schonebeck, Germany, on Oct. 11, 1909, practiced law in Berlin and Vienna, said his wife, Agnes.

Before the war, she said, he raced cars and skied. "He had a fabulous life," she said. "Now, when he's old and sick and can't defend himself, for this to happen just makes me furious."

Von Bolschwing has been married four times, his wife said, and has one child, a son, Gisbert, who is a lawyer specializing in catastrophic injury in San Francisco.

Gisbert von Bolschwing was in London and could not be reached for comment Wednesday, but his wife, Karol, of Oakland, said, "This is terrible, shocking news."

Agnes von Bolschwing said her husband was in the OSS when he became the CIA, and "after he got out of the CIA," she said, "he came back to the United States."

Investigators believe von Bolschwing entered the country to stay in about 1952. He applied for and received his certificate of naturalization on April 6, 1959.

Otto von Bolschwing went on to become the general manager of Germany of the Warner-Lambert Chemical Co., and the director of German operations for Cabot Oil, his wife said. He also was self-employed as an international consultant on business methods in chemical plants, she said, and in the process became a member of the Pan Am and United Airlines 100,000-Mile clubs.

Von Bolschwing came to the Sacramento area about 10 years ago with his third wife, Beth.

They settled in Carmichael, but in 1978 the third Mrs. von Bolschwing committed suicide, and Otto von Bolschwing moved into an apartment complex on Manzanita Avenue.

Abel Salazar, now the manager of the Carmichael Apartments, expressed his feeling about the federal flap: "They ought to leave that poor guy alone. The war's over."

On Jan. 1, 1980, von Bolschwing moved out of his \$225-a-month one-bedroom apartment in Carmichael and into The Greenhaven for Active Seniors at 6350 Riverside Blvd. in the south area.

There he met Agnes, whom he married March 1, 1980, at the chapel of the 2nd Ward of the Church of Jesus Christ of Latter-day Saints.

Agnes, a Mormon, converted Otto, her third husband, to the religion she said. Agnes' first husband died when she was 27 years old, and the second marriage lasted 27 years. She said she had been a widow for seven years when she met Otto von Bolschwing.

Asked if von Bolschwing ever exhibited anti-Semitic tendencies in her presence, she snapped, "None whatsoever. How could he have been anti-Semitic? After the war, Otto married a half-Jewish woman

*San Jose, California, Friday morning, November 20, 1981*

# The Mercury

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Randy Olson — Mercury

Gaunt and ailing, Otto Albrecht von Bolschwing is visited by his lawyer, Arthur W. Ruthenbeck, in convalescent home

## Ex-Nazi's brilliant U.S. career strangled in a web of lies

by Pete Carey  
Staff Writer

For the past 10 years, Otto Albrecht Alfred von Bolschwing's carefully constructed life in America has been coming apart a piece at a time.

He was president of a high-technology investment firm with headquarters in Sacramento and subsidiaries in the Silicon Valley. It went bankrupt in a 1971 scandal.

He was a doting husband until his ailing wife killed herself in 1978.

He numbered among his business associates millionaires, bankers and scientists. Then his brain stem was hit by a rare disease two years ago, sending him into isolation at a Carmichael rest home.

He told friends he had worked

for the Americans during and after World War II. But in May, the federal government began proceedings to deport him for lying about his Nazi past.

In a widely publicized attempt to revoke von Bolschwing's citizenship, the Justice Department accused him of helping Hitler's per-

secution of European Jews and of being an associate of Adolf Eichmann, the architect of Germany's mass-killing program.

The disclosures come at the end of a long, improbable career that took von Bolschwing through the

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# Von Bolschwing

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state categorically that von Bolschwing was not a U.S. agent either before or during the war.

Agnes von Bolschwing, the accused man's 72-year-old wife, said Thursday the government's claims do not alter her position, which is that the United States is "picking on a poor, sick old man. It's so long ago. If they had anything against him, why didn't they do it back then?"

Agnes von Bolschwing, who said her husband is so physically and mentally ill that he doesn't comprehend what is happening to him, even now, added:

"So far as I'm concerned, in this country a man is innocent until he is proven guilty; and to me, they have not proven him guilty."

Von Bolschwing was served with the government's complaint Wednesday in his convalescent hospital bed, his wife said.

Meanwhile, the CIA refused Thursday to comment on a report from a Washington news source that von Bolschwing did, indeed, work for the Central Intelligence Agency in Germany, but only after the war, in 1949 and 1950.

If von Bolschwing was recruited as a CIA agent after the war, it would be immaterial to the complaint pending against him now, Shubb said.

Such information, if it exists, would be classified and unavailable, even to him, Shubb said, and it would not change the grounds for the complaint against von Bolschwing, which are that he concealed his membership in Nazi organizations on his 1959 naturalization application.

The Justice Department has

moved to strip von Bolschwing of his U.S. citizenship, claiming his alleged membership in the infamous Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiterpartei (SS) and other Nazi organizations are evidence he "lacked good moral character and attachment to the principles of the Constitution of the United States."

In 1946, the SS was declared to be a criminal organization by the International Military Tribunal at Nuremberg, Germany, which cited its "programmatically and massive participation in the commission of war crimes and crimes against humanity," the complaint states.

According to the complaint against him, von Bolschwing rose through the ranks of the SS to become a captain in January 1941.

He also was an adviser to convicted mass murderer Eichmann in the "Jewish Affairs" office of the Sicherheitsdienst des Reichsfuehrer SS, commonly known as the SD, according to the complaint.

The "Jewish Affairs" office collected "historical, statistical, economic and cultural information on the Jews for use by the Nazi government in its systematic persecution of Jews, and recommended measures for carrying out the persecution of Jews," the complaint states.

Von Bolschwing has 20 days from the date of service to reply to the government's complaint against him.

Although his wife said she and her husband are being advised by a law firm in San Francisco, von Bolschwing has yet to obtain legal representation.

Von Bolschwing's only child, son Gisbert, is a San Francisco attorney, but he was reported to be in London Wednesday.

The Office of Special Investigations, which initiated the action, was established under the Carter administration in 1979 specifically to flush out Nazi war criminals still living in the United States.

According to its director, Ryan, the office operates under a \$2.3 million annual budget with a staff of 50, including 20 attorneys, six investigators and six historians.

The office is investigating an estimated 300 Nazi war criminals now residing in the United States, most of them Eastern Europeans.

According to Simon Wiesenthal, the 72-year-old Nazi concentration camp survivor who is conceded to be the world's leading hunter of war criminals, von Bolschwing is one of only about 10 or 12 German war criminals believed to be in the United States.

Ryan would not comment on Wiesenthal's observation, saying "only," "Mr. Wiesenthal, as always, speaks for himself. He does not speak for the Justice Department."

## Probers Reject Nazi Suspect's Story

By Wayne Wilson  
Bee Staff Writer

Federal Nazi hunters denied Thursday that Sacramento resident Otto Albrecht Alfred von Bolschwing worked as a double agent for the U.S. government either before or during World War II.

And although they conceded the possibility he was recruited as a CIA

agent after the war, they said any such affiliation would not be relevant to the current action against him.

Allan A. Ryan Jr., director of the Justice Department's Office of Special Investigations, said there is absolutely no evidence that von Bolschwing was in any way connected with American intelligence during the time he allegedly was serv-

ing Germany's Nazi Party and working as a top adviser to Adolf Eichmann.

"It's simply not true," Ryan declared.

And U.S. Attorney William B. Shubb, who filed a complaint against the 71-year-old invalid Wednesday in U.S. District Court, said he could

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Sacramento Bee 6/1/81

# Accused Nazi's defense hampered by CIA order not to talk, attorney says

By S. LYNNE WALKER  
SACRAMENTO UNION STAFF WRITER

A Sacramento man accused by the U.S. government of being a Nazi SS captain during World War II is unable to defend himself because the Central Intelligence Agency has ordered him not to talk, defense attorney Arthur Ruthenbeck charged Wednesday.

The CIA, citing a possible secrecy agreement, ordered 71-year-old Otto von Bolschwing not to speak to his attorney without authorization, Ruthenbeck said.

CIA attorney Barbara Pollack requested in a tape-recorded conversation that von Bolschwing's son, Gus, "submit certain background information to the CIA through me . . . and we will obtain clearances on (von Bolschwing's attorneys) so your father can speak with them freely," according to court documents.

Ruthenbeck quoted Pollack as saying von Bolschwing "would be obligated to comply" with a secrecy agreement, should one exist, "and refrain from discussing any classified information with me."

Von Bolschwing told Ruthenbeck earlier this month that "he would not talk to me regarding . . . his involvement with the CIA unless both he and I have a clearance from the CIA."

Ruthenbeck, who said he has been forced to resort to "guessing what

could be possible" because of von Bolschwing's reluctance to talk, said the CIA's interest suggests "they must have some real legitimate interest in this case.

"They don't send a staff attorney and another CIA operative to interview every little old man who says he worked with the CIA," said Ruthenbeck. "Why would they go to this effort if there were not some CIA involvement?"

Von Bolschwing is accused by the U.S. Department of Justice of concealing his wartime membership in the SS.

Further, the Justice Department alleged, von Bolschwing failed to disclose in a 1959 naturalization application his role as adviser to Adolf Eichmann during the Nazi persecution of Jews.

Von Bolschwing, who has emphysema and neurological disorders and lives in a Sacramento nursing home, contends he was an agent for American intelligence during World War II.

He said in an earlier interview that he "did major work in Germany" for the Allies.

Von Bolschwing's response to the allegation was to be filed Friday in federal court in Sacramento, but Ruthenbeck said he has been unable to get any information from his client "because he is unwilling to disclose some aspects of the case unless he is authorized by the CIA to

speak to me.

"My hands have been tied," said Ruthenbeck. "I'm not trying to delay the case; I'm just trying to get authorization for my client to talk to me.

"We're in a real Catch-22 situation," he said. "One arm of the government prosecutes the case and another says you can't talk to your client.

"Mr. von Bolschwing is caught in the middle of this bureaucratic struggle between the CIA and the Department of Justice. He's basically being denied meaningful access to counsel by the federal government," Ruthenbeck contended.

U.S. Attorney William Shubb countered that "the CIA has no objection to Mr. von Bolschwing speaking freely with his lawyer. We're in the process of attempting to get a letter from the CIA saying they have no objection.

"I don't have any reason to believe the CIA is trying to deprive him of his right to counsel," said Shubb.

Regardless of whether the CIA knew of von Bolschwing's background, Shubb said it should have been revealed on the citizenship application.

"Our allegations concern the manner in which he got his citizenship," said Shubb. "Certainly, the CIA does not confer citizenship."

Sacramento Union

Sept. 10, 1981



# Accused former Nazi in California faces loss of citizenship

WASHINGTON (AP) — The Justice Department filed suit Wednesday to strip U.S. citizenship from a 71-year-old California man it says was a Nazi SS captain and an adviser to Adolf Eichmann on the persecution of Jews during World War II. A three-count civil complaint was filed in U.S. District Court in Sacramento against Otto Albrecht Alfred von Bolschwing of Richmond, Calif., a Sacramento suburb. The Justice Department's Office of Special Investigations, which is charged with tracking Nazi war criminals in this coun-

try, alleged in its brief that von Bolschwing concealed his membership in the Nazi Party and in the SS and his role as an adviser to the intelligence branch of the SS and the Gestapo when he applied for and received U.S. citizenship in New York City in 1959.

Von Bolschwing said in a telephone interview that the allegations are "not true" and that he worked with U.S. intelligence during the war.

According to the government, von Bolschwing joined the Allgemeine (General) SS, an elite Nazi unit, in 1940 and rose to the

rank of captain the next year.

The government said he was an official of the SD, the SS intelligence arm, from 1934 until 1941, during which time he allegedly "advocated and devised proposals which included a complete exclusion of Jews from the economy of Germany, the use of physical intimidation against Jews, and the use of anti-Jewish propaganda to achieve the forced emigration of all Jews from Germany."

From 1937 to 1939, the government said, von Bolschwing was an employee of Office II 112 of the SD and "provided informa-

tion and advice to the SD and in particular to Adolf Eichmann, who was then an official of Office II 112, on Jewish organizations and forced emigration of Jews."

The government said von Bolschwing headed the SD in Romania in late 1940 and early 1941. It said that between September 1940 and January 1941, a violent, Fascist, anti-Semitic movement in Romania known as the "Iron Guard" murdered and persecuted Jews and non-ethnic Romanians. In January 1941, the Iron Guard staged a rebellion against the government of Ro-

mania during which it "brutally murdered or tortured" large numbers of Jewish citizens, according to the government.

The Justice Department said that von Bolschwing, as head of the SD for Romania, encouraged and aided the Iron Guard in its January 1941 rebellion and pogrom, protected Iron Guard leaders after these activities were unsuccessful and aided their escape into Germany.

According to the government, von Bolschwing was also an official of the Reich Security Main Office, established in September 1939 to unify under its jurisdic-

tion the SD, Gestapo and Criminal Police.

Reached by telephone in California, von Bolschwing said, "It's not true. I never served in the SS or Gestapo or SD. I did serve in the OSS for the Americans, and I did parachute into Austria. It was dangerous work. I did major work in Germany" for the Americans.

The OSS, which stood for Office of Strategic Services, was the U.S. military precursor during World War II of the Central Intelligence Agency.

# Accused Nazi Might Have Worked For US

By Hillary Abramson  
Bee Staff Writer

Otto Albrecht Alfred von Bolschwing — who says he was an American agent, not a Nazi war criminal — may have been an agent after World War II in exchange for a permanent home in the United States, said Nazi hunter Simon Wiesenthal in a phone interview from Vienna Wednesday.

Wiesenthal, the 72-year-old Nazi concentration camp survivor who since 1945 has located and brought to justice nearly 1,000 World War II Nazis hiding around the world, said that von Bolschwing was a German spy in Palestine in 1936-37.

He said the U.S. Justice Department, which is working with the attorney of the Simon Wiesenthal Center of Holocaust Studies in Los Angeles, is about to nab an SS general living in Chicago.

"I have no proof that von Bolschwing was an agent for the U.S. Office of Strategic Services (precursor to the Central Intelligence Agency)," said Wiesenthal. "But if the man says he was, it figures. But he wasn't an agent during the war."

"After the war makes sense. Germans did not just walk into the United States in the '50s, and from our estimates, he entered the U.S. around 1952. Most Nazis who did so used their own names and had help from government officials."

Von Bolschwing is in a Carmichael convalescent hospital and denies serving in Nazi intelligence units.

Wiesenthal, who has run his Jewish Documentation Center in Vienna since 1947, said von Bolschwing used the camouflage of a businessman most of his adult life.

"From 1936-37, he was a German spy in Palestine," Wiesenthal said. "We know this from our intelligence. We know the names of his German friends in Haifa and Jerusalem. The Germans were preparing to occupy Palestine and were working with Arabs. Von Bolschwing had these friends when he was in Palestine. But in 1937, the British expelled him, and he returned to Germany."

Wiesenthal, who played a major role in the capture of Adolf Eichmann — chief of the Gestapo's Jewish section who was convicted and executed in Israel in 1962 for his part in the mass murders of Jews — said he has Eichmann's unpublished memoirs.

"I sent to the U.S. Justice Department two years ago parts from them in which Eichmann praised von Bolschwing," Wiesenthal said. "Eichmann said he admired von Bolschwing. He said enough to interest the Justice Department."

Von Bolschwing went to work for Eichmann in 1940, said Wiesenthal, but fell out of favor in 1944.

"Von Bolschwing had a quarrel with SS headquarters," Wiesenthal said. "He said it was political, but it had more to do with black-market activities von Bolschwing was involved with. He was jailed in Vienna for them, and Eichmann visited him there. They eventually reduced his rank in the SS, and that was that."

Wiesenthal, who received a U.S. congressional medal in 1979 for his efforts, said he does not know what the 71-year-old von Bolschwing did after he made the United States his home.

How did Wiesenthal react to the news that the Justice Department took action to strip von Bolschwing of his citizenship?

"I expect it," he said. "We have talked with the Justice Department. We knew one day this must come about."

# U.S. charges Sacramentan was a Nazi war criminal

By VEDA FEDERIGHI  
SACRAMENTO UNION STAFF WRITER

The Justice Department acted Wednesday to strip citizenship from a 71-year-old Sacramento man accused of being a Nazi SS captain and adviser to Adolf Eichmann during World War II.

Otto Albrecht Alfred von Bolschwing, in a telephone interview from his bed in a south area nursing home, denied the charges, insisting that he worked for U.S. intelligence during the war as a double agent.

His 72-year-old wife, Agnes, told

reporters in the living room of their residence near the nursing home that she had seen papers proving her husband aided the Allied cause.

"I feel I am a very patriotic American and have always loved my country," said the Texas-born woman, who has been married to von Bolschwing for a year.

"BUT THIS IS more like Russia persecuting a sick old man . . ." she said.

In its brief filed in U.S. District Court in Sacramento, the government alleges that von Bolschwing

joined the SS as a second lieutenant in 1940 and was promoted to captain within a year. The brief describes the SS as "an elite unit of the Nazi Party" that the Nuremberg war crimes trials declared a criminal organization "for its programmatic and massive participation in the commission of war crimes and crimes against humanity."

THE GOVERNMENT said von Bolschwing was an official of the SD, the intelligence arm of the SS

—To A3, Col. 2

THE NEW YORK TIMES, THURSDAY, MAY 28, 1961

## U.S. Moves to Revoke Citizenship of Suspect In Eichmann Program

Special to The New York Times

WASHINGTON, May 27 — The Justice Department moved today to revoke the citizenship of a 71-year-old California man on the ground that he had concealed his activity as a Nazi who helped Adolf Eichmann plan the persecution of Jews.

The department filed a complaint in Federal District Court in Sacramento to cancel the citizenship of Otto Albrecht Alfred von Bolschwing of Carmichael, Calif. The complaint said that from 1934 to 1941, Mr. Bolschwing had been an agent or employee of a German unit known as the Sicherheitsdienst, or S.D., which collected intelligence for the Nazi Party leadership, and that he had "provided information and advice to the S.D." and in particular to Adolf Eichmann, "concerning Jewish organizations and the expulsion of Jews from Germany."

Eichmann was executed by the Israeli Government in 1962 for his part in sending millions of Jews to their deaths in World War II.

The Justice Department charged that Mr. von Bolschwing had illegally procured American citizenship in 1959 after having "willfully concealed material facts" in his application.

Mr. von Bolschwing's wife, Agnes, reached by telephone today in California, said that her husband was suffering from emphysema and palsy, and was too ill to be interviewed. But she said that her husband had been a "double agent," reporting to United States intelligence officials, when he worked for the German S.D.

"He definitely was working for the United States and he has documents to prove it," Mrs. von Bolschwing said. "He came to the United States in the late 30's, became a lieutenant colonel in the Office of Strategic Services and then went into the Central Intelligence Agency for about two years."

# U.S. calls Sacramentan Nazi war criminal

—From A1

and the Gestapo (the Nazi state secret police), from 1934 to 1941. During that period, he allegedly "participated in planning the SD's program of persecution and forced emigration of Jews" from Nazi-controlled areas.

"In particular, (von Bolschwing) advocated and devised proposals which included a complete exclusion of Jews from the economy of Germany, the use of physical intimidation against Jews, and the use of anti-Jewish propaganda to achieve the forced emigration of all Jews from Germany," the government alleges.

THE BRIEF maintains that von Bolschwing "provided information and advice to the SD, and in particular to Adolf Elchmann . . . on Jewish organizations and forced emigration of Jews . . . (and) provided information to the SD on persons deemed to be inimical or politically suspicious to the Nazi Party and Nazi Government of Germany."

In late 1940 and early 1941, the government said, von Bolschwing was head of the SD for Romania. It said that during that period, he aided the Iron Guard, "a violent, fascist, anti-Semitic movement in Romania which murdered and persecuted Jews and non-ethnic Romanians."

In January 1941, the Iron Guard staged a rebellion against the Romanian government, and von Bolschwing "encouraged and aided" the pogrom "in which large numbers of Jewish citizens . . . were brutally murdered or tortured by the Iron Guard."

INTERVIEWED BY telephone, von Bolschwing said, "It's not true. I never served in the SS or Gestapo or SD. I did serve in the OSS for the Americans, and I did parachute into Austria. It was dangerous work. I did major work in Germany" for the Americans, he said.

The OSS (Office of Strategic Services) during World War II was the U.S. forerunner of the Central Intelligence Agency.

Von Bolschwing, who spoke with an accent and whose breathing was forced,



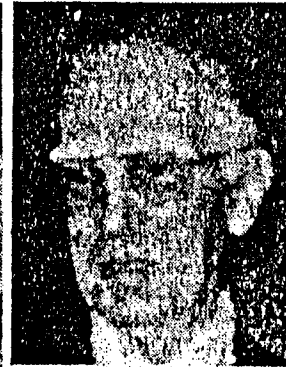
Staff photo by Bob Moore

William B. Shubb, U.S. attorney for the Sacramento area, said he had never heard of von Bolschwing before this case was brought to his office by investigators for the U.S. Department of Justice.

THE CASE WAS the result of a lengthy investigation by the department's Office of Special Investigations, which is charged with tracking Nazi war criminals in this country.

According to an affidavit, information on von Bolschwing's participation in various Nazi units had been obtained from documents in the West Berlin's Document Center, a repository of captured German and Nazi government documents.

Mrs. von Bolschwing said that her husband had been interviewed twice in February by "two agents from the CIA



Agnes von Bolschwing reads indictment charging that her husband, above, was a member of the Nazi elite SS during World War II. If convicted, he faces deportation.

settled," she said.

HER HUSBAND has been very ill for nearly a year, first showing signs of clinical depression for which he spent a week at American River Hospital in June.

He was again hospitalized in November, suffering from emphysema and neurological disorders, and "had to go into a nursing home, where he's been ever since except for when he went to the hospital with pneumonia in April," Mrs. von Bolschwing said.

She said his illness has affected her husband's balance. "He falls, and he's 6 feet 2, and I'm 5 feet 3, so I couldn't take care of him anymore."

Her husband, a German baron, was born in 1909 in Schoenbruch, Germany. She said he came to America in 1938, was made a Lieutenant Colonel in American

"HE WAS IMPRISONED by the SS for nine months in 1942 and 1943 and interrogated every day," she said. When released, the 6-foot-2 von Bolschwing weighed 104 pounds, his wife said.

She said that her husband has "a certificate of thanks from the government of the Tyrol (southern Austria) for lives saved when Allied armies came through (and von Bolschwing) was in charge of U.S. underground operations at that time."

She described another letter which thanks her husband for bringing in "more than 25 high Nazi officials for prosecution."

"I have seen the letters," she said, adding that she was "absolutely bewildered" by the government's charges.

"IT DOESN'T make sense to me," she said. "There is all kinds of evidence what he did for us."

She said her husband was not anti-Semitic and had married a half-Jewish woman, since deceased, in Germany shortly after the war.

Von Bolschwing was "head of Cabot Oil in Germany" before coming to the United States to live in the 1950s, his wife said. A few years later he returned to head the German branch of a chemical company and returned to the United States in the early 1960s, she said, to work as an international consultant on business management of chemical firms. He has been retired and living in Sacramento several years.

The couple met when they were both living in a Greenhaven senior citizens apartment complex and wed in January 1980. A converted Mormon, Mrs. von Bolschwing said that her husband converted shortly after the marriage. On a bookshelf in the living room are volumes of The Book of Mormon in English and in German.

THE COMPLAINT charged that von Bolschwing is not and has not been a person of good moral character because of his substantial and extended participation in the Nazi policy of racial, religious and political persecution.

The government said that von Bolschwing was ineligible for U.S. citizenship

# Alleged Nazi Denies Federal Charge, Says He Spied For U.S.

## Sacramento

Seventy-one-year-old Otto von Bolschwing has denied charges that he was a high-ranking Nazi persecutor of Jews during World War II, and says he will fight efforts by the U.S. government to take away his citizenship.

Von Bolschwing, enfeebled by diseases and confined to a nursing home, was accused Wednesday of being a top adviser to Adolf Eichmann, the notorious mastermind of the so-called "Final Solution," Hitler's diabolical plan for the extermination of Jews in Europe.

He immediately denied the Justice Department's accusations

and claimed that he was a secret agent during the war with the U.S. Office of Strategic Services, the precursor of the CIA.

Von Bolschwing told the Associated Press that he would respond in court to charges that he was a Gestapo officer who worked with the Office of Jewish Affairs and helped plan persecution, intimidation and deportation of Jews.

"It's not true," he said. "I never served in the SS or Gestapo or SD (the intelligence branch of the SS). I did serve in the OSS for the Americans, and I did parachute into Austria. It was dangerous work. I did major work in Germany (for the Americans)."

Allan A. Ryan, director of the Justice Department's Office of Special Investigations, said yesterday that von Bolschwing was lying.

"What he said is not true. Our case relates from the middle 1930s through the war, and during that period he was not a double agent for the U.S. or anything like that. He was not affiliated in any way with the U.S. government."

The Office of Special Investigations, created in 1979, specializes in tracking down Nazi war criminals in the United States. The office is now prosecuting 20 cases in court, Ryan said, and investigating 223 other people suspected of taking part in Nazi atrocities.

"He (von Bolschwing) is being charged with being what he was — an adviser to Eichmann and director of the SD in Bucharest, Romania," Ryan said.

Emotionally shaken by the accusations, von Bolschwing's 73-year-old wife, Agnes, said she had only known her husband for the past year and a half.

"I don't know anything about him before then, except what he told me," she said. "He told me he was a double agent working for the U.S. all through the war and that he was in the Tyrol."

"He was directing the underground movement and helping the

American army. He really isn't a very talkative man; he hasn't told me much about it."

Mrs. von Bolschwing said her husband had been in a nursing home since last November with emphysema and disorders of the brain and nervous system.

"He is a very sick man. He has been in the nursing home since November because he's so sick, not because he's trying to avoid being interrogated."

The government complaint does not charge von Bolschwing with war crimes, but it does declare that in his position as an influential Nazi officer, he "participated in

planning the SD's program of persecution and forced emigration of Jews from areas under the control of the Nazi government of Germany."

"In particular, defendant (von Bolschwing) advocated and devised proposals which included a complete exclusion of Jews from the economy of Germany, the use of physical intimidation against Jews, and the use of anti-Jewish propaganda to achieve the forced emigration of all Jews from Germany," the government charged.

U.S. Attorney William Shubb said von Bolschwing would have 30 days to answer the complaint.

Our Correspondent



# Underground Fugitive Freed After 11 Months

NEW YORK—Former Weather Underground bomb factory fugitive Cathlyn Wilkerson was freed from jail yesterday by the state judge who originally sentenced her to a minimum term of up to three years in jail on a dynamite charge.

Wilkerson, 36, was impassive when Supreme Court Justice Harold Rothwax freed her. She had served 11 months.

The charge stemmed from a March 6, 1970, explosion in a Greenwich Village townhouse that resulted in the death of three of Wilkerson's Weather Underground comrades. Police said the radicals were using the townhouse as a bomb factory.

## Radical Sought in N.J. Killing

BLAIRSTOWN, N.J.—State police are seeking three members of a radical group in the slaying Monday night of New Jersey state trooper Philip Lomonaco, shot eight times near a service area on Interstate 80.

The suspects are members of a "left-wing revolutionary group" called the Sam Melville-Jonathan Jackson Unit, authorities said.

Suspect Thomas William Manning, 35, of Boston, was identified through "fingerprints found on paraphernalia" in a car believed used in the killing and is wanted on a federal bank-robbery warrant, they said.

Also being sought are Raymond Luc Levasseur, 35, and Cameron David Bishop, 39. Levasseur is wanted on the same warrant as Manning, police said, and is on the FBI's most wanted list.

## Nazi Loses U.S. Citizenship

An ailing former Nazi, accused of being a top aide to Adolf Eichmann and of helping devise ways to persecute European Jews in the late 1930s and 1940s, surrendered his U.S. citizenship but was allowed to stay in this country because he suffers from a fatal nerve disease, the Justice Department said.

Otto Albrecht Alfred von Bolschwing, 72, of Carmichael, Calif., admitted to having been a Nazi and a member of the SS, the elite Nazi secret police, the department said.

While denying he persecuted Jews, von Bolschwing claimed he had served as an American spy after

World War II. That could not be determined on the evidence, but it is known that after the war the United States recruited former German intelligence agency chiefs.

## Alabama Prison Hearing

MONTGOMERY, Ala.—Federal appeals judges who blocked the early release of Alabama prison inmates said they will hold a hearing Feb. 8 on overcrowding in the Alabama prison system.

U.S. District Judge Robert Varner had ordered prison officials to release 319 prisoners to ease cellblock overcrowding and late yesterday lowered that number to 290 after determining that some did not qualify.

## Too Dangerous for Release?

ATLANTA—As many as 900 Cubans detained at the Atlanta Federal Penitentiary may be too dangerous to be released from custody immediately, a federal official says.

The assessment by Assistant U.S. Attorney Douglas Roberto was delivered Monday to U.S. District Judge Marvin Shoob, who had ordered the Justice Department to speed release of Cuban detainees posing no threat to society.

## Addenda

- Chicago archbishop Cardinal John Cody, 73, has been hospitalized for the fourth time this year, the archdiocese said. A hospital spokesman said Cody, who has a history of heart trouble, was in fair condition.

- Trial of Ensign Stephen Baba of Gaithersburg, Md., accused of passing secret Navy documents to South Africa, was continued in San Diego until Jan. 13 on a defense motion to seek additional counsel.

- The Louisiana Supreme Court delayed Monday's scheduled execution of convicted murderer Benjamin Berry and ordered a hearing to determine whether a new trial should be held because his lawyer allegedly took drugs while defending Berry.

- Spilled oil ignited a fire on a Maritime Academy training ship in Buzzards Bay, Mass., killing one person and injuring at least seven of the other 44 aboard, authorities said.

From news services and staff reports

New York Times, December 23, 1981 P 14  
Ex-Nazi SS Officer Loses Citizenship but Is Allowed to Stay in U.S.

SACRAMENTO, Calif., Dec. 22 (AP) — A federal court today stripped United States citizenship from a former Nazi SS captain who served as an adviser to Adolf Eichmann, but the court allowed him to stay in the United States because he suffers from an incurable "progressive neurological condition."

District Judge Milton Schwartz ordered Otto von Bolschwing, 72 years old, to surrender his naturalization papers, ruling that he lied to the authorities when he obtained citizenship in 1959 in New York. However, the judge approved an agreement worked out by the defense and federal prosecutors and allowed Mr. von Bolschwing to stay in this

country.

Federal agents contended that Mr. von Bolschwing "devised ways of dealing with the Jews of Europe, including methods of persecution" when he worked as assistant to Eichmann, who had a prominent role in the extermination of the Jews.

**Admits Nazi Affiliations**

In the agreement, Mr. von Bolschwing admitted he had been a Nazi Party member and an officer in the Nazi intelligence service and the SS, a quasi-military unit of the Nazi Party used as special police. But he has also contended that he worked for American intelligence

during and after World War II. That claim went unanswered by the Government, and spokesmen have refused official comment on it.

The agreement, which says Mr. von Bolschwing "persecuted innocent people in the 1930's and 1940's," also calls for annual medical examinations of Mr. von Bolschwing and, if his condition improves, "the Government's options remain open" to prosecute again. His illness was identified in court as "supra nuclear palsy," a rare brain disease.

**Served as Eichmann's Aide**

In the accord, Mr. von Bolschwing admitted serving as Eichmann's adviser

on the persecution of Jews, which "included the complete exclusion of Jews from German economic life;" serving as the chief of the security service of SS in Bucharest in 1940 and 1941, where he persecuted Jews; lying about his Nazi past and hiding his links to the SS when he applied for United States citizenship.

Mr. von Bolschwing, who currently receives medical care in a suburban Sacramento nursing home, was not in court when Judge Schwartz issued the ruling. His attorney, Arthur Ruthenbeck, said Mr. von Bolschwing had seen the document.

"We went over it line by line," Mr. Ruthenbeck said.

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Los Angeles Times

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# Former Nazi Gives Up U.S. Citizenship

## But Alleged Eichmann Aide May Remain While in Ill Health

By RONALD J. OSTROW, Times Staff Writer

WASHINGTON—A 72-year-old former Nazi accused of being an aide to mass murderer Adolf Eichmann surrendered his American citizenship Tuesday after the government promised not to deport him unless his health improves.

The move by Otto Albrecht Alfred von Bolschwing of Carmichael, Calif., is considered one of the most significant accomplishments of the Justice Department's ongoing effort to take U.S. citizenship away from Nazis who entered the country on false grounds.

Von Bolschwing, who is being treated in a suburban Sacramento nursing home for a neurological ailment, did not attend the federal court hearing on his case Tuesday in Sacramento. But his lawyer, Arthur W. Ruthenbeck, said von Bolschwing had gone over the settlement with the government "line by line."

### Admits Membership

In the agreement, von Bolschwing admitted membership in the Nazi Party, the Schutzstaffel (SS) and the SD, or security service of the SS.

But he denied the link to Eichmann, architect of the so-called "final solution of the Jewish question," who was executed by Israel in 1962 for his central role in the murder of 6 million Jews.

Although stripped of his citizenship, von Bolschwing can continue

to live in the United States as a resident alien. However, he is formally deemed to have gained his citizenship illegally and to have admitted membership in the Nazi groups.

### 'In a Different League'

Referring to earlier cases, a government official who insisted on anonymity said von Bolschwing was "by any measure in a different league than the shooters or concentration camp guards. He was at the top or near the top of those who formulated the persecution policies."

The Justice Department filed suit against von Bolschwing last May, charging that he procured his American citizenship illegally in 1959 because he concealed his Nazi ties and persecuted innocent persons in the 1930s and 1940s.

Allan A. Ryan Jr., director of the department's office of special investigations, which handles the Nazi cases, said that if the case had gone to trial the government was prepared to prove that von Bolschwing had devised ways of persecuting Jews while serving as an assistant to Eichmann before 1940.

### Anti-Semitic Policies

Ryan said von Bolschwing had proposed such policies as completely excluding Jews from German economic life, physically intimidating them and using anti-Semitic propaganda to bring about forced removal of all Jews from Germany.

In 1940 and 1941, von Bolschwing allegedly headed the SD in Bucharest, Romania, where, Ryan said, the government could prove that he implemented Nazi policies of persecution.

Von Bolschwing denied carrying out any such activities.

Ryan said von Bolschwing is suffering from supranuclear palsy, a progressive disorder that includes impaired memory and intellectual functions.

### 'No Deportation Proceeding'

"We have agreed to institute no deportation proceeding so long as the condition continues," Ryan said. "Should it abate, we can and will institute such proceedings."

Ryan said von Bolschwing's claim that he had served in the U.S. Office of Strategic Services and had parachuted into Austria for the OSS, which was the forerunner of the CIA, was not true.

As for von Bolschwing's statement that he became an agent for U.S. intelligence after World War II, Ryan and a CIA spokesman declined to comment.

The decision to enter into a consent judgment with von Bolschwing "was made by his office in consultation with higher authorities in the Department of Justice and was not reviewed by, or submitted for the approval of, any other government agency," Ryan said.

# THE CONNECTICUT LAW TRIBUNE

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## Echoes of the Holocaust

A half century after the Holocaust, the U.S. charges a 72-year-old Guilford man with participating in the extermination of Poland's Jews.

By SCOTT BREDE

**F**iling just over 100 suits since 1979 doesn't seem like a huge caseload for a government agency that currently employs 10 attorneys and had an annual budget of \$2.89 million in 1996.

But much of the success of the Office of Special Investigations lies in its single-minded focus.

A unit of the U.S. Department of

SEE A PAST ON PAGE 8

It can take five to seven years after filing the complaint 'before you'd actually get [a defendant accused of Nazi war crimes] out of the country,' says Jeffrey N. Mausner, right, a former trial attorney with the Office of Special Investigations. Mausner is shown here in Germany, where he was interviewing witnesses.



# A Past on Trial

Continued from PAGE 1

Justice's criminal division, OSI's mission is to hunt down those responsible for World War II atrocities who now reside on U.S. soil under false pretenses—and boot them out of the country.

In the 104 court battles it has waged in its 18 years of existence, OSI has had 60 defendants denaturalized and 48 of them removed from the U.S., says OSI Director Eli M. Rosenbaum.

Since June of 1996, the Washington, D.C.-based office has not lost a case in seven court battles, according to Rosenbaum. Four of those defendants had their U.S. citizenship revoked. The other three were given orders to leave the country.

During that same period, "The whole rest of the world went 0-2," in war crime prosecutions, he says.

Now, more than 50 years after the Holocaust, OSI is bringing that record to Connecticut in a showdown with a 72-year-old Guilford man, who, it claims in *U.S. v. Walter Berezowskyj*, participated in Operation Reinhard—the Nazi campaign to wipe out Poland's Jews.

The complaint, filed July 22 in U.S. District Court in New Haven, doesn't peg any specific murders or other crimes to Berezowskyj. But it alleges that the retired machinist served as an armed guard at two SS slave-labor camps in Nazi-occupied Poland during World War II. Berezowskyj, the government claims in the complaint, eventually ascended to the 10th Company of the Death's Head Battalion at the Gusen subcamp of the Mauthausen concentration camp, near Linz in German-annexed Austria. At Gusen, "[m]any prisoners were murdered outright by the guards," the complaint charges. "Others died of exhaustion, starvation and disease due directly to the conditions under which they were forcibly confined," the complaint alleges.

Berezowskyj's lawyer, Brian M. Gildea, of New Haven's Gildea & Stevens, says he represents a man who is not quite in touch with his past. (In response, Rosenbaum says, "We will disprove that at trial.")

In 1975, Berezowskyj, according to Gildea, underwent brain surgery at St. Raphael Hospital in New Haven after he fell from a tree. The injury has affected his ability to recall past events, and, where he does have memory gaps, Berezowskyj has a tendency to fill them in with wrong information, Gildea claims.

"I don't have any proof to establish that the claims of the government" are accurate

or inaccurate, Gildea says. Berezowskyj, the lawyer adds, "hasn't been able to tell me that any of these facts [listed in the recently filed complaint] are familiar to him."

Gildea says when he mentions the names of the Nazi camps where the government claims Berezowskyj was a guard, his client doesn't recognize them.

"At one point in time, [Berezowskyj] said [at Nazi orders] he was removing dead bodies from buildings," says Gildea. "... Where that was and at what specific time, I don't know."

His client, Gildea adds, generally denies the government's claims against him. Berezowskyj was forced into slave labor

Nov. 17, 1943, according to the government. At Gusen, the complaint alleges, guards had orders to shoot to kill any prisoner who attempted to escape.

After the war, the defendant, according to the complaint, entered the U.S. under the Displaced Persons Act of 1948, claiming to have worked on farms during the years the government now claims he served as a guard at the Nazi camps.

The Displaced Persons Act, which allowed more World War II refugees to enter the country than were allowed by immigration laws existing at the time, prohibited the issuance of a visa to people who either assisted in the persecution of any person because of race, religion, or

## DEFENSE COUNSEL BRIAN M. GILDEA ASSERTS THAT WHEN HE MENTIONS THE NAMES OF THE NAZI DEATH CAMPS TO HIS CLIENT, HE DOESN'T RECOGNIZE THEM.

by the Nazis, his attorney says. People in German-occupied territories during the war, he says, "had the choice of living or dying" when Nazis gave them instructions.

Berezowskyj, Gildea adds, considers himself Ukrainian. He was born in Onko, Poland, which is now Vikno, Ukraine. The former Soviet Union occupied the area in 1939, and less than two years later, it fell to German armies, according to the complaint.

The defendant, the government alleges, was recruited by German units and arrived at the Trawniki training camp on or about April 7, 1943. At Trawniki, men were trained to serve as guards and auxiliary police to assist in Operation Reinhard, under which nearly two million Polish Jews were murdered, according to the complaint.

Berezowskyj, it asserts, served as an armed guard at the SS Labor Camp Poniatowa and then was redesignated back to SS Training Camp Trawniki before being stationed at Gusen. Under "Operation Harvest Festival," Jewish prisoners at Poniatowa were murdered on Nov. 4, 1943, the complaint states. The defendant didn't return to Trawniki from Poniatowa until

national origin, or was involved in any movement hostile to the U.S., according to the complaint.

The government is attempting to revoke Berezowskyj's citizenship on the ground that he allegedly misrepresented himself by claiming that he did farm work during the war when he was issued an immigrant visa in 1949, and when he sought naturalization in 1981, the complaint states. Berezowskyj was granted citizenship in 1982.

Gildea says his client worked in a commissary in Europe after the war. When he came to the U.S., Berezowskyj, he adds, lived for about a year in Mississippi picking cotton. He then moved to Connecticut, where he worked in machine shops, according to Gildea. Now retired, he and his wife have five children and at least four grandchildren, the lawyer says.

### Mentally Competent?

Despite Gildea's claims of his client's memory problem, John K. Russell, a Justice Department spokesman, says the government has "medical information" that finds Berezowskyj mentally competent to

trial. Russell won't say what kind of national information the government has.

Gildea, however, says his client was examined by a government psychiatrist in early July for about 45 minutes to an hour. Berezowskyj has "not yet been evaluated by my expert," the lawyer says. To make matters more complicated, the doctor who performed the brain surgery on his client has passed away, and there's been some difficulty in finding hospital records of the 1975 operation, Gildea says.

In May 1996, Berezowskyj, according to his lawyer, received a letter from the OSI requesting that he submit to an interview with government officials. Berezowskyj denied the request and retained counsel, says Gildea, who has represented defendants in other OSI cases, including Theodore Fedorenko and Anatas Bernotas.

Gildea unsuccessfully argued Fedorenko's appeal before the U.S. Supreme Court. Since then, he has been asked to assist other attorneys representing OSI defendants in their cases, Gildea says. In all, he has been lead defense counsel in six OSI cases, he says.

The suit against Bernotas was eventually settled, and, the last time Gildea looked, he was still living in Waterbury, the lawyer says. Attempts to reach Bernotas were unsuccessful.

Fedorenko, on the other hand, had his citizenship revoked, and was deported to the U.S.S.R., where he was tried and executed for treason, Gildea says. A guard at the Nazi death camp at Treblinka, where 100,000 Jews were put to death in gas chambers, Fedorenko claimed on his visa application that he was a farmer during the war according to former OSI trial attorney Jeffrey N. Mausner in a 1991 piece he wrote for *Nova Law Review*.

The complaint doesn't mention whether any country is seeking to extradite Berezowskyj so he can stand trial on war crimes charges, and Rosenbaum, OSI's director, won't comment specifically on the case.

But Gildea says that even if the complaint's assertions are correct, his client does not appear to be someone another country would be interested in bringing to trial. "You're talking about a man who has seventh-grade education, if that . . . and as never in the position of any kind of importance," Gildea says.

The complaint alleges that, at Trawniki, Berezowskyj held the rank of "SS-Wach-

mann (SS guard private)."

According to the OSI, only three of the 48 people the office has successfully removed from the U.S. have been extradited to stand trial abroad.

### A Tough Civil Fight

Though a civil action, a denaturalization case, if "fought tooth and nail," can seem much like a criminal matter, says immigration law specialist James E. Swaine, of The Law Offices of James E. Swaine in New Haven, who is not involved in the case.

Defendants in denaturalization cases have opportunity for discovery, and, if foreign documents are involved, they can contest their validity. "If I were representing [Berezowskyj], that's how I'd go about it," says Swaine.

Daniel E. Marcus, past president of the Connecticut chapter of the American Immigration Lawyers' Association, says once citizenship is revoked, it's "pretty much a given that [a defendant in U.S. immigration court, where removal proceedings are heard, is] going to lose his residence." The doctrine of collateral estoppel does apply, and immigration judges tend to seek guidance from the findings of the federal court that granted the earlier bid for denaturalization, adds Marcus, of West Hartford's Globman Marcus & Chapple.

**A COMMON DEFENSE STRATEGY, SAYS A RESEARCHER AT THE SIMON WIESENTHAL CENTER, IS TO DRAG OUT THE PROCEEDINGS SO THAT 'MAYBE [THEIR CLIENT] WILL DIE AND WILL GET BIOLOGICAL AMNESTY.'**

But removal proceedings occur only once a defendant is stripped of his or her citizenship, and denaturalization cases can take two or three years, perhaps more, Marcus says.

Many cases that are investigated by the office are never brought to court, says Mausner, the former OSI attorney, who is now involved in intellectual property litigation at Los Angeles' Berman, Blanchard, Mausner & Resser.

"Sometimes, it's the wrong guy. Sometimes, it's probably the right guy, but

there's insufficient evidence," he says of OSI cases that don't make it to court.

When Mausner left the agency in 1986, probably fewer than one out of 10 cases investigated by OSI were ever brought to federal court, he says. But "probably now they're filing a higher percentage of cases," he adds.

There's "more direct evidence" now that World War II documents captured by the Soviets are more available to the U.S. since Communists there fell out of power.

Though Rosenbaum, OSI's director, won't comment on what kind of evidence his office has against Berezowskyj, or how that evidence was acquired, Russell, the Justice Department spokesman, says the case was aided by "unearthed documents that were not available to us prior to 1995."

### Questions Documents

But Gildea, Berezowskyj's attorney, says documents in OSI cases can't always be trusted. "All of these events occurred 50 years ago. . . . Why did these documents now surface? You have to have a great deal of suspicion about these things," he says.

Documents used by the OSI in their



investigations can be falsified by the foreign countries from which they are obtained, asserts Gildea, noting his claim that the identity card linking infamous war criminal defendant John Demjanjuk to the gas chamber at Treblinka is one instance of that.

Rosenbaum emphatically denies that claim about the Demjanjuk case, calling Gildea's assertion "outrageous."

Demjanjuk was extradited from the U.S. to Israel, where his conviction on war crime charges was overturned by the Israeli Supreme Court.

Besides documents, witnesses pegging OSI defendants as Nazi war criminals are the office's other main source of evidence. But they, too, aren't infallible, Gildea says.

In past cases where he's had to go to Russia to depose OSI witnesses, he found those witnesses to be "totally intimidated by the presence of the Soviets" who stood nearby, he says.

The possibility that witnesses are pressured into providing false statements is a real issue when foreign governments want an OSI defendant extradited to their country to stand trial, he adds.

Rosenbaum says questioning the validity of documents is no longer as common a defense as it once was. "The defense bar knows that courts aren't going to just fall for that one," he adds, noting that the documents are tested by the "top experts in the world."

The OSI also has eight of the world's top World War II historians, whom it deploys throughout Europe in search of new information in its quest to uncover more Axis war criminals hiding out back home, Rosenbaum says.

Documents, according to Mausner, are probed for their authenticity by handwriting experts and chemists. Even Gildea notes that testing measures have improved. Experts take ink tests to determine if it was a type of ink used during World War II, he says. They also examine the type to verify if a typewriter from that era was used or not, Gildea says.

As for witnesses, Mausner says, in many cases, they are former war criminals who have already been prosecuted in the Soviet Union, and have served their time. "The witnesses from Israel are all [Holocaust] survivors," he says.

In a 1991 piece in the *Nova Law Review*, Mausner notes the difficulty of finding Holocaust survivors who are able to testify in OSI cases. "Even if the OSI is able to locate a survivor who witnessed a certain atrocity, it is often very difficult for that survivor to identify the individual who committed the atrocity



Dru Nadler

**Though a civil action, a denaturalization case, if 'fought tooth and nail,' can seem much like a criminal matter, says immigration law specialist James E. Swaine, above.**

more than 40 years ago," he writes.

Hence, the nature of the cases makes for a very long process, Mausner says. In some cases, it can take five to seven years after filing the initial complaint "before you'd actually get him out of the country," he says of OSI defendants.

"What most defense lawyers in these cases do seek to do is delay," says Rosenbaum.

Aaron Breitbart, a senior researcher at the Simon Wiesenthal Center in Los Angeles, puts defense tactics in a harsher light. (The Wiesenthal Center is a conservatory of information on the Holocaust.) A common strategy of the defendants' lawyers, he says, is to try to drag out the proceedings whenever possible with the mindset that, "maybe [their client] will die and will get biological amnesty."

Gildea denies that he's ever used such a tactic in any of the OSI cases that he's handled.

"These kinds of cases are perhaps the most difficult [cases that defense lawyers] handle," he says.

The OSI has resources to investigate matters, and often it has the cooperation of foreign governments, Gildea says. But "in these kinds of cases, [the defense has] nothing. You have nowhere to start except where the government has you start" when it lists its allegations, he says. "... It takes an inordinate amount of time to put together the facts."

Gildea, who has yet to file a motion in response to *U.S. v Berezowskyj*, says he's likely to seek out another lawyer to help him with the case. "It's going to be a very expensive defense," he predicts. Berezowskyj, however, has "very little in the way of assets," Gildea says.

OSI Senior Trial Attorney Susan Masling is handling the case for the government. Also on the government's team are Rosenbaum, OSI Principal Deputy Director Susan L. Siegal, OSI Trial Attorney Ellen L. Chubin, and John B. Hughes, a federal prosecutor in the U.S. attorney's office in New Haven, who will serve as co-counsel, according to Rosenbaum. ■

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