

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

MAC GOLDSBERRY  
Acting United States Attorney  
Eastern District of California  
ALLAN A. RYAN, JR.  
Director  
Office of Special Investigations  
U.S. Department of Justice  
P.O. Box 28603  
Washington, D.C. 20005  
(202) 633-2502

ORIGINAL  
FILED

DEC 22 1981

CLERK, U. S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_ DEPUTY CLERK

Attorneys for Plaintiff

BLACKMON, WASSERMAN, BLICKER  
AND RUTHENBECK  
ARTHUR W. RUTHENBECK  
Attorneys at Law  
660 J Street, Suite 390  
Sacramento, CA 95814  
(916) 441-0824

RECEIVED

DEC 24 1981

OFFICE OF  
SPECIAL INVESTIGATIONS

Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

CIVIL NO. S-81-308 MLS

vs.

CONSENT JUDGMENT

OTTO ALBRECHT ALFRED von  
BOLSCHWING,

Defendant.

Pursuant to the terms of the Settlement Agreement  
between the parties herein, a copy of which is attached  
hereto and incorporated herein as part of this Consent  
Judgment, Otto Albrecht Alfred von Bolschwing having  
consented to entry of judgment for plaintiff pursuant to  
Title 8 U.S.C. §1451(a), and the Court having found good  
cause therefore;

IT IS HEREBY ORDERED:

THAT the defendant Otto Albrecht Alfred von Bolschwing,  
was not and is not a duly naturalized citizen of the United  
States, and that he is not entitled to any of the rights,

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

privileges, or immunities of such citizenship; and

THAT the April 6, 1959 order of the United States District Court for the Southern District of New York, admitting the defendant to United States citizenship is null and void, and the Clerk of this Court is directed to transmit a certified copy of this Judgment to the Clerk of the United States District Court for the Southern District of New York, so that the records of the said Court shall reflect this Judgment; and

THAT Certificate of Naturalization number 8094737 in the name Otto Albrecht Alfred von Bolschwing is cancelled;

THAT within twenty days of the entry of this judgment, the defendant Otto Albrecht Alfred von Bolschwing or his duly authorized representative surrender the aforesaid Certificate of Naturalization to the United States Attorney for the Eastern District of California, who shall transmit it to the Director of the Office of Special Investigations, United States Department of Justice, for proper disposition according to the laws and regulations pertaining to the Immigration and Naturalization Service; and

THAT all provisions of the Settlement Agreement shall be enforced as an order of this Court.

SO ORDERED.

Dated: DEC 22 1961

MILTON L. SCHWARTZ  
United States District Judge

1 BLACKMON, WASSERMAN, BLICKER  
AND RUTHENBECK  
2 ARTHUR W. RUTHENBECK  
Attorneys at Law  
3 660 J Street, Suite 390  
Sacramento, CA 95814  
4 (916) 441-0824

5 Attorney for Defendant

6 UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA

7 UNITED STATES OF AMERICA,

8 Plaintiff, NO. CIV. S-81-308 MLS

9 vs.

10 OTTO ALBRECHT ALFRED von  
BOLSCHWING,

11 Defendant

12 (PROOF OF SERVICE BY MAIL--1013a, 2015.5 C. C. P.)

13 STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

14 *I am a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within above entitled  
15 action; my business address is:*

16 660 J Street, Suite 390, Sacramento, California

17 On December 22, 1981, I served the within CONSENT JUDGMENT

18  
19 on the Trial Attorney, Office of Special Investigations  
in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the  
20 United States mail at Sacramento, California  
addressed as follows:

21  
22 Rodney G. Smith  
23 Trial Attorney  
24 Office of Special Investigations  
P. O. Box 28603  
25 Washington, D.C. 20005-0603  
26

27 I certify (or declare), under penalty of perjury, that the foregoing is true and correct.

28 Executed on December 22, 1981 at Sacramento, California  
(date) (place)

*Barbara Russell*  
(Signature)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

MAC GOLDSBERRY  
Acting United States Attorney  
Eastern District of California  
ALLAN A. RYAN, JR.  
Director  
Office of Special Investigations  
U.S. Department of Justice  
P.O. Box 28603  
Washington, D.C. 20005  
(202) 633-2502

Attorneys for Plaintiff

BLACKMON, WASSERMAN, BLICKER  
AND RUTHENBECK  
ARTHUR W. RUTHENBECK  
Attorneys at Law  
660 J Street, Suite 390  
Sacramento, CA 95814  
(916) 441-0824

Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

CIVIL NO. S-81-308 MLS

vs.

SETTLEMENT AGREEMENT

OTTO ALBRECHT ALFRED von  
BOLSCHWING,

Defendant.

WHEREAS the United States of America has filed a  
complaint in denaturalization against Otto Albrecht Alfred  
von Bolschwing (von Bolschwing) alleging numerous acts on his  
part; and

WHEREAS von Bolschwing has admitted his membership  
in the Nazi Party, SS, and SD, and denied all other  
allegations in the denaturalization complaint; and

WHEREAS the parties wish to settle the case a  
mutually accepted basis; and

WHEREAS von Bolschwing desires to voluntarily  
surrender his certificate of naturalization;

1                   IT IS HEREBY STIPULATED by and between the parties  
2 as follows:

3                   1. von Bolschwing has been diagnosed by a  
4 competent physician acceptable to both parties as having  
5 supranuclear palsy, a progressive neurological disorder with  
6 disabling features that include a rigidity in and an impair-  
7 ment of memory and intellectual functioning.

8                   2. The United States of America may, at its own  
9 expense, retain the services of John A. Schafer, M.D., or in  
10 the event of his unavailability, another physician acceptable  
11 to both parties, to prepare an annual report concerning  
12 von Bolschwing's medical conditions. This report may be  
13 based on consultations with von Bolschwing's treating  
14 physicians and such examinations by Dr. Schafer as he deems  
15 necessary. von Bolschwing and his physicians will cooperate  
16 fully in such consultation and report and Dr. Schafer will  
17 conduct such consultations and examination in a reasonable  
18 manner on reasonable notice to von Bolschwing and his  
19 treating physicians. The report prepared by Dr. Schafer on  
20 October 20, 1981, shall be deemed the first annual report.  
21 Subsequent consultations, examinations, and reports shall be  
22 conducted during the last quarter of the calendar year.

23                   3. The parties will forthwith submit this agree-  
24 ment to the Court, accompanied by a proposed consent judgment  
25 revoking von Bolschwing's Certificate of Naturalization and  
26 the court order granting him said certificate, pursuant to 8  
27 U.S.C. §1451(a). Within twenty days following said  
28 submission, von Bolschwing or his attorney will voluntarily  
29 surrender von Bolschwing's Certificate of Naturalization to  
30 the Office of the United States Attorney for the Eastern  
31 District of California, 3305 Federal Building, 650 Capitol  
32 Mall, Sacramento, California.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

4. Defendant agrees to waive any claimed right of appeal as to the voluntary surrender of his Certificate of Naturalization or the aforesaid consent judgment pertaining thereto.

5. The United States of America agrees to forebear from initiating any deportation (including, but not limited to the issuance of an order to show cause) or exclusion proceeding against von Bolschwing as long as von Bolschwing is diagnosed as suffering from supranuclear palsy, or any other disorder which similarly disables memory and intellectual functioning.

6. Upon execution of this Agreement, von Bolschwing will not be subject to any federal criminal prosecution on charges arising out of his statements to immigration authorities on June 26, 1979 and February 2, 1981.

DATED: December 17 1981

UNITED STATES OF AMERICA  
UNITED STATES DEPARTMENT OF JUSTICE  
By *Allan A. Ryan, Jr.*  
ALLAN A. RYAN, JR., Director  
Office of Special Investigations

DATED: December 21, 1981

*Otto Albrecht Alfred von Bolschwing*  
OTTO ALBRECHT ALFRED von BOLSCHWING

DATED: December 21, 1981

BLACKMON, WASSERMAN, BLICKER AND RUTHENBECK  
By *Arthur W. Ruthenbeck*  
ARTHUR W. RUTHENBECK