

Sworn Statement of Otto Albrecht Alfred
von BOLSCHWING, A8-610-051

February 2, 1981
Sacramento, California

Representing United States Department of Justice,
Office of Special Investigations:

Jeffrey N. Mausner
Walter J. Rockler

Representing Otto von Bolschwing:

Gus von Bolschwing
John Pohlmann

Also present:

Barbara Pollack
Mary Musgrave

Mr. Mausner: We are now tape recording. Mr. von Bolschwing, my name is Jeffrey Mausner. I am a trial attorney with the United States Department of Justice, Office of Special Investigations. This is Mr. Walter Rockler, who is a special counsel to the United States Department of Justice. The first woman over there is Barbara Pollack who is an attorney with the Central Intelligence Agency and the second woman is Mary Musgrave who is also with the Central Intelligence Agency. Now I understand that you are being represented today by your son, Gus von Bolschwing, who is an attorney and by John Pohlmann who is an immigration attorney. Is that correct?

Otto von
Bolschwing: Correct.

Mr. Mausner: We would like to ask you some questions about your . . .

Otto von
Bolschwing: I would like to ask some questions first. First is . . . Did you . . . Are you aware of a similar investigation that was held . . .

Gus von
Bolschwing: They're aware of it, they have it and they've given it to us. Are you talking about the Trifa matter when they interviewed you? They have it, and we have it also, so they know about that.

Otto von
Bolschwing: Good.

Mr. Mausner: We would like to ask you some questions regarding your activities during the period 1933 to 1945. These questions may relate to the legality and legitimacy of your naturalization as a United States citizen. Are you willing to voluntarily answer questions at this time?

Otto von
Bolschwing: I am.

Gus von
Bolschwing: Except, of course, as otherwise instructed by his counsel.

Mr. Mausner: Are you aware that anything you say today may be used against you?

Otto von
Bolschwing: I am.

Mr. Mausner: I have been appointed as a temporary immigration officer by the Commissioner of the Immigration and Naturalization Service for the purpose of administering oaths. I would now like to swear you in. Could you please raise your right hand. Let me give the oath first. Do you solemnly swear or affirm that the testimony you are about to give will be the truth, the whole truth and nothing but the truth so help you God?

Otto von
Bolschwing: So help me God.

Gus von
Bolschwing: Before we actually start the questioning, may we reiterate what was previously discussed here off the record.

Mr. Mausner: Speaking now is Gus von Bolschwing.

Gus von
Bolschwing: First of all I understand that this proceeding will be transcribed. Is that correct?

Mr. Mausner: That is correct.

Gus von
Bolschwing: And I understand also that we will receive a copy of the transcription.

Mr. Mausner: That is correct.

Gus von
Bolschwing: And could we have a copy of this transcription within 14 days? Would that be a fair time period?

Mr. Mausner: Yes.

Gus von
Bolschwing: Would you also make sure, particularly following the instructions of Ms. Pollack, that everything is sent to our offices marked personal and confidential.

Mr. Mausner: Yes.

Ms. Pollack: Those are not necessarily my instructions.

Mr. Mausner: Do you want to go off the record?

Ms. Pollack: May I?

Mr. Mausner: Off the record.

Mr. Mausner: Back on the record.

Gus von
Bolschwing: There has been some clarifications here. It is quite possible that the Central Intelligence Agency might deliver a copy of the transcript in some other form rather than mail depending on what develops here today. We understand that. But what I am trying to say is let's make certain that everything is addressed to us, if it is addressed to us, and whatever form is sent to us or given to us, that it be marked personal and confidential. Is that agreeable?

Mr. Mausner: Yes.

Gus von
Bolschwing: Furthermore, I have asked prior to the beginning of this proceeding here that both you, Mr. Mausner, and you. Ms. Pollack, and I guess also Ms. Musgrave, give a copy of this proceeding from the moment that we started officially to the end to your superiors. Will you do that?

Ms. Pollack: We will do that.

Gus von
Bolschwing: Will you do that?

Mr. Mausner: We will give them, give Mary and Barbara a copy and they . . .

Gus von
Bolschwing: And I am saying that you will also . . .

Mr. Mausner: Show it to our superiors in the Justice Department?
Yes.

Gus von
Bolschwing: Alright. There is one other matter. Have you obtained immunity in reference to any perjury you may later on allege my father committed in giving an earlier statement to an attorney of the Department of Justice in reference to an investigation of a Mr. Trifa?

Mr. Mausner: No, we have not. We can't at this point.

Gus von
Bolschwing: And why can you not?

Mr. Mausner: I myself am not authorized to do it. It would have to be at a higher level at the Justice Department.

Gus von
Bolschwing: But you did indicate to me that the Justice Department does not intend to prosecute this type of matter. Is that correct?

Mr. Mausner: As a practical matter, I would say yes and I would also like to add that anything that . . . any possible perjury that took place was in a prior statement that was already made. It is not as if . . . off the record.

Mr. Mausner: We are back on the record.

Gus von
Bolschwing: So the answer to my question then in off the record discussions is that your division does not intend to proceed at the present time on any sort of perjury counts against my father?

Mr. Mausner: That is correct.

Gus von
Bolschwing: Nonetheless, you cannot grant us immunity nor can you speak for other divisions of the Department of Justice?

Mr. Mausner: That is correct. And any . . . that statement relates to the past statement that Otto von Bolschwing gave. It would not relate to any future perjury that may take place.

Gus von
Bolschwing: I understand that. Before Mr. von Bolschwing starts to answer your questions, I have indicated that or Mr. Pohlmann has indicated that I would like to make a statement for the record. Does anybody have a disagreement with that?

Mr. Mausner: No.

Gus von
Bolschwing: Okay. Of course, as we said everything will be transcribed. And before I go even further, Ms. Pollack and Ms. Musgrave obviously, you do agree, that as counsel for my father, both of us are entitled to talk to him.

Ms. Pollack: We're obtaining clearances that will enable you to do so, and for purposes of this meeting . . . and I assume that you have already spoken to him.

Gus von
Bolschwing: Let me put it quite point blank. We understood from our meeting last Saturday that we must talk to him in order to prepare him for this meeting today and there is absolutely no two ways about it. Right?

Ms. Pollack: That is correct.

Gus von
Bolschwing: And we also understood when my father was present that he can talk to all of us when we talked off the record last Saturday.

Ms. Pollack: That is correct.

Gus von
Bolschwing: And indeed there were some discussions off the record.

Ms. Pollack: That is correct.

Gus von
Bolschwing: And so what happens here today follows along the same lines.

Ms. Pollack: Yes.

Gus von
Bolschwing: In other words, when we are having these discussions, obviously as attorneys for my father, we must be able to talk to him. You agree with that?

Ms. Pollack: Yes.

Gus von
Bolschwing: And I assume when you mean getting further clearance what you mean is that before we release this information here today in any form, shape or manner, we must have clearance from your department.

Ms. Pollack: That, as well as the fact that we are obtaining clearances for you and Mr. Pohlmann to be able to continue acting as your father's counsel so that we would have no problems with and place no restrictions upon areas you can delve into.

Gus von
Bolschwing: But up to this point, obviously, we must have had to talk to him.

Ms. Pollack: That is correct.

Gus von
Bolschwing: And we have had your permission to talk to him?

s. Pollack: Yes.

Gus von
Bolschwing: And needless to say, since you are present, he has had your permission to talk to all of us.

Ms. Pollack: Yes.

Gus von
Bolschwing: Okay. So you are advising us as an attorney that we are not violating any laws that either Mr. Pohlmann and I do not know about.

s. Pollack: As far as conversations and freedom to speak here at this meeting, no, you are in no violation for purposes of this meeting.

Gus von
Bolschwing: And I also ask you since in all probability depending on the Department's action there will be further trials, specialized trial counsel associated for reasons that I do not want to continue to act. You do understand that it would be absolutely necessary for future counsel and associate counsel and new counsel to have a similar freedom in order to properly act on behalf of my father.

Ms. Pollack: We ask that you just submit certain background information to the Central Intelligence Agency through me on any of those attorneys and we will obtain clearances on them so that your father can speak with them freely.

Gus von
Bolschwing: Alright. I would like to make, as I indicated previously, an opening statement in the form of . . . or maybe some judges might consider it an opening argument. At the outset, I want to indicate my personal feelings. I am deeply disturbed about the morality of my father's even belonging to the Nazi party and certainly the SS and any associations that might involve. Most or all of my remaining family members I understand managed not to do this. My father was the youngest. He was 24 or 23 when he joined the Party if that is a correct estimation that he did and only

thirteen years older when the war, twelve years older when the war finished. I cannot condemn him. I was not there at the time. I do not know all the facts that were involved in these very unusual times. Personally, possibly from 1940 on there were valid reasons for joining the SS, if he was acting under instructions to get close to upper echelons of the Nazi party and all the various groups, political groups and military groups and what have you. We do, however, know that, one, my father, starting in mid-1942, was in Gestapo prison and suffered injuries and was beaten himself. But shortly thereafter he married a woman in Vienna whose mother herself was Jewish. That he was, toward the end of the war, on the liquidation list of the Gestapo or some other governmental agencies, that before the war ended he assisted U.S. forces involving his own life in capturing SS officers and other Nazi officials. That he received an award or certificate or whatever it is called from the Tyrolian Underground and Freedom Fighters, that he assisted the United States and worked for various agencies of the United States Government and, as far as I know, I know nothing in particular must have in my mind conducted himself properly for we were admitted to the United States in 1954. And finally that he has publicly admitted before coming to the United States that he was an SS Captain. Possibly as he grew older and hopefully wiser he examined his past. I don't

know. I only can say one thing. That never in all my conversations with my father, and admittedly we were not close and admittedly I did not see him very much, never, ever has he made an anti-semitic comment and I understand that your whole proceeding here today is based on some anti-semitic activities from private conversations that we have had, Mr. Mausner. He has never to me, at least, made such a comment. I remember that when I was relatively young, he gave me some basic instructions in Protestantism and Catholicism and Judaism and more or less let me make up my own mind which religion I wanted to choose. I do know that when we came to the United States, I don't think we could have done without the aid and assistance of my, what I call my mother's, Jewish relatives in this country. That they were very kind to me that I stayed with them and so did my father. And that never in all that time, although they all came from Vienna and Germany, they all had been there, did I ever hear one bad word said about my father. On the other hand, although I question my father very seriously, I also question the morality and ethics of the United States Government in this case. I question the ethics of obtaining a subterfuge interview subpoenaing my father in the auspices of questioning him on a certain Archbishop Trifa and when I read the transcript 99 percent of the questions are related to my father's activities and not anything to do with

Archbishop Trifa. I question the ethics of that. I question. I understand, however, why people would do that. I understand the frustration many must have experienced long in the past of producing credible evidence, when after all, all the witnesses are dead or have otherwise disappeared and usually at the hand of the very perpetrators that you want to convict or condemn. So I know that difficulty. I think you are all aware that my father acted on the instructions by certain government officials, specifically U.S. government officials, specifically the Central Intelligence Agency, not to reveal his background, his activities, prior to 1945, to anyone, including, incidentally, other officials and this is why we insisted that before we talk here to you people, the Department of Justice, that members or some representatives of the Central Intelligence be present. I worry about you, Mr. Mausner. I consider you a very dedicated individual. I have gotten hold of you in the office on Saturday nights, Friday nights, all kinds of hours. You have called me at all kinds of hours. At all time you have been courteous and considerate. I have asked you to do certain things so that none of this comes forth until you do feel you have a legitimate case. And as far as I can see, at all time you've acted in a total gentlemanly and what I would hope a lawyer-like manner. But I do personally wonder if

maybe you are just more than dedicated or possibly, and it may be the wrong term, obsessed, for reasons of your own, I do not know. But I worry about that. I wonder how open a mind you do have. What has had effects upon you, what has not, but I'm in no way questioning your basic honesty at all, but I worry about this in this proceeding. I myself have taken about over 1,000 depositions. I have tried cases in various parts of this country. And I do know, when I take a deposition, how I act when I seek for the truth, and how I act when I have already made up my mind and simply want to corral the witness to make sure he stays within confined limits so I can catch him later on. If you don't mind my saying so, this is nothing personal and I'll go into some details, I feel that maybe the latter is the part but again I don't read your mind just as I don't know what was in my father's mind when he did what he did when he was a Nazi. I worry about the Central Intelligence Agency and what we hear in its present total state of disorganization, and how they will act, hopefully intelligently. Most of all, I worry about the constitutionality of the statute itself which is now part of the vehicle which you will have to utilize. It really bothers me. I think the statute and the time periods involved very much remind me of certain things that occurred in the very same country, to wit in Germany in the 1933 to 1945 period. But some of this

thought occurred during the McCarthy era in this country. And so I wonder as I sit here does the means justify the end? Do two wrongs make a right? It is just as difficult for my father at this point to prove his case, to disprove pieces of paper that are now forty years old, as it was for certain individuals who did try to do justice and find and to prosecute Germans when there were no living witnesses or it was very hard to obtain living witnesses. I don't know how something like this can be done. I think very frankly neither is just. And I think we should question ourselves morally. I think that it is the height of hypocrisy at this point to try to prosecute or not to prosecute, denaturalize my father, when you and I know just from material that you have shown me that all this was a matter of public record and must have been known. And I think the time has come, very frankly, to bring an end to such hypocrisy. My father, as you know, wants to answer questions. Counsel, Mr. Pohlmann, who is a specialist in immigration, and I even have disagreements, quite strong disagreements, as to how far we should let my father go and hopefully he will obey and abide by our instructions. I do know one thing, and I will be happy to supply you with the evidence; that my father's state and condition of mind and body is such as to render him incapable of truly defending himself. I'll give an example. There was some comment about

Eichmann, and I listened, I was flabbergasted myself and subsequently asked him. Do you remember the incident?

Mr. Mausner: Yes.

Gus von

Bolschwing: I subsequently asked him, well why did he come? He didn't know. I said well why didn't you? He said, well I didn't see him. I said why not? Because he was under interrogation. Well how did he know? Well a prison guard told him. I think that kind of conduct on my father's part points, I mean this is just one example, and you have all observed him in terms of being quite lucid at times and not lucid at all at other times. And many other aspects that I know lead me to firmly believe in that. I would also like to let you know and I would be happy to supply you with material afterwards, that my father's a plaintiff in some civil litigation involving a medical malpractice case resulting from the death of his last wife, I mean his former wife, for wrongful death, and that the defendant have been wanting to take his deposition and that with the very same defendants I have taken an identical attitude, to wit that I do not feel at this time he is capable of really subjecting himself to deposition testimony in a civil case because I think honestly he will screw himself up although again he can be totally

clear at other times. I am informed and I have had some discussions (inaudible) that the cat scans, I don't know if you're familiar with what that is, and certain other diagnostic tests that have been taken show definitely some brain damage and ongoing deterioration. So, very frankly, this concerns me greatly. There is another thing that I think I have indicated to you that I feel that I am going to have to associate somebody else. I feel I owe my father a duty to provide him with the most competent trial lawyer possible if you proceed. Then I think that I have done my duty to my father. As a trial lawyer myself, I shouldn't say that as a trial lawyer, as somebody who has tried a few cases here and there, I never would like to have a deposition taken by someone else before I become involved in the case, it's always "the old story of wanting to do your own preparation and also preparing your own client. I think this is a real problem in this case. I further think that I should have, should follow the advice of Mr. Pohlmann who frankly thinks that we should not at all let you proceed. And incidentally I can show you where I was, that I had a deposition this morning in Los Angeles. A lot of this, is as you go along as you all know. I also have the feeling that even among the two of you, sitting here, there are some differences of mind and philosophy on and what to do in this case. Therefore, you've come here and on the way down we formulated

basically what should we do as he picked me up from the airport. Mr. Pohlmann does not want any questions answered whatsoever. He feels that it isn't going to change anything and we might as well let the next guy who handles this case handle it from the beginning on. My father wants to talk to you and I don't know all of his reasons. And so what we have done is basically reached a compromise. You may ask my father questions relating to his membership in the Nazi party and when, membership in the SS and when, but nothing further.

Mr. Mausner: Off the record.

Back on the record.

Mr. Mausner: I assume I can ask some preliminary material such as his name and so on.

Gus von
Bolschwing: Certainly. Certainly.

Mr. Mausner: Could you please state your name?

Otto von
Bolschwing: Otto Albrecht Alfred von Bolschwing.

Mr. Mausner: When were you born?

Otto von
Bolschwing: On October 15, 1909.

Mr. Mausner: And where were you born?

Otto von
Bolschwing: Schoenbruch, Kreis Bartenstein.

Mr. Mausner: Mr. von Bolschwing, were you ever a member of the Nazi
Party?

Otto von
Bolschwing: Yes.

Mr. Mausner: When were you a member of the Nazi Party?

Otto von
Bolschwing: 1932, I think, through 1945.

Mr. Mausner: From 1932 to 1945. Is that correct?

Otto von
Bolschwing: That is correct.

Mr. Mausner: Were you ever a member of the SS?

Otto von
Bolschwing: Yes.

Mr. Mausner: When were you a member of the SS?

Otto von
Bolschwing: From 1941 or 42, I don't know.

Otto von
Bolschwing: The application shows that you signed it, just to refresh
your memory, you signed something December 30, 1939 and
had an examination the following month.

Otto von
Bolschwing: It's quite possible. I do not recall the exact dates.
But I think it was from 1941 or 42.

Gus von
Bolschwing: Could it have been 1940 also?

Otto von
Bolschwing: It could have been.

Mr. Mausner: Until when were you a member?

Otto von
Bolschwing: Until my emission from the SS, which I think was about
the imprisonment by the SS.

Mr. Mausner: When was that?

Otto von
Bolschwing: In 1943, I think.

Gus von
Bolschwing: Apparently from about August of 1942 to about April of
1943.

Otto von
Bolschwing: That's correct.

Gus von
Bolschwing: Was it with the SS or the Gestapo?

Otto von
Bolschwing: The Gestapo.

Gus von
Bolschwing: Could you correct that please?

Otto von
Bolschwing: The Gestapo had the right from the SS to determine who
was a member and who was not.

Gus von
Bolschwing: That's good enough. Ask your next question.

Mr. Mausner: The Gestapo threw you out of the SS. Is that what you
are saying?

Otto von
Bolschwing: Yes.

Mr. Mausner: When was that?

Otto von
Bolschwing: In 1943.

Mr. Mausner: So that you were a member of the SS from 1940 or 1941 to
1943?

Otto von
Bolschwing: I believe so.

Mr. Mausner: Thank you.

Off the record.

Back on the record.

Mr. Mausner: Mr. von Bolschwing, were you ever a member of the SD?

Otto von
Bolschwing: I think yes, because I believe that the SD membership
was dependent upon the position which one performed.

Mr. Mausner: The position one had in the SS? Is that right?

Otto von
Bolschwing: Yes.

Mr. Mausner: When were you in the SD?

Otto von
Bolschwing: I think it was from 193_.

Gus von
Bolschwing: Was it the same period as you were in the SS?

Otto von
Bolschwing: Yes.

Gus von
Bolschwing: Just answer the same period as SS.

Otto von
Bolschwing: Same period as the SS, as the membership in the SS.

Mr. Mausner: You were in the SD during the same time that you were in
the SS. Is that correct?

Otto von
Bolschwing: Yes.

Mr. Mausner: What was your rank in the SD?

Otto von

Bolschwing: I think Hauptsturmfuehrer, which is the equivalent of
captain.

Off the record.

Back on the record.

Gus von

Bolschwing: I think it has been said, Ms. Pollack, but just in case
it hasn't been clear, that I have had clearance from
your organization to talk to my father.

Ms. Pollack: Yes.