

RESPONDENT'S DEPOSITION

The respondent provided the following testimony at the March 1, 1984 deposition. He stated that he graduated from the military academy in Latvia in 1937, and that he then became a lieutenant in the Latvian Army (Gov. Exh. 17 at 19). He served with the Fifth Infantry Regiment of Cesis until the Soviet occupation of Latvia in 1940 (Gov. Exh. 17 at 19-20). The respondent said that the Latvian Army was incorporated into the Red Army following the Soviet occupation of Latvia, and that he wore a Russian uniform during the period that he served in the Red Army (Gov. Exh. 17 at 33). He stated that when the Russians began to retreat from Latvia in 1941, he joined a self-defense unit in the forests of Litene, which is near Gulbene in the eastern part of Latvia (Gov. Exh. 17 at 25-27, 99). The chief of the self-defense unit was Colonel Aperats (Gov. Exh. 17 at 27, 99). The mission of the self-defense unit, according to the respondent, was to "guard and protect" Latvians from the retreating Russian soldiers who were "robbing and plundering" (Gov. Exh. 17 at 26, 62-63). The respondent testified that he was in Litene when the German Army entered Latvia in the Summer of 1941 (Gov. Exh. 17 at 30).

The respondent stated further that the Germans abolished the self-defense units in Latvia, and that he made his way to Riga in the Fall of 1941 (Gov. Exh. 17 at 31). He then enrolled at the University of Riga, and he stated that he remained in Riga studying until January 1942 (Gov. Exh. 17 at 31-32). He also registered during this period at the Latvian Association Building in Riga, where Latvian officers were waiting to be mobilized (Gov. Exh. 17 at 102-03).

During the deposition, the respondent was shown copies of documents which he conceded he had submitted to officials at the University of Riga (Gov. Exh. 17 at 32-64; 3-1-84 Dep. Exhs. 6-10; Gov. Exhs. 44, 45, 23, 25, 74, respectively). Although these certificates indicate that the respondent was serving as a first lieutenant and company commander in the Latvian Security Section, or Latvian Auxiliary Security Police, and although one of these certificates bore the signature of Viktors Arajs (3-1-84 Dep. Exh. 8; Gov. Exh. 23), the respondent maintained that he had not served in the "Arajs Kommando" (Gov. Exh. 17 at 46, 64). He explained that he needed such certificates in order to prove to the university that he had been "helpful in the war effort" (Gov. Exh. 17 at 35-36). The respondent said that he accordingly obtained a certificate from the head of the auxiliary police in Gulbene, who advised that the respondent had belonged to a guerrilla unit "terrorizing" communists in late June and early July 1941 (Gov. Exh. 17 at 59-60; 3-1-84 Dep. Exh. 10; Gov. Exh. 74). The respondent recalled that he needed to submit two certificates to the university, so, in addition to the certificate

from the Gulbene police chief, he obtained a Security Police certificate from friends in Riga (Gov. Exh. 17 at 36, 44-45, 64). He added that he "needed two or less [certificates] each year" to provide to the university, so he obtained documents from friends in subsequent years attesting to his membership in the Latvian Security Section; he reiterated that he did not in fact serve in the Latvian Security Section, but merely obtained these certificates so that he could continue studying (Gov. Exh. 17 at 84-85; 3-1-84 Dep. Exhs. 7, 9; Gov. Exhs. 45, 25, respectively). The respondent also recalled that he switched his course of study at the university from engineering to economics and law, as reflected in a transfer request, dated September 30, 1942, from "First Lieutenant Kalejs" to the Rector of the University of Riga (Gov. Exh. 17 at 34-35, 109; 3-1-84 Dep. Exh. 6; Gov. Exh. 44).

The respondent testified further that he did serve in a police unit at the front "under the command or under the authority of the German General, SS General Stahlecker" (Gov. Exh. 17 at 28, 46). When the respondent was asked why he did not obtain a certificate for the university from the unit that he said he was actually serving in, he explained that there was no Latvian in the unit from whom he could obtain a certificate, and he was unable to obtain a certificate from the Germans (Gov. Exh. 17 at 46-47, 96-98). When the respondent was shown the hand-written note which bears the signature of "K. Kalejs," and which informs the registrar at the university of Kalejs' position as a company commander in the Latvian Security Section, the respondent asserted that "[f]riends told me what to write" (Gov. Exh. 17 at 112-13; 3-1-84 Dep. Exh. 7; Gov. Exh. 45). He denied that he had served in the Latvian Security Police at any time (Gov. Exh. 17 at 83, 94-95).

The respondent testified that he did not find out who Araj's was until "long after [the] war" (Gov. Exh. 17 at 48). He stated later in the deposition that he could have met Araj's when they served in the Latvian Legion during the same period in 1944 or 1945 (Gov. Exh. 17 at 103-04). The respondent stated too that in November 1941, he did not know that the Jews were in a ghetto in one part of Riga; he did not know what Araj's was doing to the Jews; he did not know that Jews were shot at the Bikernieki and Rumbula Forests near Riga (Gov. Exh. 17 at 48-51). He added that he did not know that "Araj's Kommando" headquarters were located on Valdemara Street (Gov. Exh. 17 at 51-52). The respondent said that he had been to a summer army camp at Salaspils during the summers preceding the war; he was not at Salaspils during the war, and only learned after the war that there had been a concentration camp there (Gov. Exh. 17 at 64-65).

The respondent testified that the police unit which he did serve in was organized by the Germans, and the chief of the unit was General Stahlecker (Gov. Exh. 17 at 28). The respondent began serving as a company commander in the unit in January 1942

(Gov. Exh. 17 at 76, 104-05). He was the highest ranking Latvian officer in the police unit, and he oversaw "a special unit of skiers" (Gov. Exh. 17 at 28, 36-37). As a company commander within the police unit, the respondent reported directly to German officers (Gov. Exh. 17 at 107-08). The respondent said that the headquarters in Riga for his company, as well as for the "higher German police command," were located at 27 Raina Boulevard (Gov. Exh. 17 at 84, 95, 115-16).

According to the respondent, he went with his company to the eastern front in the beginning of 1942, in the area around Veliki Luki and Novo Sokolniki; he did not recall the village of Nasva (Gov. Exh. 17 at 28-30, 76). The respondent described an incident in which his company arrived on skis at a village where they encountered Russian resistance (Gov. Exh. 17 at 28-29, 82-83). General Stahlecker was wounded in the ensuing battle and died later; the other German officers retreated when Stahlecker was wounded, and the respondent was left in command (Gov. Exh. 17 at 28-29, 80). The respondent said that his company was able to capture the village after a battle; his company then searched the village and found some Red Army soldiers who were turned over to the Germans as POWs (Gov. Exh. 17 at 80-81). The respondent denied that civilians in the village were executed as a reprisal for Stahlecker's wounding; he thought that some civilians might have been killed, though, during the battle (Gov. Exh. 17 at 81-82). He added that the cities of Veliki Luki and Novo Sokolniki were "practically . . . [l]eveled . . . as a result of combat" (Gov. Exh. 17 at 77-78).

The respondent stated that he stopped serving as a company commander at "[t]he end of 1942" because he developed an ulcer (Gov. Exh. 17 at 23, 106-07). He said that he resumed his studies at the University of Riga, and that he continued studying into 1944 (Gov. Exh. 17 at 108-09). The respondent testified that he was selected to be an officer in the Latvian Legion in 1943, but that he was able to delay his entry date due to his illness (Gov. Exh. 17 at 23, 106-07, 111). He lived for a while in Ventspils before he went to Germany in the Fall of 1944 to join the Latvian Legion; the respondent added that when he arrived in Germany, the Russians had already captured Riga (Gov. Exh. 17 at 110-11). The respondent served as a lieutenant in the Fifteenth "SS" Grenadier battalion of the Latvian Legion in 1944 and 1945 (Gov. Exh. 17 at 24). He said that his battalion was deployed in Latvia, but was constantly retreating; when the respondent's ulcer began "acting up," he was put on a hospital ship and was taken to Germany (Gov. Exh. 17 at 24-25). The respondent stated finally that he lived in a displaced persons camp in Germany after the war, and that at the camp he applied to immigrate to Australia (Gov. Exh. 17 at 11-12, 92).

RESPONDENT'S TESTIMONY AT HIS DEPORTATION HEARING

The respondent testified before the immigration judge on August 2nd and 3rd, 1988. He gave more details concerning his activities and whereabouts between 1940 and 1945 than he did during the March 1984 deposition. The respondent stated that during the period that he served with the Red Army in 1940 and 1941, he was the commander of a company which stayed temporarily at a parsonage in the village of Nurmuiza, near Talsi, Latvia; the minister who resided there was named Pastor Namgauds (Tr. at 1141-42). In the Spring of 1941, the respondent's company left Nurmuiza, and was then deployed at Gulbene (Tr. at 1143). The respondent said that in June 1941, as the Russians were retreating eastward, he elected to remain in Latvia rather than go to the Soviet Union with the Red Army; the respondent added that he felt fortunate that he was allowed to remain behind, because many Latvian Army officers "were deported or killed" by the Soviet forces (Tr. at 1143-44).

The respondent joined a partisan unit near Gulbene in the first week of July 1941 (Tr. at 1144-45, 1228). He remained with the partisan unit for about a week, and then went with a group of former army officers toward Riga, fighting retreating Russian troops along the way (Tr. at 1145, 1264-65). The respondent arrived in Riga in mid-July 1941 (Tr. at 1145). He said that he registered along with other Latvian officers at the Latvian Society Building on Merekela Street in Riga; he went to his family's summer home on the Baltic Sea while he was waiting to be mobilized (Tr. at 1145-46). He said that he also returned to Nurmuiza during July, August, and September of 1941, where he did farm work and assisted Pastor Namgauds with his church work (Tr. at 1146-47). After he returned to Riga, he worked as a manager in a clothing store for several weeks; because he still had not been called for duty, he decided to study at the university (Tr. at 1145-46).

The respondent testified that he started studying in the engineering department at the University of Riga in October or November 1941 (Tr. at 1148, 1150-51, 1242). The respondent stated that in order to study at the university, he needed certificates to prove that he had been "fighting [the] Red Army," and protecting the Latvian people; he said that applicants who had served in "self-defense units" were given a preference at the university (Tr. at 1149, 1242-43). The respondent claimed that to acquire such a certificate, he sent a letter to the partisan chief near Gulbene (Tr. at 1149). While he was waiting for a response, he met a Sergeant Roze on a street in Riga; the respondent knew Roze because Roze had served under the respondent in the former Latvian Army (Tr. at 1149, 1243-44). The respondent testified that he observed that Roze was wearing some kind of a police armband, so he asked Roze if Roze could get him a police certificate which would state that he had been "fighting [the] Red Army" (Tr. at 1149-50). Roze allegedly obtained such a

certificate for the respondent, and the respondent submitted the certificate, along with the document from the partisan chief at Gulbene, to the university (Tr. at 1150). The respondent added that he acquired all of the certificates which he gave to the university between 1941 and 1943 from Roze; the respondent did not find out until later that Roze was serving in the "Arajs Kommando" (Tr. at 1243-44).

The respondent testified that his studies at the university were interrupted in January 1942, when a non-commissioned officer from his former company contacted him and told him that the Germans were looking for officers who had served in the Latvian Army to lead reconnaissance units (Tr. at 1151). The non-commissioned officer introduced the respondent to the German General Schroeder, who interviewed the respondent about his experience in reconnaissance missions; the interview was held at the German headquarters on Raina Boulevard in Riga (Tr. at 1151, 1271). The respondent said that General Schroeder put him in charge of a reconnaissance unit which had already been organized and was being sent to the Russian Front (Tr. at 1152, 1250-51).

The respondent stated that his company travelled from Riga to the front first by train, and then by truck, at the end of January 1942; the company ultimately arrived at a village named Dno, but the company was not stationary (Tr. at 1152-54). The respondent testified that his company consisted of three platoons and 100 men; one of the platoon leaders was named Lieutenant Nadzins (Tr. at 1155). The company wore German uniforms with white camouflage overalls; the respondent wore silver epaulets with "two Latvian stars" on the collar and a Latvian flag on the arm (Tr. at 1167-68). He added that his company usually fought along with German troops (Tr. at 1157). The respondent stated that his commanding German officer was a "Wehrmacht general" who later succeeded Rommel in Africa (Tr. at 1169, 1245-46). According to the respondent, only about one third of his company at the front remained intact; the remainder were "either frozen or wounded" (Tr. at 1156). The company remained at the front until September or October 1942 (Tr. at 1154, 1228).

The respondent testified further that the battle in which General Stahlecker was fatally wounded occurred in March 1942; he said that German companies, Latvian companies, and an Estonian company fought together in this battle (Tr. at 1157-58). The respondent could not recall the name of the village where this battle took place; he said that the village was located in the general area between Dno and Veliki Luki (Tr. at 1159-60). The respondent stated that his company continued fighting after Stahlecker was wounded, and that they took Russian prisoners after the battle was completed (Tr. at 1159-60). He added that although it was difficult to distinguish between Red Army soldiers and civilians during the battle, no civilians were deliberately killed, nor was the village burned (Tr. at 1160-62, 1299-1301).

The respondent maintained that he was never a member of the "Arajs Kommando," and that the company which he commanded in 1942 was not a part of the Latvian Auxiliary Police or subordinate to Viktors Arajs (Tr. at 1170, 1298). He stated that he could have met Arajs when they both were serving in the Latvian Legion, but that he did not have a personal relationship with Arajs (Tr. at 1170-71, 1212-13). The respondent stated too that his company did not serve at concentration camps or guard civilian prisoners; the respondent was only at Salaspils for "Army summer camp" before the Nazi occupation of Latvia (Tr. at 1171-72).

The respondent stated that he was relieved of command of his company in September or October 1942, when he suffered a stomach ulcer (Tr. at 1162, 1275). He was replaced by a German "Wehrmacht" officer (Tr. at 1162-63, 1256-57). He said that he recuperated in a hospital administered by the Germans in Riga (Tr. at 1163). When he was released from the hospital, he resumed studying at the university, and also started doing farm work again in Nurmuiza, and in areas near Gulbene and Blavinas (Tr. at 1163). The respondent married in March 1943, and he and his wife lived with his parents at their apartment in Riga (Tr. at 1163-64, 1165-66). The respondent stated that in the period between his release from the hospital and his marriage, he spent half of his time doing farm work, and half of his time studying (Tr. at 1164). He testified that he studied at the university during the academic year of 1943, but that in the summer of 1943, he was working on farms (Tr. at 1165, 1296-97).

The respondent testified that he was contacted to report for service with the Latvian Legion in the Summer of 1944 (Tr. at 1166). After he was given a physical examination, he was ordered to report to Germany rather than to the front (Tr. at 1166). The respondent said that he went to Nurmuiza to care for his friends before he made his way to Germany (Tr. at 1166-67). He arrived in Germany on December 1, 1944 (Tr. at 1167, 1172). He joined the Fifteenth Grenadier Division of the Latvian Legion (Tr. at 1289-90). The respondent's division was deployed near Danzig, and the division was in training from December 1944 until January 1945 in preparation for a Soviet attack (Tr. at 1276). He claimed that part of the division's training in December 1944 and January 1945 involved farm work in the area around Danzig (Tr. at 1276-77). The respondent remained with his division until April 1945, when he suffered a shrapnel wound to his knee and also got a concussion (Tr. at 1172, 1277-78). He was transported to Germany by ship, and was sent to Denmark after his wound healed; the respondent was in Denmark when the war in Europe ended on May 8, 1945 (Tr. at 1172).

The respondent stated that he remained in Denmark until 1947 (Tr. at 1172, 1279). He lived with his wife periodically when he was in Denmark; the respondent divorced his wife prior to his immigration to Australia (Tr. at 1241; Gov. Exh. 66). In late

1947, he moved to a displaced persons camp in Rotenburg, Germany (Tr. at 1173). The respondent said that he became the chief of police at the displaced persons camp (Tr. at 1175, 1279). He departed Germany for Australia in October 1950 (Tr. at 1176-77).

On cross-examination, the respondent testified that in July 1941, when he went to the Latvian Society Building in Riga, he was responding to an announcement, aired on the radio and printed in the newspaper, calling Latvian Army officers to register (Tr. at 1260-62). He said that the name of the company which he commanded at the eastern front between January and the Fall of 1942 was the "Latvian Ski Company" (Tr. at 1246). He said too that his rank as company commander was "First Lieutenant" (Tr. at 1254-55).

The respondent testified further on cross-examination that he did not "serve" under General Stahlecker; he said that he was merely present at the battle on the eastern front in which Stahlecker was in command and later wounded (Tr. at 1216-17). The respondent stated that otherwise he was not under the command of General Stahlecker (Tr. at 1216-17). He did not think that any newspaper or magazine would have reported that he was with Stahlecker when Stahlecker was wounded, because during wartime "it was forbidden to write names of persons or names of places" (Tr. at 1215). The respondent also stated that he received a "close combat" insignia from General Schroeder when the respondent returned to Riga in the Fall of 1942; the respondent said that he did not see General Schroeder again after he was awarded the insignia (Tr. at 1257-58, 1298). He did not know that Schroeder had been charged for war crimes in 1948 (Tr. at 1299).

The respondent maintained that during the period between September or October 1942 when he returned from the eastern front, and December 1944 when he joined the Latvian Legion, he was not involved in any military or police service (Tr. at 1228). He stated that during this 27 or 28 month period, he was studying and doing farm work (Tr. at 1228-29, 1233-34). The respondent testified that he received his "regular pay" from the Germans even though he was not performing military service, because he was "officially on sick leave" (Tr. at 1230). He explained that he had a physical examination when he returned from the front in the Fall of 1942, and that he had two subsequent physical examinations; he was found to be unfit for service at the front because of his ulcer (Tr. at 1231-32).

The respondent added that he had another reason, unrelated to his health, not to perform military service when he returned from the front; he stated that he realized, as did many other Latvians, that the future which the Germans were planning for Latvia was "exactly opposite to our wishes and aspirations" (Tr. at 1229). He said that he was not in hiding, but that he had lost the will "to fight for the Germans" (Tr. at 1230, 1232). He stated too that it was easier for persons like himself, who held "official

positions" in Latvia, to avoid military service with the Germans; the respondent "heard enough and knew enough to . . . try to avoid them" (Tr. at 1234-35).

The respondent testified that he did not receive a degree from the university (Tr. at 1235). He said that he traveled the approximate 100 kilometers from Nurmuiza to Riga by train or truck when he was alternately doing farm labor and studying (Tr. at 1235-36). The respondent testified that it was easy for him to get access to these means of transportation because he was an officer (Tr. at 1236-37). He stated that he wore parts of his Latvian Army uniform, or displayed a Latvian officer's certificate, in order to obtain permission to travel (Tr. at 1238, 1270). The respondent added that because of his "status as [a] former officer," he was able to carry as much food as he wanted when he was traveling back to Riga (Tr. at 1270).

The respondent stated finally on cross-examination that although he was in Riga in November and December 1941, he did not find out what happened to the Jews in Latvia until after the war (Tr. at 1304). The respondent did not know, at the time it was constructed, that there was a ghetto for Jews in Riga (Tr. at 1305). He also did not see Jews being marched to the Rumbula Forest, or Jews in Riga on work details (Tr. at 1306). He did not find out what the "Arajs Kommando" was until after the war (Tr. at 1304).

I. RELIABILITY OF SOVIET DEPOSITIONS

The respondent's initial argument on appeal is a two-pronged attack against the procedure of taking depositions from witnesses in the Soviet Union. ^{10/} The respondent contends first that the courts generally have found depositions in the Soviet Union to be an unfair method of securing evidence in war-crimes cases. He contends second that the depositions taken in his case were neither fair nor trustworthy. The respondent argues further that the Government deposition witnesses' identification testimony concerning him was inconsistent and unreliable.

A. Case Law Concerning Soviet Depositions

The respondent, relying on cases in which judges have discredited Soviet deposition testimony primarily because of the Soviet Union's political interest in such cases and the Soviet procurators' interference during the depositions, asserts that precedent cases support the proposition that Soviet deposition testimony is inherently unreliable. The courts in some cases clearly have rejected Soviet deposition testimony as unreliable.

^{10/} See note 5, *supra*.

In Laipenieks v. INS, 750 F.2d 1427, 1432 (9th Cir. 1985), for instance, the Court noted that the Soviet procurator presiding over the deposition had referred to the petitioner as "the Nazi war criminal Laipenieks," 11/ and that the procurator had curtailed the right of Laipenieks' counsel to cross-examine the deposition witnesses. The Court concluded that this Board's reliance on the Soviet deposition testimony was error, because "Soviet involvement in the procurement of the deposition testimony seriously undermined its trustworthiness." Id. at 1433.

Similarly, in United States v. Kowalchuk, 571 F.Supp. 72 (E.D.Pa. 1983), aff'd en banc, 773 F.2d 488 (3rd Cir. 1985), cert. denied, 475 U.S. 1012 (1986), the trial court judge expressed considerable skepticism regarding the deposition testimony of Soviet witnesses. The judge began his discussion of the Soviet depositions by observing that he did not believe that the witnesses' testimony was a fabrication, or that there was anything in the witnesses' demeanor which made their testimony unworthy of belief. 571 F.Supp. at 79. He nonetheless discredited the evidence because the Soviet government had selected the deposition witnesses, made them available to testify, and had the witnesses under its control. Id. The district court judge emphasized too that the right to cross-examine the witnesses had been restricted. Id. at 80. He accordingly declined to rely on the Soviet deposition testimony, but found evidence independent of that testimony which supported a denaturalization judgment.

In United States v. Kungys, 571 F.Supp. 1104 (D.N.J. 1983), rev'd and remanded, 793 F.2d 516 (3rd Cir. 1986), rev'd and remanded, 485 U.S. 759, 108 S.Ct. 1537 (1988), the district court judge discussed at length the reasons he found the Soviet deposition testimony to be unreliable. He found that the Soviet Union had a strong state interest in implicating the defendant as a collaborator with the German occupation forces. 571 F.Supp. at 1123-26. He found further that the Soviet procurator limited or cut off defense counsel's cross-examination of the deposition witnesses. Id. at 1128-29. He found too that the interpreters at the deposition, supplied by the Soviet government, had skewed the witnesses' testimony in such a manner as to inculcate the defendant. Id. at 1129. The judge questioned the accuracy and legitimacy of the prior statements, or protocols, that the Soviet witnesses had given, and he noted that the three deposition witnesses who implicated the defendant had executed additional

11/ In United States v. Linnas, 527 F.Supp. 426, 434 n.16 (E.D.N.Y. 1981), aff'd, 685 F.2d 427 (2d Cir. 1982), cert. denied, 459 U.S. 883 (1982), the trial court judge also expressed his concern that the Soviet procurator had referred to Linnas, during the depositions, as the "Fascist prisoner murder[er]," and as "a former war criminal."

protocols which the Soviet authorities never produced. Id. at 1130-32. The trial court judge therefore admitted the deposition testimony only for the limited purpose of establishing that certain killings in Lithuania had occurred. Id. at 1132.

In United States v. Kungys, 793 F.2d at 533, the United States Court of Appeals for the Third Circuit reversed the district court's decision on the issue of whether the defendant had made a material misrepresentation to obtain his visa and subsequent naturalization. The Third Circuit did not specifically address the issue of the reliability of the Soviet deposition testimony taken in Kungys' case. Id. at 520; see also 108 S.Ct. at 1544. The Court nonetheless rejected "the suggestion that all depositions taken in the Soviet Union should be automatically excluded from evidence." 793 F.2d at 520 n.2. The Court opined that a better approach would be, as with depositions taken in any other country, to assess the reliability of the evidence "on an individual basis." Id.

Other courts which have addressed the issue of Soviet deposition testimony have similarly rejected a per se rule of inadmissibility, even in cases where the Federal Rules of Civil Procedure are applicable. In United States v. Schuk, 565 F.Supp. 613, 615 (E.D.Pa. 1983), for example, the court dismissed as "premature and too speculative" a defense motion contending that depositions conducted in the Soviet Union would necessarily be so unreliable as to amount to a due process violation. Accord, United States v. Trucis, 89 F.R.D. 671 (E.D.Pa. 1981). In United States v. Palciauskas, 559 F.Supp. 1294, 1296-97 n.3 (M.D.Fla. 1983), aff'd, 734 F.2d 625 (11th Cir. 1984), the court admitted the deposition testimony of witnesses in Lithuania pursuant to Rules 26 and 28(b) Fed.R.Civ.P., 12/ and relied on that testimony in part to establish that the defendant had been the Mayor of Kaunas, Lithuania, during the Nazi occupation. 13/ In United States v. Kairys, 600 F.Supp. 1254 (N.D.Ill. 1984), aff'd, 782 F.2d 1374 (7th Cir. 1986), cert. denied, 476 U.S. 1153 (1986), the defendant argued that the deposition testimony of witnesses in Latvia was unreliable due to the restrictions that were placed on the cross-examination of witnesses there. The court acknowledged that the restrictions on cross-examination would not be tolerated by courts in the United States, but ruled that this matter

12/ Soviet deposition testimony was also admitted pursuant to Fed.R.Civ.P. 28(b) in United States v. Osidach, 513 F.Supp. 51, 89 n.22 (E.D.Pa. 1981).

13/ We note, however, that in Palciauskas v. INS, 939 F.2d 963, 967 (11th Cir. 1991), the United States Court of Appeals for the Eleventh Circuit emphasized that it had expressed no opinion regarding the issue of the reliability of Soviet evidence in Palciauskas' prior denaturalization proceedings.