

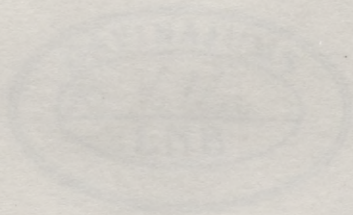


YARMĀCĪBAS

TORNI

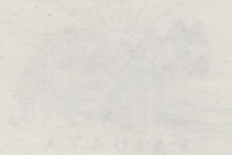
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„Kopā nodziedā” stāsts



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VARMĀCĪBAS TORŅI II

„Kaŗa noziedznieka” stāsts



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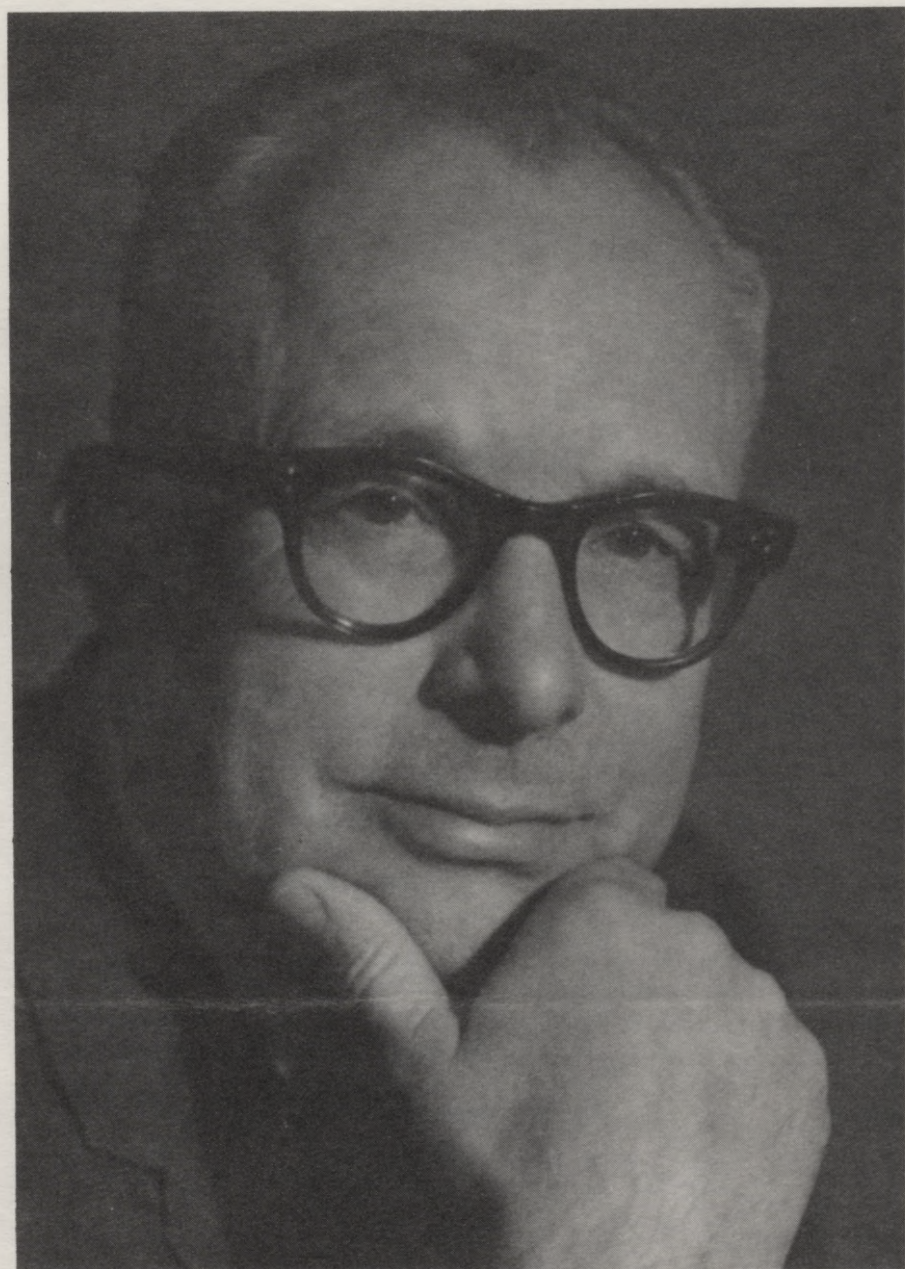
TORŅI

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"Kāro noziedznieku" stāsts



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Vilis A. Hazners

Vilis Arveds Hāzners
VARMĀCĪBAS TORŅI II
„Kaŗa noziedznieka”
stāsts

SATURS

| | |
|---|-----|
| 1. Priekšvārdi | 1 |
| 2. 1905-1983. Atmiņas: | |
| Vai bija vērts rakstīt? | 3 |
| Kļūdu labojumi | 27 |
| 3. „Kaŗa noziedznieks”: | |
| Priekšvēsture „kaŗa noziedznieku lietā” | 30 |
| Tiesa nāk! | 37 |
| Patiesības fonds | 60 |
| Radio BRĪVĪBA | 73 |
| Mani liecinieki | 82 |
| Ivars Bērziņš | 320 |
| Tiesāšanas izdevumi | 398 |
| Terrors | 399 |
| Morāles stiprinātāji | 405 |
| Arnolds Apse — Vecais Vanags | 422 |
| Tās nav anekdotes | 423 |
| ASV preses „objektivitāte un tonis” | 424 |
| Žīdu un latviešu attiecības | 484 |
| Citi liecinieki un liecības | 487 |
| Tiesas gaitas dokumentācija | 489 |
| Beidzot! | 491 |
| 4. Paveiktie darbi pēdējos gados: | |
| Mani rakstu darbi | 497 |
| Politiskais un sabiedriskais darbs | 501 |
| 5. Notikumi ģimenē pēdējos gados | 505 |
| 6. Pēcvārdi | 515 |

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| 3 | 3. 1995-1999 |
| 4 | 4. 1995-1999 |
| 5 | 5. 1995-1999 |
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| 29 | 29. 1995-1999 |
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Priekšvārdi

Kad 1976. gada beigās nobeidzu rakstīt savas atmiņas VARMĀCĪBAS TORŅI, tad tās pēdējai nodaļai, sadalot savas dzīves stāstu trīspadsmitgadēs, biju licis virsrakstu 1970 — ar pirmā apakšvirsraksta jautājumu VAI MANAS DZĪVES PĒDĒJĀ TRĪSPADSMITGADE? Grāmatas noslēgumā biju devis arī savas dzīves IZSKAŅU...

Bet nu izrādījās, ka šī „pēdējā trīspadsmitgade” ir jau beigusies 1983. gada beigās un sākusies jauna „pēdējā trīspadsmitgade”. Cilvēku dzīvē tā bieži gadās un tā arī varēja palikt mani VARMĀCĪBAS TORŅI tādi, kādi tie bija uzrakstīti un it kā nobeigti. Un tomēr šajā, aiztecējušā trīspadsmitgadē, man iznāca vēl daudz ko padarīt un — galvenais — vēl izcīnīt ilgu un grūtu cīņu ar netaisnībām, bezkaunībām (vai kā tās nesauktu), kuŗas jau tiku pieminējis Varmācībās torņu 630. lpp. Es gan tajā pat vietā pieminēju, ka lai visu to aprakstītu būtu vajadzīga jauna grāmata. Un tā sabiedrības, radu un draugu aicināts izlēmu šo grāmatu uzrakstīt pats, patiesību sakot mēģināt vēl savā dzīves pēdējā posmā to nobeigt. Ceru, ka tas arī izdosies...

Pie tās pašas reizes būs arī iespēja vēl pieminēt pirmo Varmācības torņu grāmatu, kuŗas saturs prasa dažas piezīmes, paskaidrojumus, izlabot vienu otru kļūdu un uzrakstīt dažus secinājumus. Arī pievienot dažus, agrāki nekur npublicētus, foto uzņēmumus.

Un tā 1984. gada 31. janvārī sāku piestrādāt pie VARMĀCĪBAS TORŅI II grāmatas.

Ar tās saturu ceru pakalpot sabiedrībai, saviem daudzajiem draugiem, daudziem lasītājiem, kam bija patikusi mana pirmā grāmata.

Man gan jāatvainojas, ka daļa no šīs grāmatas būs angļu valodā, to spiež man rakstīt radušies apstākļi, bet es ceru, kam šis „kaŗa noziedznieku” tiesāšanas stāsts, to lasot, valodas grūtības neradīs.

Autors.

Friedrich

Am 1. März 1878 wurde Friedrich geboren in dem kleinen Ortsteil
BASTORF, bei der Pfarre Norder, unter dem Namen Friedrich
Friedrich, der hier am 1. März 1878 - an dem Geburtsort
geboren wurde. Seine Eltern sind Herr FRIEDRICH
FRIEDRICH und Frau FRIEDRICH FRIEDRICH.

Der Vater Friedrich ist ein "Friedrich-Friedrich" in dem Ortsteil
geboren und wohnt jetzt in Norder. Die Mutter ist
geboren in Norder und wohnt jetzt in Norder. Die Eltern sind
Friedrich-Friedrich, was ihnen bei der Geburt des Kindes
aufgegeben wurde. Die Eltern sind in Norder, bei der
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FRIEDRICH und Frau FRIEDRICH FRIEDRICH.

Auftrag

Vai bija vērts rakstīt?

Ar šo virsrakstu es jautāju pats sev — vai bija vērts rakstīt manus Varmācības torņus un tērēt vairāku gadu darbu, glabāt dienas grāmatas, krāt dažādas piezīmes. Arī tas bija darbs, kurš prasīja zināmu uzņēmību, uzmanību, rūpes.

Atbildi — lai uz šo jautājumu dod vispirms grāmatas recenzanti. To pilnu tekstus ievietoju no laikraksta „Laiks”, DVM mēnešraksta, „Latvija Amērikā”, laikraksta „Latvija” (Vācijā) un „Londonas avīze”. Jādomā, ka mūsu piektā avīze trimdā — „Austrālijas latvietis” arī šo grāmatu recenzēja, bet, ja tāds raksts būtu bijis, to nav izdevies redzēt.

Vēl Varmācības torņus ir recenzējis žurnāls „Jaunā Gaita” (autors vēsturnieks Andrievs Ezerģails), žurnāls „UNIVERSITAS” (autors Kārlis Štāmers), t.s. mazā prese — „Sirakūzu vēstis”, DV apvienības „Ziņotājs Klīvlāndē” un citi.

Arī pēdējie rakstījuši līdzīgi lielo izdevumu laikrakstiem un žurnāliem.

Manā vērtējumā katrs autors var būt vēl vairāk nekā apmierināts par šādu savas grāmatas satura novērtējumu!

Bez tam vēl laika tecējumā ir pienākušas vairāk nekā simts vēstules kā no draugiem, paziņām un pat pavisam svešiem cilvēkiem, kas devuši savas atsauksmes par grāmatas saturu.

Tos, aptuveni ienākšanas kārtībā, izlases veidā (visus tos pieminēt būtu prasīts par daudz!), saprotams arī pieminot vienīgi atsevišķus teikumus, pieminēšu šādi:

Alfrēds Puķīte, DV darbinieks: „... bilžu izvēle Tev ir tiešām lieliska — retumis no paša dzīves un vēsturiski trimdas un Latvijas dokumentējumi . . . Daudz interesanta lasamā, kas iemūžināts par laikiem, kurus latvju tautas vēsturnieki kādreiz pētījis . . . ļoti labi dokumentēti komitejas (domāta Komiteja Latvijas brīvībai, VH) un Apspiesto tautas asamblejas laiki . . .”

Edgars Peniķis, DV darbinieks, autors: „... paldies par skaisto, pirmo latviešu, bestselleri! . . . Ir jāapbrīno Tava fainomenālā atmiņa no pat bērnu dienām . . . Tava grāmata ir arī vadonis vēsturniekiem mūsu brīvvalsts laiku norišu pētīšanai lauksaimniecības un militāro jautājumu norisē . . . Maija (Peniķu meita, kāda amērikāņu laikraksta redaktore), kā jau mācīta rakstu darbu darītāja, uzteica darba apmērus un darītāja degsmi . . .”

Irma Andersone, DV darbiniece, viena no maniem labākiem jaunības draugiem laulātā draudzene (kuŗš palika kaujas laukā): „... ir arī sacīts, ka nevajagot dzīvot atmiņās, bet kā lai neatcerētos to, kas devis tik daudz skaistuma, prieka un laimes?! ... Tava grāmata interesanti, labi lasās, — arī pa asarai iezogas acīs ...”

Sigurds Andersons, iepriekšējās dēls, Kanādas bruņoto spēku pulkvedis-leitnants: „... Labi gan, ka Jūs uzrakstījāt savas dzīves gaitu atmiņas. ‚Varmācības torņos‘ atspoguļojas svarīgs mūsu tautas vēstures posms, kā arī spilgti izceļas Jūsu patriotiskā stāja, varonīga, taisnīga un spējīga virsnieka labākās īpašības. Visai mūsu jaunatnei derētu izlasīt Jūsu dzīves stāstu, lai iegūtu iedvesmi un mācītos ko var panākt ja ir ‚mugurkauls‘. Novēlu Jums nepagurt patreizējā cīņā pret tumsības, melu un netaisnības spēkiem.” (Domāta mana apsūdzība par „kaŗa noziegumiem”, VH).

Tonija Krūka, rakstniece: „... Kad izlasīju ‚Varmācības torņus‘, man gribējās burtiski kliegt, ka pēc visa piedzīvotā un pārdzīvotā vēl ļaunuma apsēstie neliek mierā (domāts mans tiesāšanas sākums par ‚kaŗa noziegumiem‘) ... Man jāsaka, ka visvairāk izjūtu un pārdzīvoju cilvēku dzīves stāstus uzrakstītus tādā valodā, ko mēs ikdienas runājam. Tā ir tuva sirdij un vislabāk liek lasītājam izprast rakstītāja dvēseli ... Patiesi lasīju ar lielu aizrautību.”

Visvaldis Šnorinš, mans brālēns: „... Tu raksti vienreizēji labi un interesanti, nekūr neesi sevi priekšplānā izbīdījis, bet grāmata lasās kā vēsture, kur Tava dzīve saistīta ar attiecīgā laikmeta notikumiem ...”

Artūrs Ģinters, Kaŗa skolas biedrs un līdzcīnītājs Otrā pasaules kaŗa laikā: „... toreiz jutu Tev līdzī un apbrīnoju to spēku un izturību ar kādu izlauzies no ielenkuma. To neviens tā nevarētu pārdzīvot un izprast neizlasot Tavu skaisti uzrakstīto grāmatu. Tu esi laimes bērns ... Es ar tādu baudu un pārdzīvojumu neesmu lasījis nevienu grāmatu ...”

Rūdolfis Kociņš, pulkvedis-leitnants, Kaŗa skolas biedrs: „... Izlasīju Tavus Varmācības torņus un atradu, ka Tev ir teicams žurnālista talants saskatīt personas un notikumus ap sevi un labā valodā pārnest tos uz papīra. Tikai nezinu kāpēc īsti Tu esi izvēlējis šo drausmīgo nosaukumu, ietilpinot arī tornī savu personīgo un ģimenes dzīvi. Šo nosaukumu varētu attiecināt uz Tavas dzīves nedaudziem gadiem. Tā varēja būt kāda apakšnodaļa. Citādi šī grāmata ir īsti pozitīvs pienesums atmiņu laukā ...”

Jānis Neimanis, aktieris: „... Tavu grāmatu lasot esmu daudz, daudz raudājis un atmiņā dziļi iesēdies tas traģiskais brīdis Vācijā —

Sofienvaldē, kad Tu ar saviem bataljona zēniem šķiroties no mums — aktieriem (runa ir par Frontes teātri, VH), lai dotos cīņā uz Nakeli, viņus uzrunāji. Mēs abi ar Pencīti (Neimaņa kundze, VH) toreiz arī nevarējām novaldīt asaras, kuŗas tajā pašā brīdī sasala uz vaigiem. Toreiz bija nežēlīgi auksts ziemas rīts un Jūs visi tik jauni, jauki . . . Tu taču šiem zēniem-bērniem biji kā tēvs . . .”

Indulis Kažociņš, virsnieks, vēsturnieks: „ . . . nopriecājos par Tavu dzīvo, nesamāksloto valodu. . . Tava pieredze Centrālcietumā ir ļoti nozīmīga nodaļa . . .”

Artūrs Ludriksons, virsnieks, inženieris: „ . . . Vērtīga un interesanta grāmata un lasās ļoti viegli, sevišķi par Tavām kaŗavīra gaitām. Kāds Imants Fridrichsons 11. 2. 78. Vācijās ‚Latvijā’ ir uzrakstījis par šo Tavu grāmatu kritiku . . .”

Fricis Telmanis, pulkvedis-leitnants, skolas biedrs: „ . . . Viss Tavā grāmatā rakstītais, ir notikumu un faktu apdare literārā formā un paliks mūsu nākošām paaudzēm, kas vēl prātīs latviski lasīt, kā vēsturisks dokuments no tā laikmeta, kuŗā uzaugi, dzīvoji, cīnījies. Šī grāmata ir Tavas ģimenes mantojums, kas iepazīstinās Tavas dzimtas pēcnācējus tālā nākotnē un dos tiem iespēju izprast ideālus, par kuŗiem Tu cīnījies kaŗa laukos un politiskā un sabiedriskā darbā . . . Nebūs neviena tāda lasītāja, kuŗš neatradīs kaut ko līdzīgu, kas viņam gara acu priekšā neizsauktu atmiņās kādu līdzīgu notikumu un tas būs spiests lasīšanu pārtraukt uz isāku vai gaŗāku laika sprīdi dvēselīgi pār-dzīvot notikumus . . . Visi notikumi Tavā grāmatā ir aprakstīti vienreizīgi . . .”

Teodors Mieziņis, virsnieks, 7. Siguldas kājnieku pulka pie-miņas fonda vadītājs: „ . . . Sirsnīgs paldies Tev par Tavu izsmelošo rakstu ‚Varmācības torņos’ par 7. Siguldas k. pulku!”

Alfrēds Zēvalds, virsnieks, 4. Valmieras kājnieku pulka pār-stāvis trimdā: „ . . . Izlasīju Jūsu lielo darbu Varmācības torņi. Nelieku-ļojot un neglaimojot, izsaku Jums savu sirsnīgāko paldies par šo lielo vēsturisko darbu, kas liekas būs vienreizējs. Apbrīnojami vienkāršā stāstījuma valoda, bez parasto profesionālo rakstnieku fantazējumiem, Jūs savā stāstījumā ietverat vai 3/4 grāmatu mūsu tautas šķērsgrie-zumu (kā gudrie rakstnieki saka). Apbrīnojama ir Jūsu fainomenālā atmiņa. Nevar jau būt, ka Jūs visu savu mūžu vediet kādu dienas grā-matu . . . Lasot dažas spilgtākās vietas man acīs parādījās mitrums. Stāstījumā neviena persona nav sevišķi izcelta, godināta, bet tikai tik-daudz cik katrs to pelnījis. Daži spilgtākie tipi, kas to pelnījuši, ir saudzīgi kritizēti . . .”

Elmārs Zaļums, virsnieks un profesors: „ . . . Valoda ir skaista un viss ietvērums gaužam labs. Tas nu ir skaidrs, ka Tev uz tiem rakstu darbiem iekšā ir . . .”

Eižens Puķe, armijas brīva līguma darbinieks: „... Ļoti saistoša grāmata. Nav jau nekāds vienkāršs ģimenes ciltskoka apraksts, bet ļoti izsmēlošs kāda laikmeta vēsturisks dokumentējums...”

Edgars Bite, virsnieks: „... Tava grāmata jau ir izlasīta, dažas vietas vairākkārt... Kad Meirānos Tevi jau bija, pēc iznākšanas no ielenkuma, pievākuši lielāki kungi, vācu virsnieks Vīlānds (Wieland) man jautāja: ‘Glaubst du Gott?’... Būtu pie Taviem kara stāstiem derējušas kartes...”

Jūlijs Vaivars, žurnālists: „... Priecājos par atzinīgiem vārdiem Jūsu grāmatai. Jums būs sava vieta Latvijas vēsturē. Izpildījāt savu pienākumu...”

Jānis Cīrulis, virsnieks, DV darbinieks, žurnālists: „... Grāmata varena un iespaidīga... Virsraksts ļoti saista uzmanību... Ja es rakstītu kaut ko līdzīgu, tad tik sīki nepieskārtos savai dzimtai vietai un radu rakstiem. Bet tā jau gaumes lieta. Atmiņu lielāko daļu (līdz 1957. gadam) resp. izceļošanai uz ASV atzīstu par ļoti interesantu, saistošu un izcilu lasāmvielu, jo savā dzīvē esi sastapies ar daudzām vēsturiskām personām un atrodami fakti, kas diezin vai citur kur būs atrodami... Kas attiecas uz Tavu atmiņu pēdējo daļu, tad Tu esi parādījis mākslu likt citiem runāt par Taviem darbiem un nevis ‘pašslavināties’...”

Jānis Meijers, virsnieks, advokāts: „... Tava grāmata ir lieliska un tik saistoši uzrakstīta, ka var lasīt kā romānu...”

Jānis Rulliņš, virsnieks, DV darbinieks, uzrakstījis un publicējis savas atmiņas: „... Tava grāmata ir kapitāldarbs. Atmiņas par šo laiku nedrīkst pazust. Mūsu jaunajai paaudzei jāzina, kādi bija mūsu senči Latvijas grūtajos pārbaudes gados... Sevišķi traģisks ir Tavs pārdzīvojums Centrālcietumā...”

Andrējs Eglītis, dzejnieks, Brīvības izcils cīnītājs, LNF ģenerālsekretārs: „... Varmācības torņi nav tikai Tava grāmata. Tā ir laikmeta dokuments. Un kā tāda, tā iekļausies vēsturē...”

Eduards Stīpnieks, izcils kaujas virsnieks, DV darbinieks: „... Ļoti labi esi uzrakstījis. Labi lasās. Personu raksturojumi un notikumu aprakstīti ļoti labi...”

Haralds Biezais, teologs, profesors: „... Jūsu Varmācības torņi ir ļoti pamatīgi un labi uzrakstīta. Varbūt pati bagātākā grāmata ar faktiem par Jūsu un daudzu citu leģionāru gaitām un cīņām. Taču, neskatoties uz šiem materiāliem, kas tajā iestrādāti, tā nav pazaudējusi arī dziļi personīgu un cilvēcīgu pamattoni, tieši, kā tam atmiņu grāmatā

arī jābūt. Domāju, ka grāmatai paliks liela nozīme, pētot Otrā pasaules kara un bēgļu laika problēmas un par to Jums būs daudzi pateicīgi . . .”

Pēteris Janelsiņš, virsnieks, mans bijušais adjutants: „ . . . Jāatzīst — Tev spalva kļausa un atmiņa arī, bez tam Tev ir bagāts materiālu krājums. Manuprāt visāda veida autobiogrāfijas ir nozīmīgas un interesantas, tas nekas, ja tās ir subjektīvas, bet savs laiks tiek dokumentēts no dažādiem viedokļiem. Citas dokumentācijas mums nav un diez' vai būs, jo īstie vecie vēsturnieki un laikmeta liecinieki lielākā daļā ir jau zem zemes un jauniem vēsturniekiem par mūsu tautas vēsturi gaužam maz intereses. Vai nav traki, ka vēl līdz šai dienai nav radies neviens zinātniski-vēsturisks darbs par mūsu valsts bojā eju un notikumu tālāko gaitu? . . .”

Arvīds Līdacis, virsnieks, sabiedriska darbinieks, bij. DV ASV priekšnieks: „ . . . gribu Tev nodot pateicību par Varmācības torņiem. VT jau nav tikai Tavas dzīves stāsts vien. Tā ir vēsture un vesela laikmeta dokumentācija. Apbrīnojama Tava atmiņa, rūpība un neatlaidība faktu vākšanā un saglabāšanā . . . Labi, ka klausījī dēla padomam . . .”

Lonija Kukura, žurnāliste, redaktrise, daudzu rakstu autore: „ . . . Gribēju Jums rakstīt jau pirms pāris gadiem, kad pirmo reizi izlasīju Jūsu Varmācības torņus. Lasu un pārlasu tos atkal. Tā ir vērtīgākā grāmata, kāda latviešu valodā izdota. Cik labi, ka to uzrakstījāt! Tā ir labāka nekā visas Latvijas vēstures grāmatas kopā. Es neglaimoju. Esmu vispāri ļoti stingra kritiķe. Tāpēc par grāmatām recenzijas atsakos rakstīt . . . Negribu lēkt virsū vāju grāmatu rakstītājiem . . . Lai sliktās paslavē kāds cits. Par labajām pateicos autoriem tieši . . . Varat man ticēt, ka man tiešām ļoti patīk Jūsu memuāru grāmata. Un varu vērtēt, jo garajā mūžā esmu izlasījusi ‚gandrīz’ visu, kas latviešu valodā drukāts . . . Neciešu grāmatas zem 500 lp. . . Jūsu lieliskajā darbā jūtu dziļu personības cilvēciskumu, ko šais laikos grūti atrast, lasot, vienalga kādā valodā . . . Taču vairāk par visu gribēju Jums pateikt, kas mani tīri personiski tajos Torņos ir ļoti tuvs. Esmu ‚apsēsta’ ar ģimeņu vēsturēm. Tādēļ ļoti priecājos par plašo materiālu, ko Jūs esat devis par savu cilti. Kāds mantojums Jūsu pēcnācējiem, kuriem ir izredzes dzimtu turpināt tālā nākotnē! . . .”

Mirdza Ūdenāne, ārste: „ . . . Paldies visiem, kas pamudināja Jūs uz šo darbu. Paldies, kas stāvēja klāt ar atbalstu, materiāliem un ziņām, lai šo darbu īstenotu. Tam, bez autobiogrāfiskas vērtības, ir krietna vēsturiska vērtība . . .”

Mintauts Eglītis, kritiķis, rakstnieks: „ . . . Ar lielu interesi izlasīju Jūsu grāmatu Varmācības torņi. Un pēc tam vēl vairākkārt tā pārlasīta un pāršķirstīta. Tā ir neviens saistoši uzrakstīts Jūsu mūža stāsts, bet arī kāda liela, mums visiem zināma un pazīstama laikmeta raksturojums . . .”

Arvīds Lūks, virsnieks, skautu darbinieks, daudzu rakstu autors: „... Jūsu stils un psiholoģiskā pieeja atšķiras no parastām ar dabiskumu, īstenību. Apbrīnoju arī Jūsu datu precizitāti un daudzumu... Jūs spējat stāstīt visumā, būtiski un neiekrist sīkumu iespaidā...”

Aleksandrs Plensners, virsnieks, redaktors, rakstnieks: „... Tava grāmata nav nevien bieža, bet arī saturā daudzpusīga... Grāmata uzrakstīta ļoti labi (kā teica mūsu attestācijās) un autors izvirzams vēl dažas labas turpmākas grāmatas sarakstīšanai...”

Enita Reitmane, izdevēja: „... Paldies par skaisto grāmatu. Saņēmu piektdienas rītā un izlasīju līdz pirmdienas rītam... Ļoti dzīvi uzrakstīta...”

Brunis Rubess, sabiedrisks un saimniecisks darbinieks, bij. DVM redaktors: „... Vili, Tu esi uzrakstījis vienreizēju darbu...”

Reinis Birzgalis, režisors: „... neticami varens darbs...”

Jānis Lejiņš, režisors: „... lieliska grāmata, nenolasīties...”

Olgerts Liepiņš, rakstnieks un redaktors: „... nekad neticēju, ka Jūs kaut ko tik labu varat uzrakstīt...”

Kārlis Kezbers, rakstnieks, LPB valdes priekšsēdis: „... Tu esi lauva!...”

Benjamiņš Jēgers, bibliogrāfs: „... Esmu saņēmis Jūsu Varmācības ņoņus... Varens darbs... Paldies...”

Alma Pētersone, mana bērnības drauga māsa: „... Tavu grāmatu esmu izlasījusi. Arī es esmu tur pieminēta. Paldies par to. Tā ir izcila grāmata, kuŗu katram vajadzētu izlasīt. Paldies par šo darbu, kuŗu Tu esi atstājis latviešu tautai...”

Tadeušs Puisāns, virsnieks, vēsturnieks: „... Tavu grāmatu iesāku lasīt tā pa jokam un tagad nevaru sprukt vaļā. Tā ir bagāta ar materiāliem, skaisti uzrakstīta, skaista valoda un lielais materiāls pārskatami organizēts. Tu esi ieguldījis daudz pūļu, atstādams vērtīgu informāciju nākotnes vēstures pētniekiem. Tevi ilgi cilvēki par to labi pieminēs...”

Bija, saprotams, arī citādi vērtējumi, kā piemeram:

- grāmatas nosaukums varēja būt ne tik drūms,
- latviešu valodā daudz „nepasīgu” izteiksmes veidu,
- grāmatu varēja uzrakstīt koncentrētāku (īsāku),
- žēl, ka ir drukas kļūdas.

Starp daudzo vēstuļu klāstu, sevišķi no draugiem un mūža līdzgaitniekiem bija norādījumi uz atmiņu kļūdām. Daudzu draugu vēstules bija ļoti garas, pat līdz 10 lp. un daudzi manas atmiņas vēl „pagarināja” ar savu atmiņu atstāstījumiem, tā kā visas šo draugu un agrāko minēto pilnīgi svešo cilvēku vēstules izmantot nevarēju. Tad būtu jāraksta jauna, gara grāmata! Bet tās visas paliks ģimenes archīvā un var jau būt, ka kādreiz kāds vai kāda gribēs tajos ieskatīties. Vērtīgākās būs par mana kaŗavīra, politiska un sabiedriska darbinieka gaitu vērtējumu un to papildinājumiem.

Mazāk vērtības šķiet būs tiem, kuŗi atstāstījuši vai papildinājuši manus bērnības un jaunības laikus, jo vairāki vēstuļu rakstītāji jau bija uzskatos, ka vispāri šī nodaļa (vai nodaļas) grāmatā ir varējušas izpaļikt . . . Kaut pltn. Kociņš saka, ka tā esot gaumes lieta.

Nobeidzot šo privāto atsauksmju devējus es pateicos visiem, kas to darijuši un atvainojos iepretīm tiem, kuŗus neesmu pieminējis.

Un nu, noslēdzot šo nodaļu, lai vārds recenzantiem. Kā jau iepriekš minēju — tās ievietoju nesaīsinātas.

LAIKS:

Kaŗavīra dzīves stāsts

Vilis Arveds Hāzners, Varmācības torņi.
Atmiņas. Vaidava, 1977. 643 lp. ilustrēta

„Es nevarēju pievienoties sarkano domu gājienam . . . es paliku uzticīgs latviešu nacionālajam garam un vienmēr esmu bijis tur, kur kaut kas jādara pretboļševistiskā frontē,” — tā par savu politisko nostāju jau zēna gados un vēlāk raksta Vilis Hāzners. Šis paša liecinājums ir sakarā ar tā dēvēto oktobra revolūciju, latviešu strēlnieku vairuma nostāšanos boļševiku pusē un Hāznera darbību 1917. g. par izpalīgu pie Latvju kareivju nacionālās savienības, pēc tam pie Latviešu pagaidu nacionālās padomes (47. lp.).

Ja grāmata, kas ietver majora Hāznera dzīves stāstu, nosaukta „Varmācības torņi”, arī tas pasvītro autora pretboļševistisko darbību. Kur šis nosaukums radās, par to pastāsta viņa grāmata (219): „Tajā (1939. g.) vasarā vairs nebija noslēpums, ka gar mūsu zemes austrumu robežām krievu pusē tiek būvēti dažādi nocietinājumi — tā sauktā Staļina līnija. (Kādā latviešu virsnieku apmeklējumā pie robežas) mēs visi bijām klusi un pārdomu pilni. Pulkvedis Dūms, noskatījies uz mūsu nopietnajām sejām, jautāja man: „Ko tad Benjamiņš saka par šo lietu?” Atbildēju: Pulkveža kungs, varmācības torņi!”

Un tālāk Hāzners atzīstas (224): „Toreiz nevarēju vēl iedomāties, ka varmācības torņi tik strauji izplētīsies un izpostīs katra latvieša skaistāko sapni par dzimteni — savu tēvu tēvu iemītās takas, senču

audzētos ozolus, mūsu tautas tikumus un tās skaisto kultūru.”

Hāznera grāmata ir ievērojama divējādā ziņā. Vienkārt, kā latviešu virsnieka un (pēc Otrā pasaules kara) nacionāla politiķa autobiografija. Otrkārt, kā laikmeta dokuments, kur atainojas latviešu tautai svarīgi notikumi jau kopš Pirmā pasaules kara un bēgļu gaitām. Atmiņā sevišķi iespiežas vietumis stipri naturālistiskie Latviešu leģiona kauju apraksti 1944 — 45. g. Tie sīkāk attēlo kaujas, kur bataljonu vai pulku komandēja majors Hāzners. Ne mazāk iespaidīgi arī apraksti par grūtībām izkļūt no ienaidnieka aizmugures, kad straujā krievu ofensīva dažkārt noveda atsevišķas latviešu kaŗavīru grupas pilnīgā ielenkumā šķietami bezizejas stāvoklī.

Aplūkojot vācu militāro vadītāju viedokli par latviešu vienību iesaisti grūtāko kaujas uzdevumu veikšanai, Hāzners saka: „... nebija jau tā, ka vienmēr vācu armijas vadība būtu latviešu vienības raidījusi smagākās kaujās, lai savējos saudzētu, bet gan viņi zināja, ka latviešu kaŗavīri savu uzdevumu veiks labāk nekā viņu pašu. Sevišķi tas notika Krievijas un Latvijas frontēs, kad latviešu cīnītāji stāvēja pie vai uz savas zemes” (298).

Vispārīgā Latviešu leģiona cīņu vērtējumā Hāzners pievienojas Edgara Dunsdorfa atzinumam par šo kaŗavīru varonību („Mūžīgais latviešu kaŗavīrs,” 257). Hāznera versijā (299): „Latviešu leģiona varonīgās cīņas... visu laiku norisinājās apstākļos, kur varonība prasīja vislielākos garīgos spēkus — vairumā atkāpšanās kaujās un tad, kad bija skaidrs, ka kaŗš ir jau zaudēts. Šie apstākļi Otrajā pasaules kaŗā latviešu varonību paceļ gandrīz pārcilvēciskos augstumos.”

Un Hāzners citē pulkveža Artura Silgaiļa vārdus, ka „latviešu kaŗavīrs cīnījās pašai ziedzīgi līdz pēdējai kaŗa dienai, un šī cīņa nebija kalpošana kādai svešai idejai vai varai, bet vienīgi savas tautas un tēvzemes labā” (299).

Šie konstatējumi Hāznera grāmatā nepaliek tikai abstraktas deklarācijas bet iegūst pilnīgu konkrētību te sniegtajos vairāku atiešanas kauju aprakstos.

Grāmatas autors četrreiz ievainots un vairākkārt apbalvots par kaujas nopelniem, kā pirmo varonības zīmi (pēc atkāpšanās no Staraja Rusas) saņemot II šķiras, vēlāk arī I šķiras Dzelzs krustu. Hāzners arī saņēma paša Hitlera atzinības rakstu (395. lp. un pielikumā), kur cildināti viņa izcilie sasniegumi 1944. g. jūlijā kaujā pie Pesku sādžas (netālu no Zilupes). Tā „beidzās ar mūsu lielisku uzvaru, liecina Hāzners (375). Bet tai drīz sekoja kauja pie Mozuļiem, kur bija vienīgais tilts pār Zilupi. Un te — norāda grāmatas autors — „tādu iznīcināšanas kauju šajā kaŗā nebiju piedzīvojis. Mūs visus sakāva lupatās, jo bijām iedrāzušies starp divām krievu divīzijām... Mēs kāvāmies uz dzīvību un nāvi.”

Šīs kaujas apraksts (375 — 76) ir viens no spilgtākiem lakoniskiem kaŗa tēlojumiem, ko neviens lasītājs nevarēs aizmirst.

Grāmatā ietverta nevien sava laika notikumu straume, kuŗā iejaukts majors Hāzners, bet arī šī sirsnīgā cilvēka un drošsirdīgā virsnieka personības pašportrets. Var gan debatēt par to, vai bija kāda vajadzība tādā grāmatā ietilpināt datus nevien par tuviem, bet arī tālākiem

radiem. Piemēram, 624. lp. minēti 28 personu vārdi un dzimšanas datumi, par kuriem ārpus viņu pašu un Hāzneru dzimtas laikam reti kādam būs kāda interese.

Hāznera autobiogrāfija saistās — pieminot tikai dažus svarīgākos faktus — ar Latvijas kara skolām, ar līdzdalību kaujās Latviešu leģionā un ar daudzajiem amatiem nacionālpolitiskā jomā trimdā pēc kara. Te sevišķi jāpiemin Daugavas Vanagu organizācija — Hāzners ir viens no tās četriem dibinātājiem un vēlāk bija DV priekšnieks Amerikā (1962. — 69. g.), bet no 1970. gada — visu Daugavas Vanagu vadītājs (līdz 1972. g. beigām). Tāpat te īpaši pieminama Hāznera darbība Komitejā Latvijas brīvībai (no 1953. g.), kurā viņš, 1956. gadā pārcēlies uz Ameriku, kļuva par priekšsēdi (1960. g.).

Hāzners savā laikā vadīja arī invalidu pārskološanās centru Vācijā (1947. — 51. g.). „Man pašam liekas,” — raksta Hāzners — „ka četri darba gadi šajā centrā bija viss tie svētīgākie un labāk izmantotie mana mūža laikā. Nekas nevar būt cēlāk kā kalpot savam cietušam draugam!” (460).

Savu sabiedriskās kalpošanas principu autors pasvītro arī, runājot par gūstekņu nometnē Beļģijā gūtajām atziņām: „Cēdelgemas ‚skola’ man deva daudz ierosinājumu un pamācību turpmākās dzīves gados, kas nodrošināja atzīstamus sasniegumus kalpošanā līdzilvēkam un savai tautai . . .” (451).

Par Komitejas Latvijas brīvībai darbību nekur nav plašāku publicētu ziņu kā Hāznera grāmatā. Autoram piemīt labā īpašība precīzi atzīmēt vai pameklēt faktus, lai saglabātu tos vēsturei. Tas sakāms arī par viņa izklāstu, kā darbojusies Komiteja Latvijas brīvībai un Apspiesto Eiropas tautu savienība. Un tā pati precizitātes griba parādās kauju aprakstos, kas balstās nevien autora un citu karavīru atmiņā, bet arī Hāznera kauju dienas grāmatā (335). Aizrādot, ka 1944. g. marta kauju apraksti Hāznera darbā un, no otras puses, grāmatā „Latviešu karavīrs Otrā pasaules kara laikā” vietām nesaskan, Hāzners pasvītro: „Manas atmiņas ir rakstītas pēc atzīmēm dienas grāmatā un ir uzskatāmas par pareizākām . . .” (338).

Ar lielu rūpību un akurātību rakstītajam Hāznera darbam tomēr viens trūkums ir tas, ka nav personu rādītāja (nav arī vietu un lietu rādītāja). Tas apgrūtina orientēšanos šai bagātīgi ilustrētajā un biežajā Latviešu karavīra atmiņu grāmatā.

Domājot par savu dzīvi, Vilis Hāzners pauž gandarījumu, ka „ . . . tā ir bijusi interesanta savu daudzo un raibo notikumu pēc, arī to darbu pēc, kas darīti sabiedrības, tautas un Latvijas labā” (632).

Hāznera personībā var saskatīt jūtami emocionālu un reizē ideālistisku iekrāsojumu. Kad 1939. gada 1. septembrī viņš dzird ziņu, ka izcēlies karš, viņš sāk nevaldāmi raudāt. Ne jau savas dzīves pēc, — biju sagatavojies un sagatavots karavīrs, — uzsver Hāzners, — „bet kas notiks ar manu tautu, ar manu ģimeni, maniem tuviniekiem?” (224).

BENNO ĀBERS

DAUGAVAS VANAGU MĒNEŠRAKSTS

1977. g. Nr. 6

„Vēl cīņa nav galā . . .”

Varmācības torņi. Atmiņas.

Vilis Arveds Hāzners — Vaidava, 1977.

Daudzi, ļoti daudzi pazīst Vili Hāzneru: no kalpošanas Latvijas armijā, kaņošanas Otrā pasaules kaņā, Zēdelgēmas, nacionālpolitiskās darbības dažādās latv. organizācijās Vācijā un ASV, ilggadēja darba DV organizācijā. Zinām, ka viņš pēdējos trijos gadu desmitos ir bijis viens no visrosīgākajiem un enerģiskākajiem trimdas latviešu darbiniekiem. Taču visā pilnībā šo krietno kaņavīru un cīnītāju iepazīstam tikai tad, kad esam izlasījuši viņa paša atmiņu stāstījumu par piedzīvoto, pārciesto, sapņoto un padarīto.

Hāznera „Varmācības torņi” (643 lp. — dubultsējums!) ir ļoti vērtīgs ieguvums mūsu memuāru literātūrā. Autora daudzpusīgās darbības dēļ šai grāmatā varam izsekot jauna latvieša centieniem un pūlēm tikt dzīvē uz priekšu, paveikt darbus vispārības labā, pildīt pienākumus pret savu tautu un valsti. Pats to neapzinādamies, jo vidusskolas laikā bija sapņojis par agronomijas studijām, Hāzners jau zēna gados sācis kalpot mūsu Kaņa skolas devīzei „Par aspera ad astra” (Caur ērkšķiem pie zvaigznēm). Viņa agrīnie zēnības un jaunekļa gadi nemaz nav bijuši vieglie. Tie ir bijuši skarbi un ērkšķaini. Jau kā 12-gadīgs zēns viņš skata Pirmā pasaules kaņa postu un briesmas un pārdzīvo tā laika bēgļu grūtumus un ciešanas, kad jāatstāj dzimtā puse Zemgalē un jādodas nezināmā svešumā.

Hāzneri apmetas Valkā, un Vilis te atjauno dzimtā pusē sāktās skolas gaitas. Nemierīgo laiku un mainīgo apstākļu dēļ nekāda lielā mācīšanās neiznāk, bet dikā stāvēt viņš nav gribējis jau agrā bērnībā. Tā dzīņa kaut ko darīt viņu noved pie tā laika nacionālā laikraksta Laika Vēstis. Sākumā viņš to tirgo Valkas ielās, vēlāk „avansējas” par izsūtāmo zēnu kantorī. Te viņš iepazīst redaktorus A. Kroderu, A. Plensneru, Ed. Ramatu u. c. Kad pilsēta nonāk komunistiski noskaņoto varā, Hāzners, pildot izsūtāmā zēna pienākumus, bieži vien aiznes dažādus brīdinājumus nacionāli noskaņotiem darbiniekiem. Un kad Laika Balsij jāapstājas, tad Kroders 12-gadīgo Vili izrauga par likvidācijas komisijas priekšsēdi! Jau tai laikā, vērojot ikdienas notikumus un sarkanā terrora pieņemšanos, jaunajā zēnā nobriest vēlēšanās palikt uzticīgam latviešu nacionālajam garam, tādēļ visā turpmākā dzīvē viņš ir „vienmēr bijis tur, kur kaut kas jādara pretboļševistiskajā frontē”.

Ar atzīstamu literāru veiksmi H. notēlojis trūcīgos lauku zēna dzīves apstākļus pēc atgriešanās no bēgļu gaitām. Rūpīgi dokumentēta dzīve Jelgavas lauksaimniecības vidusskolā, pirmās praktiskā darba gaitas valsts laukkopības izmēģinājumu stacijā Vidsmuižā, obligātais kaŗa dienests 3. Jelgavas kājn. pulkā un neilgais virsdienesta laiks, kas beidzās 1929. g. 1. okt. ar iestāšanos Kaŗa skolā.

Sākas interesants posms H. dzīvē, interesantas lappuses viņa atmiņās. Tās jo sevišķi interesantas un intriģejošas tādēļ, ka par apstākļiem un vidi šai mūsu valsts kādreizējā mācības iestādē samērā maz zināms tiem, kas paši tanī nav mācījušies. Tanī laikā vecākā kursa kadeti „dresējuši” un dīdījuši jaunākos, lai pēdējie vārda tiešā nozīmē — caur ērkšķiem sasniegtu savas leitnanta zvaigznes. Aprakstījis šīs dažādās izdarības, kuŗu rezultātā viens kadets pat nošāviens, atmiņu autors, līdzīgi kā viņa kursa biedrs pltn. R. Kociņš, tās kvalificē par nejēdzībām un nelietībām. „Mūsu kursa puīši nolēma to likvidēt, bet mums gan neiznāca vairs darīšanas ar jaunāko kursu, jo kadetus 1930. gadā vairs Kaŗa skolā neuzņēma.”

Kavējoties Kaŗa skolas atmiņās, autors kā kuriozu piemin, ka pirms iestāšanās KS viņi pārbaudīti toreizējā Psichotechniskā institūtā, un tur H. novērtēts kā nepiemērots virsnieka profesijai. Šīs slepenās atsauskmes izsniegtas īsi pirms KS beigšanas. To atstāstot, H. domā, ka toreizējā KS vadība „uz šādiem institūta novērtējumiem nopietni neraudzījās”. Vēlāk tie atmesti pavisam.

Tālāk autors atceras pirmos virsnieka gadus 7. Siguldas kājn. pulkā, Alūksnē. Tur viņš ir rosīgs arī dažādu pienākumu veikšanā brīvā laikā, piem., rīko teātra izrādes, nodibina jūras skautu vienību u. tml. Hāzners raksturo arī daudz citu virsnieku, minot viņu slavējamās puses, bet nenoklusējot arī cilvēciskās vājības.

Taču H. joprojām nav īsti apmierināts ar sasniegto. Viņš sapņo par vēl spožākām zvaigznēm, par Augstāko kaŗa skolu. Cītīgi mācījies un papildinājies vairākās svešvalodās, viņš tanī arī 1937. g. iekļūst un pēc divu gadu intensīvām „kaŗa lietu” studijām beidz 1939. g. Viņu tūdaļ aizkomandē uz Armijas stāba apmācību daļu, bet 1940. g. 15. febr. paaugstina par kapteini.

Drīz vien pienāk traģiskās 1940. g. jūnija dienas. Hāzneram liktenis lēmis noņemt pēdējo goda sardzi pie Brīvības pieminekļa. Seko islaicīga kalpošana Territoriālā korpusā, atvaļināšana, darbs cukurrūpniecības trestā (un nacionālajā pagrīdē arī!), apcietināšana un „dzīve” Centrālcietumā. Atbrīvošana, sarkanarmijas aizbēgšana un jaunas okupācijas varas sākums. H. kopā ar citiem bij. kaŗavīriem un nacionāliem partizāniem piedalās cīņās ap Mangalsalu, bet jau 9. jūlijā uzņemas plkv. Veisa adjutanta pienākumus. 1942. g. oktobrī viņu aizkomandē par Abrenes apr. pr-ku, 1943. g. 20. maijā viņš saņem iesaukšanas pavēli Leģionā un 3. jūnijā ierodas Paplakā, kļūst plkv. Krīpena adjutants.

Seko daudz lappušu par pulka formēšanu un drāmatisķajām cīņām austrumos. To nobeigumā H. apliecina izcilu personīgu varonību un arī pārcilvēcisku fizisku izturību. Pēc Jāņu kaujām un Aperāta kaujas grupas sakaušanas tikai ar dažiem vīriem, brienot caur purviem un slapsto-

ties mežos, viņam izdodas izlauzties no ielenkuma.

Drusku atpūties, H. kopā ar 32. grenadieru pulku 1944. g. 20. aug. atstāj Rīgu. Uz Vāciju . . . 1945. g. 26. janv. krievu trakajā ugunī viņš saņem triecienu pa labo kāju, pēc pāris soļiem viņa ķermeņa labā puse notirpst un viņš paliek guļot kaujas laukā. „To redz vln. Krūka, tas pavēl savai rotai nekavējoties piecelties un doties uz priekšu. Viņš piesteidzas pie manis, tuvumā trāpās arī ltn. Vārpiņš un mans ziņnesis, un tā, paķēruši mani aiz rokām, ievēl kādā apvidus bedrē.” Tas bija H. ceturtais ievainojums, arī smagākais, kas izsita viņu no ierindas līdz kaŗa beigām. Tās viņš sagaidīja Dānijā, divīzijas veselības uzlabošanas un rezerves bataljonā.

Un tad — Zēdelgema, DV dibināšana, darbība Vācijā, pārceļšanās uz ASV un iesaistīšanās Komitejas Latvijas Brīvībai darbā u. c. nacionālpolitiskos pienākumos. Ik lappuse stāsta par rosmēm un veikumiem.

Paša atmiņas H. papildina arī ar dažādiem vēstures materiāliem un faktiem, iestarpinot tos tekstā un tā ievērojami ceļot grāmatas vērtību. Tā, piem., lasītājam iespējams „lielās līnijās” iepazīt Jelgavas lauksaimniecības vidusskolas un Augstākās kaŗa skolas vēsturi, par Leģiona veidošanos, Komiteju Latvijas brīvībai u. d. c. Ievietotas arī daudzu grāmatā pieminēto darbinieku un augstāko virsnieku īsbiografijas. Dažādās situācijās darbos un pienākumos lasītāja gara acīm nodefilē arī daudzi vairāk vai mazāk pazīstami kaŗavīri un kultūras, politikas un mākslas novadu darbinieki, ar kuriem Hāzneram viņa daudzajos pienākumos bijusi saskare un sadarbšanās. Bagātīgs grāmatā ievietoto foto uzņēmumu klāsts, arī tajos redzami daudzu pazīstamu personu vaibsti.

Nobeidzot un summējot: vērtīga, ļoti vērtīga un interesanta grāmata!

R. ČAKS

LATVIJA AMERIKĀ,
1978. gada 11. marts

Vārmācības torņi

Viļa Hāznera atmiņas, apgāds Vaidava, ASV,
1977. gadā, 643 lp.

Viļis Hāzners plašākām trimdas aprindām vispirms pazīstams kā nacionālpolītisks un sabiedriska darbinieks. Visiem, kam Otrā pasaules kara notikumi vēl labā atmiņā, viņš pazīstams arī kā izcils Latviešu leģiona virsnieks. Mazāk jau palicis to, kuŗiem ceļi ar atmiņu grāmatas autoru krustojušies valsts brīvības laikā. Žurnālistikai viņš pievērsies jau Latvijā, vairāk gan trimdā, būdams DV Mēnešraksta redaktors un publicēdamies daudzos citos izdevumos. Kopš 1972. gada kārtojis manuskriptu Daugavas Vanagu organizācijas 25 gadu darbības vēsturiskai apcerei Laiks, Telpa, Ļaudis, kuŗas divi sējumi jau iznākuši, bet trešais sagaidāms šovasar. Pēc šī plašā darba paveikšanas, vecākā dēla Daumanta pamudināts, Hāzners ķēries pie sava mūža atmiņu uzrakstīšanas — Varmācības torņi, kas iznāca pērngada septembrī. Tas ir viņa paša mūža gājuma, raksturīgāko notikumu un veikumu apcerējums.

Kur autora darbība cieši saistīta ar Daugavas Vanagiem kopš dibināšanas, viņš vairījies atkārtot to, kas jau plašāk apskatīts Laiks, Telpa Ļaudis sējumos, tāpat ciņas Latviešu leģionā, kas jau aprakstītas DV centrālās valdes publicētā grāmatu seriņā Latviešu kuŗavīrs 2. Pasaules kara laikā. Hāzners, pēc atmiņu grāmatas nobeigšanas rediģēja manuskriptu iepriekš minētās grāmatu seriņas 6. sējumam un tagad 7. sējumam.

Varmācības torņi, ievadījumā sniegtas koncentrētas ziņas par autora dzimto Vircavas pagastu Zemgalē, par viņa senčiem, ģimeni un radiem, iepazīstam viņa grūto bērnības posmu, kas Pirmā pasaules kara laikā saistās ar bēgļu gaitām. Mītot Valkā, zēnam izdevība sastapt tādus ievērojamus latviešus kā plkv. Frici Briedi un Kārli Ulmani.

Daudz stāstīts arī par gaitām Jelgavas lauksaimniecības vidusskolā. Rakstīts arī par skolotājiem, tāpat aprakstītas gaitas Latvijas kara skolā un Augstākā kara skolā. Kaut sekmīgi pabeigta vidusskola, materiālie apstākļi kavē vēlēšanos studēt. Pirmais darba lauks paveras Vidusmuižas lauksaimniecības izmēģinājumu saimniecībās Latgalē. Tās ir raksturīgas ainas par Latvijas sākuma grūtībām.

Obligātais kuŗadienests 3. Jelgavas kājnieku pulkā pievērs jaunā censoņa interesi virsnieka profesijai. Lasāms saistošs apraksts par

diviem gadiem Latvijas kaŗa skolā. V. Hāzners tagad strādā pie atsevišķa manuskripta par Latvijas kaŗa skolu vispār, kuŗu savā laikā bija sācis rakstīt plkv. A. Krīpens.

Pabeidzot kaŗa skolu ar 1. šķiru, Hāzners izvēlas dienestu 7. Siguldas kājn. pulkā Alūksnē, jo pēdējais uzskatīts par vienu no izcilākajiem gan komandējošā, gan paplašinātā sastāva ziņā. Pēc vada komandieŗa drīz paveras dienesta iespējas pulka stābā. Alūksnē autors arī nodibina ģimenes dzīvi. Rodas iespēja pārcelties uz 6. Rīgas kājn. pulku Rīgā un iestāties Latvijas augstākā kaŗa skolā, kur aizrit divi intensīvi studiju gadi. Pēdējā, 1939. gada vasara, bijusi veltīta praksei, iepazīstoties arī ar aviāciju un floti. Skolas priekšnieka ģen. Rozenšteina vadībā noticis izbraukums uz Latvijas un Pad. savienības robežu Ludzas apkārtnē, kur ģenerālis iepazīstinājis ar otrā pusē pamanāmiem Staļina līnijas izbūves plāniem. Plkv. Dūms jautājis pēc Hāznera domām, un pēdējais atbildējis — varmācības torņi. Šķiet, tā radies arī grāmatas nosaukums.

Nākošā dienesta vieta pēc Augstākās kaŗa skolas sekmīgas beigšanas ir armijas stāba apmācības daļā, bet tad jau sācies kaŗš un ierīkotas padomju bāzes Latvijā. Valsts militārajos plānos daudz kas pārkārtojams. Jaunajam kapteinim darba pilnas rokas, bet klāt ir 1940. g. jūnijs. Valsts okupēta. Septembrī viņu atvaļina no armijas. Čeka 1941. g. 25. jūnijā Hāzneru apcietina, un tikai drīzā vācu kaŗaspēka ienākšana Rīgā viņu paglābj no sagaidāmā likteņa. Viņš pievienojas pirmajiem pašaizsardzības spēkiem, vēlāk kļūstot par Abrenes apriņķa priekšnieku.

Dibinot Latviešu leģionu un formējot 15. divīziju, kur plkv. A. Krīpenam bija uzticēta 32. grenadieŗu pulka komandēšana, pēdējais aicināja V. Hāzneru par pulka stāba priekšnieku. Tā sākās viņa gaitas Leģionā. Kaŗa beigu posmā Vācijā Hāzners bija 15. divīzijas izlūku bataljona komandieris. Ievērojot plkv. Krīpenam doto solījumu, Hāzners tagad pabeidz pulkveŗa sākto manuskriptu par 32. grenadieŗu pulku. Smags ievainojums kaujās Nakeles telpā izbeidza Viļa Hāznera aktīvās kaŗavīra gaitas, ārstējoties slimnīcā, vēlāk ārstējoties veselības uzlabošanas bataljonā Dānijā, pēdīgi gūsts Šlēzvig-Holšteīnā un ceļš uz gūstekņu nometni Cēdelgemā.

Kad viņš 1946. gadā atgriežas Vācijā, tur jau sazēlis sabiedriskais darbs, kas vēlākos gados, izceļojot uz aizjūras zemēm, turpinās tur. Piecdesmito gadu vidū V. Hāzners kļūst Komitejas Latvijas brīvībai loceklis ar sēdekli Ņujorkā, vēlāk pārņemot šīs komitejas priekšsēŗa amatu. Jāpiedalās Apspiesto Eiropas tautu asamblejas darbā, nomaļus nepaliek arī darbs DV organizācijā ASV, kur daudzus gadus ir zemes valdes priekšsēdis; turpina arī darboties DV centrālajā valdē. Ceļojumi, runas, apspriedes no krasta līdz krastam, bieži kaimiņos — Kanadā, tad tālie ceļojumi uz Eiropu un Austrāliju. Piedevām raksti, referāti, runas, ziņojumi, radoraidījumi uz okupēto Latvijū, publikācijas. Pienākumiem nav gala!

Par to visu stāstīts atmiņu grāmatā. Tuvāk lasītājs iepazīstas ar Komitejas Latvijas brīvībai, kā arī ar Apspiesto Eiropas tautu asamblejas darbu, ieskaitot šo institūtu sākotnējo izveidošanos. Grāmatā skicēti arī ievērojami latviešu un cittautu politiskie darbinieki, ar kuŗiem ceļi

krustojušies. Autoram ilgāku laiku bija jāveic arī visas DV organizācijas priekšnieka pienākumi. Viņš nāca ar daudzām jaunām idejām, bet cietusi bija paša veselība. Atlika izvēlēties mierīgāku dzīves Ņujorkas pavalsts ziemeļos. Bet pelnīto mieru arī vēl tagad ar nepelnītiem apvainojumiem traucē varmācības torņu cēlēji.

Grāmatas saturu papildina daudzi, vairums nekur vēl nepublicēti fotouzņēmumi, raksturojot autora dzīves un darba ceļu. Viļa Hāznera atmiņu grāmata ir vērienīgs pienesums mūsu memuāru literātūrā, aptverot vairāk nekā septiņus gadu desmitus. Tie ir panākumiem un zaudējumiem bagāta mūsu tautas jaunākā vēsture. Lasot grāmatu, šie notikumi mūsu gara acīm vēlreiz slīd gaŗām. Tā interesanta ne tikai pašiem to laiku un notikumu lieciniekiem, bet liecinās arī mūsu jaunākajām audzēm.

JĀNIS FRIŠVALDS

LATVIJA,
1978. gada 11. februārī

Nozīmīga grāmata

Vilis Hāzners „Varmācības torņi”, atmiņas,
Vaidavas apgādā, 1977. g., 644 lp.

Profesionālu karavīru biografijās vai autobiografijās psiholoģiski interesanta vienmēr ir daļa par izšķiršanos par tādu kļūt un jaunā virsnieka pirmie soļi, karjēras ceļi kontrastā ar jaunekļa sākotnējo ideālistu. Vienalga vai tas būtu Napoleons, angļu feldmaršāls Montgomerija, ģen. R. Bangerskis, vai plkv. A. Lasmanis. Ja pēdējo divu atmiņās karjēras pirmie soļi sperti Krievijas imperijas milzu bruņotajos spēkos, tad Vilis Hāzners izšķīries kļūt un kļuvis karavīrs Latvijas armijā.

Viņš ir legendārs. Kā dienesta pakāpē ievērojamākais dzīvais pārnācējs no Aperāta kaujas grupas 1943. g., kā izlūku bataljona komandieris pie Nakeles Rietumprūsijā 1945. g., DV organizācijas priekšnieks, politiķis, publicists . . .

Viņa atmiņas, viņa autobiografija ir biezs sējums, kas būs vēsturniekiem avots, no kuŗa smelties par mūsu vēsturē liktenīgiem un svarīgiem laika posmiem.

Vilis Hāzners, nerakstīdams militāru vai politisku vēsturi, bet, izvēlēdamies stāstīt par savu, ir rikojies pareizi. Viņa liecība, pat grāmatas paviršākajās vietās, kļūst tādēļ godīga, ticamāka.

Viņš atdod godu tuviniekiem, pastāsta par savu uzaugšanu juku laikos (V. Hāzners dzimis 1905. g.) un karjēras gaitām 3. Jelgavas, 6. Rīgas un 7. Siguldas kājnieku pulkos, dažādosursos, kaŗaskolā un Latvijas augstākā kaŗaskolā, kuŗu viņš beidz 1940. g. pavasarī. 35 gadus vecs. Tragiskā cēlumā atmirdz mūsu armija, kuŗai cilvēki veltīja mūžus, bet kam bez ciņas bija jāpadodas līdz ar valsti.

Spožo virsnieka karjēru pārtrauc Latvijas okupācija. Ko toreiz pārdzīvoja latviešu virsnieks, kam visa dzīve līdz tam bija bijusi gatavošanās brīdim aizstāvēt tautas brīvību?

Hāzners pārdzīvo baigo gadu. Sākas jaunas kaŗavīra gaitas, šoreiz svešā formas tērpā. Annas ielas stābs Rīgā, 15. divīzijas 32. pulks, divīzijas izlūku bataljons, darbība trimdā.

Kā augšā minēts, autors stāsta par sevi. Gan atklādams savas vājības, gan liecinādams, gan pieminēdams neskaitāmus draugus un paziņas no savas jaunības līdz mūsu dienām. Un to bijis daudz. Jūŗas skatos, armijā, korporācijā Lettgallia un trimdā vispār . . . Visu to rotā attēli: autors ar P. Aigaru, autors ar J. Kļaviņu, ar P. Jaņelsiņu ar A. Priednieku-Kavaru u. t. t.

Arī grāmatas iespraudumi, kur autors citē kaŗa ziņotāja Jāņa Sprinča, I. Kalnāres u. c. sacerējumus dara sējumu kuplāku. Par daudz ko viņš neraksta, norādīdams, kas jau par attiecīgo tematu publicēts citur. Stāstījums tātad bagāts, bet ar robiem.

Ir arī paviršības. Jājautā vai apgalvojums, ka pltn. Mauriņam bijusi „plašākā privāta militārā bibliotēka”, ir pareizs (226 lp.)? Tāpat šaubīgs ir teikums 233. lp.: „Nekad nevajagot vienu un to pašu nakti pārgulēt vienā un tai pašā vietā” (plkv. A. Silgailis dod padomu 1940. g.). Taču, šīs un līdzīgās paviršības, varbūt, liekamas uz apgāda lēses.

Spekulātīvs, šķiet tituls — „Varmācības torņi”, jo stāstījums ir par kādu mūžu, kas bagāts saskarēs ar saulainiem un labiem ļaudīm. Autors stāstījis par vienībām, kuŗās bijis, un ne par citām? Kādas atmiņas par šīm citām lai viņš rakstītu?

Labi, ka majors Vilis Hāzners atmiņas rakstījis.

IMANTS FRIDRICHSONS

LONDONAS AVĪZE:
1978. gadā 2. jūnijā

Sava laikmeta dokumentējums

Viļa Hāznera atmiņas Varmācības torņi,
Vaidava, 1977. gadā, 650 lp.

Darbs veltīts sievai Elzai, dēliem Daumantam, Vitautam. Viss sākas ar ģimenes senču, ar māju aprakstīšanu Zemgalē un nav tikai spogulis vienas ģimenes, viena cilvēka mūžam, bet gan tanī elpo paaudzes, atspoguļojas paaudžu likteņi, jo sevišķi, kad vācieši seko Hitleram un Padomju savienības jaunkolonialisms kopā ar komunistu nežēlīgo diktatūru pēc Otrā pasaules kara pāri okupētajām Baltijas valstīm mēģina nostiprināties pat līdz Elbai Eiropas centrā.

Augstāko kara akadēmiju beigušais Latvijas armijas virsnieks Rīgas Centrālcietumā toreiz nāves kamerā čekistu aizmirstais Vilis Hāzners, vēlāk Leģiona 15. divīzijā karavīru komandieris austrumu kaujās ar sarkanarmijas masām, apbalvots augstām varonības zīmēm, savai pagājušā gadā iznākušajai grāmatai vācis materiālus 20 gadus. Dīvos gados faktus un atmiņas koncentrējis 650 lapaspusēs 265.200 rindās. Iespējama ilgusi 6 mēneši. 103 fotoattēli pirmiespiedumā, kā arī interesantas dokumentu fotokopijas vairo izdevuma svarīgumu un ir ievērojams notikums grāmatniecības laukā.

Kad rietumos katrai valstij svarīgas tikai pašu saimnieciskās intereses, bet pret nelaiemes pārsteigtām tautām ir tikai slepenību pārslogots aprēķins un diplomātiska pieklājība, šī grāmata ir nepieciešama katram, kas pētī maskaviešu un viņu līdzskrējēju varas skurbumu mūsu tautas dzīves telpā — Latvijā. Slīdot pāri korrektūras kļūdām, pievērsoties pilnīgi saturam, jāpiezīmē: Autors būdams Brīvības pieminekļa sardzes priekšnieks, kuņģam padomju ķipars Kirchenšteins 1940. gada 21. jūlijā plkst. 14 pavēl noņemt sardzi no pieminekļa, visā mūžā tomēr nav šaubījies: Toreiz noņemtā sardze svētajā postenī garā dzīvo tālāk.

Grāmatas sākums ir samērā garlaicīgs. Brīdi rodas arī jautājums — kāpēc tāds virsraksts, kamēr ap 147. lp. stāstījums strauji sāk radīt slāpes pēc nākošās lapaspuses. Latvija līdzinās kalēja krāsniņ, kuņas oglēs ikviens godīgs tautietis pēc sava prāta un praktiskas vajadzības dzīvei kaļ dzelzi, rūda tēraudu. Visus spārno centība, mīlestība. Nevienam nav laika naidam. Katram latvietim labāka nākotne ir saulainākais mērķis. Pastāvības gados neviens neticēja nākotnes paredzējumiem, ka mūsu tēvuzemes Daugavas zaļajos krastos vēlreiz šim gadu simtenī pārsteigs krievu iebrukums un komunistu nežēlīgie viesuļi.

Lasītāju savilņo lapaspuses, kuŗās nāves ēnā bijušais grāmatas autors stāsta par Rīgas ielām, kad tanīs plūst projām bēgušie sarkanarmieši kopā ar līdzī klīstošajiem funkcionāriem, un aiz viņiem tūlīt seko vācu armijas kolonnas. Ielu malās starp pagrabus pametušajiem rīdziņkiem gavilē dzīvību izglābušie cietumnieki. No visiem logiem lido ziedi, skan tautas dvēsele līdz debesīm. Vai atkal marta kaujās Baznīcas kalnā, kur ar ienaidnieka pārspēku cīnās varonīgi grenadierī. Tad, — Nāves ligo augstumā 228,4 un drausmīgā drāma pie Mozuļiem, mēģinot pārklūt Zilupei, aiz kuŗas uz redzēšanos mūžībā sava pulka vidū palīka K. Aperāts.

Dzīvi tēlotas atvadišanās epīzodes no Kalpaka piemīnekļa Meirānu kapsētā, neizmirstamās Ilzes Kalnāres cīemošanās 15. divīzijā Vācijā, blāzmas vīrs Vidzemes, Jelgavas dūmu mākoņi un daudzas citas vēsturiskas ainas, vēsturisku personu sejas būt vai nebūt spēles laikā. Tiem mūsu dzejniekiem, rakstniekiem un nacionāli atbildīgiem publicīstiem, kas kādreīz gribēs parādīt tautas likteni okupantu plūdus, un cīņas laukus apokaliptiskā spogulī godīgi iemūžināt, ārkārtīgi noderēs īstenībai atbilstošī Hāznera dabas un toreīzējo notikumu aprakstī.

Drosmīgais komandieris daudz zina stāstīt par rietumnieku aklumu, par gūstu, bet jo īspaidīgi dokumentē gadus DP noīmetnēs, kā arī sabīedrīski polītīsko darbošanos, kad bieži brīvajā pasaulē brīvās Latvījas dēļ atrodas ceļā. Liekas, līdz šīm nekur citur arī vēl nav tik plaši aperēta Komīteja Latvījas brīvībai, par kuŗu sevišķī būtu ar lielu analīzi jālasa tiem tā sauktajiem progresīvajiem intelektuālīem, kas brāļodamīes ar okupantiem, ir trimdā smagi saīndējušīes ar „kultūrņīku” sērgas bacīļiem. Hāzners spīlgtī dokumentē arī okupantu sātanību — deportēt tautas smadzenes, tautas vērtīgākos iedzīvotājus un neapstrīdami parāda, ka neviens cīts Eīropā nav vēl tā nīdis mūsu tautu, tā snīdzīes pēc latviešu zemes kā Austrumu kaimīņš krievs ar visu savu Padomju savienības varu, Maskavas imperījas noziegumiem izmantodams visus vietējos partījas funkcionārus.

Autors grāmatas beigās pārīliecīnošī zīmē īstenību, cik okupanti masīvi vēl prot mēģināt no Rīgas velt Maskavas uzdevumā tiesību un taisnības melu kalnus ar nolūku apklusināt aktīvākos, efektīvākos cīnītājus. Okupantu mērķis ne trimdā, ne tēvzemē nav sekmēt mūsu nacionālo pastāvēšanu, bet gan vairot īznīcināšanas īespējas: pirmkārt, īekalkulējot īekausēšanu krievos; otrkārt, gadiem īeilgstot, ar vietējo bīedru palīdzību uzturēt samīerināšanās gaisotnī, ko autoram ir īzdevīes īzcīli protokolēt.

Vīlis Hāzners grāmatā Varmācības torņi bagātīgi aplīecīna savas tautas spožo augšup lidojumu, kā arī nelaimī un drāmas komūnīstī dīktatūras žņaugos. Padomju varas kalpī hīstērīski bīdās no latviešu pašapzīņas, kas nedod laīku, nedod nevienu mīerīgu brīdī okupantiem īesakņotīes Latvījā. Hāzners savai tautai ir dāvājis īevērojamu avotu nākotnes uzdrīkstēšanās vajadzībām.

Par to sīrsnīgs — paldīes!

ALBERTS EGLĪTIS

Paldies visiem šiem rakstītājiem!

*

Grāmata tika iespiesta 1500 eks. un tika izpārdota samērā īsā laikā.

Ap 15 eks. tika pa dažādiem ceļiem nosūtīti arī uz Latviju. Arī no turienes ir atnākušas labvēlīgas un interesantas atsauksmes. Grāmatu ir izlasījuši arī vairāki desmiti turistu, kas viesojušies rietumos no dzimtenes. Tā kā tās saturs nav nekāds noslēpums tēvu zemē.

Grāmatas autors un apgāds VAIDAVA vairākus desmit grāmatas eks. dāvināja arī dažādām bibliotekām (publiskām, universitāšu un c.) rietumu zemēs. Arī tās ir, jāpieņem, daudzi lasījuši. Vismaz ziņas liecina, ka Metropolitan Toronto Library (789 Yonge Street) tā ir daudz lasīta, jo „grāmata ir nolietota, sāk sairt un vāku mugura ir atlēkusi”. Tā man rakstīja kāds lasītājs no Toronto. Līdzīgas ziņas nāk no Čikāgas latviešu biedrības bibliotēkas un vēl citām.

Un nu beidzot jāatbild uz šīs nodaļas sākumā uzstādīto jautājumu: Vai bija vērts rakstīt?

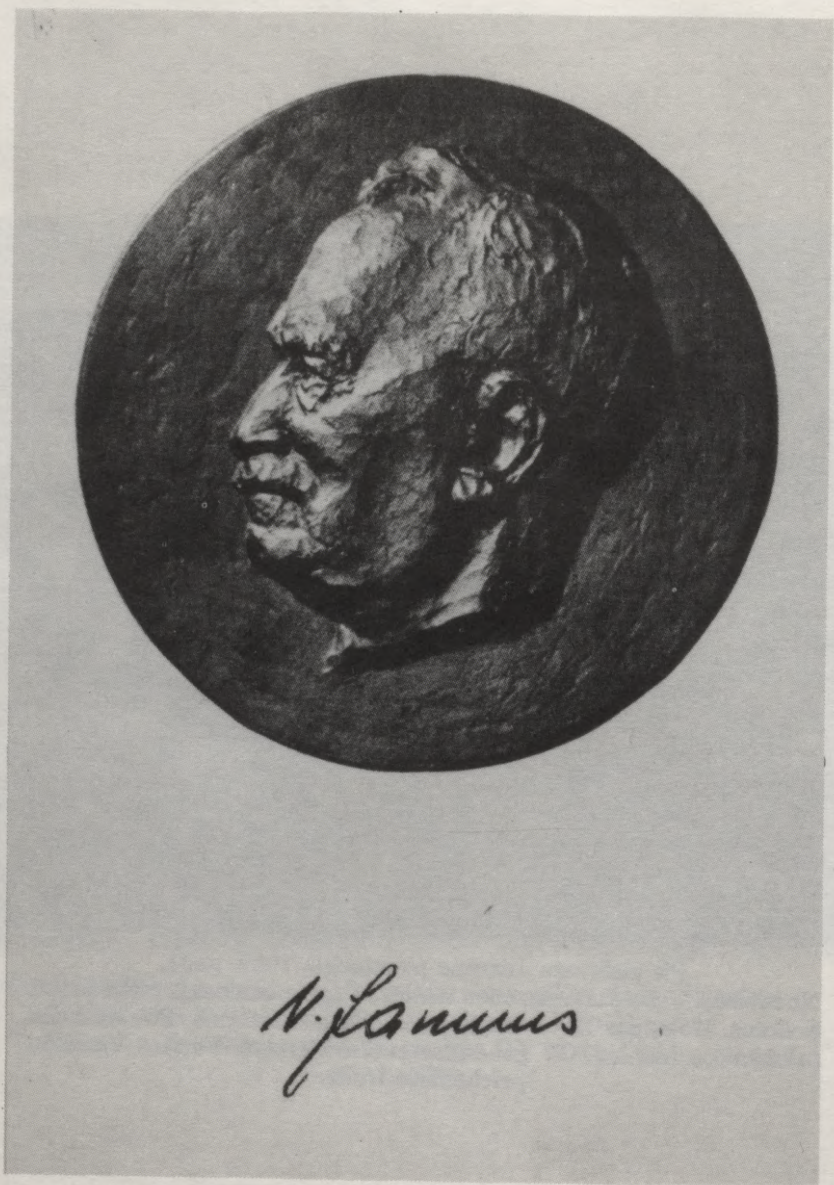
Un autoram jāatbild: JĀ, BIJA!



1981. gadā DV organizācija piedzīvoja savas lielākās sēras. No mums
šķīrās tās lielākā autoriate — pulkvedis Vilis Janums.
Izvadišanā piedalījās kupla DV saime.
Skats kapličā.



Pie pulkveža Januma pieminekļa 1982. gadā.
No kreisās: Velta Januma, vācu tēlnieks Pāpe, pieminekļā meta autors
Soikāns, Holandes DV nodaļas priekšnieks Gūtmanis, DV Vanadžu
priekšniece Liepiņa, CV ģenerāļsekretārs Bērziņš, Vācijas Vanadžu
priekšniece Nolle.



Pulkveža Januma pieminekļa bareljevs. Autors — tēlnieks Ādolfs Pāpe.



Kopā ar leitnantu Jāni Kļaviņu pēc 40 gadiem kopš iznākšanas no ielenkuma Krievijā.



Krievijas kauju grūtāko dienu cīņu biedrs leitnants Ivars Birks (vidū) pēc 40 gadiem, atceroties kopā pavadītās dienas, kad bijām ielenkumā.



1983. gada uzņēmums Kanādā.

Mani tuvākie 15. div. Izlūku btl. cīņu biedri pēc 40 gadiem.
No kreisās mans raitnieks Ēriks Skujiņš un btl. grupas komandieris,
vēlāk apgādes „rūpju nesējs”, Armīns Millers.



Bijušo karavīru vakara junda LKIA īpašumā Katskiļos 1983. gada
septembrī.

Kļūdu labojumi

Mēdz teikt, ka neesot tādu atmiņu grāmatu, kurā nebūtu kļūdu. Tādas arī ir gadījušās man, kaut daudzi manu atmiņu apbrīno un es pats vēl tagad esmu uzskatos, ka tā man ir bijusi un ir diezgan nemaldīga. Bet ir arī tā, ka katras atmiņas var būt vienīgi subjektīvas un divi dažādi vienas un tās pašas lietas vai notikumu redzētāji bieži vien tās redz pilnīgi savādi.

Savas kļūdas vai atmiņu robus varu cik necik attaisnot, jo par vienu otru lietu izdarītās piezīmes ir bijušas maldinošas un, izmantojot citu atmiņas vai pat grāmatas, tās ir izrādījušās kļūdainas.

Bet šajā nodaļā nav vieta taisnoties, jo rakstītājs taču biju es un tā tad kļūdas ir arī manas.

Labojumus, ar vienu otru komentāru, minēšu pa lapaspusēm.

10. lp. — mans tēva brālēns Felikss Hāzners nav miris Vācijā, kā tas grāmatā minēts, bet gan ASV, Klīvlāndē, pirmajos gados pēc ierašanās šajā zemē vēl būdams arī Klīvlandes latviešu Ev.-lut. draudzes ērgelnieks.

55. lp. kā mans skolas biedrs Jānis Pūtēlis, kurš pats kādu laiku saimniekoja Ķīļu muižā, apliecina, ka vairāki krievu kolonisti pēc Pirmā pasaules kara tomēr atgriezušies savos īpašumos Ķīļu muižā un vēlāku pilnīgi pārlatviskojušies. Man par attaisnojumu jāmin, ka vēl 1919. gadā neviens nebija atgriezies!

64. lp. Mazvērsītis nebija Jānis, bet gan Janis. Bez tam viņa laikā nenotika pirmais skolas izlaidums 1912. gadā, bet jau agrāki dir. Kalniņa laikā.

119. lp. Plkv. Kr. Kārklīšs nekad nav bijis Kara skolas priekšnieks, bet gan plkv. Vilhelms Kārklīšs. Grāmatā kļūda ieviesusēs tamdēļ, ka ziņas tika ņemtas no Ž. Unāma grāmatas „Es viņu pazīstu”.

126. lp. Kara skolas karodznieks minētā laikā bija kadets-virsseržants Aleksandrs Raiskums, bet kadets-seržants Balodis bija tradiciju sargs.

133. lp. Ģen. Klinsona kundze Anna un meita Maija apgalvoja, ka tā neesot ģen. Klinsona fotogrāfija, bet tas gan esot viņa brāļa dēls. Tāpat ļoti autoratīvais ģen. Klinsona pazinējs maj. Bauma-

nis apšaubīja vai uzņēmumā redzamā persona būtu ģen. Klinsons. Šo fotogrāfiju Latvijā bija uzņēmusi kāda turiste, kuŗa Klinsona pazīst un apgalvoja, ka tā esot autentiska.

Ģen. Klinsona kundzei un meitai es atvainojos laikrakstā „Laiks”, kaut mani viņu apgalvojums ne pārāki pārliecināja . . .

144. lp. Edvīns Pužaks pašnāvību izdarīja nevis 1936. gan 1937. gadā.

156. lp. kpt. Kārlis Āre mira ASV, tūdaļ pēc ieceļošanas un nevis Vācijā, kāda informācija man tika toreiz sniegta.

192. lp. Rīgā 1. slimo kases nebija, bet bija gan Rīgas Centrālā slimo kase.

202. lp. Liekas visvairāk esmu nodarījis pāri pulkvedim Mateusam. Te vainīga redzes atmiņa, jo dienot 3. Jelgavas kājnieku pulka stābā man iznāca ikdienas vairākas reizes tikties ar pltn. Mateusu un atmiņā bija palikušas pltn. zīmotnes un iedomas, ka viņš arvienu vēl dien 3. Jelgavas k. pulkā. Patiesībā tajā laikā viņš jau sen bija paaugstināts par pulkvedi un bija 1. Liepājas kājnieku pulka komandieris. Šī kļūda ir jāizlabo visās Mateusa pieminētās vietās. Kad vēlāku redīgēju grāmatu Latvijas kaŗa skola, tad tur ir uzrakstīta pilnīgi pareizi plkv. Mateusa dzīves stāsts. Dokumentus par to man sagādāja plkv. Mateusa kundze. Viņš savu uzvārdu vienmēr rakstīja bez tam ar vienu „s” — Mateus.

230. lp. Majors Baumanis-Birzietis, pēc krišanas Kurzemē krievu gūstā ir pazudis un ziņa par viņa atgriešanos Latvijā, kā to apliecīja viņa draugi un piederīgie, ir aplama.

245. lp. esmu kļūdījies šoreiz balss paziņānā. Rīgas pilsētas komandants toreiz vairs nebija plkv. Malcenieks, bet gan plkv. Heinrichs Jurēvičs, mūsu nodaļas priekšnieks un lektors Kaŗa skolā. Abu balsis es pazīnu. Kafejnica „Luna” atradās Bastejkalna un nevis Vērmaņdārza stūrī.

246. (arī 380. lp.) jābūt XXIV un nevis XX korpuss.

245. un 246. lp. Veilands pavisam īsu laiku apmeklēja Jelgavas lauksaimniecības vidusskolu, bet bija beidzis 2. Jelgavas vidusskolu.

379. lp. Peski nepieslēdzas Zilupes upei. Tur arī nebija tilta. Tās bija pie Mozuļiem (pārrakstīšanas kļūda, VH).

448. lp. Atmiņu kļūdas pēc biju piemirsis, ka gājiena kolonnā bija vēl, bez manis, otrs virsnieks — Žanis Elferts.

562. lp. Latvijas sūtais Dr. A. Spekke piemiņas zīmi karogam piestiprina nevis 1964., bet gan 1966. gadā (tā patiesībā ir drukas kļūda).

Vēl jāpiemin viena neuzmanības kļūda 162 lp. Toreiz balle gan notika 28. janvāra vakarā, bet tā nebija Draudzīgā aicinājuma balle, jo tad vēl prezidenta Ulmaņa Draudzīgais aicinājums nebija noticis, tas nāca tikai divus gadus vēlāku . . .

Atmiņu kļūda ir arī 154. lp.: pltn. Jēkabs Pone no Alūksnes pārcēlās uz 4. Valmieras kājnieku un nevis 5. Cēsu kājnieku pulku.

Tā šķiet esmu pieminējis visas Varmācības torņos radušās kļūdas. Var jau būt, ka kāda sīka nepareizība ir vēl piemirsta. Tāpat neesmu pieminējis nevienu drukas kļūdu, jo kas tad tā būtu par grāmatu, ja tajā nebūtu drukas kļūdas!?

Vēl jāpiemin, ka vajadzīgās kartes un shēmas manos kara stāstos atrodamas DV CV izdotajā grāmatu sērijā Latviešu kaŗavīrs . . . , kāpēc arī tās savā atmiņu grāmatā netiku ievietojis, jo lasītāji jau lasa abas grāmatas . . .

„KAĶA NOZIEDZNIĒKS”

Priekšvēsture „kaĶa noziedznieku” lietā

1974. gadā, sarakstot DV organizācijas vēstures grāmatas II daļu (LAIKS, TELPA, ĻAUDIS II, izdota 1976. gadā, DV Apgāds Toronto), tās 367. lpp. minētā nodaļā DV NEDRAUGI, SKAUĶI UN IENAIDNIEKI, sākot ar 379. līdz 390. lpp. ir apskatītas visas tās akcijas, kādas līdz tam laikam bija parādījušās rietumu sabiedrībā un bija vērstas nevien pret DV organizāciju, bet arī daudziem politiskās un sabiedriskās latviešu trimdinieku dzīves vadītājiem. Pie tam DV centrālā valde (grāmatas izdevēji) bija nākuši pie atzinuma, ka neviena no minētām akcijām (kuŗas bija tīrs komunistu resp. čekas darbs) nav spējušas ietekmēt DV organizāciju, izsakot gan aizdomas, ka komunisti Rīgā, sevišķi t. s. Komiteja kultūras sakariem ar tautiešiem ārzemēs, arī nākotnē ar dažādām jaunām akcijām mēģinās trimdas dzīvi graut.

Tas arī visus šos gadus ir noticis, pie kam galvenie uzbrukumi tiek vērsti pret bijušajiem Otrā pasaules kaŗa dalībniekiem — Latviešu leģiona kaŗavīriem, tos mēģinot pataisīt par nācistiem, tiem arī pierakstot visus kaŗa noziegumus, kādus Vācijas nacionālsociālistiskā valsts vara ir vērsusi pret cilvēcību jeb izdarījusi citus noziegumus.

Savu darbību izvēršot rietumos komunistiskā valsts vara bija centusies un arī atradusi iespaidīgu atbalstu žīdu un ASV valdības aprindās.

No žīdiem atsevišķi būtu jāpiemin Dr. Simons Vīzentāls (Simon Wiesenthal), kuŗš sevi dēvē par „nāci mednieku”, uztur plašu biroju Vīnē un cieši sadarbojas ar ASV valdības aprindām.

Vispirms jautāsim kas ir Vīzentāls?

Nekā nekomentējot ievietosim raksta pilnu tekstu, kāds parādījās Padomju Savienības laikrakstā „Cīņa” 1976. gada 22. maijā (Nr. 120) un ar redakcijas īsiem komentāriem tika pārdrukāts Kanādā iznākušā laikrakstā „Latvija Amērikā”, 1977. gada 8. janvārī.

Vīzentāls kritis Maskavas nežēlastībā

Ko saka izdevums Soverskaja Kuļtura par „cilvēku mednieku” Simonu Vīzentālu.

Pagājušā gada otrā pusē gandrīz visā rietumu pasaulē sākās tā saucamo kara noziedznieku meklēšana. Nav šaubu, ka šo akciju, it sevišķi vērstu pret trimdas pretkomunistiski aktīvākām grupām — kā baltiešiem, ukraiņiem un citiem, vada padomju čeka, šoreiz sadarbībā ar žīdu organizācijām vai šīs tautības atsevišķām personām. Bez kritikas tiek izmantoti Rīgā savā laikā izdotie apmelojumi un denunciāciju pilnie pamfleti un brošūras. Tāpat uz šiem „dokumentiem” dibinās t. s. Vīzentāla organizācijas „avoti”. Interesanti, ka arī pats Vīzentāls kritis komunistu nežēlastībā un tā, piemēram, pagājušā gada sākumā žurnālā „Soverskaja Kuļtura” parādījās kāds raksts, kuŗu pēc tam pārspieda gandrīz visi padomju izdevumi. Rīgā iznākošā Ciņā šis raksts ar virsrakstu „Vīzentāla kunga firma” iespiests pagājušā gada 120. numurā. Šo rakstu bez komentāriem sniedzam arī mūsu lasītājiem.

Red.

11. maijā ASV vēstniecībai Maskavā tika iesniegta PSRS Ārlietu ministrijas nota sakarā ar cionistisko elementu draudu un naidīgas darbības kampaņu pret padomju iestādēm un to personālu Savienotajās Valstīs.

Dažus mēnešus pirms šiem notikumiem Rietumu propaganda televīzijā, avīzēs un ēterā sacēla brēku par ANO Ģenerālās Asamblejas rezolūciju, kuŗā bija nosodīts cionisms kā viena no rasisma izpausmēm. Skanēja frāzes par „ebreju apspiešanu”, par „ANO necienīgām akcijām”, tika pat atgādināti hitlerisma laiki. Nē, protams, nacistus neviens neaizstāv. Bet cionisms? Tas esot tikai kājām mīdītas reliģijas simbols.

Reliģijas?

Tad kāpēc tās aizstāvji izliekas neredzam nodedzinātos arābu ciemus, izraēliešu militāristu zvēriski noslepkavotos bērņus un sirmgalvjus, cionistu neskaitāmos fašistiskos izlēcienus pret demokratisko valstu pārstāvjiem, diplomātiem, kultūras darbiniekiem? Kāpēc neviens no šīs „reliģijas” aizstāvjiem ne ar vienu vārdu nepiemin tos ANO dokumentus, kuŗi liecina, ka tajos pašos „Hitlera laikos”, kad miljoniem poļu ebreju, krievu un ukraiņu gāja bojā gāzes kamerās, cionisti darbojās zem viena jumta ar gestapo?

Iespējams, ka tamlīdzīgu faktu būtu ievērojami vairāk, ja Izraēla nebūtu attiecīgi rīkojusies, kā tas bija, piemēram, neparasti steidzīgi pabeigtajā Eihmaņa lietā. Izraēlas izlūkdiensets, it kā atriebjot bojā gājušo ebreju nāvi, novāca galveno liecinieku, kas varētu pastāstīt par pasaules cionisma darījumiem ar gestapo.

Te jāpiezīmē, ka operācijas autors bija kāds Simons Vizontāls, inženieris, kuŗa biogrāfijā mums būs jāielūkojas.

Sešdesmito gadu beigās Rietumi uzsāka kārtējo krusta kuŗu par Eiropas sociālistiskajās valstīs. Polijā un Čehoslovākijā tika nelegāli nodibinātas un sāka darboties cionistu organizācijas, izveidotas ideoloģisko diversiju grupas.

Kā rakstīja „Rude Pravo”, kāds Kašpars, bijušais Čehoslovākijas nedēļas izdevums „Signal” galvenais redaktors, būdams cionistiskās militārās pagrīdes organizācijas līdzstrādnieks Čehoslovākijā, ar pseidonīmu „Jerohimels” jau 1948. — 1950. gadā organizēja Slovākijā cionistu vienību apmācību terora akciju rikošanā. Kašpara tuvs draugs, Izraēlas izlūkdieneista kapteinis Vilems Kahans 1968. gadā enerģiski centās Čehoslovākijas attiecību saraušanu ar Padomju Savienību un citām sociālistiskajām valstīm. Aizbēdzis no ČSR, Kahans nokļuva Vizontāla apkampienos — tas savam kolēģim sagādāja vietni Holandē. Pa to laiku kāds Čehoslovākijas „žurnālists” Kulka-Šēns izzaga no Parīzes archīviem Kahanu kompromitējošus dokumentus un par lielu naudu pārdeva tos Vizontālam.

Taču pievērsīsimies mūsdienu notikumiem. Pēdējā laikā daudz ebreju emigrantu bija nokļuvuši Austrijā. Šie cilvēki, izbaudījuši apsolīto „paradīzes dzīvi”, aizbēguši no Izraēlas. Tūkstošiem bēgļu gaidīja izšķiramiem savu likteni Austrijas pārsūtīšanas nometnē Šēnavā, kur Izraēlas izlūkdieneists, kā stāsta paši emigranti, izvērta drudžainu aģentūras vervēšanu, lai izmantotu to zemēs, uz kuŗām šie cilvēki izbrauks. Šajās akcijās tam palīdzēja „Ebreju dokumentācijas centrs”, kas dūmu aizsegam palaida paziņojumu, ka Austrija, lūk, esot „patvēruma vieta . . . antisemitiskiem un kuŗa noziedzniekiem”. Tai pašā laikā pret dažiem Austrijas valsts darbiniekiem tika sarīkotas provokācijas, lai piespiestu viņus atstāt savu amatus.

Nav īpaši jāpaskaidro, ka arī šīs akcijas vadīja Vizontāls.

Austrijas kanclers B. Kreiskis preses konferencē paziņoja, ka Simons Vizontāls, kas Otrā pasaules kuŗa laikā bija gestapo aģents, tagad, būdams Izraēlas dieneistā, lieto politiskās mafijas metodes. „Ebreju dokumentācijas centrs”, sacīja kanclers „jau vairākus gadus realizē politiku, kas kaitē Austrijas reputācijai aiz robežām”.

Nekavējoties sekoja Vizontāla pretuzbrukums. Viņš izvīrēja pret Kreiski apsūdzību par „antisemitiskām tendencēm”.

Kas īsti ir šis Simons Vizontāls?

Šī cilvēka īsto seju gadsimta ceturksni sedza necaurredzams noslēpuma plīvurs. Tūliņ pēc kuŗa Vizontāls pasludināja, ka viņš „medī nacistus”, nodibināja šajā nolūkā solīdu firmu un kļuva par tās šefu.

Tomēr 1969. gadā Austrijas izmeklēšanas orgāni nedaudz pacēla priekškaru, aiz kuŗa rosījās nenogurdināmais „mednieks”. Tika publicēti daži dokumenti. Tie pierādīja, ka Vizontāla kantoris ar „Ebreju dokumentācijas centra” izkārtni Vīnē, Rūdolfā laukumā 7, īstenībā ir Izraēlas izlūkdieneista filiāle, kas darbojas pret sociālistiskās draudzības valstīm.

Šis atklājums sacēla rietumvalstīs troksni un apjukumu. Izraēlas

valdība pasteidzās pasludināt Austrijas paziņojumu par „nejēdzīgu”, taču speciāla ekspertīze pierādīja, ka tā līdzstrādnieki viltojuši daudzus „centra” dokumentus. Tie atklāja Vizontāla taktiku „piešūt nacistisku pagātņi” katram, kas nepiekrīt Izraēlas valsts politikai un tās cionistiskajai ideoloģijai, kā arī tam, ko Vizontāls uzskata par saviem ienaidniekiem.

Skandāls izvērtās plašs. Izraēla veica enerģiskus diplomātiskus pasākumus, lai paglābtu no ķezas savu rezidentu, un ar lielām pūlēm panāca, ka izmeklēšana Vizontāla lietā tika pārtraukta. „Ebreju dokumentācijas centrs” turpināja darboties. Pats Vizontāls izdeva jaunu autobiografisku grāmatu „Ienaidnieki vēl ir dzīvi”, kurā it nemaz neslēpj savas simpātijas pret hitleriskās Vācijas „apmetņa un dunča bruņiniekiem”, lai gan grāmata formāli stāsta par fašistu noziedznieku meklēšanu.

„Nacistu mednieka” pagātne ir miglā tīta. Pašam viņam nepatīk to atcerēties, taču dažreiz viņš paziņām stāstījis, ka esot studējis inženierzinātņu fakultātē Prāgā un Lodzā. Nesen šo pilsētu universitāšu arhīvos tika izdarīti enerģiski meklējumi, taču nekādu ziņu par Simona Vizontāla diplomu neatradās. „Mednieka” biografija ir arī citas neskaidras vietas, piemēram, laiks, kad Vizontāls uzturējās okupētajā Polijā. Viņš šajā sakarā cenšas uzdoties par cīnītāju antifašistu un pat par koncentrācijas nometņu ieslodzīto. Minētajā grāmatā Vizontāls raksta, ka 1941. gada jūlijā viņš kopā ar citiem 39 ebreju inteligences pārstāvjiem esot Lvovā arestēts un ieslodzīts cietumā. Fakts nav apšaubāms. Taču ir zināms vēl kas cits: visus šos arestētos 6. jūlijā hitlerieši nošāva. Bet Vizontāls raksta, ka „naktī no 6. uz 7. jūliju mani kā antifašistu nacisti pratināja.”

Šī leģenda ir neloģiska pirmām kārtām tāpēc, ka Vizontālam hitlerieši saglabāja dzīvību. Saglabāja, neraugoties uz to, ka Simons Vizontāls, ja tic tam, ko viņš raksta, četras reizes bēdzis no gestapo cietumiem, lai pēc piektās reizes vēl iepazītos ar divpadsmit koncentrācijas nometnēm.

Tāpēc nav jābrīnās, ja poļu publicists Luckis savā darbā „Vizontāls uz spiegošanas un nodevības ceļa” raksta, ka Vizontāls kopā ar kādu kapteini darbojies ar hitleriešiem, būdams viņu aģents ebreju vidū.

Tūliņ pēc kara Vizontālu uzaicināja darbā tā sauktais „Nacistisko kara noziedznieku meklēšanas Amerikas birojs”. Taču zem šī solidā jumta viņš nevis atmaskoja nacistu kara noziedzniekus, bet gan centās pārvilkt tos jauno saimnieku dienestā.

Nonācis amerikāņu izlūkošanas centrā Lincā (Austrijā), Vizontāls kopā ar kādu kapteini O'Miru izvērta spiegošanu pret sociālistiskajām valstīm. 1954. gadā viņš pārgāja Izraēlas valsts dienestā un ar jauno šefu svētību sāka uzstāties radiostacijas „Brīvā Eiropa” pretpadomju un cionistiskos raidījumos.

1961. gads. Vizontāls parādās Vīnē, kur sava „apkalpošanas rajona” tiešā tuvumā rada izdaudzināto „Ebreju dokumentācijas centru”. Dažus gadus vēlāk viņš kļūst par viņa paša nodibinātās „Nacistu režīma laikā vajāto ebreju” apvienības priekšsēdētāju. Šīs organizācijas oficiāli nodarbojas ar nacistu noziedznieku meklēšanu, taču īstenībā vervēja aģentūru Izraēlas izlūkdienestam. Pats Vizontāls, meklējams bijušos

nacistus, vispirmām kārtām interesējās par noguldījumiem uz viņu vārdiem, ko hitleriešu iestādes izvietojušas Šveices un Dienvidamerikas bankās.

Sodītos nacistu noziedzniekus, ko atklājusi „Vizontāla firma”, var saskaitīt uz pirkstiem. Interesanti, ka neviens no tiem, kas savus noguldījumus pārskaitījuši „firmas” rēķinā, nav stājies tiesas priekšā. Tomēr rietumvalstu prese neatlaidīgi izplatīja leģendu par „neuzpērkamo mednieku”. Tās autors bija pats Vizontāls. Viņš piegādāja žurnālistiem informāciju par „atentātiem”, ko pret viņu, Vizontālu, it kā organizējo nacistiskā pagrīde. Šo notikumu sižets atgādina amerikāņu „westernu”, kur uz filmas varoni šauj ik uz soļa, bet viņš vienmēr paliek neskarts.

Neraugoties uz skandalozajiem atmaskojumiem, Vizontāls nepārtrauca savu darbību. 1971. gadā ar draugu un sekotāju atbalstu paša organizētajā „ebreju apvienībā” viņš nodibināja tā saukto „komiteju Padomju Savienības ebreju jautājumos”, ko sastādīja no Austrijas VFR un Izraēlas cionistiem. Šī „komiteja” bez kādiem sirdsapziņas pārmetumiem piesavinājās tiesības uzstāties ebreju tautības padomju pilsoņu vārdā un uzsāka kārtējo cionistisko pretpadomju kampaņu...

Nesen Vizontālam sabiedrības spiediena rezultātā vajadzēja atstāt Austriju. Taču viņa „Ebreju dokumentācijas centra” kartotēkas atkal noderējušas. Pēc tam, kad no ANO tribīnes bija nosodīts cionisms — ebreju valsts ideoloģiskais pamats, — Izraēlā sapulcējās visas pasaules cionistu līderi, lai izstrādātu kopīgu rīcības platformu. Cionistu forums sāka meklēt jaunus paņēmienus, kā nostiprināt Izraēlas sakarus ar ebrejiem ārzemēs, ar „Ebreju aizsardzības līgas” teroristiskajām organizācijām Savienotajās Valstīs, ar visiem cionistu ultra.

Šie „dieva izredzētie” savā laikā sadarbojās ar gestapo. Tagad viņiem ir sava speciāla trieciennieku skola Vidbornā (Ņujorkas štāts). Viņi organizē politiskas slepkavības, nolaupa diplomātus un valsts darbiniekus, rīko bandītiskas provokācijas pie vēstniecībām. Viņu cilvēki ir tieši saistīti ar Eiropas un Amerikas noziedznieku pasauli, ar narkotisko vielu tirgotājiem, ar mafiju. Šie un līdzīgi fakti, kas sakopoti amerikāņu publicista Everesta Džonsona grāmatā, veido satriecoši uzskatāmu cionisma portretu. Visa cionistisko organizāciju darbība Tuvajos Austrumos, Savienoto Valstu un dažu Eiropas valstu teritorijā, kā tagad noskaidrojies, tiek plānota un realizēta Izraēlas izlūkdienesta kadru darbinieku vadībā. Viņu arsenālā ir cionistiskā ideoloģija, ko finansiāli atbalsta imperiālistiskās aprindas, viņu rīcībā ir sazarota starptautiska aģentūra desmitās valstīs.

Tāda ir cionisma īstā seja, tāda ir šī „dieva izredzētās rases reliģija” savā nepievilcīgajā būtībā.

B. KOZLOVS

(No „Sovetskaja Kuļtura”)

Krievu laikraksts „Sovetskaja Kuļtura”, saprotams, ir čekas kontrolēts izdevums un ne jau visam ko krievi saka mēs varam ticēt, kā tas

ir arī „kaŗa noziedznieku” vajāšanas gadījumā, kaut bieži „dūmi nav bez uguns” . . . Bet . . . arī rietumu publikācijās (ASV, Austrijā un citur) samērā bieži ir parādījušies ne pārāki glaimojuši raksti par Vīzentālu . . .

Neskatoties uz uzbrūkošo Vīzentālam komūnistu izdevuma raksta saturu, viņš tomēr ir ieguvis plašu uzmanību un atsaucību savam darbam („kaŗa noziedznieku” meklēšanā) ASV, par ko arī 1980. gadā apbalvots ar kādu goda zīmi.

Turpinot šos paskaidrojumus par Vīzentāla personību vēl nākas pieminēt, ka 1975. gada maijā ASV kongresa Juridiskās komitejas priekšsēdis Joshua Eilbergs (Eilberg) ir sniedzis kongresā (minētā komitejā) savu ziņojumu par ceļojumu uz Krieviju, lai tur kārtotu žīdu izceļošanas jautājumus. Cik zinams, tad viņu šajā ceļojumā ir pavadījusi arī otrā minētās komitejas locekle Elizabete Holtcmane (Elizabeth Holtzman), pie kam viņi arī apmeklējuši Vīnē Vīzentālu un ar viņa vadīto iestādi nodibinājuši pastāvīgu kontaktu, lai šajā sakarībā palīdzētu meklēt un tiesāt ASV cilvēkus, kuŗi sadarbojušies (Otrā pasaules kaŗa laikā vai vispāri) ar Nacirežīmu.

Arī šajā grāmatā ievietojam Eilberga ziņojuma pilnu tekstu bez komentāriem.

Jāpiezīmē, ka Eilbergs kādu pārkāpumu pēc bija spiests no ASV kongresa aiziet, bet uzņemtos sakarus ar Vīzentālu un viņa iestādi visu laiku uztur vēl Holtcmane.

Neskatoties uz šīm pieminētiem Vīzentāla personas kontroversāliem raksturojumiem ASV valdības un žīdu organizāciju aprindās viņš ieņem redzamu vietu. Kalifornijā pat darbojas (Losandželosā) „Simon Wiesenthal Center for Holocaust Studies”, kuŗš arī saņem redzamu valdības un sabiedrības materiālu atbalstu. Kā šī centra juridiskais konsultants darbojas Martins Mendelsons (Martin Mendelsohn), par kuŗu būs runa arī šīs grāmatas tālākās vietās.

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NINETY-FOURTH CO.

SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP AND NATURALIZATION, INTERNATIONAL LAW

JOSHUA EILBERT, FR. CHAIRMAN

PAUL S. BARBANEZ, HD. / ELIZABETH HOLTYNIAK, NY. / CHRISTOPHER T. WOOD, CONN. / MARTIN A. RUBIN, S.C. / SAMUELSON FISH, JR., N.Y. / WILLIAM S. QUINN, MAINE

Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

GARIBDI J. CLINE, COUNSEL
ARTHUR P. FROST, JR., COUNSEL
ALEXANDER D. COOK, ASSOCIATE COUNSEL
FRANCIS P. CHRISTY, LEGISLATIVE ANALYST

Handwritten: Jim Klein
226-5727

STATEMENT OF JOSHUA EILBERT ON TRIP TO RUSSIA - 6/5/75

The purpose of our trip to Russia and Austria was to get first hand information for the Congress on the question of emigration from the Soviet Union and to discuss with Soviet officials the problem of finding and interviewing witnesses to war crimes allegedly committed by persons now living in the United States.

We met with Russian Jews in Leningrad, Moscow, and Kiev, who are trying to emigrate to Israel; some members of the Ukrainian community, who are trying to win more rights for their people, and with dissident intellectuals, such as Andrei Sakharov, who are concerned about the systematic denial of human rights in the Soviet Union.

We spent considerable time with people in each of these cities and in every case the people who are desirous of emigrating said they wanted us to do everything in our power to help them get out of Russia.

In every case they said they wanted us to mention their names to the high government officials with whom we met. They had absolutely no fear of further harassment because of our actions. They said, "There is absolutely nothing they can do to us that they have not done already."

Because of their statements it is my firm belief that persons who claim we are hurting the cause of the people who are trying to leave Russia by publicly supporting them as a group or individually are wrong. Everything we do, including putting restrictions in the trade bill is an asset to their cause.

We found the Russian officials surprisingly pleasant and cordial and we were allowed to meet without interference with the activists except in Kiev.

In that city, the very people with whom we were supposed to meet had been ordered out of the city on temporary job assignments until after we had left.

When I confronted the Russian officials about this situation they totally denied any knowledge or responsibility and even when I accused them of lying they went out of their way to be pleasant, all "in the interest of detente."

However, we were able to meet with the wife of one of the men who had been ordered out of the city and she reiterated the remarks we had heard in the other cities.

The government officials agreed to immediately review the specific cases which I brought up and I am hopeful that their actions will be as positive as their attitudes and promises.

On the issue of witnesses to Nazi war crimes we were promised complete cooperation. We were told by the First Deputy to the Procuration General, Mikhail Malarov, that Soviet officials would first locate and interview persons who claimed to be witnesses to these atrocities. The statements would be given to American authorities and if our people then wanted to interview the witnesses they would be allowed to do so.

Additionally, if our government requested that these persons be allowed to come to the United States to testify, we were told unequivocally that they would be allowed to come here.

I was very surprised by these statements because for more than a year the State Department has been claiming that they have not been able to get Russian cooperation on the very requests that we had made without any advance notice to the Russian government.

These statements by the Russians raise serious questions about the State Department's actions in this area and I am forced to ask why the State Department has refused to act to bring war criminals to justice.

Finally, we met in Vienna with Simon Wiesenthal and the Subcommittee on Immigration, Citizenship, and International Law has established a permanent contact with his office in order to expedite the identification and prosecution of all persons now living in the United States who committed war crimes under the Nazi regime.

Thank you.

Tiesa nāk!

1976. gada 6. oktobrī lielākajā pasaules laikrakstā NEW YORK TIMES parādījās raksts, ka Immigrācijas un naturalizācijas iestādes* ASV uzsāk izmeklēšanu pret Otrā pasaules kara noziedzniekiem, kuri ieceļojuši nelikumīgi ASV un tāpēc būtu no tejienes deportējami.

Šajā rakstā bija minēts arī mans — Viļa Hāznera — vārds, kaut gan ASV biju ieceļojis pavisam likumīgi un savā dzīves stāstā nebiju noslēpis nevienu savu soli, ko arī biju apliecinājis tikko sagatavotā mana mūža atmiņu grāmatā — Varmācijas torņi.

Kopš šī laika gan ASV, gan citu zemju „news media” pieminēja manu un arī citu apvainoto vārdus, aicinot lai tos sauc pie atbildības ASV Immigrācijas un naturalizācijas pārvalde un ar tiesas lēmumu izraida no šīs zemes. Sevišķi aktīva un uzbrūkoša bija židu vadītā „news media” (laikraksti, TV, radio, dažādas publikācijas un c.).

Pirmais aicinājums ierasties uz nopratināšanu Tieslietu departamenta Immigrācijas un naturalizācijas birojā, Albānija (Albany, N.Y., Ņujorkas pavalsts galvas pilsētā) bija datēts 1976. gada 28. aprīlī. Šajā aicinājumā bija minēts, ka man jādod paskaidrojumi par dažādiem manis izdarītiem kara noziegumiem Otrā pasaules kara laikā. Uz šo nopratināšanu nevarēju ierasties veselības stāvokļa pēc.

Tā paša gada 19. maijā manu apsūdzības lietu uzņēmās aizstāvēt advokāts Ivars Bērziņš, Babylon, N.Y. Pēdējais arī man noteica, bez viņa ziņas nekādās darīšanās ar Immigrācijas un naturalizācijas biroju neielasties un visos jautājumos, ja tādi nāktu, noraidīt pie viņa. Tādi pat viņa ieteikumi bija attiecībā uz „news media” pasākumiem: ja tādi būtu, tad nekādus paskaidrojumus nedot ne man, ne maniem piederīgiem, bet visus noraidīt pie viņa.

Aicinājumu ierasties tiesā Albānijā, man izsniedza manā dzīves vietā 1977. gada 27. janvārī. Tajā bija minēts, ka pirmā tiesas diena nolikta 1977. gada 14. februārī. Aicinājuma teksts bija šāds:

*Šķiet pareizāki būtu teikt „ieceļošanas un pilsoņtiesību pārvalde.”

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

ORDER TO SHOW CAUSE and NOTICE OF HEARING

In Deportation Proceedings under Section 242 of the Immigration and Nationality Act

UNITED STATES OF AMERICA:

File No. A10 305 336

In the Matter of

Vilis A. Hazners

Respondent.

RFD #1, Whitehall, New York 12887
Address (number, street, city, state, and ZIP code)

UPON inquiry conducted by the Immigration and Naturalization Service, it is alleged that:

1. You are not a citizen or national of the United States;
2. You are a native of Latvia
and a citizen of Latvia;
3. You entered the United States at New York, New York on
or about August 23, 1956
(Date)

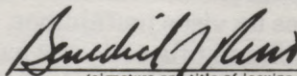
(See "CONTINUATION SHEET" attached hereto and made a part hereof.)

AND on the basis of the foregoing allegations, it is charged that you are subject to deportation pursuant to the following provision(s) of law:

Section 241(a)(1) of the Immigration and Nationality Act and Section 7(b) of the Refugee Relief Act of 1953, in that at the time of entry, you were within one or more of the classes of aliens excludable by the law existing at the time of such entry, to wit: you were an alien not entitled to the special nonquota immigrant visa issued to you pursuant to Section 4(a)(2) of the said Refugee Relief Act of 1953, under which you were admitted to the United States, for the reason that you were an alien who, under Section 14(a) of the said Refugee Relief Act of 1953, had personally advocated or assisted in the persecution of any person or group of persons because of race, religion or national origin.

WHEREFORE, YOU ARE ORDERED to appear for hearing before an Immigration Judge of the Immigration and Naturalization Service of the United States, Department of Justice at Room 442, P.O. Box 1519, Post Office Building, Albany, NY 12201 on February 14, 1977 at 1:00 p.m. and show cause why you should not be deported from the United States on the charge(s) set forth above.

Dated: January 27, 1977



(signature and title of issuing officer)

Benedict J. Ferro, District Director
Buffalo, New York (State)

"CONTINUATION SHEET"

Continuation of Order to Show Cause and Notice of Hearing in the Matter of Vilis A. Hazners, A10 305 336. (Allegations continued)

4. You then were admitted for permanent residence as an Escapee pursuant to Section 4(a)(2) of the Refugee Relief Act of 1953, upon presentation of an immigrant visa issued on June 5, 1956 at Hamburg, Germany.
5. During the years 1941 through 1943, you personally advocated or assisted in the persecution of a person or group of persons because of race, religion or national origin in and around locations known as Dwinsk, Latvia, and Riga, Latvia.
6. Among the activities and conduct alleged in Paragraph 5, was your participation in the selection of a group of Jews, in the location known as the Dwinsk Ghetto, for execution at the location known as the Pogulanka Woods, in or about June, 1941.
7. Among the activities and conduct alleged in Paragraph 5, was your participation and acquiescence in the commission of assaults upon a group of Jews in the location known as the Dwinsk Ghetto, in or about June, 1941.
8. Among the activities and conduct alleged in Paragraph 5, was your participation and acquiescence in the commission of assaults upon a group of Jews, including one Ber Mendelkorn, at a police station located in Riga, Latvia, in or about July, 1941.
9. Among the activities and conduct alleged in Paragraph 5, was your participation and acquiescence in collecting a group of Jews in Riga, Latvia, and detaining them at the Big Synagogue (Choral Synagogue) on Gogol Street, Riga, Latvia, after which the said synagogue was set afire and the detained Jews burned to death therein, in or about July, 1941.
10. Among the activities and conduct alleged in Paragraph 5, was your participation and acquiescence in the commission of assaults upon numerous Jews near and within the ghettos located in Riga, Latvia, between the years 1941 and 1943.

NOTICE TO RESPONDENT

ANY STATEMENT YOU MAKE MAY BE USED AGAINST YOU IN DEPORTATION PROCEEDINGS

THE COPY OF THIS ORDER SERVED UPON YOU IS EVIDENCE OF YOUR ALIEN REGISTRATION WHILE YOU ARE UNDER DEPORTATION PROCEEDINGS. THE LAW REQUIRES THAT IT BE CARRIED WITH YOU AT ALL TIMES

If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Immigration and Naturalization Service. You should bring with you any affidavits or other documents which you desire to have considered in connection with your case. If any document is in a foreign language, you should bring the original and certified translation thereof. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Order to Show Cause and that you are deportable on the charges set forth therein. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. Failure to attend the hearing at the time and place designated hereon may result in a determination being made by the Immigration Judge in your absence.

You will be advised by the Immigration Judge, before whom you appear, of any relief from deportation, including the privilege of departing voluntarily, for which you may appear eligible. You will be given a reasonable opportunity to make any such application to the Immigration Judge.

Failure to attend the hearing at the time and place designated hereon may result in your arrest and detention by the Immigration and Naturalization Service.

REQUEST FOR PROMPT HEARING

To expedite determination of my case, I request an immediate hearing, and waive any right I may have to more extended notice.

(signature of respondent)

Before:

(signature and title of witnessing officer)

(date)

CERTIFICATE OF SERVICE

This order and notice were served by me on January 24 1977 in the following manner:

Served by me in the presence of Bonifacio Briska, interpreter, at the residence of [illegible] in [illegible] District of Columbia.

Stephen A. [illegible] Immigration Officer
(signature and title of employee or officer)

Bonifacio Briska
Border Patrol Agent
interpreter

Par tiesas sākumu mēs pārsteigti nebijām, jo advokāts Bērziņš uz manu lūgumu, vairākkārt jau bija traucējis Immigrācijas un naturalizācijas iestāžu vadošās personas, lai manu tiesāšanu uzsāk iespējami ātri, jo mans toreizējais veselības stāvoklis mani brīdināja, ka varu arī tiesāšanu vispāri nesagaidīt. Tas mani daudz nervozēja manu dēlu un mazbērnu pēc, jo manu apvainojumu nenoraidot vai neizmeklējot mani piederīgie varēja palikt zem „kaŗa noziedznieka” segas, kas katrā gadījumā viņu nākotnes labad būtu ļoti nepatīkami.

Mani apmelojumi bija tik nelogiski, ka man nebija ne mazāko bažu par tiesas man labvēlīgu lēmumu.

Kā apliecinājumu mana advokāta pūlēm ievietoju viņa 1976. gada 29. novembra vēstuli Mr. Maurice F. Kiley, District Director, U.S. Immigration and Naturalization Service, Ņujorkā.

Šķiet, ka tā arī palīdzēja sākt tiesas gaitu februārī. Tā varbūt arī biju viens no retajiem apsūdzētiem, kas pats „uzprasas” uz tiesāšanu...

Bet pirms tam daži paskaidrojumi un jautājumi.

IVARS BERZINS
ATTORNEY AT LAW
484 WEST MONTAUK HIGHWAY
BAYLON, NEW YORK 11702
—
516 - 661-9840

November 29, 1976

Mr. Maurice F. Kiley
District Director
U.S. Immigration and Naturalization Service
20 West Broadway
New York, New York

Re: A10305336
Vilis Hansers

Dear Mr. Kiley:

The Press is subjecting my client to ever-increasing scrutiny and unfavorable publicity. He is not a young man. He would like to spend his retirement years in peace and quiet, after he has had an opportunity to confront his accusers and put them to their proof.

Consequently, I must ask you at this time to take such measures as are appropriate to speed up your investigation. It seems to me that in the interests of elementary fairness, you should either start a proceeding against my client or make a public announcement that you do not have any evidence that would warrant such a proceeding.

On this point I do not wish to be misunderstood: I am not urging you to discontinue your investigation or to drop any contemplated charges against my client. On the contrary, my client would welcome a public proceeding wherein he could be vindicated and his innocence demonstrated. Unfortunately, at the present time I am unaware of any provisions of law pursuant to which I could compel you to commence a deportation proceeding. I can only appeal to your sense of fair play and ask you to do those things which are in your discretion to afford my client a speedy hearing.

I am willing to meet with your investigators and attorneys and furnish them whatever information they may desire that might assist them in speeding up their investigation. If proper procedural safeguards could be agreed upon, I would even submit my client to an interrogation under oath. This offer to cooperate is being made in good faith and I look forward to your reciprocating in kind.

Very truly yours,

Ivars Bersins

IB:ah

cc: Mr. Vilis Hazners

Par agrākiem apmelojumiem un apvainojumiem Rīgā un Rīgās publikācijās (kas nedeva nekādas šaubas par to propagandiski veidoto saturu) rietumos nepievērsa nekādas vērības. Bez tam par tajās skārtajiem apvainojumiem (darbību Annas ielā, Abrenē un Latviešu leģionā) biju jau pats daudz rakstījis un nekā nebiju slēpis no savas tā laika darbības tās patiesības gaismā, kādā tā notika. Mana darbība par minētiem apvainojumiem tika visos sīkumos pārbaudīta no dažādām Bēgļu vadošām organizācijām, kā UNRRAs, IRO un c., sevišķi tajā laikā, kad tiku nodarbināts minētās organizācijās (par visu to ir rakstīts manā atmiņu grāmatā Varmācības torņi), bet vēl visvairāk no pašu latviešu centrālām organizācijām, pat daudz sīkāk nekā tas bija iespējams svešu zemju personu vadītās organizācijās, sevišķi kad mani izraudzīja par locekli Komitejā Latvijas brīvībai (Committee for a Free Latvia), kad manu darbību laikā no 1940. gada 17. jūnija līdz 1945. gada 8. maijam pārbaudīja „solī pa solim” latviešu opozīcijas vadītāji krievu un vācu okupētajā Latvijā, tāpat Latvijas sūtniecības Vašingtonā un Londonā (Feldmans, Zariņš, Bļodnieks, Klīve, Māsēns, Bērziņš un c.). Tie izmantoja arī pieejamās ASV un c. valstu drošības iestādes (ar viņu rīcībā

esošiem materiāliem, sūtnis Feldmans pat ASV Ārlietu ministrijas attiecīgos kanālus) un visi atzina mani vienprātīgi par uzticamu kalpu Latvijas brīvībai un līdz ar to arī vienprātīgi uzņēma par locekli KLB, vēlāk ievēlot, arī vienbalsīgi, par šīs cīņas organizācijas vadītāju. To visu, saprotams, arī redzēja Rīgas un Maskavas varas nesēji un saprata, ka viņu līdzšinējie uzbrukumi man ir vienīgi neveiksmju pilni, kas lika KGB (čekaļi) domāt par jaunu uzbrukumu taktiku. Nevien skarot mani, bet visus tos, kas, vācu okupācijas laikā bija sadarbojušies ar okupantiem, it sevišķi, kas karoja Latviešu leģionā vai citādi bija izpelnījušies tautas uzticību.

Jaunā čekas metode bija sākt apmelošanu par grūti pierādamām lietām, ņemot palīgā uz Izraēlu izceļojošos žīdu čekistus vai čekai draudzīgus ļaudis un arī panākot ciešāku sadarbību ar ASV un citu rietumu zemju palīdzību, kur latvieši bija atraduši patvērumu un savās trimdas organizācijās aktīvi darbojās iepretīm komūnismam un tiesībām atjaunot neatkarību savās tagad okupētās zemes. Jāpiezīmē, ka čekas operācijas skāra nevien latviešus, bet arī pārējos baltiešus un citu zemju trimdas organizāciju vadošos darbiniekus.

Un tā iepretīm man radās pavisam jauna apsūdzība, kurā minētie „noziegumi pret cilvēci” līdz šim nekur nebija figurējuši. Jāpieņem, ka par jauno šo apsūdzību „architektu” darbojās kāds no žīdu komūnistiem — čekistiem. Manā tiesāšanas gaitā izdevās noskaidrot, ka divi liecinieki bija vēl esot Padomju Savienībā resp. Latvijā sadarbojušies ar čekku.

Tiesā, kā tas tās slēdzienā arī vēlāk attēlojās, visi sagatavotie liecinieki meloja. Pret mani vērstie apvainojumi bija galīgi absurdi, jo

- a) *es nekad savā mūžā nebiju bijis Rīgas prefektūras pagalmā vai pagalamam piegulošās telpās. Bez tam tas jūlija sākumā nebija arī iespējams, jo neatrados Rīgā.*
- b) *es nekad savā mūžā nebiju bijis Gogoļa ielas sinagogas tuvumā, pat nezināju, kur tā atradās. Tās dedzināšanas laikā arī nebiju Rīgā.*
- c) *1941. gada jūnijā nevarēju būt arī Daugavpilī, jo tad atrados čekas apcietinājumā Rīgā. Bez tam pa visu kara laiku tikai vienu reizi biju Daugavpilī — 1942. gada oktobrī, pie tam tai braucot tikai cauri,*
- d) *nekad netiku bijis pat Rīgas getto tuvumā,*
- e) *nekad šajos apsūdzības gados netiku valkājis citu, kā vienīgi Latvijas armijas uniformu,*
- f) *nekad visā apsūdzības laikā man nav bijušas arī jebkādas darīšanas ar žīdu vajāšanas vai iznīcināšanas jautājumiem.*

Varētu minēt vēl citus piemērus, bet tie tika iztīrāti vēlāku tiesas gaitā. Vienīgi man, rakstot šīs rindas, ir arvienu kauns par ASV INS viņu rīcību ievadot manu tiesāšanu. Es kaunos arī par to juridisko morāli, kādu parādīja valdības advokāti, uzturot sūdzību pret mani. Tas nebija apvainojums vienīgi pret mani, bet visu latviešu tautu, kuŗas uzticība man ir veltīta vēl šodien. Tas bija arī apvainojums, dziļākais latviešu karavīriem, kuŗi, kaut vācu varas mobilizēti, kaujās cīnījās līdz pēdējai

iespējai. Vai pasaules vēsturē ir līdzīgs piemērs, ka no 146.000 karavīriem-leģionāriem 80.000 paliek kaujas laukos? Kā var apvainot augstākās dienesta pakāpes latviešu virsnieku un viņa godu?

Vai viss minētais vispirms nebija jāapsver ASV valdības iestādēm, pirms šos čekas melus laida tiesas procesā?

Bez tam par mani personīgi, vācu okupācijas laiku un Latviešu leģiona gaitām ir sarakstītas grāmatas latviešu, vācu un angļu valodās un daudzu zemju, ieskaitot ASV archīvos, atklātos un slepenos, ir sako- poti simtiem dokumentu par šo laiku, kuŗos apgalvots, ka latvieši nekad nav cīnījušies par Vācijas vai naci interesēm, bet vienīgi pret komūnismu un Latvijas valsts brīvības atgūšanu. Savā laikā arī Nirnbergas tribunāls, ASV un angļu slepenais dienests caurskatīja Latviešu leģiona lietu un atzina to par attaisnojamu. Vai arī šis jautājums ASV valdības iestādēm nebija vispirms iztirzājams pirms ļāva uz apsūdzēto sola nosēdināt apmelotu cilvēku?

Un nu pie tiesu lietām.

Tajā laikā bija jau sākušās apsūdzības attiecīgās tiesās pret Boļslavu Maikovski un Kārli Detlavu, kuŗu apvainojumi bija līdzīgi. Tā kā visi tiesas izdevumi bija jāsedz pašiem apvainotajiem un tie nebija paredzēti pa spēkam visiem jau esot pensionāriem, tad starplaikā bija nodibināts Latviešu patiesības fonds (par ko būs runa vēlāku).

Latviešu sabiedrībā par šiem apvainojumiem bija radies zinams satraukums, kāpēc arī es 1977. gada 19. februārī un 12. martā devu šādus paskaidrojumus latviešu laikrakstos „Laiks” un „Latvija Amerikā”.

Abos laikrakstos ievietotie paskaidrojumi bija stipri līdzīgi saturā, kāpēc ievietoju šajā vietā rakstu no laikraksta „Laiks”, kuŗš iespiests 1977. gada 19. februāra izdevumā.

Vilis Hāzners paskaidro

Lai atbildētu uz preses jautājumiem, tāpat daudzajām vēstulēm un telefonu zvaniem, paskaidroju, ka 14. februārī biju aicināts Sav. Valstu Immigrācijas un naturalizācijas tiesas priekšā Albānijā (Ņujorkas valstī), kur pret mani sāka deportācijas procesu, tādēļ, ka es it kā esot devis nepatiesas ziņas par savu pagātņi 1956. gadā ieceļojot ASV.

Immigrācijas un naturalizācijas birojs mani apvaino manas rīcības noliegšanā laikā no 1941. līdz 1943. gadam, kad es esot necilvēcīgi apgājies (personīgi vai palīdzot) ar personām vai personu grupām, to rases, ticības vai nacionālās izcelsmes dēļ. Tas noticis Dvinskā (Dvinsk) un Rīgā, Latvijā.

Šajos apvainojumos minēts, ka:

- 1) es esot piedalījies kādas žīdu grupas izraudzīšanā no Dvinskas geto eksekucijai Pogulankas mežā (Pogulanka Woods). Tas noticis 1941. gada jūnijā (in or about June, 1941);

- 2) *es esot piedalījies un devis atļauju, lai necilvēcīgi apietos ar kādu žīdu grupu Dvinskas geto 1941. gada jūnijā (in or about June, 1941);*
- 3) *tādā pat veidā es esot rīkojies attiecībā pret vienu žīdu grupu, ieskaitot Beru Mendelkornu (Ber Mendelkorn), kādā policijas iecirknī Rīgā 1941. gada jūlijā (in or about July, 1941);*
- 4) *es esot piedalījies un devis piekrišanu savākt kādu žīdu grupu, tos ieslēgt Lielajā sinagogā (Big Synagogue, Choral Synagogue) Gogoļa ielā Rīgā, pēc kam sinagoga aizdedzināta un ieslēgtie žīdi sadeguši 1941. gada jūlijā (in or about July, 1941);*
- 5) *es esot piedalījies (un izraudzījis) vairāku žīdu iznīcināšanā Rīgas geto, vai tā tuvumā Rīgā, starp 1941. un 1943. gadu.*

Visas šīs apsūdzības saturs — sūdzībā pieminot tajā laikā neeksistējošus vietu un ielu nosaukumus, kā piem. Dvinsk, Poguļanka un Gogoļa iela, liecina no kurienes apsūdzība nākusi. (Vietu nosaukumus Dvinsk un Poguļanka nelieto arī šodien okupētajā Latvijā. Vienīgi Salaspils iela ir no okupācijas varas pārdēvēta par Gogoļa ielu).

Nav ne mazāko šaubu (vismaz manā vērtējumā), kā šī apsūdzība ir politiska akcija, ko sagatavojuši komunisti Rīgā vai Maskavā, lai mani diskreditētu latviešu un ASV sabiedrības priekšā un tā atspēlētos par manu ilggadīgo pretkomunistisko darbību, it sevišķi Komitejā Latvijas brīvībai un Daugavas Vanagu organizācijā.

Manā un mana advokāta Ivara Bērziņa rīcībā ir dokumenti un liecinieki, kas visu apsūdzībā minēto pilnīgi atspēko.

Saprotams, tiesas process vēl ir tikai sākuma stadijā un tas turpināsies ilgāku laiku, prasot no mana aizstāvja un manis daudz neparedzētu darbu. Es tajā laikā uzturēšos savā lauku īpašumā.

Šajā reizē izsaku arī sirsnīgu pateicību visiem, kas šajās dienās apliecinājuši draudzību un uzticību, tāpat visiem, kas palīdzējuši ar ziedojumiem PATIESĪBAS FONDAM nodrošināt vienādas tiesības visiem un pakalpojuši taisnībai.

Jāņem vērā, ka apsūdzētāji ir nevien stiprāki, bet arī bagātāki par mani un bez manis apsūdzēto solā ir nosēdināti arī citi latviešu tautas piederīgie.

VILIS HÄZNERŠ

1977. g. 15. februārī.

14. februāra tiesas sēdē Albanijā nokārtoja tikai tiesas procesuālās formalitātes un par lietas izlemšanas datumu noteica 20. jūniju.

*

Pirmā tiesas sēde notika, kā jau bija noteikts, 1977. gada 14. februārī Albānijā (Albany). Tā bija īsa. Man vienīgi noprasīja vārdu un uzvārdu, nolasīja apsūdzības rakstu un prasīja vai es atzīstoties par vainīgu. Uz šo jautājumu atbildēja mans advokāts Ivars Bērziņš. Manā mūžā tā vispāri bija pirmā tiesas sēde un man nebija ne mazākās jausmas kā

man tiesā „jāuzvedas”. Izrādījās, ka apsūdzētam nav nekādas teikšanas vai runāšanās, bet tā vietā visu kārtu viņa advokāts. Kā tiesnesis Imigrācijas un naturalizācijas biroja uzdevumā bija izraudzīts A. DeGaeto (Anthony DeGaeto) un kā valsts advokāts resp. apsūdzības uzturētājs tika pieteikts Loids Šermans (Lloyd Sherman), kuŗš pa tiesas sēdes laiku nosēdās man blakus, pirms tam iepazīstinādamies.

Mans advokāts, pēc apsūdzības raksta nolasīšanas atbildēja uz uzstādītiem jautājumiem, arī savu atbildi iesniegdams rakstiski. Tā bija šāda:

**UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE**

In the Matter of

File No. A10 305 336

VILIS A. HAZNERS,

ANSWER

Respondent.

The respondent, by his attorney, Ivars Berzins, answers the order to show cause dated January 27, 1977 as follows:

1. Admits allegations 1, 2, and 3.
2. Lacks knowledge and information sufficient to form a belief as to the truth of allegation 4.
3. Denies allegations 5 through 10, both inclusive.
4. Denies that respondent is subject to deportation as charged.

Dated: February 14, 1977

IVARS BERZINS
Attorney for the Respondent
484 West Montauk Highway
Babylon, New York 11702
516-661-3540

Tad tiesnesis noteica termiņu, konkrēti līdz 1977. gada 20. jūnijam, līdz kuŗam bija kā valdības, tā manam advokātiem jāsaģatavo apsūdzības resp. aizstāvēšanās dokumenti.

Abi advokāti šim termiņam piekrita.

Tad mans advokāts pieteica gatavību nolasīt šīs lietas OPENING STATEMENT, kuŗu tiesnesis vēlējās labāki dzirdēt nākamā tiesas sēdē un sēdi slēdza.

Tiesas zālē bija samērā daudz ļaužu, g.k. žīdu tautības un, saprotams arī „news media” ļaudis, kuŗi vēlējās šo „OPENING STATEMENT” dzirdēt jeb ar to iepazīties, ko arī Ivars Bērziņš neliedza un šīs iepazīšanās rezultātā radās šīs grāmatas citā vietā minētā preses konference, kuŗa arī palika kā vienīgā visas tiesāšanas laikā, jo izrādījās, ka neviens laikraksts, TV vai radio stacijas (kuŗas šo tiesas sēdi atreferēja) nebija objektīvas un tā radās nākotnē mūsu nostāja ar „news media” ļaudīm sakarus vairs neuzturēt.

OPENING STATEMENT teksts bija šāds:

D R A F T

OPENING STATEMENT FOR VILIS A. HAZNERS
To be delivered at the February 14, 1977 Opening of his
Deportation Proceeding.

Your Honor, I will first address myself to the question: Who is this man who stands before this tribunal accused of mass murder?

He is a Latvian patriot, a soldier and a journalist. Early in life he chose a military career and was graduated from the Latvian Military Academy and served in the Latvian Army where he rose to the rank of Captain before the Latvian Army was demobilized after the Red Army occupied Latvia in 1940 and the year of terror began.

In June of 1941, my client was arrested by the Soviet Secret Police and ordered shot without trial or hearing of any sort, except for the interrogation he had to endure under torture. The outbreak of war between the Third Reich and the U.S.S.R. saved my client's life. The Russians did not have time to shoot my client because they had to flee the advancing Germans.

During the German occupation of Latvia, my client served as an officer in the Headquarters Staff of the Latvian Self Government Military Units and later he became the District Director of the Abrene District and after that he served as an officer in the Latvian Legion. In these brief remarks I cannot elaborate upon the history of the Latvian Legion, but let

me say this: it was strictly a military outfit and never got involved in any atrocities.

My client never had and does not now have any sympathy for the racial fantasies and atrocities of the National Socialists of the Third Reich. Like any normal human being, my client abhors and condemns those atrocities. My client has fought only for his homeland and against the Bolsheviks.

Let me now turn to the question: What has my client done after the war? When he could no longer fight communists on the battlefield, he laid down his sword and took up the pen. He started writing anti-communist books and articles. He occupied positions of trust and leadership in various Latvian organizations, particularly the Daugavas Vanagi Latvian Welfare Association, where he was one of the founders. He has been active in the Committee for a Free Latvia since 1953 and its Chairman since 1960. He is widely known and recognized as an authority on events and conditions in Sovietoccupied Latvia. He has been on the KGB enemies list condemned to death since 1941. The communists have never ceased attacking my client in their publications.

My client never knew that he is on any other list besides the KGB list until he learned of the January 7, 1949 article in Aufbau. (refer to article)

Who his accusers are, my client has not learned to this very day. Where have my client's accusers been hiding all these years? My client has not been hiding from anyone. My client never concealed where he had been and what he had done during the war. The IRO investigated him extensively and did not find any blood on his hands.

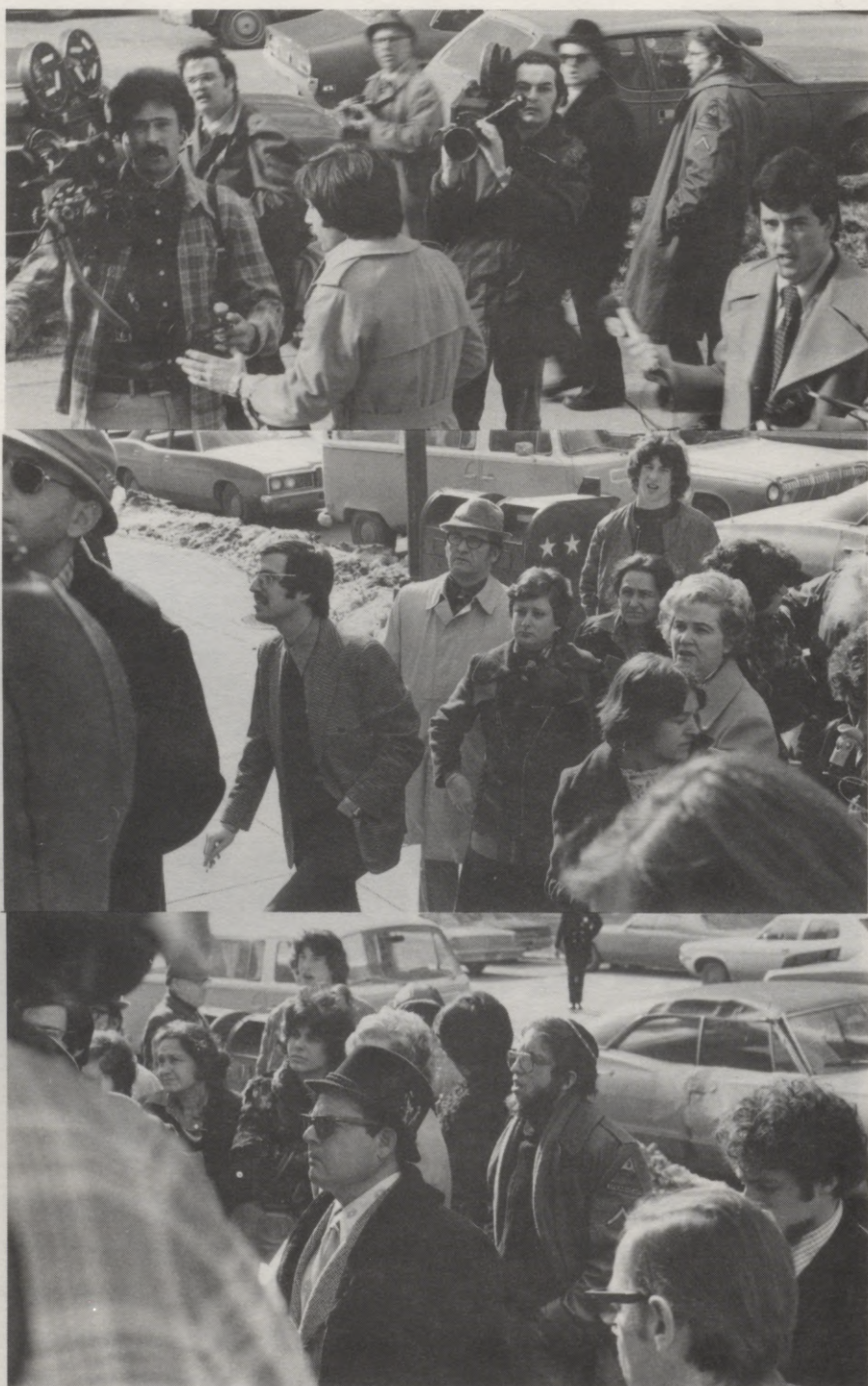
The United States Government was fully aware of this Aufbau article when my client applied for a visa to immigrate to the United States. The Government had a full and fair opportunity to investigate my client before granting him a visa. The Government exercised its right to investigate and interrogate my client. He answered each and every question fully and truthfully. He concealed nothing, since he had nothing to conceal. Let his accusers come forward and prove a single lie.

Your Honor, my client is glad to be here today. He is glad because his accusers can wait no longer; they have to step forward and confront him now. My client has had a desire to be here ever since I have represented him. In fact, at his insistence, on November 29, 1976, I wrote a letter to Maurice F. Kiley which states my client's desires. That letter reads as follows: (Read text of letter.)

Your Honor, my client and I are ready, willing and able to proceed. Let us get on with it.



Preses konference 1977. gada 14. februārī.
Uz žurnālistu jautājumiem atbild advokāts Ivars Bērziņš. Viņam
blakus Vilis Hāznars ar dēliem.



Žurnālisti „dodas uzbrukumā”!



Preses konferences klausītāji.



„I am from Riga, too!”

„Aufschwitz!”



“WHAT?!”

Šī otrā tiesas sesija turpinājās deviņas dienas — no 1977. gada 25. oktobra līdz 4. novembrim ieskaitot.

Šajā laikā valdības advokātu grupā ietilpa četri advokāti: Ralfs Smits (Ralph Smith), Viliams Strasers (William Strasser), Martins Mendelsons (Martin Mendelsohn) un Loids Šermans (Lloyd Sherman). Apsūdzības uzturēšanu pirmajās tiesas sesijas četrās dienās veica adv. Smits, bet nākamās piecās — adv. Strasers. Pārējie divi advokāti izpildīja padomdevēja lomas.

Adv. Smits saslima, pēc manas pārlicības tā bija diplomātiska slimība (bet varbūt es maldos, jo pa sēžu laiku viņš kaut kādas tabletes lietoja), jo nebija jābūt pat advokātam, lai redzētu, ka visi liecinieki melo un ka apsūdzība ir mākslīgi uzbūvēta.

Neviens no valdības advokātam nepievērsa visu laiku man ne mazākas uzmanības, vienīgi Smits (vecākais gados no minētiem kungiem) kādreiz uz mani pameta skatu. Citi pat to nedarīja.

Deviņu dienu ilgajā tiesas procesā tika nopratināti resp. arī mana advokāta pārpratīnāti septiņi liecinieki. Visi tie bija ieradušies no Izraēlas, visi bija bijuši Latvijas pavalstnieki, kuŗiem dažādos veidos un apstākļos bija izdevies palikt dzīviem Otrā pasaules kara laika vācu žīdu iznīcināšanas akcijās.

Šie liecinieki, nopratināšanas kārtībā, bija šādi:

- *Bers Mandelkorns (Ber Mandelkorn),*
- *Mendels Vulfovics (Mendel Wulfowitz),*
- *Meijers Lēvenšteins (Meier Loewenstein),*
- *Jēkabs Vāgenheims (Jacob Wagenheim),*
- *Šabtajs Dolgicers (Schabtai Dolgizer),*
- *Šava Ljaka (Shava Ljak) un*
- *Jēkabs Nejs (Jacob Noy).*

Manam advokātam bija pieteikts vēl astotais liecinieks, bet to apsūdzības uzturētāji — valdības advokāti tiesas priekšā netika saukuši.

Visi minētie liecinieki nāk no žīdu intelīgences aprindām, vairumā brīvu profesiju darbinieki (tautsaimnieki, tirgotāji, arhitekti, farmaceiti un citi). Visi runāja brīvi latviski, bet nopratināšana tiesas sēdēs notika ar tulka palīdzību vai nu hebrū jeb jewish valodās.

Visas liecības bija iepriekš sagatavotas Telavivā un šo darbu bija veikusi Telavivas policijas inspektrese Marija Radivkera (Maria Radiwker). Pēdējā bija arī visus lieciniekus iepazīstinājusi ar maniem foto uzņēmumiem, kuŗi (jādomā) tikuši piegādāti no Rīgas vai arī ASV imigrācijas un naturalizācijas biroja. Bez Radivkeras liecību sagatavošanā bija piedalījušies daži citi Izraēlas policijas darbinieki. Radivkerai, pratīnot lieciniekus, vienmēr blakus atradies kāds lieciniekiem vārdā neminēts vīrietis (kuŗa nodarbošanos arī tie nezināja) un pati liecību sagatavošana resp. liecinieku pratīnāšana notikusi vācu valodā, kaut gan Radivkera un visi liecinieki brīvi pārvaldot žīdu valodas.

Liecību sagatavošana esot sākusies pēc liecinieku izteicieniem jau 1974. gadā un turpinājusies līdz 1977. gadam, gandrīz visus pratīnot vairākkārt.

Iespajds palika, ka liecību sagatavošana bija veikta lietpratīgi, gan

atstājot daudz „nenoskaidrotu” jautājumu.

No visām liecībām varēja nākt pie slēdziena, ka:

- pirmkārt* — *žīdu vajāšanā un iznīcināšanā Latvijā ir daļību ņēmusi visa latviešu tauta un varēja saprast, ka šis tiesas process ir veltīts latviešu tautas diskreditācijai,*
- otrkārt* — *liecinieki centās uzsvērt lielo nežēlastību iepretīm žīdu tautai Latvijā un*
- treškārt* — *palika iespaids, ka šīm tiesas procesam ir tīri politisks mērķis: meklēt ASV sabiedrībā simpātijas iepretīm žīdu tautai resp. Izraēlai.*

Lai visus šos apvainojumus motivētu, tad liecībās klāt tika pieminēti dažu latviešu vārdi (kas dzīvo ASV vai citur rietumos), rūpīgi starp tiem izmeklējot dažu vadošu politisku un sabiedrisku darbinieku, kuŗus (vismaz man nebija šaubu) bija sagādājusī Rīga vai Maskava ar Rīgas starpniecību.

Par ko tad galvenām kārtām tiku apvainots es?

Mans apsūdzības laiks skāra patiesībā atstarpi no 1941. gada 1. jūlija (t. i. līdz ar Rīgas ieņemšanu) līdz 1942. gada februārim.

Šajā laikā, pēc liecinieku apgalvojumiem, es esot darbojies Rīgas prefektūrā (gan civilā, gan Latvijas armijas uniformā) un bijis tāds kā komandieris. Te mani bija sastapuši divi liecinieki — viens jūlija sākumā un otrs 14. jūlija vakarā. Es esot piekāvis vairākus žīdus, pie kam Mandelkornam pat izsitis zobus. Pēdējam šajā pat vakarā esot izdevies no prefektūras izbēgt. Otras dienas vakarā viņš esot mani redzējis kopā ar vēl citiem latviešu dažādu rangu komandieriem dzenot žīdus Gogoļa ielas sinagogā, lai tos tur sadedzinātu.

1941. gada vasarā (sākumā tika minēts jūnija mēnesis, bet apsūdzības uzturētāji advokāti šo laiku grozīja — jūniju pārvēršot par „vasaru”) es Latvijas policijas virsnieka uniformā esot piekāvis kādu sievieti (žīdieti) Daugavpils getto.

1941. gada ziemā (janvārī vai februārī) es esot rīkojies kopā ar Rīgas getto komandantu Krauzi šajā iekārtojumā izraugot žīdus ekzekūcijai. Pirms tam, vēl oktobrī, es esot redzēts piekaujot getto žīdus. Tajā laikā es esot bijis ietērpts melnajā SS uniformā, uz zīmotnēm nēsājot Sturm-bannfuehrer'a četrus kubikus.

Bija arī vēl citi mazāki „noziegumi”.

Tie visi ir pilnīgi meli (tiesas gaitā gan vārdus „meli” nelieto, šo vārdu atvieto izsmalcināts apgalvojums).

Tiesas gaitā manam advokātam tika dota iespēja visus lieciniekus pārpratināt (cross-examination) un katru no tiem pienākt atmiņu vai apvainojumu safabricēšanā, sevišķi uz manu personības identificēšanu pēc Telavīvā rādītiem foto uzņēmumiem un vai mani liekot lieciniekiem parādīt tiesas zālē, katram redzot kur es sēdu. Bez tam manam advokātam daudz palīdzēja liecību neprecīzitāte, notikumumu un vietu, arī laika sajaukšana un daudz citu liecību kļūmes.

Viens no lieciniekiem atzinās, ka viņš esot palīdzējis Rīgā čekai saga-

tavot izdošanai Latvijā KGB sagatavoto brošūru „Viņi bez maskas”, zināja arī šīs brošūras redaktorus — B. Arklānu, J. Dzirkali un J. Silabriedi (visi tie ir pseudonimi), arī atzīstoties, ka šajā darbā sadarbojies ar J. Dzirkali.

Minētie un vēl citi komunisti resp. čekas autori ir sarakstījuši arī citas latviešu vai citās valodās izdotās propagandas brošūras, vērstas pret trimdas vadošām personām, liecinieks tās visas atzinās arī redzējis, bet neesot lasījis „intereses trūkuma pēc”. Otrs sadarbnieks ar KGB (čeku) stāstīja, ka no Rīgas getto esot izbēdzis, visu vācu okupācijas laiku darbojies pagrīdē un kopojis dokumentus par tiem latviešiem, kuŗi esot sadarbojušies ar vāciešiem un pēc kara nodevis tos Maskavas drošības iestādēm.

Tiesas procesa gaitā manam advokātam tika apsolīts, ka viņš katru liecinieku varēs vēl pārpratināt cik reizes vien vēlēšies, par to gādājot tiesai, bet kad viņš izteica vēlēšanos vēl reizi runāt ar diviem lieciniekiem, tad viens jau bija miris (kas, saprotams, vienmēr var gadīties) un otrs bija tik slim, kad nevarēja solīties būt spējīgs vairs ASV no Izraēlas ierasties.

Tiesas gaitā manam advokātam tiesnesis neļāva (jeb tūdaļ valdības advokāti cēla iebildumus) pieminēt ne krievu iestādes, kā piem. NKWD, KGB vai čeku kā arī divus „kaŗa noziedznieku” meklētāju vārdus — Sīmonu Vizontālu vai Dr. Šneideri.

Interesanti piezīmēt, ka vienam no lieciniekiem esot vēl šodien bailes no manīm, jo man esot banda ASV un tā apdraudot viņa dzīvību, nepārprotami likdams (vismaz man) saprast, ka šie bandīti ir Daugavas Vanagu organizācija!

Židu lieciniekiem, pēc viņu pašu izteicieniem, ASV valdība sedzot visus tekošos izdevumus, kādi radušies ar ierašanos ASV un bez tam vēl izmaksājot \$100.00 dienā kabatas naudu.

Kaut visi liecinieki-vīrieši bija dienējuši Latvijas armijā, neviens „nezināja” manu dienesta pakāpi.

Otrā tiesas sesija notika vēl Albānijā, bet jau 1978. gadā, laikā no 7. līdz 9. martam.

Tajā valdības advokāts Mendelsons nopratināja divus valdības lieciniekus — no Telavīvas uz mana adv. Bērziņa pieprasījuma izsaukto policijas inspektisi Mariju Radivkeri un Mendelsona paša izraudzīto liecinieku adv. Štraseru, kuŗš starplaikā no saviem pienākumiem (kā sūdzības uzturētājs) bija atbrīvots, jo bija sabojājis jau reģistrēto lietišķo pierādījumu — no Izraēlas atvesto „kaŗa noziedznieku” bildes, „pārkombinēdams” pēc sava prāta foto uzņēmumu albūmu. Pārpratināšanu izdarīja adv. Bērziņš vienīgi Radivkerai, jo Štrasera liecība patiesībā nemaz neattiecās uz lietu.

Mendelsonam blakām sēdēja kāds man svešs advokāts, kuŗu Bērziņš teicās esam Mendelsona priekšnieku Vašingtonā.

7. marta vakarā, ēdot viesnīcā vakariņas, man uznāca kaut kas līdzīgs sirds vājumam un es lūdzu savu dēlu Daumantu mani pavadīt uz istabu. Ejot viesnīcas garderobē biju pagābis. Tika izsaukta ātrā palīdzība, sniegta man nepieciešamā pirmā medicīniskā aprūpe, pēc kam

tiku novests un kādu no Albānijas slimnīcām, kur rūpīgi izmeklēts tiku atzīts par atlaižamu uz māju. Un tā ap pusnakti atgriezāties viesnīcā. Mans advokāts jau agrāki bija noteicis, ka viņš mani sesijas pēdējā posmā noliks uz liecinieku sola, ja to nedarītu valdības advokāts. Bet ja pēdējais to darītu, lai es no liecināšanas neatsakoties.

Kad 8. marta rītā biju sagatavojies doties uz tiesas sēdi, tad dēls Daumants (kuŗš pārgulēja blakus istabā) mani sabāra un iedzina atpakaļ gultā. No slimnīcas bija izdota arī apliecība, ka man ir nepieciešama divu dienu atpūta. Šajā sesijā dēlam līdzī bija ieradusēs arī mana vedekla Anita, tā palika pie manis, bet uz tiesu devās vienīgi advokāts Bērziņš ar Daumantu. Pēdējie tiesnesim bija mani atvainojuši un izteikuši cerību, ka es varbūt varēšu tiesā ierasties pēcpusdienā.

Tā arī notika. Valdības advokāts Mendelsons uz tiesneša jautājumu vai viņam vairāk liecinieku nav, atbildēja ka nav. Tad jautāja Bērziņam vai viņam būtu kāds liecinieks un pēdējais atbildēja, ka savu liecību viņš lūgšot nodot apsūdzētam. Tas radīja apjukumu gan abiem valdības pārstāvjiem, gan publikai zālē, jo ASV tiesās nav nepieciešams, ka apvainotais liecina savā lietā. Ivars Bērziņš manu liecību ir aprakstījis šādi:

Vīļa A. Hāznera liecība

Pēc tam kad visi valdības liecinieki bija uzklausti un valdība paziņoja, ka vairāk pierādījumu nav, pienāca kārtā apsūdzētam saukt savus lieciniekus. Kā pirmais liecinieks tika saukts pats Vilis A. Hāzners kuŗš liecināja angļu valodā 1978. g. 8. un 9. martā šādi:

„1941. g. 25. jūnijā manā darba vietā Rīgā mani arestēja NKVD, aizveda uz čeku Brīvības ielā un nākamā dienā pārveda uz Centrālcietumu kur man nodzina matus un izgriezja pogas, noņēma kurpju šnores, jostu un pratināja. No Centrālcietuma mani un citus atbrīvoja latviešu partizāni 1941. g. 30. jūnijā. To dienu es pavadīju slēpdamies pie radiem un nākošā dienā, 1. jūlijā, tērpiēs tajās pašās civilās drēbēs ko valkāju cietumā, es ierados Latviešu komandantūrā pie pulkveža Veisa. Pulkvedis Veiss man uzdeva komandēt latviešu partizānu vienību Vidzemes jūrmalā un es tūlit ar saviem vīriem devos uz turieni lai apkarotu bēgošos krievus. Es Rīgu atstāju 1. jūlijā ap pusdienas laiku un atgriezos 5. jūlijā vēlā pēcpusdienā. Nokļuvi savās mājās Bierīnos un nogulēju visu 6. jūliju. Cēlos 7. jūlijā, uzvilku savu Latvijas armijas štaba kapteiņa uniformu un devos uz Latviešu biedrību, Merķeļa ielā, kur sastapu pulkvedi Plensneru un citus. Tur es biju līdz 10. jūlijam kad mani pieņēma par administratīvās nodaļas vadītāju latviešu pašsardzības vienību štabā, kas tad atradās Meierovica bulvārī 18. Latviešu pašsardzības vienību štabā es strādāju līdz 1942. g. 10. oktobrim, kad mani iecēla par Abrenes aprīnķa priekšnieku. Abrenē es biju līdz 1943. g. 28. maijam kad mani iesauca Latviešu leģionā.

Sākot ar 1943. g. 3. jūniju es biju Leģionā, kapteiņa dienesta pakāpē, vācu armijas uniformā ar tām zīmotnēm ko toreiz valkāja leģionāri,

SS kreisā pusē un trīs kvadrāti labā pusē apkaklei, ar Latvijas vairozīņu uz kreisās rokas. Mani paaugstināja par majoru 1944. g. 20. jūnijā.

Es nekad neesmu piedalījies jeb kādos kara noziegumos. Man nekāda darīšana nav bijusi ar Rīgas geto. Neesmu piedalījies žīdu vajāšanā, apspiešanā un iznīcināšanā. Neesmu nekad sastāvējis tā sauktajā „Arāja komandā” un neesmu arī sinagogus dedzinājis.”

Viļa Hāznera tiešā liecība un pārpratināšana aptver no 1019 lappuses līdz 1155 lappusei protokolā, tā tad 136 lappuses angļu valodā, kurās esmu savilcis kopā šajā atstāstījumā.

Apsūdzība

Valdības liecinieki zvērēja, ka Vilis Hāzners darījis sekojošo:

- 1) 1941. g. jūlija sākumā rīkojies pa Rīgas prefektūru un tur sitis un citādi nežēlīgi un necilvēcīgi apgājies ar žīdiem.
- 2) 1941. g. jūlija sākumā dzinis baru žīdu pa ielu Centrālcietuma virzienā.
- 3) Kopā ar Arāju un citiem nodedzinājis Lielo sinagogu Gogoļa (Salaspils) ielā, 1941. g. jūlija sākumā.
- 4) 1941. g. augustā vedis žīdus uz nošaušanu no Daugavpils geto.
- 5) 1941. g. rudenī un 1942. g. janvārī un februārī komandējis sardzi pie Rīgas geto vārtiem un tur pavēlējis citiem sargiem nežēlīgi sist žīdus.
- 6) 1941. g. decembrī, 1942. g. janvārī un februārī stāvējis pie geto vārtiem kopā ar vācu komandantu un tā palīgu un izraudzījis žīdus kurus vest uz darbiem un kurus uz nošaušanu. Bijis tērpiem melnā mētelī, cepurei pierē miroņgalva, SS sturmbannführera zīmotnes uz apkakles. Viss tas redzēts ap 8. ritā kad ārā bijis gaišs.

Jāpiemin arī, ka visi liecinieki teica, ka V. Hāzneram bijuši gari, tumši mati jūlija sākumā, ka arī vēlāk.

Ivars Bērziņš

1978. g. 27. martā

Kad pēc tam tiesnesis jautāja adv. Mendelsonam vai viņam būtu kādi jautājumi lieciniekam, pēdējais lūdzu vismaz uz kādu pusstundu laika pārtraukt sēdi, lai viņš varētu jautājumus sagatavot. Kad bija pagājuši jau vairāk nekā stunda un Mendelsons ar otru advokātu atgriezās tiesas zālē, tad viņš teicās, ka laiks viņam bijis par īsu un lūdza atļauju viņam manu pārpratināšanu izdarīt nākamā rītā.

9. marta rītā sēdi atsākot Mendelsonam bija vairāki ļoti nenozīmīgi jautājumi, zināmā mērā „piekasišanās” man par dažādiem sīkumiem. Gandrīz ne vārda nebija par tiem apvainojumiem, kādus man veltīja žīdu liecinieki, bet viss, kas bija palicis pāri, bija mana apvainošana

par dienēšanu Latviešu leģionā, par apbalvojumiem un paaugstinājumu. Mendelsons arī prezentēja dažādus Leģiona dokumentus, no kuŗiem daži bija galīgi aplami un tendenciozi pārtulkoti angļu valodā, sevišķi manas dzīves stāsta īss atstāstījums latviešu valodā, kuŗu pat lika man pārtulkot pareizi.

Kad Mendelsonam pēc kādas stundas vairs ko jautāt nebija, tad tiesnesis jautāja kad Bērziņš varēs ataicināt uz tiesu manus lieciniekus. Jautājot cik liels skaits to būtu, Bērziņš atbildēja, ka varot sagādāt 100 vai 200 cik vien tiesa vēlētos.

Bērziņš arī piezīmēja, ka mani liecinieki dzīvo vairākās citās valstīs, Austrāliju ieskaitot un kad būtu vēlams tos nopratināt uz vietas, lai nebūtu pēdējiem jāmēro garais ceļš uz ASV, pie kam dažiem šāds ceļojums vecuma pēc arī nemaz nebūtu iespējams. Tiesnesis šim lūgumam piekrita.

Tad Bērziņš lūdza vai visas nākamās tiesas sēdes nevarētu pārcelt resp. noturēt Ņujorkā, kur atrodas tiesneša darba un arī viņa biroja telpas. Tas viss atvieglotu lietu kārtošānu. Un tā kā es pats jau savu liecību esot nodevis, tad vai es, veselības stāvokļa pēc, vispāri nevarētu no nākamām tiesas sēdēm izpalikt. Arī tam tiesnesis piekrita un tā bija iznācis, ka 9. marts bija pēdējā dienā, kad piedalījos pats savas tiesāšanas sēdēs.

Noslēdzot līdzšinējo stāstu jāpiezīmē, ka šīs un citu zemju „news media” lielu uzmanību pievērsa šiem senzacionēliem tiesu procesiem, katra liecinieka izteicienus izpušķodama kā kailu patiesību. Mūsu latviešu laikraksti, jāpieņem kādu apsvērumu pēc, šīs tiesas sēdes atferēja tikai pa retam un arī sīkām rindiņām, tā liedzot latviešu sabiedrībai izsekot šo ļoti nepatīkamo un apvainojošo notikumu gaitai.

PATIESĪBAS FONDS

Patiesības fonds tika nodibināts 1976. gada 16. oktobrī.
Šī fonda vadība ir izdevusi vairākus informatīva rakstura rakstus.
No tiem pirmais bija šāda satura:

1976. gada novembrī

NODIBINĀTS PATIESĪBAS FONDS

Kopš šā gada oktobra mēneša sākuma laikraksts New York Times publicējis vairākus rakstus par kara noziedznieku meklēšanu Otrā pasaules kara laikā. Šos rakstus plaši pārspieduši ne tikai citi laikraksti ASV un ārzemēs, bet par to runāts arī ASV televīzijā.

Šis uzsāktās apsūdzības nav nekas jauns, jo par masu un citām slepkavībām kuras it kā izdarījuši baltieši vai citi Austrumeiropu tautu piederīgie ticis runāts jau sen. Soreiz šis apsūdzības no jauna pacēlusās ar to, ka Imigrācijas un Naturalizācijas birojs /INS/ ir cēlis rakstisku apsūdzību pret lietuvieti Bronius Kaminskis un latviešiem Boļeslavu Laikovski un Kārli Detlavu. Tie visi tiek aicināti uz noklausināšanu ar mērķi tos izraidīt no ASV. Bet ar to vēl apsūdzības nav beigušās. Amerikas laikraksti jau minējuši vairākus citus latviešu vārdus /piemēram, Edgaru Laipenieku, māc. Edmundu Maču, Vili Hazneru, Augustu Danci u.c./ un pēc avižu ziņām vēl pastāv kāds saraksts ar pāri par 90 vārdiem. Pēc mums pieejamām neoficiālām ziņām šai sarakstā ir kādi 15 līdz 17 ASV latvieši.

Vairāki INS biroja izmeklētāji nesen pavadīja četras nedēļas Israēlā lai pārbaudītu tur atrodošos dokumentus kara nozieguma jautājumos, galvenokārt attiecībā uz žīdu iznīcināšanu Latvijā un citās Austrumeiropas zemēs. Pagājušā gada Padomju Savienībā viesojās ASV Tautas vietnieka nama loceklis Elizābete Holcmane un Jošuas Eilsbergs. Kā kongresa materiāli liecina, tad abu ziņojumi paskaidro, ka tiem lielu pretimnākšanu izrādījušas Padomju Savienības drošības iestādes piegādājot dokumentus un apsolot zvērinātas liecības un lieciniekus par kara "noziedzniekiem" kas patreiz dzīvo ASV. Arī ASV Ārlietu ministrija ir apliecinājusi, ka vismaz daļa no izmantotiem apsūdzības datiem nākot no Padomju Savienības! Bez tam iepriekš minētie Tautas vietnieka nama locekļi arī apmeklēja Vizentāla biroju Viņē kur iepazīnušies ar žīdu centrāles dokumentiem kara noziedznieku jautājumos.

Pašreiz ASV laikrakstos izteiktās apsūdzības skar ne tikai atsevišķas personas, bet arī netieši Amerikas latviešu apvienību un Daugavas Vanagu organizāciju, tā ceļot neslavu latviešu saimei ASV. Iegūtā informācija liecina, ka latviešu apsūdzības pamatos atrodas vairākas Rīgā izdotās komunistu melu propagandas brošūras: "Cilvēki bez sirdsapziņas" - 1961, "Kas ir Daugavas Vanagi" - 1962, "Politiskie bēgļi - bez maskas" - 1963, un "Viņi bez maskas" - 1966. gada publikācija. Šos fantastiskos izdevumus tad arī izmanto INS birojs un it sevišķi bez kritikas ASV prese. INS arī pašiem apsūdzētiem Isti skaidri nepasaka ap ko lieta grozās. Mēs esam pārliecināti, ka apsūdzības nav beigušās un tās vērsīsies plašumā. Viss šis jautājums ir ļoti nopietns! Divi latvieši jau apsūdzēti. Izmeklēšanā tiem jāsaduras ar ASV valsts iestāžu sagatavotām apsūdzībām,

dokumentiem, lieciniekiem un advokātiem. Lai varētu aizstāvēties apsūdzētiem pretim jāliek tas pats: dokumenti, liecības, liecinieki un advokāti. Lai to visu veiktu, tiks prasīts laiks, enerģijas un līdzekļi - lieli līdzekļi.

Augšā minētie fakti rāda, ka it sevišķi pēdējā laikā ir bijusi intensīva negatīva akcija pret latviešiem un citiem baltiešiem ASV. Lai šo ASV latviešu denunciacijas jautājumu pārrunātu, š.g. 16. oktobrī tikās ASV centrālo organizāciju pārstāvji, ieinteresētas personas un advokāti. Tika nolemts dibināt PATIESĪBAS FONDU ar sekojošu motivāciju:

1. Latviešu sabiedrība nosoda visas varmācības kādas notikušas Latvijas okupācijas laikos, kā zem Vācijas tā Krievijas okupantiem. To slepkavības prasīja pāri par 200,000 cilvēku dzīvības.
2. Latviešu sabiedrība atbalsta steidzamu pašreizējo apstākļu izmeklēšanu lai varētu attaisnot nevainīgos un nosodīt vainīgos.
3. Vairāki ASV latvieši tiek turēti aizdomās kā no INS tā citām ASV valdības iestādēm bez apsūdzību satura paziņošanas iekļautām personām. Šī iemesla dēļ latviešu sabiedrība ir norūpējusies, ka apsūdzētiem netiks dota iespēja sevi pienācīgi aizstāvēt ASV tiesu likumu robežās. Tā kā palīdzība mēs citur nekur sagaidīt nevaram un lai dotu iespēju kā arī tiem kuru vārdi eventuāli parādīsies nākotnē aizstāvēties ASV likumu robežās, tiek nolemts radīt PATIESĪBAS FONDU ar mērķi vākt līdzekļus, tos centralizēt un tā iespēju robežās palīdzēt segt apsūdzēto aizstāvēšanās izdevumus.

Pirmās noklaušināšanas prāvas ir tās svarīgākas, jo tad nākošajās izmeklēšanās būs jau radīts precedents uz ko tad izmeklēšanas iestādes varēs atsaukties. Taisni tāpēc materiālu sagatavošanai līdzekļi vajadzīgi jau šodien!

PATIESĪBAS FONDS netiek saistīts ne arvienu centrālu organizāciju, bet gan tiek radīts un inkorporēts atsevišķi kā ieinteresētu ASV pilsoņu patiesības paušanas fonds. Par šī fonda uzticības personām saziņā ar centrālām organizācijām darbosies mūsu sabiedrības vidējās paaudzes tautieši: Olgerts Balodis, Daumants Hazners, māc. Māris Ķirsons, Ints Rupners, Anita Utināne un Māra Ziedīņa.

Fonda uzticības personas griežas pie latviešu sabiedrības ar lūgumu kā organizācijām tā individuālām personām iespēju robežās devīgi ziedot fonda mērķiem. Čeki vai naudas pārvedumi rakstāmi uz vārda un nosūtāmi:

"TRUTH FUND"
c/o Tremont Savings
Acct. No. 405816
3445 Jerome Avenue
Bronx, N.Y. 10467, USA

Samaksātie čeki būs pierādījums par ziedojuma saņemšanu.

Visa PATIESĪBAS FONDAM domātā korespondence adresējama:
"TRUTH FUND", P.O. Box 435, East Brunswick, N.J. 08816, USA.

PATIESĪBAS FONDA statūti un darbības noteikumi tiek izstrādāti un par to savlaicīgi tiks ziņots latviešu sabiedrībai. Tas tomēr nekavē līdzekļu vākšanu jau šodien jo izdevumi aug ikdienas. Mēs ceram un sagaidām plašu sabiedrības atsaucību.

PATIESĪBAS FONDS

Nākamie par fondu paskaidrojošie raksti tika izdoti 1977. gada aprīlī un 1979. gada 10. februārī.

Arī tos ievietojam šajā grāmatā:

Tie gan skar vairākas apsūdzēto personu lietas, bet tikpat labi var interesēt lasītājus vispār.

(Šis raksts sliktās kopijas dēļ pārlikts.)

LATVIAN TRUTH FUND, Inc.

P. O. Box 1682, Grand Central Station
New York, N. Y. 10017

BOARD OF DIRECTORS

Olgerts Balodis, President
Anita Utinans, Vice-President
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Rev. Maris Kirsons
Mara Ziedins

1977. gada aprīlī

Apsūdzības un Patiesības fonds

1976. gada oktobrī laikraksts New York Times sāka publicēt vairākus rakstus par kara noziedznieku meklēšanu Otrā pasaules kara laikā. Par šo pašu tēmatu publikācijas parādījās arī neskaitāmos citos ASV laikrakstos, par to tika runāts arī ASV televīzijā, un raksti parādījās arī vairākos ārzemju laikrakstos. Šais rakstos bija minēti arī vairāki latvieši.

Šis uzsāktās apsūdzības nebija nekas jauns, jo par masu un citām slepkavībām, kuŗas it kā izdarījuši baltieši vai citi Austrumeiropu tautu piederīgie, ticis runāts jau sen. Plašāki šādi raksti bija uzpeldējuši 1974. gada jūlijā, kad kādā lielā Ņujorkas laikrakstā bija minēts, ka Immigrācijas un Naturalizācijas (INS) birojs izlaidis atklātībā 37 vārdus, kuŗi esot aktīvi „kara noziedznieki”. To starpā no latviešiem bija minēti Boļeslavs Maikovskis, māc. Jānis Ernsts, māc. Pēteris Nesaule, māc. Kārlis Sautiņš, Edgars Laipenieks un māc. Edmunds Mačs. Četriem no šiem apvainotiem bija klāt pieliktas arī fotogrāfijas. Tad raksti uz kādiem diviem gadiem bija norimuši, bet no jauna parādījās 1976. gada oktobrī. Šoreiz vārdā bija saukti Kārlis Detlavs, Boļeslavs Maikovskis, māc. Edmunds Mačs, Edgars Laipenieks, Vilis Hāzners un Augusts Dancis. Starplaikā arī parādījušās visādas citas ziņas. Piemēram, INS birojs esot ziņojis, ka pret māc. P. Nesauli izmeklēšana izbeigta, tāpat

arī kāds rietumkrasta laikraksts rakstīja, ka INS noliedzis, ka viņiem esot jebkādi materiāli pret māc. Ed. Maču.

1976. gada rudenī šis jautājums bija palicis ļoti nopietns, jo novembra mēnesī INS birojs (citiem vārdiem, oficiāla ASV valdības iestāde) cēla rakstisku apsūdzību pret lietuvieti Bronius Kaminskis un latviešiem Boļeslavu Maikovski un Kārli Detlavu, aicinot tos uz noklaušināšanu, lai pret tiem sāktu deportēšanas procesu. 1977. gada 28. janvārī šāda apsūdzība tika celta arī pret Vili Hāzneru. Visiem paredzētas pravās 1977. gadā, kad valdība nāks ar saviem acu lieciniekiem, lai pierādītu, ka visi melojuši iebraucot ASV, un pēc ASV likumiem ir izraidāmi kā nevēlami. Būtu jāpiezīmē, ka neviens no šiem nav ASV pavalstnieks, un visi trīs latvieši ir pensionāri. Nav pieejami ne valdības advokāti ne līdzekļi, bet visi izdevumi jāsedz pašiem apsūdzētiem, kas ASV maksā pasakaini milzu summas.

1976. gada vasarā vairāki INS biroja izmeklētāji pavadīja četras nedēļas Israēlā, lai pārbaudītu tur atrodošos dokumentus kara nozieguma jautājumos, galvenokārt attiecībā uz žīdu iznīcināšanu Latvijā un citās Austrumeiropas zemēs. Apmēram tai pašā laikā, Padomju Savienībā viesojās ASV Tautas vietnieka nama locekļi Elīzabete Holcmane un Jošuas Eilbergs. Kā ASV kongresa materiāli liecina, tad abu ziņojumi paskaidro, ka tiem lielu pretimnākšanu izrādījušas Padomju Savienības drošības iestādes, piegādājot dokumentus, apsolot zvērinātas liecības un lieciniekus par kara „noziedzniekiem”, kuŗi patreiz dzīvo ASV. Arī ASV Ārlietu ministrija ir apliecinājusi, ka vismaz daļa no izmantotiem apsūdzības datiem nākot no Padomju Savienības! Pat Simons Vizenčāls, pazīstamais kara noziedznieku mednieks, viesodamies un uzstādamies 1977. gada sākumā ASV atzinās, ka tiesās brīvajā pasaulē Padomju Savienība ir nākusi „ar propagandas lieciniekiem, lieciniekiem kuŗi nav ticami”.

ASV laikrakstos izteiktās apsūdzības skar ne tikai atsevišķas personas, bet arī netieši ALA un Daugavas Vanagu organizāciju, tā ceļot neslavu latviešu saimei ASV. Iegūtā informācija liecina, ka latviešu apsūdzību pamatos atrodas vairākas Rīgā izdotās komunistu melu propagandas brošūras: „Cilvēki bez sirdsapziņas” — 1961, „Kas ir Daugavas Vanagi” — 1962, „Polītiskie bēgļi — bez maskas” — 1963, un „Viņi bez maskas” — 1966. gada publikācija. Šos fantastiskos izdevumos izmanto INS birojs un, it sevišķi, bez kritikas, ASV prese. Viss šie jautājums ir ļoti nopietns! Trīs latvieši ir apsūdzēti. Izmeklēšanā tiem būs jāsaduras ar ASV valsts iestāžu sagatavotām apsūdzībām, dokumentiem, lieciniekiem un advokātiem. Lai varētu aizstāvēties, apsūdzētiem pretim jāliek tas pats: dokumenti, liecības, liecinieki un advokāti. Lai visu to veiktu, tiek prasīts laiks, enerģija un līdzekļi — lieli līdzekļi.

Kas attiecas uz ASV presi, tad tā-līdz šim ir bijusi 100% pret mums, jo visi viņiem pieejamie dati nāk no jau iepriekš minētiem Rīgas izdevumiem. Tie visi pieejami arī angļu valodā. Saprotams, ka visos rakstos prominenti tiek lietots vārds „naci” un „SS”. Vietējie reportieri tad vēl lietas drusku arī „izpušķo”.

Plašāku pārskatu par visu šo jautājumu bija devis laikraksts The

Washington Post 1976. gada 24. oktobrī ar virsrakstu „Mednieki un to medījumi”. Tur pieminēts kā viens no galveniem uzrādījumu cēlājiem kāds 47 gadus vecs Čarlzs Allens, kuŗš „sadzinis pēdas” kādiem 16 ASV dzīvojošiem cilvēkiem. Rakstā arī minēts, ka žīdu organizācijas šo Allenu uzskata par komunistu ar partijas biedra karti kabatā, kaut gan pats Allens to noliedz. Viņš gan paskaidro, ka „neticot kapitālistu ekonomijai” un uzskata „pretkomūnismu kā spēcīgu indi Amerikas politiskajā strāumē” kas maitānot Ameriku! Tāpat šai rakstā minēts, ka visi iepriekš pieminētie Rīgas izdevumi 60tos gados paliekot arvienu tica-māki!

Visām šīm sensācijām ir arī sekotāji. 1977. gada sākumā iznāca New York Times apgādā grāmata „WANTED”, ko sarakstījis kāds 28 gadus vecs jauneklis Hovards Blūms. Grāmata tiek plaši reklamēta kā fak-tuāla, bet ne fikcija. Pats autors izskrējis visu Ameriku un pat Kanadu, uzstājoties gan radiofōnā gan televīzijā, reklamēdams savu darbu. Šī grāmata lasās kā kriminālromāns, un par to ir publicētas atsauksmes presē. Bet cik tā „faktuāla” pierāda jau tas vien, ka, viens no grāmatā minētiem, autoru un apgādu iesūdzējis par \$10 miljoniem neslavas celšā-nai. Sūdzētājs ir Tžerims Sobzokovs no Kaukāziem. Šai grāmatā skar-ti arī latvieši, un tajā par pamatu, citējot pat vārdu pa vārdam, teksts ņemts no jau minētām Rīgā izdotām propagandas brošūrām. Piemēram, grāmatā minēts, ka ALA ir „mistiski financēta organizācija”, Pinneber-gas universitāte tiek pieminēta kā „nacistu baltiešu universitāte” kur tikuši apmācīti latviešu nacisti (Pinnebergas baltiešu universitāte tika dibināta 1946. gada janvārī!), grāmatā tiek visur lietots nosaukums „lat-viešu SS”, autoram neko nezīnot par vēsturi. Tāpat tiek pieminēti Dau-gavas Vanagi kā nacistu organizācija. Grāmata tiešām pilna „faktiem”, bet kādu gan iespaidu var gūt lasītājs, kas par vēsturi neko nezīn!

Tagad viens otrs no recenziju rakstītājiem ASV presē sāk gan palikt „domīgs”, jo arī tie sāk „atklāt”, ka grāmata „pavīri rakstīta”, jo izrādās, ka faktiskās kļūdas atrodas no vienas vietas.

Grāmatas autors visur reklamē, ka INS birojam esot kāds saraksts ar 59 kara noziedznieku vārdiem, kuŗi tiekot izmeklēti. Šis skaits gan mainās. Tas svārstās starp minētiem 59 līdz 111, bet mēs varam būt puslīdz droši, ka šai sarakstā vēl atrodas vairāki latviešu vārdi.

Lai visu šo denunciacijas jautājumu pārrunātu, 1976. gada 16. oktō-brī tikās ASV centrālo organizāciju pārstāvji, ieinteresētas personas un advokāti. Tika nolemts dibināt Patiesības fondu. Starplaikā Patiesī-bas fonds saņēmis 1977. gada 31. janvārī oficiālo inkorporāciju, un savā pirmā oficiālā sēdē 1977. gada 19. februārī apstiprināja Patiesības fonda statūtus. Abi šie dokumenti uz pieprasījuma ir katram saņemami. Īsu-mā, Patiesības fonda mērķi definēti sekojoši:

„Šīs organizācijas mērķis ir radīt fondu, lai ar līdzekļiem palī-dzētu aizstāvēt likumu robežās legālās un civiltiesības personām, kas dzimušas Latvijā vai ir ar latviešu izcelsmi, speciāli tiem, kas ir apsūdzēti sakarā ar notikumiem Otrā pasaules kara laikā, ieskaitot to advokātu un citus izdevumus, tiem, kas to finānciāli paši nespēj, un vākt līdzekļus šiem mērķiem.”

Patiesības fondu pārvalda tā valde, kas Patiesības fondam dibinoties, bijis sešu personu sastāvā, bet pilna valde skaitīsies ar 7 locekļiem. Pirmie seši Patiesības fonda valdes locekļi bija Oļģerts Balodis, Daumants Hāzners, māc. Māris Ķirsons, Ints Rupners, Anita Utināne un Māra Ziediņa. Pirmā valdes sēdē no valdes atlūdzās Daumants Hāzners, jo apsūdzēto rindām bija pievienojies viņa tēvs Vilis Hāzners. Šī raksta laikā Patiesības fonda valdē ir divas brīvas vietas un par to aizpildīšanu ziņas būs mūsu presē. Patiesības fonds amatus valdē sadalījis sekojoši: priekšsēdis — Oļģerts Balodis, priekšsēža vietniece — Anita Utināne un sekretārs — Ints Rupners. Fonda kasieris nāk no ārpus Patiesības fonda valdes.

Pēc Patiesības fonda statūtiem, tas ir arī palīdzības fonds, kas sniedz palīdzību tiem, kam tā nepieciešama. Pēc inkorporācijas dokumenta saņemšanas un statūtu pieņemšanas, Patiesības fonda advokāts arī tūlīt uzsāka pieprasījumu pēc bezpeļņas statusa, bet atbilde šim jautājumam no ASV iestādēm prasīs ilgāku laiku.

Līdzekļi Patiesības fondam ir vajadzīgi ne tikai dažu individu advokātu izdevumiem, bet visas disinformācijas pareizai apgaismošanai. Caur apsūdzēto advokātiem, Patiesības fonds ar līdzekļiem atbalsta vairāku projektu izvešanu, jo apsūdzībās un ASV presē vairs nav skarti tikai daži cilvēki, bet gan visa latviešu tauta, tās kaŗavīri un latviešu sabiedrība. Pirmās pravas ir tās svarīgākās, jo tad nākotnē izmeklēšanā būs jau radīts precedents uz ko izmeklēšanas iestādes varēs atsaukties. Tāpēc materiāli jāsavāc jau tagad, kā piemēram, jāsakopo visi materiāli kas mums pašiem pieejami brīvā pasaulē par vācu okupācijas laiku Latvijā, tāpat jāzin ko vācieši vai baltvācieši paši ir rakstījuši, tas pats attiecas uz materiāliem, kas publicēti Padomju okupētā Latvijā pēc 1945. gada, kas ir publicēti Israēlā un citur no tiem, kas pārdzīvoja vācu nežēlīgo okupāciju. Nirnbergas prāvā bija daudz dokumentācijas par vācu izrīcībām Latvija un latviešiem, kā arī par Latviešu legionu. Tāpat ASV pieejami visi dokumenti par to, kāpēc sākuma gados ASV neielaida latviešu legionārus, bet vēlāk tos ielaida (šis projekts ir nobeigts un materiāli tiek apstrādāti vēlākai publicēšanai). Jāiegūst arī pilnīga informācija, kas atrodas Berlīnes un Ludvigsburgas dokumentācijas centros Vācijā. Tas pats attiecas uz pieejamiem dokumentiem Anglijā un citur. Tepat ASV jāizseko informācijai, ko daži Tautas vienīka nama locekļi proponē likumu maiņām, utt. Saprotams, lielākais darbs un izdevumi saistās ar tiešo individu prāvas materiālu sagatavošanu un vajadzīgo liecinieku apzināšanu, kas izkaisīti pa visu brīvo pasauli. Patiesībai ir jāredz dienas gaismā, bet šīs pašās reizēs ir jāattaisno kā latviešu tauta, tā tās cīnītāji uz mūžu mūžiem.

Visi šie projekti prasa laiku un milzu līdzekļus, jo visus šos pasākumus vairs nevar veikt ar brīvprātīgu darba spēku, bet te jāiesaista dažādu profesiju kvalificēti palīgi.

Mūsu cīņa par patiesību ASV šodien ir grūta, jo mēs esam sadūrušies ar milzu pārspēku, kas tiek sviests pret mums. Tā rīcībā ir tikpat kā neierobežoti līdzekļi no vairākām valstīm. Pretīm mēs varam likt tikai paši savu spēku un savus līdzekļus. Par tik, par cik varēs visus projek-

tus veikt, un par cik varēs attaisnot nepatiesi apsūdzētos, atkarāsies no pieejamiem līdzekļiem.

Patiesības fonda valde ir griezusies pie latviešu sabiedrības ar lūgumu, kā organizācijām, tā individuālām personām, iespēju robežās devīgi ziedot Patiesības fonda mērķiem. Čeki vai naudas pārvedumi rakstāmi uz vārda: „Latvian Truth Fund, Inc.” un sūtāmi uz adresi:

Truth Fund
c/o The Tremont Savings
Account # 405816
3445 Jerome Avenue
Bronx, NY 10467

Cita Patiesības fondam domāta sarakste adresējama:

Latvian Truth Fund Inc.
P. O. Box 1682
Grand Central Station
New York, NY 10017

PATIESĪBAS FONDS

LATVIAN TRUTH FUND, Inc.

P. O. Box 1682, Grand Central Station
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INFORMĀCIJA PAR APSŪDZĪBĀM ASV

Dibinoties Patiesības Fondam, fonda valde sniedza divus pārskatus par PF dibināšanu un tā mērķiem kā arī iemeslus t.s. "kaŗa noziedznieku" meklēšanai ASV. /Sk. NODIBINĀTS PATIESĪBAS FONDS 1976. gada novembrī, un APSŪDZĪBAS UN PATIESĪBAS FONDS 1977. gada aprīlī/. Ja sākumā ASV prese kā laikrakstos tā televīzijā sniedza plašu sensacionālu informāciju, tad tagad preses lielā ziņkāre ir pierimusi. Tomēr izmeklēšanas procesi ASV Imigrācijas un Naturalizācijas /INS/ biroja tiesā turpinās.

Šodien Imigrācijas birojs /t.i., oficiāla valdības iestāde /pavisam uzsācis 12 deportēšanas procesa prāvas. No šiem 12 apsūdzētiem, 3 ir latvieši. Izmeklēšanas stādīja varētu būt vēl apmēram kādi 120 citi gadījumi /tiešo skaitu zina laikam tikai pats Imigrācijas birojs/, no kuriem vēl kādi 12 varētu būt latvieši. Šis skaits ir arī tikai minējums no dažādām laikrakstu ziņām, bet tā kā neviens, ārpus minētiem trim, nav oficiāli apsūdzēts, mēs neviens nezinām cik šādi mūsu tautieši atrodas izmeklēšanas stādījā.

Pašreizējais stāvoklis trim apsūdzētiem latviešiem ir šāds:

KĀRLIS DETLAVS, dzīvo Baltimorē, Md.

Deportēšanas process sākās 1976. gada 13. oktobrī ar oficiālo valdības apsūdzību, nosakot K. Detlavam ierasties INS tiesā 1976. gada 15. novembrī. Šai pirmajai dienai ir vairāk tikai ceremoniāls raksturs, un K. Detlavs sava advokāta Ivara Bērziņa klātbūtnē noraida visus pret viņu celtas apsūdzības. Šīs dienas tiesas sēdi slēdz nenosakot datumu kad tā tiks turpināta. Valdības prokurors ir Ralph J. Smith, viņa asistents advokāts Lloyd Sherman. Imigrācijas tiesnesis ir Martin J. Travers.

Pēc šīs pirmās tiesas sēdes adv. I. Bērziņš iesniedz valdībai vairākus pieprasījumus pēc informācijas atsaucoties uz "Freedom of Information and Privacy Act." Imigrācijas tiesa visus pieprasījumus noraida un citas valdības iestādes sniedz tikai nenozīmīgu informāciju tāpat noraidot visus pieprasījumus.

1976. gada 13. oktobrī apsūdzība pret K. Detlavu ir šāda: Kārlis Detlavs iebraucot ASV nepareizi minējis, ka viņš bijis nodarbināts Mežkopības nodaļā Rīgā, bet patiesībā bijis Latviešu Legionā; ka viņš nepatiesi zvērējis, ka "he had not advocated or assisted in the persecution of any person because of race, religion or national origin"; ka no 1941. līdz 1943. gadam piedalījies aktivitātēs iepretim cilvēcībai Vācijas labā dažādās vietās Latvijā; ka K. Detlavs piedalījies žīdu šaušanā Rīgas getto 1941. gada oktobrī; ka piedalījies žīdu izraudzīšanā Daugavpils getto, lai tos nošautu Pogulankas mežā apmēram 1941. gada jūnijā vai jūlijā; ka uzbrucis kādam žīdam vārdā Chaimovich kādā Rīgas policijas iecirknī 1941. gada jūlijā; ka uzbrucis žīdiem Rīgas getto 1941. gada novembrī; ka uzbrucis kādam žīdam vārdā Zussman Rīgas viesnīcā 1942. gadā.

1977. gada 10. novembrī tiesas sēdes turpinājumā INS vēl nāca ar sekojošiem papildus apvainojumiem: K. Detlavs uzbrucis vēl kādam žīdam kādā Rīgas policijas iecirknī 1941. gada vasarā; K. Detlavs uzbrucis Aaron Wagenheim Rīgas getto 1942. gada oktobrī; vairāki uzbrukumi žīdiem Rīgas getto 1942. gada februārī; uzbrukums kādam žīdam Rīgas getto 1941. gada septembrī.

Tad 1977. gada 16. novembrī pēc trīs dienu tiesas sēdes valdība vēl nāca ar diviem apvainojumiem: ka K. Detlavs piedalījies vairāku žīdu nošaušanā vismaz vienreiz Biķernieku mežā Rīgas tuvumā no 1941. gada jūlija līdz decembrim; K. Detlavs piedalījies kādas žīdu grupas nošaušanā Biķernieku mežā tuvumā 1942. gada pavasarī.

K. Detlava tiesas sēde /pēc pirmās apsūdzības dienas 1976. gada 15. novembrī/ turpinājās gandrīz gadu vēlāk - no 1977. gada 14. līdz 17. novembrim. Šoreiz valdības prokurors ir James W. Grable, klātesot arī valdības advokātiem William Strasser un Lloyd Sherman, reizēm arī Martin Mendelsohn. K. Detlava advokāts ir Ivars Bērziņš. Valdībai ir trīs liecinieki: Abraham Lipchin /dz. 1911. gadā Rīgā, iecēlojis Izraēla 1971. gadā/, Boris Zeswan /dz. 1914. gadā Daugavpilī, iecēlojis Izraēla 1972. gadā/, un Jacob Wagenheim /dz. 1918. gadā Rīgā, iecēlojis Izraēla 1965. gadā/.

Pēc šīs tiesas sēdes valdība nedara neko līdz 1978. gada 13. aprīlim kad tā iesniedz prozodīciju noprotināt trīs lieciniekus okupētā Latvijā. Advokāts Ivars Bērziņš protestē pret šādu valdības ieteikumu, bet viņa protests netiek izšķirts, jo 1978. gada 8. jūnijā atrodoties komandējumā Virgin Islands tiek noslepkavots INS tiesnesis Martin Travers.

INS birojs par jauno tiesnesi 1978. gada 22. jūnijā nozīmē Emil M. Bobek. Pēdējais 1978. gada 25. septembrī liek pārtraukt pret K. Detlavu visu iepriekšējo deportācijas procesu un nolemj visu lietu sākt pilnīgi no jauna. Tā arī 1978. gada 27. septembrī valdība no jauna nāk ar apvainojumiem /apsūdzībām pret K. Detlavu, bet tie, kaut gan šoreiz labāk sagatavoti, būtībā ir tie paši iepriekšējie. Par tiesas sākuma procesu tiesnesis Bobek noliek 1978. gada 13. novembrī.

Tā arī notiek tiesas sesija no 1978. gada 13. līdz 16. novembrim. Valdības prokurors šoreiz ir George L. Parker, asistējot advokātam Robert Boylan un reizēm arī pašam Martin Mendelsohn. Valdības pirmais liecinieks ir John Weiss, INS investigātors, kas liecina par fotogrāfijām kas rādītas Izraēlā. Nākamie divi liecinieki iepriekš minētie Boris Zeswan un Abraham Lipchin. Kā ceturtais liecinieks ir Jānis R. Steinbergs no Floridas kas bijis apcietināts Salaspils koncentrācijas nometnē. Tā kā viņa liecība nemaz neattiecas uz minētām apsūdzībām, advokāts Ivars Bērziņš viņu nemaz nepārpratina un uz vēlāku tiesneša rīkojumu, viņa liecība tiek striptota. Nākamais liecinieks ir paredzēts iepriekš minētais Jacob Wagenheim, bet valdība nezināja, kur viņš atrodams. Tiesas gaitā valdība iesniedz arī dažādus dokumentus kas saņemti no Padomju Savienības.

Imigrācijas tiesas prāvas turpinājums notiek 1979. gada 9. janvārī, kad valdība par liecinieci sauc Frida Michelson kuŗa stāsta, ka izglābusies no nošaušanas 1941. gada 8. decembrī Rumbulas priedēs un ka tur pie bedres malas redzējusi K. Detlavu. Jacob Wagenheim liecību no iepriekšējās prāvas valdība iesniedza tiesai, jo pašu Wagenheim nebija sameklējuši. Valdība gribēja arī pašu apsūdzēto K. Detlavu saukt par savu liecinieku, bet kad adv. I. Bērziņš tam nepiekrīta, valdība uz to nepastāvēja. Līdz ar šīm liecībām, valdība apsūdzības pret K. Detlavu nobeidza. Tūlīt pēc tam apsūdzētais sauca trīs no saviem lieciniekiem un kā ceturtais liecināja pats. Tiesas sesija beidzās 11. janvārī un tiks atsākta kaut kad 1979. gada febrārī.

Kopš 1977. gada 26. oktobra, caur savu advokātu I. Bērziņu, K. Detlavs uzsācis sūdzību pret vairākām valdības iestādēm, ka tās neizsniedz viņam nekādu informāciju "Freedom of Information and Privacy Act" ietvaros. Šī sūdzība vēl ir spēdā, bet nav paredzēts, ka valdība to drīzumā izlemtu.

VILIS HÄZNERŠ, dzīvo pie Albānijas, N.Y.

Pirmais aicinājums ierasties uz nopratināšanu Imigrācijas birojā Albānijā ir datēts 1976. gada 28. aprīlī. Šajā aicinājumā bija minēts, ka V. Hāzneram jādod paskaidrojumi par dažādiem "kaŗa noziegumiem" Otrā pasaules kaŗa laikā. Uz šādu nopratināšanu V. Hāzners neieradās.

1976. gada 19. maijā lietu uzņemas kārtot advokāts Ivars Bērziņš. Pirmā ziņa par V. Hāznera nodošanu tiesai parādījās laikraksta NEW YORK TIMES 1976. gada 6. oktobrī, un pēc tam vairākos laikrakstos ASV, Kanadā, Eiropā, Argentīnā un citur. Šajos laikrakstos, tāpat vēlāk arī televīzijā un radio stacijās, tika uzskaitīti V. Hāznera "kaŗa noziegumi", respektīvi, "noziegumi pret cilvēci." Oficiālā valdības apsūdzība nāca 1977. gada 27. janvārī, nosakot V. Hāzneram ierasties Imigrācijas tiesā Albānijā 1977. gada 14. februarī.

Izsniegtā aicinājumā apsūdzība pret V. Hāzneru bija minēta šāda:

- a/ V. Hāzners esot piedalījies kādas žīdu grupas izraudzīšanā eksekūcijai no Dvinskā getto Pogulankas mežā. Tas esot noticis ap 1941. g. jūniju.
- b/ V. Hāzners esot piedalījies un devis atļauju, lai necilvēcīgi apietos ar kādu žīdu grupu Dvinskā getto ap 1941. gada jūniju.
- c/ Tādā pat veidā V. Hāzners esot ņēmis dalību attiecībā iepretim kādai žīdu grupai, ieskaitot Ber Mendelkorn kādā policijas iecirknī Rīgā ap 1941. gada jūliju.
- d/ V. Hāzners esot piedalījies un devis piekrišanu, lai savāktu kādu žīdu grupu, tos ieslēgtu Lielajā sinagogā /Big Synagogue, Choral Synagogue/ Gogoļa ielā Rīgā, pēc kam sinagoga tikusi aizdedzināta un ieslēgtie žīdi sadeguši. Tas esot noticis ap 1941. gada jūliju.
- e/ V. Hāzners esot piedalījies un izraudzījis vairākus žīdus iznīcināšanai Rīgā getto vai tā tuvumā starp 1941. un 1943. gadu.

Attiecībā uz šiem apvainojumiem V. Hāzners deva paskaidrojumus latviešu sabiedrībai. Laikraksts LAIKS tādu bija iespiedis 1977. gada 19. februārī. Savā paskaidrojumā V. Hāzners piemin, ka "nav ne mazāko šaubu, ka šī apsūdzība ir politiska akcija ko sagatavojuši komunisti Rīgā vai Maskavā, lai mani diskriminētu latviešu un ASV sabiedrības priekšā un tā atspēlētos par manu ilggadīgo pretkomunistisko darbību, it sevišķi Komitejā Latvijas Brīvībai un Daugavas Vanagu organizācijā."

1977. gada 14. februārī notika pirmā tiesas sēde Albānijā. Tā bija īsa ar parastām ceremoniālām frāzēm. Tajā Imigrācijas tiesnesis Anthony M. DeGato noteica termiņus līdz kādam laikam /konkrēti 20. jūnijam/ apsūdzība jāsagatavo valdības prokuroram Lloyd Sherman.

Pēc tiesas sēdes bija preses konference, kurā V. Hāznera advokāts I. Bērziņš atspēkoja visu apsūdzību. Tā arī ir vienīgā līdz šim noturētā preses konference, jo izrādījās, ka neviens laikraksts, televīzija vai radio stacija, kurās šo konferenci atzīmēja, nebija objektīvas, kas arī lika V. Hāzneram lietu tālāk nepārrunāt ar ASV presi.

Otrā tiesas sēde, patiesībā tiesas sesija, notika laikā no 1977. gada 24. oktobra līdz 4. novembrim /9 dienas/. Tajā tika nopratināti /pārratināti /septiņi valdības liecinieki, visi bijušie Latvijas žīdi, kas bija ieradušies no Izraēlas. Tie bija: Ber Mendelkorn, dz. 1924. g. Rīgā, ieceļojis Izraēlā 1969. gadā; Mandel Wulfowitz, dz. 1911. g. Rīgā, ieceļojis Izraēlā 1973. gadā, /saucies arī Koch vai Stromin;/ Meier Loewenstein, dz. 1914. g. Kuldīgā, ieceļojis Izraēlā 1972. gadā; Jacob Wagenheim, dz. 1918. g. Rīgā, ieceļojis Izraēlā 1965. gadā; Schabtai Dolgizer, dz. 1917. g. Rīgā, ieceļojis Izraēlā 1971. gadā; Chava Ljak, dz. 1906. g. Daugavpilī, ieceļojis Izraēlā 1972. gadā; Jacob Neu, dz. 1922. g. Rīgā, ieceļojis Izraēlā 1945. gadā /saucies arī Apeshaus/.

Kā valdības prokurori darbojās advokāti Ralph Smith un William Strasser, klātesot arī Lloyd Sherman un Martin Mendelsohn.

Trešā tiesas sesija notika Albānijā 1978. gadā no 7. līdz 9. martam. Tajā tika nopratināti/pārratināti 2 valdības liecinieki: Tel Avivas policijas inspektrese Maria Rawdiker /tā bija V. Hāznera apsūdzību sagatavojusi Izraēla un uz tiesas sēdi tika aicināta uz advokāta I. Bērziņa pieprasījuma/ un bijušais valdības prokurors William Strasser, kurš no saviem pienākumiem starplaikā bija atbrīvots. Šajā tiesas sesijā valdību pirmo reizi pārstāvēja tās pats galvenais prokurors Martin Mendelsohn. Līdz ar šiem lieciniekiem valdība apsūdzību nobeidza, un Imigrācijas tiesnesis Anthony DeGato nodod apsūdzības atspēkošanai adv. I. Bērziņam.

Kā pirmais liecinieks ir pats V. Hāzners, kurā nopratināšana/pārratināšana notiek 8. un 9. martā. Tā kā uz vietas vairāk liecinieku nav, tad tiesnesis piekrita nākamās tiesas sēdes parcelt uz Ņujorku un no ierašanās tajās tika atbrīvots V. Hāzners. Tāpat tiesnesis piekrita V. Hāznera liecinieku nopratināšanai Čikagā, Zviedrijā un Austrālijā.

Sākot ar 1978. gada 10. aprīli Ņujorkā ir notikušas ar pārtraukumiem vairākas tiesas sēdes, kurās nopratināti astoņi V. Hāznera pieteiktie liecinieki /viens bija ieradies no Kanadas un viens no Rietumvācijas/. Šajās tiesas sēdēs V. Hāznera intereses pārstāvēja vienīgi advokāts I. Bērziņš.

Par šīm sēdēm ASV prese vairs neizrādīja nekādu interesi. Tā izbeidzās ar V. Hāznera liecības nodošanu 1978. gada 8. un 9. martā Albānijā.

Ārpus Ņujorkas tika nopratināti šādi V. Hāznera liecinieki: Čikagā, 1978. gada 6. aprīlī, viens liecinieks. V. Hāznera intereses adv. I. Bērziņa uzdevumā pārstāvēja adv. Egils V. Krolls, valdības intereses - Martin Mendelsohn.

Stokholmā, 1978. gada 25. oktobrī tika nopratināti 3 liecinieki. V. Hāznera intereses pārstāvēt bija ieradies adv. I. Bērziņš no

Ņujorkas, valdības intereses pārstāvēja advokāti Robert J. Boylan un George Parker.

Melburnā, Austrālijā, 1978. gada 1. un 2. novembrī. Ieciniekus, skaitā trīs, adv. I. Bērziņa uzdevumā nopratināja adv. Vilis Eglite, bet valdību pārstāvēja atkal Robert J. Boylan.

Kopš 1977. gada 21. septembra adv. I. Bērziņš iesniedzis augstākā tiesā sūdzību pret "U.S. Department of Justice," INS, un viņu darbiniekiem par to, ka viņi neatbild "Freedom of Information and Privacy Act" ietvaros neizdodot pieprasīto informāciju par V. Hāzneru.

No šim trim latviešu prāvām pašreiz vistālāk ir virzījusies V. Hāznera prāva, pateicoties adv. I. Bērziņa nepārtrauktām pūlēm valdībai atgadināt ar šo lietu nevilcināties. Adv. I. Bērziņam vēl jāiesniedz pāris dokumentu, un pašreiz tiek gaidīta valdības atbilde kad varēs pārpratināt liecinieku Mandel Wulfowitz, jo tas Eiropā un citur ir liecinājis pretrunā ar to, ko viņš liecināja Albānijā. Šim procesam beidzoties un pēc prokurora un adv. I. Bērziņa iesniegumiem kopsavilkumam, Imigrācijas tiesnesim tad būs jāizšķir lietas šķietamā būtība. Līdz šim V. Hāzners ir noraidījis visas valdības piedāvātās likumā paredzētās iespējas, kurus valdība varētu iztulkot kā kaut kādu amnestiju.

BOLESLAVS MAIKOVSKIS, dzīvo Mineolā pie Ņujorkas.

1965. gadā okupētā Latvijā notiek prāva kur B. Maikovski aizmuguriski notiesā ar nāves sodu. Galvenie apvainojumi ir: Audriņu sādžas iznīcināšana; pagrīdes komunistu organizācijas atklāšana, panākot 83 tās locekļu apcietināšanu; ka panācis 76 žīdu iznīcināšanu Kaunatos, kā arī cilvēku sūtīšana darbos uz Vāciju.

ASV Imigrācijas birojs aicina B. Maikovski uz noklausināšanu/pratināšanu Ņujorkā. Tas notiek 5 reizes: 1966. gada 21. janvārī, izmeklēšanas ierēdnis Ed Knortz, BM adv. E. Kerno; 1966. gada 15. februārī, izmeklēšanas ierēdnis Sydney Fass, BM advokāts E. Kerno; 1975. gada 14. augustā izmeklēšanas ierēdnis Samuel Zutti, BM advokāts J. Lombardo; 1976. gada 12. februārī, izmeklēšanas ierēdnis Samuel Zutti, BM adv. J. Lombardo; 1976. gada 2. septembrī, izmeklēšanas ierēdnis Samuel Zutti, BM adv. J. Lombardo.

Īsumā, galvenie apvainojumi pret B. Maikovski ir šādi: ka B. Maikovskis 1941. un 1942. gadā piedalījies aktivitātēs iepretim cilvēcībai Vācijas labā Dvinskā, Rīgā un Rēzeknē; ka piedalījies žīdu bērnu izraudzīšanā /starp tiem arī trīs Chawa Ljak bērnus/ Daugavpils getto, lai tos nošautu Pogulankas mežā apmēram ap 1941. gada novembri; tāpat izraudzījis nošaušanai Daugavpils getto žīdu grupu, ieskaitot Bluma Charmatz un Ida Treger māti, nošaušanai Pogulankas mežā ap 1941. g. jūniju; tāpat rīkojies ar grupu žīdu, ieskaitot Chaya Lakus 1943. gadā; uzbrucis žīdiem, ieskaitot Ralph Shub, kādā policijas iecirkni Rīgā 1941. gada 21. jūlijā; uzbrucis Bluma Charmatz un citiem žīdiem Daugavpils getto ap 1941. gada jūniju; tāpat uzbrucis Lea Kaner mātei Daugavpils getto ap 1941. gada 9. novembri.

Visus minētos apvainojumus B. Maikovskis kā nepatiesus noraida. Viņš arī norāda, ka savā mūžā tādās vietās nav bijis.

Pēc tam valdība pret B. Maikovski ceļ oficiālu apsūdzību un pirmās tiesas sēde notiek 1976. gada 15. novembrī Ņujorkā. Pēc šīs pirmās ceremoniālās sēdes turpinājums notiek 1977. gada 4. janvārī, kad sākās Izraēla sagatavoto liecinieku pratināšana vai pareizāk, B. Maikovska apsūdzība par necilvēcīgu žīdu tautības cilvēku iznīcināšana Rīgā un Dvinskā.

Kā pirmais liecina Ralph Shub, ka B. Maikovskis 1941., 1942. un 1943. gadā esot nežēlīgi kāvis un šāvis žīdus kādā Rīgas policijas

iecirknī, Rīgas getto nometnē un ka sagaidījis Rīgas stacijā ešelonu no Austrijas. Tur esot šķirojis, resp. sadalījis cilvēkus grupās. Stiprākos vīriešus un sievietes darbiem, bet pārējos nošaušanai.

Nākamais tiesas prāvas turpinājums notiek 1977. gada 10. oktobrī, kad liecina Izraēlas lieciniece Chawa Ljak.

1977. gada 21. oktobrī liecina arī Izraēlas lieciniece Ida Treger, bet no 1977. gada 12. līdz 14. decembrim liecina vēl trīs Izraēlas liecinieces: Lea Kaner, Frida Rozenberg Gorden, un Bluma Charmatz.

Visi minētie liecinieki zem zvēresta liecina, ka B. Maikovskis ir zvēriski rīkojies ar žīdiem Dvinskas getto. Viņš esot tos sitis, šāvis, un sūtījis uz nošaušanu Pogulankas mežā. B. Maikovskis arī vairākkārt minētā nometnē esot redzēts kopā ar V. Hāzneru un K. Detlavu, un ka visi brutāli rīkojušies ar žīdiem. B. Maikovskis esot redzēts Dvinskā katru dienu no 1941. gada jūnija līdz 1942. gada maijam.

Visu laiku B. Maikovska lietā Imigrācijas tiesnesis ir Francis J. Lyons, bet valdības galvenais prokurors Martin Mendelsohn ar palīgiem advokātu James W. Grable un vēl diviem citiem. B. Maikovska advokāts ir Joseph Lombardo.

1977. gada 25. novembrī un 14. decembrī valdība kā liecinieku aicina pašu B. Maikovski. Uz advokāta ieteikuma, B. Maikovskis atsakās liecināt. Advokāts norāda, ka B. Maikovskis ir 5 reizes klausināts Imigrācijas iestādē un ka zem zvēresta viņa nodotās liecības ir pieņēmuši attiecīgie Imigrācijas biroja ierēdņi. Tāpat pirmā gājienā Imigrācijas birojs noklausinājis 65, bet otrā gājienā 30 lieciniekus ASV. Nevienam nav bijušas pret B. Maikovski negatīvas liecības. Advokāts J. Lombardo uzskata, ka vēlreizēja B. Maikovska pratināšana būtu tikai viņa terorizēšana.

Valdība šo jautājumu pārsūdz distrikta tiesā /U.S. District Court/. Tur valdības pārsūdzību uzklausā tiesnese Constance Baker Motley 1978. gada 19. janvārī. 1978. gada 10. martā tiesnese nāk ar lēmumu, ka B. Maikovskim tomēr ir jāliecina, jo šī nav krimināla lieta. B. Maikovska advokāts J. Lombardo 1978. gada 6. jūlijā iesniedz pārsūdzību "U.S. Court of Appeals for the 2nd District." Arī šī augstākā tiesas instance 1978. gada 19. septembrī atzīst iepriekšējās tiesas lēmumu, ka B. Maikovskim tomēr esot jāliecina.

No 1965. gada oktobra līdz 1966. gada 3. jūnijam B. Maikovska advokāts ir E. Kerno, bet no 1966. gada 3. jūnija līdz 1978. gada 31. decembrim advokāts ir Joseph Lombardo. Sākot ar 1979. gada 1. janvāri J. Lombardo ieceļ par tiesnesi Ņujorkas augstākā tiesā /Supreme Court of New York/, un līdz ar šo viņam sava privātā prakse ir jāizbeidz. Tā B. Maikovskim ir jāmeklē sev jauns advokāts un sākot ar 1978. gada 31. decembrī viņa lietu uzņemas turpināt advokāts Ivars Berziņš. Ir paredzēts, ka B. Maikovska prāva turpināsies kaut kad 1979. gadā.

NOBEIGUMS

Visiem apsūdzētiem ir nācies piedzīvot arī visādus terrora aktus, kā piemēram, draudu vēstules, biežus telefona zvanus, draudus nogalināt, demonstrācijas pie dzīves vietām u.t.t.: B. Maikovskim 1976. gada 16. janvārī plkst. 2:00 no rīta pie mājas sprāga bumba, 1976. gada 28. novembrī plkst. 1:25 no rīta aizdedzināja mājas stūri aplejot ar bencīnu, tāpat pie mājas demonstrē JDL 1976. gada 16. martā un 30. augustā, 1978. gada 30. aprīlī un pie slimnīcas 1978. gada 9. augustā. 1978. gada 4. augusta rītā kāds JDL loceklis uzbruka B. Maikovskim caur mājas durvīm raidīdams 8 šāvienus, B. Maikovski smagi savainojot kājā, kurai cauršauti asins vadi un nervi.

Demonstrācijas pie savas dzīves vietas piedzīvo arī V. Hāzners 1978. gada 13. augustā. Visa procesa un terrora rezultātā V. Hāzneram nākas piedzīvot arī veselībai kaitīgu pārslodzi kas viņu trīs reizes

novēd slimnīcā: 1977. gada novembrī, un 1978. gada februārī un martā. ASV preses nostājas dēļ V. Hāzneram ir nācies ciest arī materiālus zaudējumus, jo kopš 1977. gada marta viņš atbrīvots /suspended/ no darba pie Brīvības raidītāja /Radio Liberty/, kas nozīmē zaudēt \$200.00 ienākumu mēnesī. Līdzīgus terrora aktus piedzīvojis arī K. Detlavs.

Bez Patiesības fonda, draugu un sabiedrības atbalsta materiālie izdevumi būtu pilnīgi sagrāvuši visus apsūdzētos un to ģimenes, nemaz nerunājot par to, ka brutālie apvainojumi nebūtu bijuši aizstāvami. It sevišķi advokāts Ivars Bērziņš ir ziedojis milzu darba laiku savu klientu aizstāvēšanai. Par to viņš guvis savu klientu un to ģimeņu uzticību un pateicību par veikto darbu. Cik vēl laika viss tas prasīs, to pagaidam var tikai zīlēt, jo valdības prokurātūra lietas velk garumā.

Runājot par tiesu izdevumiem, ASV presē visādas ziņas. Galvenais valdības prokurors ir Martin Mendelsohn, kurš nesen runāja Ņujorkas žīdu kara veterānu sanāksmē. Par to atreferēts 1978. gada 27. decembra Ņujorkas avīzē Daily News. Uz jautājumu kur apsūdzētie ņem līdzekļus ilgstošām prāvām pret valdību, viņš atbildēja: "Viņiem acīm redzot ir neierobežoti līdzekļi ar kuriem cīnīties pret valdību." Mendelsohns gan atteicies spekulēt kur varētu būt tie līdzekļu avoti no kuriem apvainotie "Naci kara noziedznieki" tos saņem, jo visi acīm redzot dzīvojot ļoti pieticīgos apstākļos. Interesanti šādi galvenā valdības prokurora izteicieni, jo viņš pats no oficiāliem valdības avotiem vien saņem prāvu izvešanai \$2 miljonus gadā!

Paldies latviešu sabiedrībai par līdzšinējo devumu Patiesības Fondam! 1978. gada Patiesības fonda izmaksas pārsniedza ienākumus un tāpēc laipni lūdzam Jūsu ārtavu un upurus arī nākotnē.

Patiesības fonds nodibinājās 1976. gada rudenī, un tika oficiāli inkorporēts 1977. gada 31. janvārī. Visi ziedojumi Patiesības fondam ir atbrīvoti no ienākumu nodokļiem. Īsumā, Patiesības fonda mērķi definēti šādi:

"Šīs organizācijas mērķis ir radīt fondu lai ar līdzekļiem palīdzētu aizstāvēt likuma robežas legālās un civiltiesības personām, kas dzimušas Latvijā vai ir ar latviešu izcelsmi, speciāli tiem, kas ir apsūdzēti sakarā ar notikumiem Otrā pasaules kara laikā, ieskaitot to advokātu un citus izdevumus, tiem, kas to finansiāli paši nespēj, un vākt līdzekļus šiem mērķiem."

Patiesības fonds

Šis pēdējais Patiesības fonda apkārtraksts liecina cik sīki fonds izseko visu apsūdzēto lietām, kuri saņem fonda palīdzību.

RADIO BRĪVĪBA

Latviešu patiesības fonda apkārtrakstā 1979. gada 10. februārī ir minēts, ka Vilis Hāzners atbrīvots no darba Brīvības raidītājā.

Pie šāda notikuma galveno lomu spēlēja Edvards Kačs (Edward Koch), tagādējais Ņujorkas pilsētas vecākais, tajā laikā būdams Tautas vietnieku nama deputāts.

Lasītāju informācijai kāda akcija notika, lai mani „suspendētu” no darba Brīvības raidītājā (Radio Liberty) pievienoju piecus laikrakstu izgriezumus.

Kad vēlāku, 1981. gadā tiku attaisnots, tad lūdzu raidītāja Ņujorkas biroja vadītāju Dagmāru Vallēnu panākt manu rehabilitāciju, jo raidījumu tekstu sagatavošana nebija tik daudz saistīta ar honorāriem, kādus man līdz tiesas dienām maksāja, bet vairāk (un gandrīz vienīgi), lai palpotu savai tautai krievu apspiestībā.

Vallēna savukārt bija lūgusi manu stāvokli raidītājā atjaunot, rakstot latviešu dienesta raidījumu vadītājam Vilim Skultānam uz Mincheni.

Neskatoties uz solījumu to darīt, stāvoklis līdz šim (1984. gada sākumam) nav atjaunots un man, pēc lielajiem tiesas izdevumiem, nav izdevies atgūt savā laikā gūtos ienākumus resp. honorāru no Brīvības raidītāja.

Šim stāstam pievienoju arī Viļa Skultāna vēstuli man un viņa memorandumu radio vadībai. Ar piezīmi, ka tas tomēr ir un paliek zināms čekas panākums! Un ASV to ir atļāvusi!

Noraksts.

RFE- RL Inc.
RADIO FREE EUROPE/RADIO LIBERTY
Latvian Service

Minchenē,
1981.gada 2. oktobrī.

Vilis Skultāns

To
Mr. Vilis Hāzners
RFD L
Whitehall, N.Y. 12887

Sveiciens!

Nupat kā saņēmu Jūsu vēstuli, ko rakstījuši bijāt Dēgmārei. No tās viss man ir skaidrs. Ciktāl manos spēkos, centīšus Jūs "rehabilitēt" arī pie mūsu kungiem. Klāt pielieku tā iesnieguma norekstu, ko prezentēju mūsu šefam - Cook'am. Šo memorāndu vēl papildināju ar mutiskiem paskaidrojumiem. Viņš apsoliņās palīdzēt, tikai esot vajadzīgs oficiāls-ies apstiprinājums par atļaušanos. Teicu, ka viņš var dabūt 27 lappušu garu tiesas lēmumu. Tas neesot vajadzīgs!

Par visu šito būšanu esmu Dēgmāru informējis, un turklāt nosūtījis arī tādu pašu memorānda kopiju. Domāju, ka mūsu vēstulīti varētu uzrakstīt Jūsu advokāts, citiem vārdiem norakstu - izrakstu no tiesas lēmuma centrālās daļes. Nu teiksim - divus teikumus!

Tiešām priecājos par to, ka Jums nu viss šitā lieta aiz muguras. Taču nebūds vairs ilgs laiks, kad tā boļševiku godība paputēs un juks kā vecas bikses!

Ar labākiem vēlējumiem,

Jūsu /Vilis Skultāns/.

RFE-RL INC.

RADIO LIBERTY DIVISION

MUNICH

M E M O R A N D U M

DATE: September 29, 1981

TO: Mr. R. H. Cook, via Mr. J. Pennar
FROM: Mr. V. Skultāns, Latvian Service *V. Sk.*
SUBJECT: The reinstatement of Vilis Hāznerns as free-lancer for the
REF: Latvian Service.

A few years ago Mr. Vilis Hazners from New York was one of our regular free-lancers sending us commentaries on the situation in Latvia today. For many years he did research work for the Free Europe Committee. He was very well informed about the situation in Latvia today and therefore he was considered to be one of our more valuable free-lancers. His scripts were excellent.

Then he was implicated in a war crimes trial and RFE-RL, Inc. asked that we discontinue his services during this time. Since July 15, 1981 he has been cleared on all counts by the U.S. Court of Appeals. Mr. Hāznerns claims that the charges were made by the KGB to slander and silence him.

Now that he has been cleared he is very anxious to get back to work again in his specialty - analyzing the situation in Latvia today from which we could only profit. I therefore request that you allow us to reinstate him as our regular free-lancer through our New York office. As before he would send us scripts subject to our editing.

Thank you for taking this matter into consideration.

52 Probe Nazi's radio job: Koch

By ARTHUR GREENSPAN

Rep. Edward Koch today asked Congress to investigate why federally funded Radio Liberty buys scripts from a suspected Nazi war-criminal.

The Manhattan Democrat made his demand after the Immigration and Naturalization Service moved in Albany this week to deport 71-year-old Vills Hazners to Europe as an accused Nazi mass-murderer who should never have been admitted to this country.

Hazners, a Latvian, came here as a refugee 20 years ago. During World War II, he was a major in the Nazi-sponsored Latvian Legion. He fled to Germany at the end of the war.

\$52M BUDGET

Radio Liberty and its broadcast twin, Radio Free Europe, will get more than \$52 million in the current fiscal year and they are "totally funded by the federal government," said Koch.

"Every year there is a budget fight" about the stations in the House Appropriations Committee, and I support them because I believe they are filling an important service. They are telling the truth behind the Iron Curtain," said Koch.

"But we don't have to find them if they are hiring Nazis—regardless of whether or not, in this case, he is

guilty of war crimes," Koch said.

Hazners lives on an upstate farm overlooking Lake Champlain.

In a 10-count deportation document introduced when his hearing opened this week, he was accused of being an undesirable, based on allegations that he helped burn a group of Jews locked in a synagogue in Riga, Latvia; selected Jews to be murdered near Riga, and assaulted another group in a Riga police station.

DENIAL

He denied the allegations, and the hearing was postponed until June 20, when four government witnesses can be brought to Albany from Israel.

Radio Free Europe—Radio Liberty officials said today they had not thoroughly checked Hazners' background because he was not one of the 1750 fulltime employees.

"He does not broadcast. He is not a staff member. He is a free-lancer," said John S. Hayes, chairman of RFE—RL, Inc. since October 1976.

RFE—RL was set up last year as a federally sponsored non-profit corporation to run the stations, started by the Central Intelligence Agency during the 1950s. RFE broadcasts to nations in the Soviet sphere; Radio Liberty broadcasts solely to Russia. Hazners, native Latvia became a part of Russia after World War II.

New York Post

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A Nazi voice for liberty?

Some of the U.S. government's bureaucratic snarls can be entertaining, but that is hardly the case in a current difference of opinion between the Immigration and Naturalization Service and federally funded Radio Liberty. The case involves either a grotesque failure of communication or mutual mindlessness.

The immigration agency is seeking to deport a former officer of the Nazi-sponsored Latvian Legion who is accused of the World War II slaughter of hundreds of Jews. Radio Liberty is simultaneously paying the same man a minimum of \$50 a week as a broadcast scriptwriter.

The trial of Vilis Hazners, 71, in a deportation proceeding began this week but was put over until midsummer so that federal prosecutors can secure wit-

nesses from Israel. Until the case has been formally adjudicated, no final judgment about the extent of Hazners' involvement is valid.

But it does not follow that Radio Liberty, which employs Hazners to write weekly material beamed to Latvia, his former homeland, can glibly ignore the judgment of the immigration service about Hazners' history.

It casts a chilling shadow over his performance on what Radio Liberty calls "the struggle for human rights." The U. S. government is clearly suffering an identity crisis in allowing Hazners to remain Liberty's paid messenger while prosecuting him for Nazi atrocities. A leave of absence could minimally clear the air, especially at a time when past U. S. coverups of Nazi operatives are being finally exposed.

Nazi murder suspect on U. S. payroll

By JOSH FRIEDMAN
N. Y. Post Correspondent

ALBANY — A suspected Nazi, accused of murdering hundreds of Jews in Riga in 1941, is on the U. S. payroll, writing broadcasts destined for his native Latvia.

The accusations against Vilis Hazners, 71, are part of the government case in efforts to deport him.

Hazners, who lives on an upstate farm, is paid to write at least one script a week for Radio Liberty, a part of Radio Free Europe whose broadcasts are aimed at the Soviet Union.

He writes on such topics as "the struggle for human

rights" in his homeland, according to a Radio Liberty spokesman.

Radio Liberty has known since last October of the charges against Hazners, but continues to employ him because his trial is not over, said Gretchen Brainsards, Radio Liberty public affairs director, in a telephone interview.

She would not disclose the salary paid to Hazners.

Hazners came here as a refugee in 1956. He was a major in the Nazi-sponsored Latvian Legion during World War II and fled to Germany at the end of the war.

On Monday the U. S. Immigration and Naturalization

who lives in Mineola, L. I. Maikovskis has been charged with selecting Jews for execution and assaulting them.

Maikovskis and Hazners are friends, both active in Latvian emigre organizations. Along with two other men, they are targets of separate government deportation hearings as suspected Nazi war criminals.

Through Bernzis, Hazners yesterday denied government claims that he had helped burn a group of Jews booked in a synagogue in Riga, had selected Jews to be murdered in an area near Riga called the Pogulanka Woods, or had assaulted another group of Jews in a Riga police sta-

Hazners, an elderly Latvian wearing a black suit, who says he speaks only Latvian, smiled wanly throughout the proceedings while his lawyer Ivars Bernzis, a young Latvian with a blond crew-cut, is also the lawyer for Boleslavs Maikovskis, another Latvian,

tion.

These charges are in a 10-count order in which the government asserts that because of his actions, Bernzis never should have been admitted to the U.S.

The elderly Hazners was flanked by his two sons, Daumens, 33, and Vilant, 38, both from East Brunswick, N. J.

"The Communists have been trying to kill my father for years. That's all this is," said Daumens, a Republican candidate for the New Jersey Assembly in 1975 and a Nixon appointee to the 35-member National Highway Safety Advisory Committee.

But the courtroom had at-

tracted several elderly Jews. One of them, Mrs. Clara Rudnik, said her parents had been exterminated by the Nazis in Latvia.

"They should have gotten him," she shouted at Daumens as the family left the building.

The farmhouse in which Hazners lives with his wife is owned by Daumens, an engineering professor at Mercer County Community College in Lawrence Township, N. J. The farm borders Vermont and overlooks Lake Champlain.

The government charges against Hazners do not give the number of his alleged victims.

THE POST-STAR

*Home Newspaper
Of The Adirondack Region*

Thursday, February 24, 1977

Glens Falls, N.Y.

Station Suspends Hazners

ALBANY, N.Y. (AP) — A former Latvian accused of being a Nazi collaborator during World War II has been suspended from his job with Radio Liberty, which broadcasts foreign language programs to the Soviet Union, it was reported Wednesday.

The Knickerbocker News quoted Gretchen Brainerd, spokeswoman for the federallyfunded station in Washington, D.C. as saying it has discontinued use of scripts from Vilis Hazners "until the situation is clarified."

Hazners, 71, a resident of rural Dresden in nearby Washington County for five years, is facing deportation charges on grounds he allegedly participated in the roundup and execution of hundreds of Jews between 1941 and 1943 in his native Latvia.

Brainerd said Hazners, a former journalist, read and interpreted Latvian news

for broadcast on Radio Liberty.

He wrote about four scripts monthly, she said.

She said the programs contributed by Hazners contained no indication of the charges filed against him at Albany by the Immigration and Naturalization Service.

Hazners refused comment on the Radio Liberty action, referring inquiries to his attorney, Ivars Berzins of Long Island, who was on vacation and unreachable.

At a recent court appearance in Albany, Berzins said the deportation charges were "made in Moscow" because Hazners fought with the Germans against the Soviet Union in the war.

Hazners, who came to this country in 1956, is nationally prominent among Latvian emigres.

Vilas Hazners' connection with U.S. Radio probed

WASHINGTON — Rep. Edward Koch (D., N.Y.) has continued the controversy over alleged Nazi Vilias Hazners by demanding a Congressional investigation into Radio Liberty, which broadcast Hazners' speeches into Latvia.

Hazners, as part of his defense to deportation proceedings in Albany, has argued that the government charges that he took part in the massacre of at least several hundred Jews in Riga, Latvia during World War II, were somehow a Soviet plot to silence a strong anti-communist Latvian voice. He often points to the fact that he has made broadcasts to Latvia over U.S. government sponsored Radio Liberty.

Rep. Koch called for the probe into the federally-funded radio station, arguing that while he supported the objectives of Radio Liberty and Radio Free Europe, "we don't have to fund them if they are hiring Nazis, regardless of whether or not, in this case, he is guilty of war crimes."

Radio Liberty's chairman, John S. Hayes, has admitted that it had not fully checked Hazners' background when it bought scripts from him because "he does not broadcast, he is not a staff member, he is a free lancer."

Radio Liberty was established last year as a government-sponsored non-profit corporation to run the anti-Communist radio station which was started by the CIA in the 1950's, along with Radio Free Europe. The two stations, which broadcast into the Soviet Union (Radio Liberty) and the entire East European bloc (Radio Free Europe) will receive more than \$52 million this fiscal year.

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THE ALBANY
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WORLD

Vol 12, No. 23

February 25, 1977

COPY 15 CENTS

Mani liecinieki

Sākoties nepieciešamībai man veltītos apvainojumus atspēkot man nebija ienācis prātā, ka šādas tiesu lietas ir tik komplicētas. Es biju iedomājies, ka visus apvainojumus varēs vienkārši atspēkot ar dokumentiem, kādi vispāri bija imigrācijas un naturalizācijas iestāžu rīcībā kopš maniem iecelošanas laikiem ASV 1956. gadā, tāpat dažādiem mūsu centrālo organizāciju iesniegumiem. Bet izrādījās, ka visa apsūdzība ir jāatspēko vai vienīgi ar lieciniekiem. Ja nu to nezināju vai neizpratu es, tad katrā ziņā to zināja apsūdzības sagatavotāji Rīgā un Telavīvā.

Liecinieku sagāde man sagādāja lielas grūtības, jo viss vairums no tiem jau bija miruši un man pavisam negaidītā kārtā radās ļoti daudzi, kuŗi visu jau bija vai nu „aizmirsuši” jeb arī atrada dažādus iemeslus, lai atteiktos no mana aicinājuma nākt man palīgā. Iemesli bija ļoti dažādi, pie kam viens no nopietnākiem bija diezgan daudzu maizes darbs. To darba devēji bija žīdu tautības un tā dažkārt ļoti svarīgi liecinieki atteicās liecināt, bīdamies, ka palīdzot kādam „kaŗa noziedzniekam” var zaudēt darbu. Tas bija svarīgs arguments. Cits vienkārši negribēja liecinot atcerētos sava mūŗa melnākās dienas, kādas bija piedzīvojis kopā ar mani (piem., no liecināšanas tiesā atteicās visi tie, ar kuŗiem biju bijis kopā ģekas apcietinājumā). Bija arī tādi, kas uz manām vēstulēm neatbildēja nemaz un bija arī tādi, kuŗi bīdamies par savu veselības stāvokli uzskatīja kā ar ieraŗanos tiesā (vai nostāŗanos pratinātāju priekŗā) varētu piedzīvot sirds trieku vai kādu citu kaiti.

Tomēr man izdevās apzināt apmēram 100 cilvēkus, kas būtu derīgi manā apsūdzības lietā. Tos visus darīju zināmus savam advokātam. Tam atkal bija savi apsvērumi un viņŗ izvēlējās pēc sava prāta un vajadzības derīgākos. Es nekad nebiju gaidījis, ka mans advokāts arī atradīs derīgus lieciniekus pats uz savu roku un biju vēl vairāk nekā pārsteigts, ka vairāki liecinieki pieteicās paŗi.

Saprotams, ka ļoti liela loma piekrita arī manis jau pieminētiem dažādiem dokumentiem, kādu pie manis nebija un tie bija jāsameklē par dažādām iestādēm, g. k. ASV un Vācijā. Un te nu sākās jauna nelaime, jo vairāki dokumentu glabātāji prasīja par tiem samaksu, kādas iespējas dažkārt pat atkrita, jo mūsu rīcībā nebija tik daudz līdzekļu. Piemēra pēc, par kādu dokumentu kāda vācu iestāde pat prasīja \$120.000 (!), cita atkal \$20.000, cita mazāk. Pat par laikraksta „Tēvija” foto kopijām, kur bija aprakstīti mani piedzīvojumi bija jāsamaksā \$500.

Palīgā bija jālūdz jau agrāki nodibinātais Latvieŗu patiesības fonds. To jau tiku pieminējis agrāki un šajā grāmatā pieminēŗu vēl.

Mans advokāts izvēlējās no manis pieteiktiem vai paŗa sameklētiem lieciniekiem seŗpadmit. Par to nopratināšanas vietām un gaitu esmu jau rakstījis agrāki.

Bez manas nopratināšanas 1978. gada 8. un 9. martā, pārējo nopratināšana sākas tā paša gada 10. aprīlī un beidzas 2. novembrī. Nevienā no šīm tiesas sēdēm klāt netiku bijis.

Tajā pat laikā strādāja arī valdības advokāti, lai pilnībā sagatavotu pieprasījumu valdībai mani, kā „noziedznieku” deportēt no ASV.

Šo dokumentu bija sagatavojuši un parakstījuši valdības advokāti, manā vērtējumā diezgan ciniskā un nemorālā formā — Martins Mendelsons un Roberts Boylans. Viņu dokuments bija parakstīts 1979. gada 11. jūnijā un aptvēra 37 lp.

Tā pilns teksts bija šāds:

UNITED STATES IMMIGRATION COURT

ALBANY, NEW YORK

In the Matter of

VILIS A. HAZNERS

A10 305 336

Government's

Post Trial Brief

TABLE OF CONTENTS

Page No.

Introduction 1

I. The Allegations 1

II. Legal Grounds for Deportation 3

 A. INA 241(a)(1)

 B. RRA §7(b)

 C. RRA §14(b)

III. The Government's Case 6

 A. Historical Background

 B. Riga - July, 1941

 C. Gogol Street

 D. The Ghetto

IV. The Respondent's Alibi 13

 A. July 1-5, 1941

 B. July 6-9, 1941

 C. July 10, 1941 - October, 1942

 1. At Meierovics Street

 2. Annas Street

 (a) What was the Schutzmannschaft?

 (b) Hazners' function at Annas Street

V. Issues of Fact 22

 A. The Prefecture

 B. The Ghetto Gate

VI. Identification 25

 A. Photospreads and due process

 1. Opportunity to view the perpetrator

 2. Degree of attention

 3. Accuracy of prior description

 4. Level of certainty

 5. Time

 B. Identification of the Respondent

 1. In-Court

 2. Pre-trial

 3. Photospreads

VII. Conclusion 35

Appendix A: Map of Latvia

Introduction

This deportation proceeding began on January 28, 1977, when the respondent was served with an Order to Show Cause charging him with deportability under Section 241(a)(1) of the Immigration and Nationality Act (hereinafter, the INA), 8 U.S.C. §1251(a)(1), and Section 7(b) of the Refugee Relief Act of 1953 (hereinafter, the RRA), 67 Stat. 400, 404. An additional charge of deportability under §242(a)(2) of the INA was lodged at a later date. The record includes over 60 exhibits and 1400 pages of transcript. In light of the unusual nature and length of this proceeding, the service submits this post trial brief which summarizes: the allegations; the government's theory of the case; the evidence on both sides; and the legal issues involved.

I

THE ALLEGATIONS

Given the length to which the respondent has gone in attempting to disprove allegations not found in the Order to Show Cause, it is

useful to review the factual contentions which give rise to this proceeding. The government charges that Vilis Hazners persecuted Jews at the police Prefecture at Riga, Latvia in July 1941, and at the Riga ghetto in September, October and November of the same year; he was therefore ineligible for the visa he received under the Refugee Relief Act and inadmissible to the United States. 1/

We do not accuse the respondent of membership in the Latvian secret police, known as the Arajs command, and we do not charge that the respondent's service with the 15th Waffen-Grenadier Division of the SS was undistinguished (though concealing SS service probably rendered him ineligible to enter the United States.) 2/

The sole question in this proceeding is whether Vilis Hazners persecuted or assisted in the persecution of any person or group of people in Riga during the last six months of 1941. 3/ The government has alleged that he did so on several occasions during the first days and months of the German occupation of Latvia.

1/ The applicable laws are discussed in the following section.

2/ "From this alone [a Waffen SS Commission] an inference of war criminality is warranted unless other facts demonstrate the contrary." Soobzokov v. Blum, No. 77-1750, slip op. at 4 (S.D.N.Y. February 28, 1978)

3/ Persecution is defined in Webster's Third New International Dictionary as "The act or practice of persecuting: as (1): the infliction of sufferings, harm, or death on those who differ (as in origin religion or social outlook) in a way regarded as offensive or meriting extirpation. (2) a campaign having for its object the subjugation or extirpation of the adherents of a religion or way of life ..." Op.cit., 1685 (1971).

II

LEGAL GROUND FOR DEPORTATION IN THIS CASE

The respondent admitted entering the United States on August 23, 1956, when the Immigration and Nationality Act, 8 U.S.C. §1101 et seq., and the Refugee Relief Act, 67 Stat. 400, were both in force. The former provides for the deportation of an alien who "at the time of entry was within one or more of the classes of aliens excludable by the law existing at the time of such entry." INA §241(a)(1), 8 U.S.C. §1251(a)(1). The latter authorizes the deportation of "[a]ny alien admitted under this Act and subsequently determined to have been inadmissible under the provisions of this Act at the time of entry ..." RRA §7(b), 67 Stat. 400, 404. ^{4/} Section 14(b) of the RRA also provides for the deportation of aliens who obtain refugee visas to which they were not entitled.

The factual allegations place the respondent within one or more of the following categories:

- INA §241(a)(1) (alien excludable at the time of entry);
- RRA §7(b) (alien admitted under RRA and subsequently found to have been inadmissible under its provisions);
- RRA §14(b) (essentially the same as §7(b) of the RRA). These sections of law are discussed more fully in the succeeding paragraphs.

^{4/} Respondent's visa, showing admission into the U.S. on August 23, 1956 under the Refugee Relief Act is in evidence as exhibit G-4. However, respondent has not admitted its genuineness although the burden is upon him to show the time, place and manner of his entry into the United States INA §291, 8 U.S.C. §1361. Should he fail to do so, he is presumed to be here in violation of law and therefore deportable under INA §241(a)(2), 8 U.S.C. §1251(a)(2).

A. DEPORTABILITY UNDER INA §241(a)(1)

Under §241(a)(1) of the INA, the Attorney General may order the deportation of any alien who was excludable at the time of his entry into the United States. ^{5/} This is a remedial provision designed to reach "all those who managed to enter the United States in violation of a legislative edict barring them." 1 C.Gordon & H.Rosenfield, Immigration Law and Procedure §4.7a (1977). The "legislative edict" need not be found within the INA; an alien is excludable at the time of entry if he falls within one of the classes defined by INA §212(a) or if his admission is forbidden by some other provision of law. ^{6/} In this case, the other provision of law on which the government relies is Section 14(a) of the Refugee Relief Act which states: "[n]o visa shall be issued under this Act to any person who personally advocated or assisted in the persecution of any person or group of persons because of race, religion or national origin." 67 Stat. 400, 404. Proof that Hazners advocated or assisted in persecution places him within the group of people described by RRA §14(a), a group whose entry into the United States was prohibited by law and who are therefore subject to deportation.

^{5/} Possession of an apparently valid visa does not affect excludability since the act of a consular officer in issuing a visa or of an immigration officer in admitting an alien has no preclusive effect. United States ex rel. Vajta v. Watkins, 179 F.2d. 137 (2d. Cir. 1950).

^{6/} Id., and see Ng Fung Ho v. White, 259 U.S. 276 (1922).

B. DEPORTABILITY UNDER REFUGEE RELIEF ACT §7(b)

The Refugee Relief Act calls for the deportation of "[a]ny alien admitted under this Act and subsequently determined to have been inadmissible under the provisions of this Act at the time of entry." RRA §7(b) 67 Stat. 400, 404. Vilis Hazners was not eligible for a visa under the Refugee Relief Act by reason of RRA §14(a) which forbids issuance of refugee visas to those who "personally advocated or assisted in the persecution of any person or group of persons because of race, religion, or national origin." 67 Stat. 400, 406. If the respondent is found to have been inadmissible under the provisions of the Act he will be within the scope of RRA §7(b) and thus, deportable.

C. DEPORTABILITY UNDER REFUGEE RELIEF ACT §14(b)

An alternative ground for deporting the respondent is found in Section 14(b) of the Refugee Relief Act: "If any alien not entitled to be issued a visa under this Act and not entitled to be admitted into the United States shall nevertheless gain admission, such alien shall, regardless of the date of his entry, be ... deported in the manner provided in sections 242 and 243 of the Immigration and Nationality Act." 67 Stat. 400, 406. The respondent is deportable under Section 14(b) because, by reason of Section 14(a), he was not entitled to the visa he received, and by reason of INA §211, 8 U.S.C. §1181, he was not entitled to be admitted into the United States.

III

THE GOVERNMENT'S CASEA. HISTORICAL BACKGROUND 1/

For centuries, Germany, Russia, Poland and Scandinavia vied for control of the land on which Latvia and its Baltic neighbors are situated. Towards the end of the 1800's, the nationalism which had surged through Europe, bringing the unification of Italy and Germany, reached this land. As national identities developed in the Baltic area, resentment of manipulation and domination by foreign powers increased. In the first decades of the twentieth century, Latvian nationalists called for the creation of an independent state, and in November, 1918, the State of Latvia was officially proclaimed.

Its period of independence lasted only until 1940, when, as the result of a Soviet scheme, it "voted" to be incorporated into the U.S.S.R. The only power in a position to object to the Soviet action was Germany, but the Soviets had bought peace with Hitler in 1939 (at the cost of half of Poland), and in any case, Soviet strategists assumed that Germany was too busy fighting a war with the rest of Europe to be concerned with Latvia and the other Baltic states.

1/ This background material serves as a framework for the discussion which follows. The court is requested to take judicial notice of the historical facts on which this section is based.

The Soviet strategists had not counted on the fanaticism of Alfred Rosenberg, Hitler's top theorist, to whom the difficulties of a two-front war and the niceties of a treaty obligation were insignificant compared to the dream of incorporating the Baltic states, the other half of Poland and Russia itself into the Greater Germany. Had the Soviets been aware of Rosenberg's plans, they might have been better prepared for the tanks and planes which roared across the Soviet border in the early morning of June 22, 1941. Instead, the Red Army was forced into a headlong retreat, abandoning thousands of square miles to the German blitzkrieg.

Rosenberg, himself a Balt, was appointed by Hitler to oversee the management and exploitation of the new territories, which were known as the "Ostland." His task was eased by the planning which preceded the attack, ^{8/} and by the willingness of local leaders to cooperate in expelling the Soviets.

B. RIGA -- JULY, 1941: THE PREFECTURE

The German forces moved through Riga on July ., 1941, pursuing the retreating Red Army. Within hours, a Latvian "self-government," headed by General Dankers, assumed control of the offices vacated by the fleeing Russians. Even before the Dankers government was functioning, former officers of the Latvian army responded to an appeal broadcast over the radio by Hazners' "old friend" (tr. 1027) Col. Veiss to "clean the city of Jews, communists and Bolsheviks." (tr. 279) Hazners and other officers reported to the Headquarters

^{8/} "The framework of the future political and economic organizations the occupied territories was designed by the defendant Rosenberg over a period of three months [before the invasion]." The Rosenberg Trial, 6 F.R.D. 104, 157 (1946).

of the ad hoc Latvian Self-Government on Merkela Street on July 1, where he received orders to chase "Russian soldiers" (tr.1027) north of the city who had been cut off by the north-easterly drive of the German army. In Riga itself, students and former members of the Latvian army immediately started to round up Jews. Even before the arrival of the German Einsatzkommandos, 400 Jews had been killed in pogroms. 9/ Many of those who were not killed were taken to the Prefecture. 10/ Some of the Jews were released after being harrassed and beaten; others were forced to work on details (tr. 47); some were detained and sent to the central prison.

Three government witnesses testified that they were marched to the Prefecture during these early days. All three remember seeing Hazners there. Ber Mendelkorn, who was picked up in the "first days of ... July" (tr. 68) by "Latvians in civilian clothes" (tr. 18) lost three teeth after being hit by Hazners. He testified that he and other Jews in the courtyard were also beaten and kicked. (tr. 43, 45)

Mendel Wulfowitz was taken to the Prefecture in the beginning of July. (tr. 279, 280) He described at length Hazners' role in baiting and harrassing the Jews in the courtyard of the Prefecture. (tr. 204-218)

9/ Operational Situation Report No. 24, p. 6 These reports were used to brief Himmler on the progress of the SS Einsatzkommandos in carrying out their task of "combating partisans and members of Resistance Groups, and exterminating the Jews and communists leaders, and other sections of the population." The Nurnberg Trial, 6 F.R.D. at 118.

10/ E.g. Mendelkorn, tr. 18; Wulfowitz, tr. 208

Shabtai Dolgizer was brought to the Prefecture in mid-July. His description of the treatment he received there (tr. 486-500) comports with that of Mendelkorn and Wulfowitz.

The Jews were pushed and shoved, forced to run up and down stairs, do exercises, and clean the courtyard with toothbrushes. The shoving was done with rifle butts; some of those who were pushed never got up again.

C. THE GOGOL STREET SYNAGOGUE

In July, 1941, the largest synagogue in Riga was located on Gogol street, a few blocks from the Prefecture. The witness Ber Mendelkorn testified that he found refuge in his aunt's house on Gogol street after escaping from a work detail. (tr. 47) From a window on the second floor of that house, he saw the synagogue set on fire. He states that the respondent pushed Jews into the Synagogue before it was set on fire. (tr. 61, 55-56)

The destruction of synagogues in Riga was confirmed in Operational Situation Report No. 15, of July 7, 1941, and in document L-180.

D. ESTABLISHMENT OF GERMAN CONTROL: THE GHETTO

In the first days of the German occupation of Riga, the Latvian Self-Government was allowed to exercise the authority of the displaced Soviet administration. This was permitted for two reasons: first, the occupation government was not in a position to exert

control over the populace until its massive police apparatus (the analogue of the Reich Security Main Office) was in place, and second, during this period the paramount goals of the Self-Government and the occupation government were the same.

However, this mutually beneficial relationship was short-lived. By mid-July the occupation government was prepared to assert itself and to implement a policy which was at odds with that of the indigenous leadership, namely, exploiting the region's resources for the benefit of the Reich rather than for Latvia. The Self-Government's power base, the Self-Defense, was accordingly removed from Latvian control and subordinated to the head of the German police establishment in Latvia, SS and Police Leader Schroeder. 11/

It was at this point that the Self-Defense operation shifted from Merkela Street to Annas Street and the name was changed to Kartibas Dienest. 12/ At about the same time, the haphazard rounding up of Jews ceased; instead, the Jews were restricted to a ghetto, where they could be exploited more easily. The transition was complete by October 25, 1941, when the fence around the ghetto was closed. (tr. 365)

11/ The transformation of the Self-Defense from an autonomous nationalist organization into para-military police battalions under the control of the SS is central to this case. It is discussed more fully at pp. 19-20.

12/ Literally, "order service." The Kartibas Dienest (known in German as the "schutzmannschaft") was part of the regular or uniformed police (ordnungs polizei) which was established by the SS at the beginning of the occupation. For the evolution of the Kartibas Dienests see INFRA, 19-20.

The ghetto population was one of the indigenous resources that the Reich exploited through the instrumentality of the SS. ^{13/} Two simple measures permitted the SS to extract the maximum from the ghetto residents before they dropped from exhaustion and hunger or were taken to the nearby woods to be machine-gunned. First, the food supplied to the ghetto was kept below starvation levels. This served two purposes: (1) hungry people are more easily oppressed than those who are well fed, and (2) what would otherwise have been consumed was made available to the German war machine. ^{14/} The second means of control was the intimidation or removal from the ghetto of any person who showed the slightest inclination to resist German authority. ^{15/}

The foregoing provides the setting for the testimony of the next two witnesses, Messrs. Loewenstein and Waggenheim. Loewenstein moved to the ghetto in August, 1941. Several times in October and November, 1941, he saw Hazners in charge of a detail of soldiers in Latvian uniform ^{16/} and at the ghetto gate. (tr. 357) One such

^{13/} The Nurnberg Trial, 6 F.R.D. at 121-123, 139.

^{14/} In The Nurnberg Trial, Rosenberg is quoted as saying: "We see absolutely no reason for any obligation on our part to feed also the Russian people with the products of that surplus territory " Id. at 122.

^{15/} Speaking of slave laborers, Himmler is quoted as saying: "They are none of them dangerous so long as we take severe measures at the merest trifles." Id. at 124.

^{16/} The uniform worn by the schutzmannschaft, according to paragraph 6 of the stipulation of May 17, 1979.

occasion stuck in his mind. That day, returning with his brother-in-law from a forced labor assignment, he observed Hazners supervising guards who searched the ghetto inmates to ensure that no contraband, such as bread, was smuggled into the ghetto. 17/ One man was unlucky enough to be caught with a loaf, and was detained on Hazners' orders. (tr. 345) Many who were taken away never returned. (tr. 424)

Wagenheim also saw Hazners supervising the searches at the entrance to the ghetto during October, 1941. (tr. 429-432) He testified that guards in Latvian uniforms were told to check the people, and if anything was found on the people they were commanded to take them away. "They were beaten according to his [Hazners'] order, and many of them disappeared." (tr. 424)

Why was Hazners at the ghetto gate? The ghetto was guarded by men wearing the uniform of the Latvian army (tr. 420), the same uniform that was worn by Hazners (tr. 343) and by the schutzmannschaft. 18/ The government submits that the ghetto was guarded by members of the schutzmannschaft, 19/ and that Hazners, who was then the Operations Officer (or adjutant) of the schutzmannschaft battalion, was at the ghetto gate to ensure that his troops were carrying out orders.

17/ Tr. 340-48. Hazners' name was provided by Loewenstein's brother-in-law, who had encountered Hazners at the Prefecture in early July, 1941 (tr. 342)

18/ Stipulation of May 17, 1979. Note that the terms "Kartibas Dienests" and "schutzmannschaft" refer to the same organization in different languages.

19/ Note that the schutzmannschaft included a "concentration camp administration" (Konzentrationslager-Verwaltung) according to the chart showing the strength of the Latvian Auxiliary Police, attachment no. 2 to the May 17, 1979, stipulation.

THE RESPONDENT'S ALIBI

A. JULY 1-5, 1941

The respondent has not claimed that the events described by the government's witnesses never occurred; he has instead indicated he was elsewhere when they transpired. His testimony is that he reported to Col. Veiss on the morning of July 1, and was assigned to pursue the retreating Russians. (tr. 1028) He stated that he returned to his home at Riga in the late afternoon of July 5, and slept all day July 6.

The witness Vuskalns confirmed that he saw Hazners in Riga on July 1, and testified that Veiss sent Hazners to "clean the Russian soldiers on the coast of Riga bay." (tr. 1215) However, Vuskalns placed the meeting at Elizabeth street rather than Merkela Street, so there is some question as to whether he was actually there. Furthermore, he did not accompany Hazners, so he could not substantiate the rest of the respondent's account. Peteris Janelsins, who was deposed in Sweden, also saw Hazners on July first, but he could not say what happened to Hazners after their chance encounter. (Swed. dep. 34)

One witness was found to corroborate this phase of the respondent's story. Peter Vilips, one of Hazners "very best friends," (Chi. dep. 4) was at Bolderaja on July 1, 1941. (Chi. dep. 3) He testified that another unit, commanded by Hazners, was located just across the Daugava River from him, at Mangalsala. Vilips said that Hazners remained at Mangalsala July 1 and 2, then went to Ziemeļblazma where he stayed until July 5. The witness did not

actually see Hazners at any of these places, but knew he was there because they conversed over the telephone. 20/

When asked on cross-examination where Bolderaja is in relation to Riga, Vilips testified that they are approximately 100 kilometers (66 miles) apart. In fact, a map of Latvia shows that they are separated by no more than ten miles, and Mangalsala is closer to Riga than Bolderaja. 20a/ Ziemeļblazma does not appear on the map, but its geographic coordinates are 57'02"N, 24'07"E, which is within walking distance of downtown Riga, and perhaps 15 minutes by car from the Prefecture. 21/ If Hazners did capture any Russians during this period, the Prefecture was probably the closest place they could have been detained.

Hazners' story raises other questions. For example, his own account, corroborated by an article in Tevija, 22/ indicates that he spent the five days before July 1 under very harsh circumstances in Riga's Central Prison, with nothing to eat but foul smelling soup and moldy porridge. Nevertheless, he claimed to have had the strength to pursue Russians for five consecutive days thereafter. Then, this professional soldier, a product of the Latvian Military Academy and the Staff School, supposedly went home to bed without

20/ Cf., Meiers deposition, p.21, where it was stated that the Russians had cut off telephone service before their retreat. Service was still being restored in the center of Riga during the first week in July 1941.

20a/ A reproduction of a map of Latvia is included as Appendix A.

21/ U.S. Army Topographic Command, Geographic Names Division National Intelligence Survey Gazetteer of Official Standard Names, USSR, Vol. 7 (July, 1970).

22/ Ex. R-38

reporting to his commanding officer. Perhaps he called him on the phone but it is unlikely; at that point there was not even communication between the Self-Defense headquarters and the offices the Self Government according to one of respondent's Australian witnesses.

(Meiers dep. 21) A further question is prompted by the above mentioned newspaper article, which appeared on July 5. The detail in the story is such that only Hazners could have provided it, but when did he have time for an interview if he was doing all those things he testified about? In his version of the events, he returned to Riga late on the fifth, after the newspaper was published, so the interview must have occurred before then. 23/ Yet how could it have if he was away from Riga?

B. JULY 6 - 9, 1941.

Continuing his story, Hazners said that he slept around the clock July 6, and on the seventh, reported to the Headquarters of the Self-Government on Merkela Street. (tr. 1029) 24/ Two of Hazners' witnesses, Plensers and Meiers, said that they saw Hazners on July 6, the day he was sleeping. Meiers, Ludriksons and Voitkus 25/ mentioned seeing Hazners on the seventh, but not at the Self-Government. Of course, minor inconsistencies are to be expected given the time lapse in this case; they merely prove the impossibility remembering every detail exactly.

23/ Interestingly, there is no reference in the article to Hazners' exploits in rounding up the Russians; other stories on the same page are full of such tales.

24/ According to Hazners, the Self-Government was on Merkela Street and in early July, the Self-Defense was on Meierovics. (tr. 1032) Sirants, who worked at the Self-Defense, confirmed that it was on Meirovics. (Sirants dep. 2, 8)

25/ Voitkus remembers it as July 7 or 8.

Hazners testified that he remained at Merkela Street with Plensners for two days (July 8 and 9) before reporting to work for the Self-Defense on July 10. (tr. 1031) Plensners, who testified on Hazners' behalf, remembers meeting the respondent at the Latvia Association, but did not mention spending two days with him. (Swed. dep. 21-22) Moreover, Plensners thought that the club was on a different street than that mentioned by Hazners. (Swed. dep. 22) But other witnesses (Ludriksons, Voitkus, Meiers) did recall seeing Hazners at Merkela Street about that time. Meiers, for example, said said: "At Merkela Street he did come in, talk, went away, approximately three of four days." (Meiers dep. 4)

C. JULY 10, 1941 -- OCTOBER, 1942

1. At Meierovics Street

Hazners indicated that he was appointed to the Self-Defense on July 10, 1941, where he remained until October, 1942. (tr. 1032) He clearly implied that a single entity known as the Self Defense forces existed throughout that period. The truth, as revealed by respondent's own witnesses, is otherwise: although the Latvian Self-Defense came into being in early July 1941, and was quartered on Meierovics Street, 26/ the Germans were not ready to put up with an independent military force which might have challenged their orders, so they dismantled it. 27/ Voitkus, one of respondent's Australian

26/ Sirants dep. 2, 8; tr. 1032.

27/ Stipulation of May 17, 1979, para. 4.

witnesses, said the following about the termination of the Self-Defense and the creation of its successor, the Kartibas Dienests:

... yes, they [Self-Defense forces] were recalled; they had to give their records back and put down their uniforms and that was end of that part [i.e. the Self Defense] and after that there was battalions [Kartibas Dienests] organized. But you could make the distinction between the Self-Defense forces only a month or so and the next period when those groups [Kartibas Dienests] were organized and accepted by the Germans and supplied with weapons and so on.

(Voitkus dep. 16)

Meiers also alluded to the difference between the two organizations:

Q: You say that the Latvian Self-Defense was working with the German Army?

A: Under the Germany Army it was later ...

Q: When you say later, when was that?

A: It was month later; maybe 3 weeks later.

Q: Maybe in late July?

A: Late July it would be, yes.

(Meiers dep. 2.-22)

The existence of two separate entities explains an apparent conflict in the testimony of two of the respondent's Australian witnesses. Meiers, who worked for the Self-Defense from July 2, 1941 until mid-July said he was not paid (Meiers dep. 15,16), but Sirants, who worked at Annas Street beginning in late July, was. (Sirants dep. 9) In fact, Sirants said that the money came from German sources and the manner of payment (an allotment to the family and one to a savings account) was modeled on that of the German military. Id.

The difference between the short-lived Self-Defense and its German sponsored successor, the Kartibas Dienests (headquartered at Annas Street), must be kept in mind while examining Hazners' alibi from July 10, 1941, when he joined the Self-Defense, until October of the following year, when he left Riga for Abrene. Seven witnesses say they saw him during this time, but not one of them places him at the Self-Defense Headquarters on Meierovics. 28/ In fact, the one witness who did work on Meierovics Street, Sirants, testified that he did not meet Captain Hazners until the move to Annas Street at the end of July or the beginning of August. (Sirants dep. 9)

Ludriksons and Meiers both saw Hazners at Merkela Street (where the Self-Government was located) during July, but only occasionally and for brief periods. Meiers said:

A: He had no job at Merkela Street; that was only come to see officers, get information, go away, come again next day.

* * *

Q: How long was he staying there when he came?

A: Couple of hours.

(Meiers dep. 15)

In other words, a number of people saw Hazners between July, 1941 and October of the following year, but only two saw him between

28/ The seven are Parups, Vuskalns, Ludriksons, Meiers, Sirants, Voitkus and Vilips. Vuskalns says Hazners started to work for the Self-Defense in July but indicates that the office was on Elizabeth Street, which is 4 or 5 blocks from Meierovics. (tr. 1218) Moreover, Vuskalns testified that his job was to supply the troops on the Russian front. The Kartibas Dienests are known to have fought on the front, but there is no evidence that the Self-Defense forces did. This, together with the fact that the witness could not remember the street where the Self-Defense was located, tends to show that he never worked on Meierovics.

July 10 and July 31, and neither of them said he was at Meierovics. The one witness who was at Meierovics did not see Hazners until August. So we are left with the question: where was Vilis Hazners during those three weeks?

2. Annas Street

The respondent has established that he started to work for the Annas Street headquarters soon after it was created by the German authorities. The government does not contest that fact; however it rejects the premise that Hazners' duties at Annas Street precluded his presence at the ghetto gate.

a. What was the Schutzmannschaft? 29/

The respondent repeatedly testified that there was no difference between the self-constituted Self-Defense Forces and the SS sponsored Kartibas Dienests. (tr. 1083, 1084, 1086, 1116, 1117, 1152, 1153) He also vehemently denied that the Kartibas Dienests was a police force. (tr. 1082) Hazners' reasons for putting distance between his organization and the SS in Latvia are not difficult to fathom: by characterizing the Kartibas Dienests as a purely Latvian group devoted to chasing partisans around the country, he removes any reason for his presence outside the gate of the Riga ghetto.

29/

The Schutzmannschaft, the Kartibas Dienests, and the Annas (or Ann) Street Headquarters are one and the same. (Stipulation of May 17, 1979) The respondent uses a fourth term, Self-Defense forces, to refer to this organization, but they ceased to exist shortly after the German invasion, and application of the term to any organization which existed after August, 1941 is deceptive and misleading.

In truth, there was a great difference between the Self-Defense and the Kartibas Dienests. A report from the head of Einsatzgruppe A to SS Headquarters explains that the Latvian Self-Defense was "totally useless for the fulfillment of police functions" (Document L-180, p. 4 of translation, p. 16 of German) and had to be reshaped into a useful unit by eliminating unreliable elements. In the first stage of the transformation, the Self-Defense (selbtschutz) became known as the Auxiliary Police (hilfspolizei). ^{30/} The Auxiliary Police had two major divisions: the Security Police (sicherheitspolizei, consisting of Political Police and Criminal Police) and the regular or uniformed police, of which the schutzmannschaft (in Latvian, Kartibas Dienests) was a part. Id.

The schutzmannschaft included a number of police battalions (military type formations of about 500 men each equipped as light infantry), harbor police, railway police, and a concentration camp administration of 880 men. ^{31/} As previously noted, its orders came from the SS and Police Leader for Latvia, Schroeder, and from his supervisor, Higher SS and Police Leader Jeckeln, who were Himmler's solution to the Jewish problem in the occupied eastern territories. Little wonder Hazners attempted to dissociate himself from the SS.

^{30/} Id. They were also called security commandos (sicherheitskommandos) for a brief time, before being given the name Auxiliary Police. Id.

^{31/} Stipulation of May 19, 1979, attachment no. 2.

b. Hazners' Function at Annas Street.

The respondent contends that his duties at Annas Street tied him to the office all day, every day, meaning that he could not have been outside the ghetto gate any time in September, October and November, 1941. Several witnesses testified that Hazners was at Annas Street, but none of them could agree on what he did or even how much time he spent there. For example, Meiers, who visited Annas Street once or twice a week from August, 1941 to July, 1942 (i.e. approximately 100 times) encountered Hazners there only "three or four times" during this entire period. (Meiers dep. 5, 7) Parups, on the other hand, said he saw Hazners almost every day until October, 1941. (tr. 1196) Another former schutzmannschaft member, Vuskalns, went so far as to claim that he arrived and departed at the same time the respondent did, seven days a week. And Sirants stated that he worked at the Annas Street headquarters on the same floor as Hazners for almost a year (August, 1941 - July, 1942) although he could not say what Hazners was doing. (Sirants dep. 10)

Hazners characterized his duties as Chief of the Administrative Division as "in general terms ... office work." (tr. 1038) Lobe, the commander of the schutzmannschaft as of January, 1942, seemed to think that Hazners was in charge of supply and wages. (Stockholm dep. 6) But Sirants, the man who handled supply and wages at Annas Street, said that his boss was Captain Tiltins, not Captain Hazners. (Sirants dep. 9) ^{32/} Vilips testified that Hazners'

^{32/} Asked-whether supply and wages was the same as administrative, Sirants said: "No, different department." (Id., at p. 10) Cf. testimony of Vuskalns, who said he worked in supply in the same room as Hazners. (tr. 1216)

duties were to "announce all the visitors and ... to take care of all the paper work." (Vilips dep. 6) Voitkus, however, ascribed a more important role to Hazners: "He was one of the leading officers there [at Annas Street]." (Voitkus dep. 5) Parups stated that Hazners passed on orders from his superiors and received reports. (tr. 1196)

In summary, the respondent's witnesses do not agree on what Hazners did at Annas Street or how much time he spent there. Hazners offered their testimony to provide himself with an alibi for the three months of September, October and November, 1941, but the contradictions in their accounts undermine their testimony to the point that it should be given no weight by this court.

V

ISSUES OF FACT

The factual issues have been highlighted in the foregoing discussion of the government's case and the respondent's defense. To recapitulate, they are as follows:

(1) Three government witnesses put Hazners at the Prefecture in early July and mid-July. Hazners claimed to have been outside Riga at the beginning of July, and at the Self-Defense Headquarters in the middle of the month.

(2) Two government witnesses saw Hazners at the gate of the Riga ghetto in the fall of 1941; the respondent said he was at the Annas Street Headquarters during that period, doing nothing but paper work.

A. THE PREFECTURE

Ber Mendelkorn was taken to the Prefecture "in the first days of the month of July," 1941. (tr. 68) Mendel Wulfowitz was brought there "in the first days, when the Germans entered Riga." (tr. 279)

Shabtai Dolgizer was picked up on July 14, 1941, and sent to the Prefecture. All three remembered seeing Hazners as the one giving orders. (Mendelkorn, tr. 31-46; Wulfowitz, tr. 206-218, 245; Dolgizer, tr. 486-502) All three recalled hearing Hazners' name at the Prefecture. (Mendelkorn, tr. 34; Wulfowitz, tr. 206; Dolgizer, tr. 502) And all three picked Hazners' photo from an array. (Mendelkorn, tr. 88; Wulfowitz, tr. 246; Dolgizer, tr. 513)

Their testimony must be weighed against Hazners' claim that he was too busy chasing the Red Army to have been beating Jews at the Prefecture. In deciding which version is true, the Court will recall that not a single respondent's witness saw Hazners outside of Riga in early July. Hazners' evidence consists of his self-serving assertion that he was elsewhere, supported by the testimony of a witness who allegedly talked to the respondent over a telephone system that was inoperative and who clearly "misspoke" in describing Hazners' position as being 100 kilometers from the Prefecture.

B. THE GHETTO GATE

Jakob Wagenheim observed Hazners at the entrance to the ghetto ten or twelve times beginning in late September, 1941. (tr. 429) Hazners, wearing a Latvian army uniform, was supervising a detachment of guards as they searched Jews returning to the ghetto from work details. Those who tried to bring anything into the ghetto were beaten or taken away, some never to return.

Meir Loewenstein also saw Hazners at the ghetto entrance, dressed in the green uniform of the Latvian army. (tr. 359) The date was October, 1941. (tr. 359) Again, Hazners is described as giving orders to beat Jews, in particular one who tried to smuggle bread into the ghetto.

Was Hazners too busy with paperwork at Annas Street to have inspected the guard detail at the ghetto gate? The conflicting testimony of the witnesses who saw him at the schutzmannschaft headquarters and other clues in the transcript point to the answer. As the respondent noted, few Latvian army officers survived the Russian occupation. (tr. 1031) Of those who did, not all were equally eager to throw in their lot with the Germans. 33/ Consequently, the schutzmannschaft suffered from a shortage of officers, which meant that those who worked at Annas Street did double and triple duty. In these circumstances, it is entirely likely that a staff officer would be assigned to inspect a detachment of troops to insure that they were implementing the Nazi policy of starving the ghetto. But Hazners would have this court believe that he walked quietly to his office at Annas Street every day in the fall of 1941, and sat there from nine to five shuffling papers and showing in visitors. In evaluating his story, this court will recall that Hazners was a young captain with the drive to graduate from the Latvian Military Academy, to go on to the Army Staff school, to survive the Soviet occupation of his country, to serve as Chief of Police in the strategic border district of Abrene and to fight valiantly with the Waffen SS on the eastern front. Is it conceivable that he sat meekly in Veiss's anteroom while the war raged around him?

33/ Parups, for example, testified that an underground movement was formed to resist the German occupation. (tr. 1198)

IDENTIFICATION

A. PHOTOSPREAD AND DUE PROCESS

The record is peppered with respondent's hints that the pre-trial identification of Hazners by the government's witnesses was "constitutionally deficient." Although the respondent has invoked the Constitution freely, he has avoided any precision in doing so, thus preventing close scrutiny of his argument. We assume his rationale is: (1) the procedures used by the Israeli police were unnecessary and suggestive; (2) the identification of the respondent by the Israeli witnesses was tainted by this suggestiveness; (3) the evidence of the identification should therefore be suppressed since reliance on it by this Court would violate respondent's Constitutional right to due process of law.

Each component of that argument is faulty. First, respondent's extensive cross-examination of the witnesses and the Israeli police inspector revealed that the suggestive practices about which respondent hypothesized did not take place. Second, as a logical proposition it is clear that the probity of an identification depends not on the suggestiveness of the procedure, but on the witness's opportunity to observe and ability to remember. The Supreme Court has so held in Manson v. Brathwaite, 432 U.S. 98 (1976). It follows that "the admission of testimony concerning a suggestive and unnecessary identification procedure does not violate due process..." id. at 106

(emphasis added); "reliability is the linch-pin in determining the admissibility of identification testimony." Id. at 114. Any question about the constitutionality of the photo-identification procedure must be answered in accordance with Manson, which requires this court to determine whether the pre-trial identification procedure was suggestive, and if so, to examine the reliability of the identification using the five criteria first enunciated in Neil v. Biggers, 409 U.S. 188, 199-200 (1972). The first step is to determine whether the procedure was suggestive.

All five of the witnesses whose testimony has been discussed picked Hazners' photograph from arrays consisting of 13-18 pictures. (Three of the five were shown the pictures in the form of a photospread; two saw loose photographs.) The pictures in the photospreads were not all uniform, but the differences were not such as to draw attention to any particular subject. Nevertheless, respondent argues that the spread was suggestive. In order to complete the analysis, the government will assume for the sake of argument that it was.

We must now apply the Biggers criteria to determine the factors affecting reliability.

1. Opportunity to view the perpetrator at the time of the crime:

In most criminal cases the witness has no more than a fleeting glimpse at the perpetrator. For example, in Manson, the witness's encounter with the dope dealer lasted as little as 15-20 seconds, and took place through a narrowly opened door in the early

evening with no lights on. The court nevertheless found that the witness had sufficient opportunity to see the person about whom he testified. The circumstances underlying the present proceeding are considerably different from those of the ordinary criminal case. The respondent had no reason to conceal his criminal activities since the Nazis were the government and he was serving the Nazis. He did not need to lurk in darkened doorways while committing his crimes. Consequently, his victims had greater opportunity to observe him than had he been a common felon. 34/

2. Degree of attention

In Manson, the witness was a trained police officer who knew that he would have to make a subsequent identification of the person with whom spoke through the partially open door. The Supreme Court obviously took this qualitative factor into account and allowed it to offset the quantitative factor, i.e. the relative brevity of the encounter. In the present case, the witnesses were not professional observers and undoubtedly never thought they would testify one day about the terror which they seemed unlikely to survive. On the other hand, they were not casual bystanders to the events which they witnessed. They knew that they might be the next to feel the whip or the boot, so they took what opportunities they could to see what was

34/ For example, Wagenheim saw him a number of times at the ghetto, (tr. 429) and Mendelkorn and Wulfowitz saw him throughout the days they spent at the Prefecture. (tr. 31-45; 213)

coming. And at the center, they saw Hazners. He gave the orders at the Prefecture and at the ghetto gate; as the leader, the witnesses focussed their attention on him. 35/

3. Accuracy of prior description

In theory, a witness's ability to describe a subject before viewing his photograph should buttress the reliability of a photo identification. In practice, most descriptions are so vague as to eliminate from suspicion only those with physical deformities. The generality of the description by the officer in Manson illustrates the negligible import of this factor. For this reason, the lack of detail given by the witnesses in the present case is of slight value in judging the reliability of the identification. 36/

4. Level of certainty

The witnesses' testimony, the testimony of the police inspector who conducted the pre-trial interviews and the written records of those interviews all indicate that the witnesses recognized the

35/ E.g. Wulfowitz: "The guards called him. They asked him for orders. They told him this one is here, and that one is here. They called him." * * * "The police asked him what to do: send this one out, send that one out; what to do. He was the one that gives the orders." (tr. 206, 207)

36/ However, the fact that Mendelkorn and Loewenstein did provide such a detail strongly reinforces their testimony. Upon seeing the photo of Hazners in SS uniform, both noted that the respondent was wearing a different type of uniform, that of the Latvian army, when they saw him. (Ex. R-1, Mendelkorn; R-12, Loewenstein)

respondent's picture shortly after it was shown to them. ^{37/}
 Despite the many opportunities given the witnesses to waver in their identification, and in the face of vigorous and able cross-examination by respondent's counsel, they displayed neither the uncertainty nor the rigid inflexibility which bespeaks doubt.

5. Time

The fifth element cited by the Supreme Court is the time between the crime and the confrontation. Although none of the reported cases involves an interval as long as the one in this proceeding, there are many instances in which the identification occurred a year or more after the crime. See, e.g., United States ex rel. John v. Casscles, 489 F.2d 20 (2d Cir. 1970), cert. denied, 416 U.S. 959 (1974). The difference between one year and thirty is quantitatively great, but as the dissent in Manson pointed out, "the greatest memory loss occurs within hours after an event. After that, the dropoff continues much more slowly." 432 U.S. at 131. Presumably, there is a point at which no further dropoff occurs; one either remembers an incident or one does not. Once that point is reached, the passage of time makes little difference since the memory continues at the same intensity. Not surprisingly, memories of traumatic

^{37/} E.g. Wulfowitz. According to the Israeli police protocol of the interview at which he was shown a photospread consisting of 18 pictures, Wulfowitz immediately pointed to Hazners' picture and declared, "This is Hazners, I recognize him with complete certainty. I exclude the possibility of any error." (Ex. G-8)

events (e.g. one's first airplane ride or broken leg) continue at a relatively high level of intensity throughout one's life. The events about which the witnesses in this case testified were so frightening and extraordinary as to be unforgettable. The thirty years which have passed since they transpired are therefore of little significance in judging the reliability of the identification.

The Manson opinion did not mention corroborative evidence as a factor to be weighed in balancing suggestiveness against reliability, but other courts, including the Second Circuit, have done so. See, e.g., United States v. Williams, 575 F.2d 388 (2d Cir.) cert. denied, 99 S. Ct. 134 (1978); United States v. Green, 561 F.2d 423 (2d Cir. 1977), cert. denied, 434 U.S. 1018 (1978). The instant case abounds with corroborative testimony, the most important being the number of witnesses who identified Hazners: enough to be consistent with his role as a leader, too many for chance misidentification. Also, several of the witnesses heard Hazners' name either at the Prefecture or near the ghetto. ^{38/} Finally, Hazners was in the right place, at the right time and on the right side -- that of the Nazis -- to be doing what the witnesses said he was.

^{38/} Mendelkorn (tr. 34); Wulfowitz (tr. 206); Loewenstein (tr. 342); Dolgizer (tr. 490).

One last word about photo identifications and due process: Federal courts have been flooded with allegations of suggestive photospreads even since Simmons v. United States, 390 U.S. 377 (1968), but in the last year, only two federal appellate courts sustained these contentions. See, Eighth Annual Review of Criminal Procedure 67 Geo. L.J. 317, 388 (1979). After a comprehensive survey of last year's cases involving this point, the writer of the Review noted that there are "formidable odds against judicial acceptance of a defendant's claim that the use of an identification against him violated due process." 39/

B. IDENTIFICATION OF THE RESPONDENT

1. In court identification

Mendelkorn, Wulfowitz and Loewenstein each pointed out Hazners in the courtroom and identified him as the same person whom they had seen at the Prefecture (Mendelkorn, tr. 90, 9; Wulfowitz, tr. 253) or at the ghetto gate (Loewenstein, tr. 354, 355) 40/ Wulfowitz noted that "he has changed, he has the same features but

39/ Id. The "tainted photo ID" argument was rejected in, e.g., United States v. Falange, 426 F.2d 930 (2d Cir.) (3 of 16 photos were of defendant), cert. denied, 400 U.S. 906 (1970); United States v. Harrison, 460 F.2d 270 (2d Cir.) (defendant's picture was full face, all others were profiles), cert. denied, 409 U.S. 862 (1972); United States v. Boston, 508 F.2d 1171 (2d Cir. 1974) (spread included photo which had appeared in newspaper), cert. denied, 421 U.S. 1001 (1975).

40/ In civil law courts, the only ones with which the witnesses were familiar, the in-court identification procedure allows the defendant to be placed anywhere in the courtroom, even among the spectators. This fact should be kept in mind in weighing the value of the in-court identifications.

he is gray now." (tr. 253) Loewenstein remembered that Hazners "was wearing glasses before [and] his face was much rounder." (tr. 354)

2. Pre-trial identification

The pre-trial identification procedure used in the instant case has been fully described by the witnesses and in the exhibits. Each witness recounted to an investigator a beating or other incident he had observed in Riga in 1941. The witness was then shown a group of photographs from which he selected the one (or ones) depicting the perpetrator of the incident about which he had just spoken. All five witnesses identified photo #4 in exhibit G-5 as a picture of the man they had seen persecuting Jews at the Prefecture or at the ghetto gate after the German occupation of Latvia in 1941. (Mendelkorn, tr. 86; Wulfowitz, tr. 251; Loewenstein, tr. 353; Wagenheim, tr. 40; Dolgizer, tr. 513) In addition, two of the four witnesses who saw arrays which included a second, later (1956), photo of Hazners identified both pictures. 41/

Photo #1 in Exhibit G-5 is a enlargement of the 1956 photo which is attached to Hazners' visa application. (Exhibit G-4) According to

41/ I.e. photo #1 and #4 in Exhibit G-5. The two witnesses who identified both pictures were Mendelkorn (tr. 86) and Wagenheim (tr. 460) Dolgizer was not shown the picture of Hazners in civilian clothes. Loewenstein and Wulfowitz were shown both but only identified the earlier picture, #4.

to Radiwker's testimony, this picture was sent to the Israeli police in 1975 by U.S. government officials, who identified it as a photo of Hazners. (tr. 870, 71)

Photo #4 in Exhibit G-5 is a picture of a person wearing a military uniform. This photo portrays the same person as Exhibit G-9, which is identified as a picture of Hazners. The uniform is of the type he wore from May 1943 until the end of the war. 42/

3. Photospreads

During the trial, there was some confusion about which group of photographs was shown to the Israeli witnesses. This question is relevant in determining whether the photospread was suggestive, but it is not an element of the government's case. On the other hand, evidence showing which particular photographs the witnesses selected at the pre-trial identification is necessary to support a finding of deportability. This evidence is found in the eyewitnesses' testimony and the actual photographs they picked, not in the photospread. Since the spread shown to the witnesses was not evidence, the government had no reason to produce the original. Instead, it provided a facsimile (Exhibit G-10) authenticated by the Israeli police officer who interviewed the witnesses. (tr. 875)

42/ One other person was pictured twice in the array shown to the witnesses. Moreover, the two photos of Hazners were quite different, having been taken 12-13 years apart. See United States v. Falange, 426 F.2d 930 (2d Cir.) (three photos of defendant in an array of 16 held not prejudicial), cert.denied, 400 U.S. 906 (1970).

There was also a question about the admissibility of Exhibit G-5, a photospread consisting of 10 of the 18 pictures which had comprised the Israeli photospread. The reason for showing a photospread to the witnesses at the trial was to determine which picture they previously identified. ^{43/} Given this purpose, it would have sufficed to have shown the witness the photograph he had chosen and to have asked him whether he had seen it before and under what circumstances. The better practice, of course, is to show a group of photos, but the difference between presenting the witness with a single photograph and a group of them is in the weight given the evidence, not in its admissibility. It follows that the difference in form between Exhibit G-5 and the photos that the witnesses saw in Israel is irrelevant. What matters is that Exhibit G-5 contained the pictures the witnesses identified in Israel and that they picked the same photos at the trial, thus reaffirming their initial identification. Once it was established that Exhibit G-5 contained the actual picture identified by the witnesses as the man who committed the crimes about which they testified, it should have been admitted in evidence. This court is not bound by the rigid formality of the rules of evidence, so the failure to admit the spread is not critical. Since the photographs are part of the record, there is ample basis for finding that this respondent and the person who committed the acts about which the government's witnesses testified are one and the same.

^{43/} See 4 Weinstein's Evidence 801(d)(1)(c)[01], explaining that the Rules of Evidence were amended by Congress effective October 31, 1975, specifically so that testimony concerning pre-trial identifications would be admissible.

CONCLUSION

The focal point of the government's charge is whether Vilis Hazners persecuted Jews in Riga between July and December, 1941. The review of the government's case and the respondent's defense leaves no doubt that the charge of persecution has been proven with the requisite "clear, convincing and unequivocal evidence." 44/

Mindful of its heavy burden of proof, the government has relied in this analysis only upon testimony which has been corroborated by one or more witnesses. The consistency of the experiences related by Mendelkorn, Wulfowitz and Dolgizer regarding their experiences at the Prefecture removes any question about their presence there. Likewise, the identification of the respondent both in court and from photo arrays firmly establishes Hazners' presence at the Prefecture and his role in persecuting those who were brought there.

Two witnesses testified about the incident at the ghetto gate; one of them, Wagenheim, saw the respondent as many as twelve times. This witness identified both pictures of Hazners, including a visa photo which he would have had no opportunity to view before picking it from the array. Wagenheim's description of the scene at the ghetto entrance is corroborated by Lowenstein's testimony and by the German policy, described in Nurnberg, of ruthlessly exploiting the resources of the eastern occupied territories.

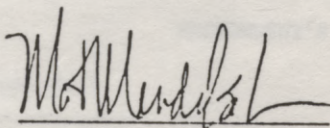
44/ 8 C.F.R. 242.14

By way of defense, Hazners produced a number of people who, like him, cooperated with the Nazis. Not surprisingly, they professed to know little or nothing of the wholesale murders and ghettoization of the Jews in Latvia during the German occupation. Predictably, they denied any involvement in such activities. Their stories are so conflicting that they can scarcely be credited. Close inspection of their accounts of the Nazi occupation leaves one with the nagging question: What are they hiding, and why? On the whole, their testimony serves only to strengthen the government's case by contradicting the respondent's version of the events and by confirming that Hazners was in a position to do the things about which the government witnesses testified.

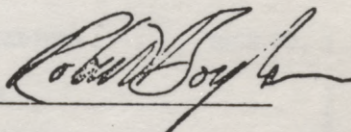
In short, the government has proved beyond doubt that the respondent did persecute Jews in Riga during the last six months of 1941. Because he personally advocated or assisted in the persecution of a group of persons on account of religion, he was ineligible for the visa which he obtained under the Refugee Relief Act, and is deportable under INA §241(a)(1), RRA §7(b) and/or RRA §14(b).

The government, having met its burden of proof, requests that this court issue an order directing the respondent's deportation.

Respectfully submitted,



Martin Mendelsohn



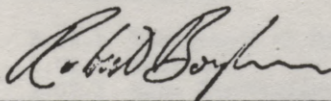
Robert Boylan

Attorneys for the Service

Date: June 11, 1979

Certificate of Service

I hereby certify that a copy of the foregoing was mailed, postage prepaid, on this 15 day of June 1979 to Ivars Berzins, Esq., 484 West Montauk Highway, Babylon, New York 11702 Attorney for Defendant/Respondent.



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Tajā pat laikā arī mans advokāts sagatavoja savu aizstāvēšanas iesniegumu, kuŗš tiesā tika iesniegts 1979. gada 7. augustā.

Tas ir šādā saturā:

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

In the Matter of

File No. A10 305 336

VILIS A. HAZNERS,

RESPONDENT'S BRIEF

Respondent.

TABLE OF CONTENTS

| | | PAGE NO. |
|--------------|------------------------------|----------|
| Section 1.00 | - BACKGROUND OF PROCEEDINGS | 1 |
| 1.01 | - Origine of the Case | 1 |
| 1.02 | - Publicity | 2 |
| 1.03 | - Holzman and Kilberg | 2 |
| 1.04 | - Special Litigation Unit | 3 |
| 1.05 | - GAO Report | 4 |
| 1.06 | - Results | 4 |
| Section 2.00 | - TESTIMONY OF WITNESSES | 6 |
| 2.01 | - Ber Mandelkorn | 8 |
| | 2.01.1 Background of Witness | 8 |
| | 2.01.2 Testimony | 8 |
| | 2.01.3 Name Identification | 10 |
| | 2.01.4 Photo Identification | 10 |
| | 2.01.5 Physical Description | 11 |
| | 2.01.6 Prior Statements | 11 |
| | 2.01.7 Evaluation | 11 |
| 2.02 | - Mendel Wulfowitz | 13 |
| | 2.02.1 Background of Witness | 13 |
| | 2.02.2 Testimony | 13 |
| | 2.02.3 Name Identification | 14 |
| | 2.02.4 Photo Identification | 14 |
| | 2.02.5 Physical Description | 15 |
| | 2.02.6 Prior Statements | 15 |
| | 2.02.7 Evaluation | 16 |
| 2.03 | - Meier Loewenstein | 17 |
| | 2.03.1 Background of Witness | 17 |
| | 2.03.2 Testimony | 17 |
| | 2.03.3 Name Identification | 18 |
| | 2.03.4 Photo Identification | 18 |

| | | | |
|------|--------|-----------------------|-------------|
| | 2.03.5 | Physical Description | PAGE NO. 19 |
| | 2.03.6 | Prior Statements | 19 |
| | 2.03.7 | Evaluation | 20 |
| 2.04 | - | Jakob Wagenheim | 20 |
| | 2.04.1 | Background of Witness | 20 |
| | 2.04.2 | Testimony | 21 |
| | 2.04.3 | Name Identification | 21 |
| | 2.04.4 | Photo Identification | 21 |
| | 2.04.5 | Physical Description | 22 |
| | 2.04.6 | Prior Statements | 22 |
| | 2.04.7 | Evaluation | 22 |
| 2.05 | - | Schabtal Dolgizer | 23 |
| | 2.05.1 | Background of Witness | 23 |
| | 2.05.2 | Testimony | 23 |
| | 2.05.3 | Name Identification | 24 |
| | 2.05.4 | Photo Identification | 25 |
| | 2.05.5 | Physical Description | 25 |
| | 2.05.6 | Prior Statements | 26 |
| | 2.05.7 | Evaluation | 26 |
| 2.06 | - | Chawa Ljsk | 28 |
| | 2.06.1 | Background of Witness | 28 |
| | 2.06.2 | Testimony | 28 |
| | 2.06.3 | Name Identification | 28 |
| | 2.06.4 | Photo Identification | 28 |
| | 2.06.5 | Physical Description | 29 |
| | 2.06.6 | Prior Statements | 29 |
| | 2.06.7 | Evaluation | 30 |
| 2.07 | - | Jakob Noy | 30 |
| | 2.07.1 | Background of Witness | 30 |
| | 2.07.2 | Testimony | 30 |
| | 2.07.3 | Name Identification | 31 |
| | 2.07.4 | Photo Identification | 31 |
| | 2.07.5 | Physical Description | 32 |
| | 2.07.6 | Prior Statements | 33 |
| | 2.07.7 | Evaluation | 33 |
| 2.08 | - | Maria Radiwker | 34 |
| | 2.08.1 | Background of Witness | 34 |
| | 2.08.2 | Testimony | 34 |
| | 2.08.3 | Evaluation | 35 |

| | | | |
|------|---|------------------------------|-------------|
| 2.09 | - | William Strasser | PAGE NO. 36 |
| | | 2.09.1 Background of Witness | 36 |
| | | 2.09.2 Testimony | 37 |
| | | 2.09.3 Evaluation | 37 |
| 2.10 | - | Vilis A. Hazners | 38 |
| | | 2.10.1 Background of Witness | 38 |
| | | 2.10.2 Testimony | 38 |
| | | 2.10.3 Evaluation | 41 |
| 2.11 | - | Peter Vilips | 42 |
| | | 2.11.1 Background of Witness | 42 |
| | | 2.11.2 Testimony | 42 |
| | | 2.11.3 Evaluation | 43 |
| 2.12 | - | Elvira Maija | 44 |
| | | 2.12.1 Background of Witness | 44 |
| | | 2.12.2 Testimony | 44 |
| | | 2.12.3 Evaluation | 44 |
| 2.13 | - | Olga Skujins | 44 |
| | | 2.13.1 Testimony | 44 |
| | | 2.13.2 Evaluation | 45 |
| 2.14 | - | Voldemara Capans | 45 |
| | | 2.14.1 Testimony | 45 |
| | | 2.14.2 Evaluation | 45 |
| 2.15 | - | Eriks Parups | 45 |
| | | 2.15.1 Background of Witness | 45 |
| | | 2.15.2 Testimony | 45 |
| | | 2.15.3 Evaluation | 46 |
| 2.16 | - | Vilhelms Vuskains | 47 |
| | | 2.16.1 Background of Witness | 47 |
| | | 2.16.2 Testimony | 47 |
| | | 2.16.3 Evaluation | 48 |

| | | PAGE NO. |
|------|------------------------------|----------|
| 2.17 | - Arturs Silgailis | 48 |
| | 2.17.1 Background of Witness | 48 |
| | 2.17.2 Testimony | 48 |
| | 2.17.3 Evaluation | 50 |
| 2.18 | - M. Paul Hartman | 50 |
| | 2.18.1 Background of Witness | 50 |
| | 2.18.2 Testimony | 50 |
| | 2.18.3 Evaluation | 52 |
| 2.19 | - Arturs Ludriksone | 53 |
| | 2.19.1 Background of Witness | 53 |
| | 2.19.2 Testimony | 53 |
| | 2.19.3 Evaluation | 54 |
| 2.20 | - Karlis Lobe | 54 |
| | 2.20.1 Background of Witness | 54 |
| | 2.20.2 Testimony | 54 |
| | 2.20.3 Evaluation | 55 |
| 2.21 | - Aleksandrs Plensners | 55 |
| | 2.21.1 Background of Witness | 55 |
| | 2.21.2 Testimony | 55 |
| | 2.21.3 Evaluation | 56 |
| 2.22 | - Peteris Janelsins | 57 |
| | 2.22.1 Background of Witness | 57 |
| | 2.22.2 Testimony | 57 |
| | 2.22.3 Evaluation | 57 |
| 2.23 | - Janis Meiera | 57 |
| | 2.23.1 Background of Witness | 57 |
| | 2.23.2 Testimony | 58 |
| | 2.23.3 Evaluation | 59 |
| 2.24 | - Valentins Sirants | 60 |
| | 2.24.1 Background of Witness | 60 |
| | 2.24.2 Testimony | 60 |
| | 2.24.3 Evaluation | 60 |

| | | |
|---------------|--|-------------|
| 2.25 | - Verners Voities | PAGE NO. 61 |
| | 2.25.1 Background of Witness | 61 |
| | 2.25.2 Testimony | 61 |
| | 2.25.3 Evaluation | 62 |
| Section 3.00 | - COMMON CHARACTERISTICS OF GOVERNMENT WITNESSES | 63 |
| 3.01 | - Question of Identity | 63 |
| 3.02 | - Prepared by Radiwker | 63 |
| 3.03 | - No Corroboration | 65 |
| 3.04 | - Strangers to Respondent | 65 |
| 3.05 | - Improved Recall | 66 |
| 3.06 | - Obvious Bias | 66 |
| 3.07 | - Few Doubts | 67 |
| Section 4.00 | - PHOTO IDENTIFICATION | 68 |
| 4.01 | - Exhibits G5, G10 and G9 | 68 |
| 4.02 | - Psychological Studies | 69 |
| 4.03 | - Look Alikes | 71 |
| 4.04 | - Supreme Court Opinions | 72 |
| Section 5.00 | - NAME IDENTIFICATION | 75 |
| Section 6.00 | - PHYSICAL DESCRIPTION | 76 |
| Section 7.00 | - IN-COURT IDENTIFICATION | 77 |
| Section 8.00 | - ABSENT WITNESSES | 78 |
| Section 9.00 | - MOTION TO DISMISS | 79 |
| Section 10.00 | - RESPONDENT'S CREDIBILITY | 80 |
| Section 11.00 | - CREDIBILITY OF RESPONDENT'S WITNESSES | 82 |
| Section 12.00 | - GOVERNMENT'S REBUTTAL | 84 |
| 12.01 | - May 17, 1979 Stipulation | 84 |
| 12.02 | - Operation Situation Report 15 | 87 |
| 12.03 | - Operation Situation Report 24 | 87 |
| 12.04 | - Document L-180 | 88 |
| Section 13.00 | - AENAS STREET HEADQUARTERS | 90 |
| Section 14.00 | - POLICE HEADQUARTERS | 92 |

| | | |
|---------------|----------------------|-------------|
| Section 15.00 | - SYNAGOGUE BURNING | PAGE NO. 95 |
| Section 16.00 | - GHETTO GATE | 97 |
| Section 17.00 | - GOVERNMENT'S BRIEF | 99 |
| Section 18.00 | - ISSUES | 101 |
| Section 19.00 | - APPLICABLE LAW | 103 |
| Section 20.00 | - CONCLUSIONS | 105 |

APPENDIX

| | | |
|---------------|---|--|
| Section 21.00 | - Exhibits | |
| Section 22.00 | - Nazis Before German Courts: The West German War Crimes Trials | |
| Section 23.00 | - GAO REPORT | |
| Section 24.00 | - Notes: Did Your Eyes Deceive You? Expert Psychological Testimony on the Unreliability of Eyewitness Identification | |
| Section 25.00 | - Government's brief pages | |

1.00 BACKGROUND OF PROCEEDINGS

1.01 ORIGINS OF THE CASE. When and where did this case begin? It is difficult to answer the question because the government has steadfastly stone-walled respondent's Freedom of Information Act and Privacy Act requests and disclosed only what it wishes to disclose. The case probably began in Riga after World War II when the KGB Disinformation Department began its campaign to discredit the respondent. The culmination of their efforts is this proceeding which they cannot lose.

As far as Israeli Police Inspector Maria Radisler is concerned, the case began in 1975 when the United States government requested her department to find witnesses against a man named Haxners whose name and photograph had been submitted to her department in 1969 by Simon Wiesenthal.

It appears that first came the allegations and then the evidence was marshalled and tailored to fit, instead of the other way around. Apparently the government had no witnesses against the respondent until the matter was placed in the able hands of Inspector Radisler. She is indeed a most perceptive person. She wasted no time looking for witnesses against a Haxners. Instead, she skillfully used the notoriety of the so-called Arajs Commando to recruit witnesses against Arajs and as a by-product sought out witnesses against those alleged to be his henchmen. She made sure that each potential witness understands that there is no distinction between Arajs and his men, that it is part and parcel of the same investigation and that the photographs are those of Latvian Nazi war criminals who have already been identified and located by the proper authorities. An atmosphere of trust and righteousness was created and each witness was put at ease and subtly praised for his contribution to the cause of justice. In memory of the dead,

who of the living could decline to step forward and speak out against the Nazi war criminals? How can they be permitted to escape their just punishment? How can they be permitted to live among decent people?

1.02 PUBLICITY. Maria Radivker alone cannot be credited with creating this atmosphere of trust and righteous indignation and urgency. Simon Wiesenthal, Tuvia Friedman, Charles Allen and many other articulate and dedicated persons have devoted their entire lives and fortunes to bringing Nazi war criminals to justice. They have not championed revenge or other less popular alternatives, but eloquently advocated resort to courts of law and the concept of individual guilt and responsibility for one's acts. Their dedication and commitment to the cause of justice is admired by millions across this earth. As a result of their efforts the Holocaust has indeed become "the most universally recognized evil on earth", a remark attributed to Martin Mendelsohn. The T.V. spectacular, "Holocaust", shocked millions of people here and abroad. It strengthened the resolve of many that no quarter should be given to the monsters who participated in that crime. In the footsteps of the T.V. spectacular came an intensive worldwide campaign to convince the West Germans that their statute of limitations on Nazi war crime prosecutions for murder should be extended beyond December 31, 1979. The press has devoted considerable coverage to this campaign and newspaper advertisements are not infrequent.

1.03 HOLZMAN AND EILBERG. This quest for justice has not abated but intensified in recent years. Perhaps the most vivid example of intensity and tenacity is the conduct of the Subcommittee on Immigration, Citizenship and International Law, House of Representatives Committee on the Judiciary, and two of its members in particular: former Chairperson Joshua Eilberg and Elizabeth Holzman who became the new Chairperson when Mr. Eilberg was convicted of a crime and did not return to the House of Representatives. Few will disputa

that the "hunt for Nazis in America" (also the title of a widely promoted book published by New York Times Quadrangle Press) would be what it is today without Ms. Holzman. Her dedication to justice is surpassed only by her impatience with the results achieved so far. On Pages H3160 and H3161, April 6, 1977 Congressional Record she is reported to have said: "...The Immigration Service has only moved on these cases because of sustained pressure. It is clear, then, that Congress must keep up the pressure in order to see that Nazi war criminals are finally removed from the United States. the present deportation actions have to be concluded successfully; the Service must provide the Department of Justice with the evidence it needs to prosecute denaturalization cases."

Ms. Holzman surely deserves a generous measure of credit for the creation of the Special Litigation Unit in the Immigration and Naturalization Service and the transfer of that unit to the Department of Justice itself as the Special Investigation Unit. There is no prospect that the intensity of the Congressional interest and the meticulousness and dedication with which it pursues its oversight functions shall abate.

1.04 SPECIAL LITIGATION UNIT. At this juncture a word of caution is in order: whenever we single out an individual or group for "special" treatment, we should be very sensitive about safeguarding constitutional rights. Special cases are more prone to erode individual liberties than regular cases. The pressure to achieve results can get overbearing and a person's subconscious perceptions of reality and propriety can be unwittingly affected. More need not be said.

For many years predating our own, the West Germans have had a special litigation unit for coordinating the prosecution of people who are alleged to have committed crimes during the Third Reich. See Fritz Weinschenk's Nazis Before German Courts: The West German War Crimes Trials in International Lawyer,

Vol. 10, No. 3, a copy of which is included in the Appendix. It is not only necessary but fitting and proper that these units exchange information and know how and that the junior unit tries to profit from the experience of the senior one. Presumably, the fruits of this learning and exchange have been presented to this Court.

The Special Litigation Unit has no critics, only supporters. Some more ardent than others. The ardent ones are outraged at the slowness of the hunt and the paucity of trophies. These ardent supporters have a propensity to seize upon simplistic explanations for their disappointments. They are not prepared to contemplate the impossibility of the task as a reasonable explanation. The conspiracy theory was very much in vogue and enough support was mobilized to commission a special study by the General Accounting Office to uncover the conspiracy. A copy of the report entitled "Widespread Conspiracy to Obstruct Probes of Alleged Nazi War Criminals Not Supported by Available Evidence - Controversy May Continue", is included in the Appendix. The study was yet another disappointment because it failed to uncover the conspiracy and came to some sobering conclusions about the prospects for the hunt.

1.05 GAO REPORT. The GAO report is germane to this case not because it failed to uncover the conspiracy but rather because it outlines in great detail the efforts that have been made, are being made and should be made to marshal evidence against the accused persons. Chapter 3 is particularly significant. It shows that no stone has been left unturned to gather evidence. It is reasonable to infer that no available evidence of the respondent's guilt has escaped this dragnet. Whatever could be found, was found.

1.06 RESULTS. The purpose of thusly presenting to this Court the background of this case is to make but one point: the evidence adduced by those who have the burden of proof ought to be weighed by scales adjusted to reflect the

full magnitude of the gargantuan effort and extravagant expense that has been lavished on this special case. Viewed from this perspective, the evidence in the record is meager and equivocal. That is the kindest characterization the evidence merits.

2.00 TESTIMONY OF WITNESSESCross-references to Transcript

| <u>Brief</u> | <u>Witness</u> | <u>Date</u> | <u>Direct</u> | <u>Cross</u> |
|--------------|-------------------|----------------------------------|--------------------------------------|------------------------|
| 2.01 | Ber Mendelkorn | 10-25-77 10-26-77 | 15 - 93 | 94 - 112 113 - 198 |
| 2.02 | Mendel Wulfowits | 10-26-77 10-27-77 10-27-77 | 199 - 232A 232 - 253 317 - 318 | 254 - 316 |
| 2.03 | Meier Loewenstein | 10-27-77 10-28-77 | 319 - 355 | 356 - 366 367 - 406 |
| 2.04 | Jakob Wagenheim | 10-31-77 10-31-77 | 408 - 443 470 - 474 | 444 - 469 |
| 2.05 | Shabtai Dolgizer | 10-31-77 11-1-77 11-3-77 | 475 - 517a | 518 - 570 665 - 692 |
| 2.06 | Chawa Ljak | 11-2-77 11-3-77 11-3-77 | 576 - 604 660 - 663 | 605 - 640 641 - 659 |
| 2.07 | Jacob Noy | 11-3-77 11-4-77 | 692 - 756 | 757 - 762 763 - 830 |
| 2.08 | Maria Radwker | 3-7-78 3-8-78 | 840 - 858 987 - | 865 - 955 965 - 986 |
| 2.09 | William Strasser | 3-8-78 | 1005 - 1014 | |
| 2.10 | Vilis A. Hazners | 3-8-78 3-9-78 | 1019 - 1059 | 1061 - 1161 |
| 2.11 | Peter Vilips | 4-6-78 | Deposition | Deposition |
| 2.12 | Elvira Meijs | 4-10-78 | 1171 - 1174 | 1175 - 1178 |
| 2.13 | Oiga Skujins | 4-10-78 | 1179 - 1182 | 1183 - 1184 |
| 2.14 | Voldemars Capans | 4-10-78 | 1185 - 1188 | 1189 - 1191 |
| 2.15 | Eriks Farups | 4-10-78 | 1192 - 1206 | 1207 - 1208 |
| 2.16 | Vilhelms Vuskains | 4-10-78 | 1212 - 1216 | 1219 - 1224 |

| <u>Brief</u> | <u>Witness</u> | <u>Date</u> | <u>Direct</u> | <u>Cross</u> |
|--------------|----------------------|-------------|---------------|--------------|
| 2.17 | Arturs Silgailis | 4-11-78 | 1227 - 1238 | 1239 - 1255 |
| 2.18 | M. Paul Hartman | 5-1-78 | 1260 - 1312 | 1313 - 1333 |
| 2.19 | Arturs Ludriksone | 7-6-78 | 1342 - 1351 | |
| 2.20 | Karliis Lobe | 10-25-78 | 3 - 10 | 11 - 19 |
| 2.21 | Aleksandrs Flansners | 10-25-78 | 20 - 24 | 25 - 31 |
| 2.22 | Peteris Janelsins | 10-25-78 | 32 - 38 | 39 - 53 |
| 2.23 | Janis Meiers | 11-1-78 | Deposition | Deposition |
| 2.24 | Valentins Sirants | 11-1-78 | Deposition | Deposition |
| 2.25 | Vernese Voitkus | 11-2-78 | Deposition | Deposition |

2.00 TESTIMONY OF WITNESSES

2.01 BER MANDELKORN.

2.01.1 BACKGROUND OF WITNESS. Mr. Mandelkorn claims to be born November 16, 1924 in Riga, which would have made him 16 years, 8 months old on July 1, 1941, when the Germans occupied Riga. He claims to have lived in Riga at that time with his mother and sister. He was then a student. In September, 1941, he took up residence in the Riga ghetto and thereafter was confined in concentration camps until September, 1944, when he was transported to Germany, from where he returned to Riga in July or August of 1945. In April, 1969, he emigrated to Israel with his wife and daughter. He has the distinction of being the first witness interviewed and prepared by Israeli Police Inspector Maria Radivker.

2.01.2 TESTIMONY. Mr. Mandelkorn testified through a Hebrew interpreter substantially as follows: "During the first days of July, 1941, I was staying with a friend of mine in Riga. My friend's father, my friend and I were arrested by some armed men in civilian clothing who spoke Latvian. They took us to the Police Headquarters, which was the only Police station in Riga. We arrived at the Police Headquarters in the morning and I saw many Jews there. I determined them to be Jews from the language they spoke. I also concluded that all the guards at the Police Headquarters were Latvians from the language they spoke, since I did not hear any German spoken. Some of the guards were in civilian clothing and others wore the uniform of the former Latvian Army and all of them were armed. We were brought to the courtyard where I saw people cleaning the courtyard with toothbrushes and hammers ordered me to do so also, Tr 40. I also saw people, including my friend, Tr 43,

being hit by Hanners and I myself was hit by Hanners, who was at the time wearing a Latvian Army uniform and holding a pistol in his hand. Tr 32. He ordered me to scrub the courtyard. He hit me in the face with his hand and two or three days later I lost two or three teeth. He also kicked me from behind, Tr 45. I was hit because I am a Jew. He also hit my friend.

In late afternoon of the day I was arrested I was taken on a work detail, but I escaped and went to the home of my mother's aunt, who lived on Gogol Street across from the Great Synagogue. Tr 47. I arrived there toward the evening, Tr 48, and stayed in a second-story room facing the street. Tr 50. Within 24 hours after my arrival while it was still light out, I was looking out the window and saw blue buses arrive at the Great Synagogue which was on the opposite side of the street, about 15 meters from the window, Tr 58. Jews were being driven from the buses into the synagogue by guards wearing civilian clothing and Latvian Army uniforms. The guards and the prisoners rolled barrels into the synagogue, Tr 56, and later I saw the synagogue burning with the Jews inside. From among the guards I recognized the following people, whose names I had learned at the Police Headquarters: Migla, Danskopfs, Cukurs, Arajs, and I saw Hanners pushing Jews back into the synagogue when they tried to get out. Tr 60.

The third time I saw Hanners was when I was back at my mother's house. I stayed at my mother's aunt's house for about 24 hours and then I escaped through the courtyard to my mother's house. Three to five days later, Tr 69, through the window of my mother's house, I saw a group of prisoners pass by on the street on the way to the prison. Hanners was one of the guards who walked after the group. He was in the Latvian Army uniform without any identifying marks. Tr 63.

We moved to the Riga ghetto in September of 1941 and I do not recall ever seeing Hasners there. Tr 70.

The fourth time I saw Hasners was in the courtyard of a meeting place for the SS and SD on Alunana Street in Riga in 1943, where I had been taken to work. At that time Hasners was wearing an SS uniform with the rank of Stürmbannführer, which was the equivalent of a Major. On the collar he had four symbols that designated his rank. Tr 160."

2.01.3 NAME IDENTIFICATION. Until the witness arrived at the Police Headquarters, he did not know the name Hasners. The people at the Police Headquarters, whose names the witness does not recall, mentioned the first name and last name of Hasners, but the witness does not recall the first name. Tr 147. He also learned the names of Danskopfs, Nigla, Cakurs and Arujs, while he was at the Police Headquarters. Tr 59.

2.01.4 PHOTO IDENTIFICATION. This witness had no difficulty picking out photograph No. 4 from original Exhibit G5 for identification as that of the man he believes to be Hasners. Precisely which photographs this witness saw in the course of his interviews in Israel is not clear from the record. He claims to have seen a great many pictures, 15 or more, of which he recognized 4 or 5. Tr 77 through 88. He was also shown photographs after he arrived in New York and before he testified at this hearing. It is apparent that the witness saw photographs at least four times, but precisely which ones were displayed to him on each occasion, is not clear from the record. Equally unclear is whether this witness saw one or two photographs of the man purporting to be Hasners. Tr 832.

Mr. Radwker testified that this witness had been shown "3 pictures or so. . . several pictures" but not Exhibit G10 for identification. Tr 831.

2.01.5 PHYSICAL DESCRIPTION. The witness said in substance: "His height and build I did not estimate and his hair color I do not recall, but he was an average person wearing glasses. I do not recall if he was wearing a hat, but he did wear the Latvian Army uniform without any insignia." Tr 39.

A Latvian Army captain with a prison haircut would have stuck out like a sore thumb and it is difficult to understand why the witness would not remember this if he had indeed seen the respondent.

2.01.6 PRIOR STATEMENTS. When this witness arrived in Israel in 1969, nobody questioned him regarding his war-time experiences, but in 1972 he was asked to testify at a police station in Israel against a man named Brimmer, Tr 178, and a West German government representative interviewed him regarding Brimmer in 1973, Tr 179. In 1976, this witness was interviewed regarding Arajs at a police station in Israel. Tr 178. Regarding Hazners, this witness had his first interview with Mrs. Radiwker on August 8, 1975. Tr 120. Thereafter, in October, 1975, he had a second interview at the American Consulate. Tr 126. Regarding Hazners, he has been interviewed four times and on each occasion he was shown photographs.

2.01.7 EVALUATION. Why the Government had chosen Mr. Mandelkorn as its lead witness is not obvious from the record, but one reason which readily comes to the forefront is that he was a rather accomplished liar in comparison with crude jesters like Mr. Noy who testified last and is not even mentioned in the government's brief. To prevent this witness from committing perjury, trial attorney Smith was prepared to stipulate that the witness did see the typed copy of his statement. Tr 122. Even after having been given a full and fair opportunity to compare the original statement he signed with the typed copy of it, Exhibits R1 and R2, the witness nevertheless had the unmitigated gall to tell this Court that he had never seen them after having

signed them. Tr 121, 127 and 133. Mr. Wulfowits, in comparison, readily admitted that his prior statement had been read to him. There is obviously nothing improper or immoral about a witness refreshing his recollection by reviewing his prior statements before he testifies, but there surely is something fundamentally wrong with a witness who will come to the witness stand and lie about it.

Another instance of blatant lying involves the fourth incident, the 1943 alleged observation of the man named Haxners at the house where the witness claims he was cutting down trees. The respondent did not reach the rank of Stabsamtmfhrer, or major, until June 20, 1944, Tr 1049, and at that time he surely was not in Riga available for Mr. Mandelkorn's observation. This was just another clever attempt at bolstering one's own testimony and clinching the purported identification. The government knew the date when respondent was promoted to major.

This witness would also have this Court believe that being a 17 year old boy, he heard a string of four or five names for the first time in his life at the Police Headquarters and then could readily rattle them off more than 30 years later. To what extent this remarkable memory has been bolstered by the witness's association with the authors of the book marked as Exhibit B4 for identification, is not clear from the record. When pressed, he conceded that the name Danskopfs, which he earlier claimed he learned at the Police Headquarters, maybe became known to him only from the ghetto.

As all the others, this witness never discussed his testimony with anyone.

This witness also claimed that there was only one police station in Riga. He surely knows better. While steadfastly denying his knowledge of English, it was obvious that the witness understood quite a bit. This

witness's testimony that the man believed to be Hanners did not have any insignia of rank on his uniform at the Police Headquarters incident places in question the date when the alleged incident took place. It is apparent from the record that up until General Stalacher's order of July 17, 1941, insignia of rank was worn on uniforms and only thereafter it was forbidden to do so. This order was accepted in evidence as part of the government's rebuttal.

Mr. Loewenstein testified that he had met Mr. Mandelkorn in the ghetto in Riga and had lived near him in Riga, but Mr. Mandelkorn has very little recollection of this. Tr 396. Mr. Wagenheim also remembers Mr. Mandelkorn from the ghetto.

The fact that this witness willingly participated in the in-court identification scene, Tr 89, 90, also impairs his credibility.

The testimony of this witness was presumably offered in support of allegations 8 and 9 in the order to show cause.

2.02 MENDEL WULFOWITZ.

2.02.1 BACKGROUND OF WITNESS. Mr. Wulfowits claims to be born September 6, 1911 in Riga and would have been 29 years old as of July 1, 1941, although he testified that he was 25 years old then. Tr 201. He claims he was living in Riga with his wife and 2 year old child. Since April 25, 1973, he has been living in Israel with his second wife and two daughters. Tr 232. He works in the leather goods industry.

2.02.2 TESTIMONY. Mr. Wulfowits testified through a Yiddish interpreter substantially as follows: "During the first weeks of July, 1941, I was arrested in the street by three Latvian students. Tr 204. I was taken to the Police Headquarters at around 11:00 or 12:00 Noon and pushed

into a large hall with many other Jews inside. Tr 205, 281. I heard the guards calling Mr. Hasners by name since he was the one who led this whole operation. I came to that conclusion because he was giving orders to the other guards. Tr 240. I spent three days at the Police Headquarters. Tr 208. I saw Hasners for the first time during the evening of the first day. Tr 208. I was about 5 to 6 meters away from Hasners and I saw Hasners hitting and pushing the Jews in the large room. Tr 210.

I was taken to work in a slaughterhouse in the morning, Tr 212, and as we stood in groups in the courtyard, I saw people being harrassed and hit by the guards, including Hasners, who was hitting people, Tr 213, and also giving orders to the other guards, Tr 208. There were Latvians and other nationalities in the courtyard besides Jews. Tr 215. From August 1, 1941 to November 4, 1941, I was at the peat bogs near Sloks, Tr 219-222, but Hasners was not there. On November 4, 1941, I was returned to the big ghetto, Tr 223, where I rejoined my family, but on November 28, 1941, I was separated from my family and placed in the small ghetto where I stayed until October 26, 1942 and thereafter went into hiding until October 13, 1944, when the Russians liberated Riga. Tr 236. I never saw Hasners anywhere except at the Police Headquarters".

2.02.3 NAME IDENTIFICATION. When this witness arrived at the Police Headquarters, he did not know any of the guards there by name or otherwise. Tr 301. The witness learned to associate names with people from what the other guards were calling each other. Thereafter, the witness apparently heard the name Hasners again, but precisely when and where, is not clear from the record. Tr 290.

2.02.4 PHOTO IDENTIFICATION. This witness had no difficulty picking out photograph No. 4 from original Exhibit G5 for identification as that of

the man he believes to be Hazzners. Tr 251. The witness initially denied having seen any photographs after arrival here in the United States, before he began his testimony in this proceeding, Tr 251, but later admitted, Tr 272a, that Trist Attorney Smith had shown photographs to him in New York. Precisely which photographs this witness had seen and when he had seen them is not clear from the record. It was obvious, however, that the same photographs which were shown to him in Israel were not shown to him here when he testified. Tr 252. Initially the witness claimed that he saw photographs in Israel only once, but that position he soon abandoned. Tr 252, 271.

2.02.5 PHYSICAL DESCRIPTION. This witness said that the man believed to be Hazzners was wearing civilian clothing, suit, without a hat. Tr 207, 281. His hair was dark blond, not dark, he wore glasses, medium height, not very tall.

A Latvian Army captain with a prison haircut is difficult to forget. It is even more difficult to determine a man's hair color when the man has no hair.

2.02.6 PRIOR STATEMENTS. How many prior statements this witness had made which might involve the man believed to be Hazzners is not at all clear from the record. He was initially interviewed within a month after October 13, 1944, when he came out of the bunker. The interviewer apparently was NKVD Captain Scheckman, to whom the witness turned over various documents and lists pertaining to war crimes. Tr 307. The witness also admitted to at least one further contact with Captain Scheckman sometime in 1950 in Moscow.

The next interview took place in 1974, when he gave a statement at the Historical Institute in the Jerusalem University to Dr. Dov Levin, Tr 262. Whether the name Hazzners cropped up in the course of the foregoing interview

The Israeli Police interviewed this witness "no fewer than four times". Tr 271. In the course of the very first interview with Israeli Police, which apparently took place on November 28, 1976, the witness implicated the man named Hazners in war crimes. Although the witness claimed that he contacted the Police in 1975 in response to an announcement in the Russian language newspaper published in Israel entitled "Our Land", the witness was apparently mistaken as to the date when the initial interview took place or, in the alternative, he might have been confused as to the sequence of the interviews as they relate to the man named Hazners and the man named Arajs. While in Israel, he was never interviewed by any representative of the United States Government. Tr 274, 275.

How many times this witness was actually shown the statement he signed on November 28, 1976, Exhibit G6 for identification, is not at all clear from the record, but the witness had this to say: "I was in the police station about four times. They asked me then: 'do you still aver that this is a correct statement?'" Tr 295.

Mrs. Radwker testified that she interviewed him once besides the interview concerning Arajs: Tr 925.

2.02.7 EVALUATION. Whether this witness learned the name Hazners at the Police Headquarters or heard it from other people during or after the war or read it somewhere in a Soviet propaganda publication is open to speculation. All three possibilities are revealed on the record. The witness said: "A great deal was spoken about Hazners", although previously he never gave a straight answer to the question whether he heard the name Hazners in the USSR. Tr 270. While disclaiming knowledge of the contents of the book, Exhibit R6 for identification, he claimed that the book had a photograph of the man named Hazners. Tr 317, 318. On another occasion he

said: "I just read that these people were there". Tr 305. The conclusion is inescapable that what this witness saw, heard and read has been all jumbled up and can no longer be distinguished or segregated in his recollection.

Since he was a member of the underground and cooperated with the NKVD, he is hardly to be regarded as a disinterested witness. His bias is patent. Mrs. Radwker did not need to tell him that the photographs are those of Latvian war criminals, he knew that before he entered the police station. What role the Jewish Anti-Fascist Committee, Tr 309, played in this is, of course, not apparent from the record.

While Mr. Loewenstein could readily recollect being acquainted with this witness back in Riga, Mr. Wulfowitz did not seem to have the same recollection. Tr 395.

The credibility of this witness also should be evaluated in light of his willingness to participate in the in-court identification scene. Tr 253.

Allagation 8 in the order to show cause would cover the testimony of this witness.

2.03 MEYER LOEWENSTEIN.

2.03.1 BACKGROUND OF WITNESS. Mr. Loewenstein claims to be born in 1914 at Kuldiga, Latvia, and as of July 1, 1941 was 27 years old. He claims to have worked in an office in Riga and lived with his father, mother, three other brothers and a married sister with child. Tr 325. Since July of 1972, he has been living in Israel with his wife and daughter and he works in the same bank with Mr. Shabtai Dolgiser.

2.03.2 TESTIMONY. Mr. Loewenstein speaks some English and tried to testify in English, but then switched to a Yiddish interpreter and testified substantially as follows: "I saw Haxners for the first time at the beginning

of October of 1941 at the ghetto gate, when we were returning from work. My brother-in-law, Michael Rapoport, was next to me in the workers' column. Our column was being examined very carefully, so we threw away the bread we were carrying so we would not get beaten. My brother-in-law pointed out to me Hanners from a distance of approximately 20 meters, since he remembered Hanners from the Police Headquarters on July 2, 1941. As I approached the ghetto gate, I got within six or seven meters of Hanners, who was pushing people and shaking them. Tr 345. One man from our group was beaten very severely because bread was found on him. He fell down and when he got up, Hanners indicated that he should be imprisoned. After this incident, I saw Hanners several more times, the last time sometime in November of 1941 Tr 357."

2.03.3 NAME IDENTIFICATION. This witness noticed the name Hanners in an announcement appearing in a Yiddish language newspaper and in response to that announcement went to the Israeli Police. Tr 370. The name was not in among others, it was mentioned all by itself in the article. The name Hanners was also mentioned in newspapers in Soviet Latvia on memorial days. Tr 400. The name may have come up in Riga in conversations with the other witnesses who testified in this proceeding. Tr 396.

Initially, the witness learned the name Hanners from his brother-in-law, Michael Rapoport, who pointed Hanners out to him near the ghetto gate. In any event, the witness remembered the name Hanners and responded to the newspaper announcement.

2.03.4 PHOTO IDENTIFICATION. This witness had no difficulty picking out picture No. 4 from original Exhibit G5 for identification as being that

of the man he believes to be Haxners. Tr 353. This witness was shown approximately 15 photographs pasted on a cardboard in the course of the initial interview he had with Inspector Radiwker in the summer of 1976. He denied seeing photographs at the second interview he had with Inspector Radiwker a few months after that. Tr 348a. He also denied having seen photographs after he arrived here in New York and before he testified. In other words, only twice in his lifetime has he seen a photograph of what he believes to be Haxners. Once in the course of the initial interview with Inspector Radiwker and the other time here in the course of this hearing. Out of the 15 photographs that were shown to him initially, the witness claims to have recognized only one. Tr 353. On cross-examination the witness testified that he actually recognized three or four people besides Haxners by their looks, not by their names, and that he was supplied with their names by Inspector Radiwker. Tr 373.

Mrs. Radiwker testified that she had shown him some photographs both times. Tr 919.

2.03.5 PHYSICAL DESCRIPTION. At the ghetto gate incident and on the subsequent occasions when this witness claims to have seen Haxners, Haxners was wearing the uniform of the Latvian Army with insignia of rank, but the witness does not recall what rank. He also had on a hat and was carrying a revolver. He was a head taller than the witness, middle-sized, over middle weight. Tr 359.

2.03.6 PRIOR STATEMENTS.

This witness was interviewed by Inspector Radiwker twice; once in the summer of 1976 and the second time a few months after that. Tr 348a.

2.03.7 EVALUATION. This witness is perhaps the most candid of all the Israeli witnesses. He readily admitted that the name Hasners may have come up in his conversations back in Riga with the other people who are witnesses in this case, and he also readily admitted that Hasners' name had been mentioned in newspapers in connection with the memorial days. He was also the first witness who did not hesitate to tell this Court about the send-off meeting all of the witnesses had with Inspector Radiuker in Israel. Mr. Mandelkorn and Mr. Wulfowitz had apparently forgotten about that meeting.

His identification of the man he believes to be Hasners hinges on one crucial element: the testimony of his brother-in-law, Michael Rappaport. If indeed Mr. Rappaport had been at the Riga Police Headquarters on July 2, 1941, did he see respondent there on that day? The testimony of the respondent and his witnesses indicates that the respondent was not at the Riga Police Headquarters on July 2, 1941 or on any other date. Perhaps Mr. Rappaport did meet a man there whose name was Hasners, but that man may not be the respondent in this proceeding.

Despite his apparent candor on other aspects, Mr. Loewenstein nevertheless participated in the in-court identification scene. Tr 354.

Allegation 10 in the order to show cause would cover the testimony of this witness.

2.04 JAKOB WAGENHEIM.

2.04.1 BACKGROUND OF WITNESS. Mr. Jakob Wagenheim claims to be born in 1918 in Riga. On July 1, 1941 he would have been 22 years old. He claims to have lived at 85 Latgales Street in Riga with his parents, two brothers and a sister, both before and after the ghetto was created in 1941. Tr 412. He finished his studies in Riga after the war, became an architect, married in 1950 and has three children. On October 26, 1975 he came to live in Israel where he has his own architect's office.

2.04.2 TESTIMONY. This witness testified through a Yiddish interpreter substantially as follows: "For a period of approximately two months beginning at the end of September, 1941, Tr 455, on ten or twelve occasions at the ghetto gate as I was returning home from work I saw people being beaten. Tr 429. The beatings were carried on by the guards who were under the command of an officer whose photograph I recognized in the course of my first interview with Inspector Radwker and she told me that his name is Hazzars. I have seen this man only at the ghetto gate and on no other occasions before or after that." Tr 456.

2.04.3 NAME IDENTIFICATION. On direct examination the witness said he had forgotten the name Hazzars until he was told the name by the investigators of the Nazi war criminals in Israel, and then he recalled the name very well. Tr 433. He apparently associates the name only with the ghetto and has no prior knowledge of the name.

2.04.4 PHOTO IDENTIFICATION. This witness had no difficulty picking out photographs 1 and 4 in original Exhibit G5 for identification as photographs of the man he believes to be Hazzars. The preceding three witnesses picked out only No. 4. In the course of his first interview with Inspector Radwker, he claims to have picked out a photograph showing the man believed to be Hazzars in a military uniform but in the course of the second interview, he claims to have recognized the same man in civilian dress. Tr 434, 434a, 431, 435. The third time he saw any photographs was in New York when he arrived here to testify and on that occasion he was shown a photograph of the man believed to be Hazzars dressed in civilian dress. Whether he was shown just one photograph or a photo spread, is not clear from the record. From the testimony, it appears that this witness saw photographs on only three occasions: twice in Israel and once here in the United States before testifying. Tr 430, 435. During the

first and second interviews with Inspector Radivker, he claims to have seen between 36 and 40 photographs on pages of an album and picked out the photograph of the man believed to be Hazners somewhere in the middle of the album. Tr 437, 438. Mrs. Radivker said she showed him Exhibit G10 for identification. Tr 901, 909.

2.04.5 PHYSICAL DESCRIPTION. This witness described the man he believes to be Hazners as being taller than medium, solidly built, broad shouldered, having a round face and thick glasses. Tr 425. On the occasions the witness encountered this man at the ghetto gate from a distance of approximately 15 to 20 meters, the man was dressed in a Latvian Army uniform but the witness does not recall whether there were any insignia of rank on this uniform which also included a hat. Tr 454. The witness believes the man also had an armband. Tr 460.

2.04.6 PRIOR STATEMENTS. This witness was interviewed twice in Israel by Inspector Radivker and on both occasions he signed a statement. Mrs. Radivker recalled interviewing him three times. Tr 899. However, it is not clear whether during the course of the second interview he merely signed a typewritten version of the statement he gave in the course of the first interview. The prior statements of this witness were never marked for identification or offered in evidence.

2.04.7 EVALUATION. It is obvious from the record that the cross examination of this witness was never completed. Tr 473. Since respondent's attorney made no effort to have the witness recalled, further comment would be inappropriate.

He was the best educated of the Israeli witnesses and was perhaps the most outspoken one to the extent that he made no effort to conceal his feelings about the war criminals.

He recognized Dolgizer from the concentration camp and Mr. Mendelkorn from the ghetto. He denied having discussed his testimony with any of the other witnesses.

The testimony of this witness rather vividly illustrates the manner in which Inspector Radiwker recruited and prepared her witnesses. He said 'They came to me and they showed me the pictures of these people who participated in the extermination of Latvian Jewry.' Tr 431. On the same page he also said "Since I was in the ghetto, I should come and talk to them, perhaps I will recognize some people who exterminated Jews." With this type of an introduction to the photospreads, how can a witness go wrong in picking out at least one murderer?

Also, before the second interview began, the witness was told that among the photos to be shown him there is a picture of the same person dressed differently, Tr 462.

The testimony of this witness pertains to allegation 10 in the order to show cause.

2.05 SCHANTAL DOLGIZER.

2.05.1 BACKGROUND OF WITNESS. Mr. Dolgizer claims to have been born on June 17, 1917 in Riga and on July 1, 1941 would have been 24 years old. In July of 1941 he claims to have lived at 4 Gogol Street in Riga with his parents, brother and three sisters. Tr 478. He left Riga on November 1, 1971 to immigrate to Israel. Tr 503. He works at the same bank with witness Meier Loewenstein.

2.05.2 TESTIMONY. Mr. Dolgizer testified through a Yiddish interpreter substantially as follows: "On July 14, 1941 was the first occasion after the German invasion of Riga that I ventured out on the street to buy cigarettes and I was detained by two Latvian guards in Latvian Army uniform at about 2 to 3 o'clock in the afternoon. Tr 284, 478, 479. I was led to the Police Headquarters where Latvian guards were guarding Jews in the courtyard. I was brought over to the group of Jews that was already there. I recognized many of them by name. Tr 484, 485. The guards were giving us Jews orders to do military exercises,

like get up, fall down, accompanied by blows. Tr 486. Those Jews who could not carry out the orders fast enough were beaten brutally. Tr 488. Hazners was in command of the guards. Tr 490. I saw and heard Hazners giving orders to take some Jews away in autos and we never saw those Jews again. Tr 495. Pursuant to Hazners' orders some Jews had their beards pulled from their faces. Tr 496. I was put in one group of Jews who were ordered to run up and down stairs while being beaten by the guards. Tr 497. I also saw Jews being ordered to beat other Jews, and they were ordered to take off their trousers and were hit in a certain place. Tr 497. Older Jews were ordered to take off their religious undergarments and to stomp on them. Tr 499. In one man's pocket they found a prayer book which they ordered him to tear up and step on it. Tr 499. Some were required to sweep the floor with toothbrushes. Tr 500. During the night I was moved around and I was ordered to run up and down the stairs together with other Jews and we were all beaten in the process. All of this took place in a period of approximately 24 hours. I was taken away on a work detail during the morning of July 15, 1941." Tr 498.

2.05.3 NAME IDENTIFICATION. The one and only occasion in his entire lifetime that this witness heard the name Hazners was on July 14 and 15, 1941 at the Riga Police Headquarters where he heard the other guards addressing the man as Captain Hazners. Tr 503. He learned only the family name, not the first name of the man. Tr 535, 533. The name came back to him right away when he saw the photograph of the man in the course of the January 5, 1977 interview. Tr 551. Up until that time he had not heard the name either in Israel or Riga after the war. Neither had he discussed the name with any other witnesses. During the course of his stay at the Riga Police Headquarters on July 14 and July 15, 1941, he did not learn the names of any other guards.

2.05.4 PHOTO IDENTIFICATION. This witness had no difficulty picking out photograph number 4 on original Exhibit G5 for identification as a photograph of the man he believes to be Hazners. Tr 513. He had initially seen the photograph in the course of his second interview with Inspector Radiwker, which apparently took place on January 3, 1977. On that occasion he claims to have seen anywhere from ten to twenty photographs pasted on three or four pages of an album containing four to five pictures on each page. Tr 511. This is contrary to Mrs. Radiwker's admission that this witness was shown thirteen separate photographs rather than Exhibit G10 for identification. Although the record is not very clear, it appears that this was the only time prior to testifying in this hearing that the witness saw any photographs containing a photograph of what he believes to be Hazners. He was never shown any photographs by any representatives of the United States Government after he came to the United States to testify in this hearing. Tr 515, 676, 677.

2.05.5 PHYSICAL DESCRIPTION. On the only occasion when this witness claims to have observed the man he believes to be Hazners, July 14 and July 15, 1941, the man was wearing civilian dress without a hat, slightly taller than medium height, hair slightly dark, not black, but darkish, parted at the side. He had a normal face, not too wide. He was a middle-aged man. The observations were made from a distance of approximately 5 or 6 meters. Tr 486, 495, 534, 535, 544.

At no time had this witness observed a man with a prison haircut at the Police Headquarters.

The witness could not clearly remember whether the man he believes to be Hazners wore glasses at the time.

2.05.6 PRIOR STATEMENTS. This witness claimed to have been first interviewed by Mrs. Radiwker sometime in 1973 or 1974 about a German named Brunner. He gave a written statement in the course of that interrogation which has been marked for identification as Exhibit E27 and E28, but which has not been offered in evidence. Thereafter, the witness claims to have been interviewed in 1975 or 1976 by Inspector Radiwker regarding Haxners. In the course of that interview he claims to have signed a statement. The only statement which was marked for identification is the January 5, 1977, Exhibits R17, R18 and R19 for identification, which have not been offered in evidence. Since the witness's recollection was that he was interviewed in 1973 or 1974 the first time and in 1975 or 1976 the second time, the January 5, 1977 interview could be the third one. It is more probable that the witness does not have a clear recollection of the dates and that the January 5, 1977 interview is actually the second interview and that there is no third interview, except, of course, the interview he had when he arrived here in the United States for testifying in this proceeding. Tr 558. In any event, the record is not clear on this.

2.05.7 EVALUATION. There was a strange kind of intensity about this man when he testified. He could not relax and seemed more uncomfortable than any of the other witnesses.

This was the first witness who was rather emphatic on dates. It was July 14 and 15, 1941 and no other days. Respondent's testimony was that as of July 10, 1941 he began working at the Annas Street Headquarters and by then was dressed in the former Latvian Army uniform, not civilian garb.

According to Mrs. Radiwker, this witness responded to a newspaper

announcement. Tr 891.

This witness lives in the same city in Israel with Mr. Mendel Wulfowitz, travels to work with Mr. Wulfowitz and sometimes they meet each other, Tr 539, but he has never discussed his experiences at the Riga Police Headquarters with Mr. Wulfowitz, Tr 539a, and the name Hasners of course did not come up until January 5, 1977 when Mr. Dolgiser saw the photograph of the man he believes to be Hasners at Mr. Radsker's office. Perhaps it all is so, but it could also be otherwise. Neither has this witness discussed his testimony with Mr. Loewenstein with whom he works at the same bank. Tr 677. Mr. Mandelkorn and this witness met in Riga after the war but only casually in Israel. Mr. Wagenheim remembers him from the concentration camp.

It is very difficult to believe that this witness heard the name Hasners only on July 14 and July 15, 1941 at the Police Headquarters and thereafter never heard the name again and yet had immediate recall of the name when he saw the photograph in Mr. Radsker's office on January 5, 1977.

This witness also insisted there was only one police station in Riga. Tr 480. He had a very clear picture of Hasners as he appeared at the Police Headquarters on July 14 and July 15, 1941, while his recollection of the physical surroundings at the Police Headquarters was as vague as it can be expected after more than thirty years.

This witness graciously backed out from the in-court identification scene. Tr 517.

The testimony of this witness pertains only to allegation 8 in the order to show cause.

2.06 CHAWA LJAK.

2.06.1 BACKGROUND OF WITNESS. Mrs. Ljak claims to be born in 1906 at Daugavpils, Latvia, where she resided when the Germans invaded that portion of Latvia at the end of June, 1941. At that time she would have been 35 years old. While still permanently residing at Daugavpils, Soviet Latvia, in 1963 and 1969 she came to West Germany to testify in the trial against Tabert. Thereafter, in September of 1972 she immigrated to Israel where she is presently residing.

2.06.2 TESTIMONY. The witness testified through a Hebrew interpreter substantially as follows: "I saw Nazis strike with a club my husband's sister who fell down and became all bloodied as a result. This incident took place sometime between August 5 and August 15, 1941 at the Daugavpils ghetto where we were confined. I observed this incident from the second story window of the building where I was living. It happened sometime before 8:00 A.M., before I went off to work. My husband's sister had a small child and she was going toward the ghetto gate but she was turned back and this incident occurred then. I saw Nazis three or four times after that." Tr 582, 583, 606.

2.06.3 NAME IDENTIFICATION. This witness testified that she learned the name Nazis after she picked out a photograph and Inspector Radiwker told her the name of the man is Nazis. Tr 593. She also testified: "When I came home I did recollect exactly the name Nazis." Tr 621. No explanation for this recollection appears on the record.

2.06.4 PHOTO IDENTIFICATION. Similar to all the other witnesses, this witness had no difficulty picking out photograph number 4 on original Exhibit G5 for identification as being a photograph of the man she believes to be Nazis.

Although the record is not clear, she saw photographs at least three times before she came to the United States: in the course of two interviews with Israeli Police and once at the United States Consulate in Tel Aviv. Thereafter she saw photographs in New York after having arrived here for purposes of testifying in this proceeding and the proceeding against Boleslavs Matkovskis. It is possible that she also saw photographs on August 10, 1976 when United States representatives visited her home.

Initially she testified she saw eleven photographs on brown cardboard, Tr 593, and then she switched her testimony to cardboards containing eight to nine photographs with numbers. Tr 619. Different photos were shown to her on different occasions. Tr 596. Precisely which photographs she recognized on each occasion is not clear from the record.

2.06.5 PHYSICAL DESCRIPTION. The man who beat up this witness's husband's sister was approximately 30 years old, not too tall, medium height. Tr 592. He wore the Latvian Army uniform or a police uniform. Tr 557, 613. He did not wear glasses. Tr 612. He was above the rank of a simple policeman. Tr 614.

2.06.6 PRIOR STATEMENTS. Even though this witness was shown three separate and distinct papers on which she recognized her signature, Exhibits R20 through R26 for identification, she did not have a sufficient recollection of each instance when she was interviewed. She was clear only on two interviews: the initial one at the Israeli Police and then the one at the American Consulate. Tr 615. She could not recall whether she signed a statement at the American Consulate. Tr 653. None of the statements which were marked for identification were offered in evidence.

She testified that in none of her prior statements had she specifically mentioned the incident regarding her husband's sister in August of 1941. This incident for the first time she told on the witness stand in this hearing. Tr 621.

2.06.7 EVALUATION. Perhaps the best characterization of this witness's testimony was made by herself: "It is a little mixed up in my head." Tr 654.

Even the government's trial attorney was unable to dislodge her from her position that she had never discussed the August 1941 incident involving her husband's sister with anyone before she took the witness stand.

At one time she admitted having seen photographs in New York, Tr 603, but then again retracted it. Tr 660.

The government's brief is strangely silent on the testimony of this witness. The government knew the condition of this witness before she was placed on the witness stand in this proceeding. Yet, they did not have the decency to leave this unfortunate person alone and not to subject her to further pain and humiliation.

Maria Radwker's testimony cannot be construed to constitute an endorsement of this witness's testimony. Tr 914.

This witness was called to the stand to prove allegations 6 and 7 in the order to show cause and allegation 11 of the additional charges.

2.07 JACOB NOY.

2.07.1 BACKGROUND OF WITNESS. Mr. Noy claims to be born January 1, 1922 in Riga and in July 1941 would have been 22 years old. Tr 693. His former name was Jacob Abishaus. Since 1945 he has been living in Israel.

2.07.2 TESTIMONY. Mr. Noy testified through a Hebrew interpreter substantially as follows: "On three separate occasions I saw Hazners making selections at the ghetto gate. The first occasion was in December of 1941, the second in January of 1942 and the third in February of 1942. The selections

took place in the morning at approximately 8:00 A.M. when the people were taken out of the ghetto in columns to go to work. As the columns were nearing the ghetto gate where Hazzners was standing, he would point to persons in the column and those persons would be taken out of the column to an assembly point from where they would be taken to a bus that stood outside the ghetto gate. The people who were thusly selected and taken away were never seen again. On all three occasions Hazzners stood in the company of the ghetto commandant Krauser and his assistant Gibnik. Tr 760, 762. Hazzners was dressed similarly as the ghetto commandant and his assistant, in a black coat and a hat with the SS skull and crossbones emblem on it. After the third selection, I saw Hazzners on four or five other occasions when he entered the ghetto administration building. Tr 730. I have not seen him since."

2.07.3 NAME IDENTIFICATION. The record is not clear precisely when this witness learned the name Hazzners for the very first time. It is readily apparent that he did not know the name Hazzners at the second interview he had with Mr. Glucksom from the Israeli Police on November 11, 1976. At this hearing, however, he testified that he recognized the name immediately when the picture was shown to him at that interview. Tr 740. Mr. Noy also insisted that the name Hazzners never came up in the course of the June 27, 1967 interview when he was able to recall the names of eleven other perpetrators of war crimes. Tr 804. At this hearing he testified that at the first selection in December, 1941, he already knew the name Hazzners and that he had learned it from some other people in the ghetto, by way of rumor. Tr 726.

2.07.4 PHOTO IDENTIFICATION. The problem with the reconstruction of Exhibit G5 for identification cropped up in the course of this witness's testimony. This witness was shown reconstructed Exhibit G5 for identification and readily recognized photograph number 4 as being that of the man he believes to

be Hasners.

In the course of the June 27, 1967 interview, this witness was shown photographs and it is possible that he saw some of the same photographs in the course of the second interview which took place on November 11, 1976. Tr 617. In the course of the second interview the witness was shown eight to ten photographs pasted on a cardboard in two rows. Tr 738. He also claims that this was the first time when he was shown a photograph of Hasners. Tr 736. In the course of the second interview he claims to have recognized two photographs, numbers 2 and 5. The numbers were apparently beneath each photograph. Tr 816. When the witness arrived here in the United States, he first testified in New York at the hearing in the Boleslava Maikovskis case and was shown photographs in the course of that hearing. The record in this hearing does not reveal which photographs were shown to him in New York.

Respondent's attorney requested the government to make available to this Court the photographs that were shown to the witness in 1967, Tr 834, but the government has ignored the request, which is consistent with its behavior in this case.

2.07.5 PHYSICAL DESCRIPTION. The man who this witness believes to be Hasners was approximately 40 years old, 1.6 to 1.65 meters tall, and wore glasses. Tr 712. The man wore an SS officer's hat with the skull and crossbones symbol on it, just like the hats worn by the ghetto commandant and his assistant. Tr 718, 766, 767. The man also wore a black coat similar to the coats worn by the ghetto commandant and his assistant. These observations the witness made from a distance as close as 5 meters. Tr 723. Belts and pistols were also worn by Hasners and the ghetto commandant and his assistant.

Perhaps the most remarkable observation of this witness is the insignia of rank on Hasner's collar: four squares which the witness believed signifies a lieutenant's rank. Tr 759.

2.07.6 PRIOR STATEMENTS. This witness had his first interview with Israeli Police on June 27, 1967 and before that he spoke with the Israeli Police "unofficially". Tr 794. The second official interview took place on November 11, 1976. The witness signed statements at both interviews, Exhibits R29 through R33 for identification, which have not been offered in evidence.

2.07.7 EVALUATION. "I just told stories", Tr 794, is a fitting characterization of this witness's testimony. He could also be characterized as an accommodation liar on the basis of the following statement: "He came to take testimony against these two people, how could I say that I did not know these people?" Tr 821. Perhaps he thought this whole proceeding is a big joke because he knew all along that the second statement he made on November 11, 1976 is inconsistent with his testimony and never bothered to correct the inconsistency until it was extracted out of him on cross-examination. Tr 822. The selections he testified about were not made in the summer of 1942. He read both of his statements in the course of the Malkovskis hearing as well as in the course of this hearing. Similarly, when he ought to know better, he had the gall to tell this Court that in January in Riga it was light out at 8:00 A.M. On December 15 sunrise was at 0840 and sunset 1510. Tr 1063.

His testimony on the SS officer's hat and the insignia of rank on the collar of the man he believes to be Kemners is equally preposterous.

To top it all off, this liar had the unmitigated gall to point his finger at the respondent in the Courtroom and tell this Court that he saw the man at the ghetto gate making the selections.

Of all the witnesses heard, this one was the most brazen liar. It is respectfully submitted that his testimony ought to be totally disregarded. Even the government says not a word about him in their brief.

The testimony of this witness was apparently intended to cover allegations 12 in Exhibit G1B.

2.08 MARIA RADIWEK.

2.08.1 BACKGROUND OF WITNESS. Mrs. Radiwker was born on June 25, 1906 in Galicia and came to Israel on October 30, 1964. Tr 841. She is a lawyer and in January of 1965 she went to work as an investigator in the Nazi War Crimes Unit of the Israeli Police. Tr 866. She was employed in that capacity until February of 1978. Presumably, she is now retired. She personally or through her assistant Mr. Glickson, was responsible for conducting the investigation against the respondent and others accused of war crimes.

2.08.2 TESTIMONY. Mrs. Radiwker testified through an interpreter substantially as follows: "In September of 1969 my boss, Mr. Lanksfelder, received from Mr. Wisenthal a picture and a letter with the name Haxners. We placed the letter in a folder where it lay until 1975 when we received from the United States government a list of Nazi war criminals. The name Vilis Haxners was on that list. Tr 867. We also received from the U.S. Government a picture of Vilis Haxners in civilian dress. Tr 871. As photographs arrived from the United States, they were placed in an envelope and within a short time in the first months of 1976 a folder containing about ten or thirteen photographs was made up. Tr 872, 876. This folder I now have before me as Exhibit G10 for identification. Until Exhibit G10 for identification was made up, I showed witnesses isolated photographs. Tr 872. The folder, G10, at all times contained two photographs of Haxners: the one in military uniform we received from Mr. Wisenthal in 1969 and the one in civilian dress we received from the U.S. Thereafter additional photographs were added to the folder until there were eighteen. At the end of 1977 or beginning of 1978, one more was added, making it nineteen. Tr 877. The folder, G10, contained

photographs of only people who took part of the activities in Latvia. Photographs of people who had nothing to do with the atrocities in Latvia were not included in the folder. Tr 889.

After the folder was created, I showed it to all the witnesses but there were exceptions to that rule and I did not count how many exceptions there were. Tr 939.

I showed the photographs, including Nazners, to approximately 150 to 200 people. Tr 942. I do not recall any occurrence when someone identified some other photograph as being that of Nazners. Tr 946. The witnesses recognized Nazners more readily from the photo in uniform." Tr 946.

2.08.3 EVALUATION. The famous last words of this witness were "I don't do things like that. I don't influence witnesses. I just asked them if they recognized these people, as Latvians that committed war crimes." Tr 869. Mrs. Radiwker, no doubt, is sincere in her belief that she has at all times acted properly and has not "influenced" any witnesses. Unfortunately, her conceptions of influence and our conceptions of reliable eye-witness identification are 180 degrees apart. She has received her legal training and experience as police investigator under a system of justice which surely ought not be characterized as inferior to our own but can fairly be said as being different. This difference is rather vividly reflected in the record. Her habit of characterizing the subjects of her investigation as Nazi war criminals was conceded by the government.

Her skillful use of the notoriety of the so-called Arajs Commando was admitted: "I asked them if they knew anything about the command of Arajs and that is how I found out." Tr 891.

In Mr. Wagenheim's words, "They came to me and they showed me the pictures of these people who participated in the extermination of Latvian Jewry. . . . Since I was in the ghetto, I should come and talk to them, perhaps I will recognize some people who exterminated Jews."

Whether she should be believed, is, of course, another question, but Mrs. Ljak did testify: "Before they showed us the pictures without the names, then they showed us pictures with the names written under them." Tr 595 and 596: "They spoke to us, they showed us the pictures without the names, and then with the names." If that was indeed the practice, then Mrs. Radwker was less than candid with this Court.

Be that as it may, although the government did not wish to concede it then, it was rather obvious early in her testimony that there was no way on earth Mrs. Radwker could establish precisely which pictures were shown to which witnesses on which occasion. The statements of the witnesses merely recited the gross number of photographs shown but did not identify the particular photographs shown. Whether in each instance one or two photographs of the man believed to be Hanners was shown to the witnesses is unclear. Consequently, Mrs. Radwker's testimony could not furnish a sufficient foundation for either Exhibit G5 or G10 for identification.

2.09 WILLIAM STRASSER.

2.09.1 BACKGROUND OF WITNESS. On March 7, 1978 Martin Mendelsohn, Esq., began presenting the government's case as its trial attorney. Before that, beginning October 31, 1977 Mr. Strasser had been the government's trial attorney. He in turn replaced Mr. Ralph Smith who had become ill. Mr. Mendelsohn called Mr. Strasser to the stand to testify on behalf of the government for

the ostensible purpose of rehabilitating Exhibit G5 for identification, as reconstructed, and to bolster the government's photo identification procedures. Pursuant to this Court's suggestion, both sides submitted briefs on the issue whether Mr. Strasser should be a witness in this case. The points covered in those briefs shall not be repeated here and for purposes of this brief, respondent assumes that this Court has decided that Mr. Strasser was eligible to testify.

2.09.2 TESTIMONY. Mr. Strasser testified substantially as follows: "Exhibit G5 for identification has been exclusively under the control of myself and Mr. Smith at all times except when we were not present. Tr 1008. Each of the photographs in Exhibit G5 for identification was taken under my direction from Exhibit G10 for identification. I do not know who replaced the photographs in Exhibit G10 for identification as it is at this time, but I believe somebody from the government must have replaced them. Tr 1011."

2.09.3 EVALUATION. Mr. Strasser's testimony is surely clear and convincing but it does not solve the problems associated with Exhibits G5 and G10 for identification. It is submitted that the unanswered problems are as follows:

1. Are those original photographs copied from a film or are they reproductions of photographs or pages of a book or some other source and what is that source?
2. Are those the photographs of the respondent, and if so, on what date or at what point in his life cycle were they photographed?
3. Do those photographs depict the respondent as he might have appeared in 1941 at the times the witnesses claim to have seen the man

they talked about?

4. Precisely which photographs were shown to each witness in Israel?

It is submitted that Mr. Strasser's testimony did not touch upon any of these questions. This Court surely does not need any help from Mr. Strasser in determining which photographs were shown to the witnesses in the Courtroom in the course of this proceeding, but what was shown to the witnesses before they walked into the Courtroom is very important and goes to the very essence of identification.

2.10 VILIS A. HAZNERS.

2.10.1 BACKGROUND OF WITNESS. The respondent was born on July 23, 1905, at Vircava, Latvia and on July 1, 1941, was almost 36 years old. He lives in Whitehall, New York with his wife and grandson. He graduated from high school in Jelgava, Latvia on June 19, 1923. On March 13, 1926, he began service in the Latvian Army. He entered Latvian Military Academy on October 1, 1929 and graduated on September 1, 1931 as second lieutenant. In March of 1937 he entered the Latvian Army General Staff Academy which he completed on December 29, 1939. Thereafter he served in Latvian Army Headquarters as Education Department head until September 18, 1940 when he was discharged from the Latvian Army because it was then being demobilized by the Soviets. On December 18, 1940 he got a job in the sugar industry where he worked until May of 1941 when he got a job as inspector for military and sports education for industrial schools. He stayed at that job until June 25, 1941 when he was arrested at his office by the NKVD, the Soviet Security Police. Tr 1019 to 1024.

2.10.2 TESTIMONY. The respondent testified on his own behalf mostly in English with some help from a Latvian language interpreter, substantially as follows: "The war broke out on June 22, 1941. I was arrested by the NKVD at my office on June 25, 1941 and wound up in Central Prison in Riga

where, among other things, I received a prison haircut. On June 30, 1941 we managed to break out of the prison and I went to my relatives who hid me in their coal cellar overnight. Tr 1026. On July 1, 1941 when the German troops entered Riga, I reported to the Latvian Command Center shortly before noon. I was assigned to command a unit of about 200 men who were sent to Vidzemes Beach to round up the retreating Russians. I left for this assignment in civilian dress, the same I had on when I got out of prison and all the men who went with me were in civilian dress. We were armed with rifles. I returned to Riga in late afternoon of July 5, 1941 and went to my home at Bierini, a suburb of Riga. I slept all day July 6 and on July 7 put on my army staff uniform, a captain's uniform, and reported to the self-government headquarters then located at the Latvian Society building on Merkel Street in Riga. The staff uniform had white trim and differed from the regular army uniform which had red trim. At that time there were no more than four or five such uniforms in Riga because the Communists had destroyed 90% of the army staff officers. Tr 1031. Afterwards I wore the regular Latvian Army uniform until June 3, 1943. Tr 1048. I stayed at the Latvian Society headquarters with Colonel Planners who had returned from the Latvian Embassy in Berlin until July 10, 1941. As of that date I was appointed to the staff of the Latvian Self-defense Units then located at 18 Meierovica Boulevard in Riga. Tr 1032. I was employed at the Self-defense Unit Headquarters as the Chief of the Administrative Department until October 10, 1942. Tr 1032, 1038. As of October of 1942 I was appointed Police Commissioner for the Abrene District in Latvia where I served until May 28, 1943. Tr 1043, 1044.

I was mobilized in the Latvian Legion on May 20, 1943, left Abrene on May 28, 1943, arrived in Riga and from June 3, 1943 when I reported at Papiaka, I served in the Latvian Legion. Tr 1063. In the Latvian Legion I wore the

German uniform which in the beginning had the SS insignia on the right collar patch but later the SS insignia was changed to the Latvian rising sun insignia. On the left collar patch I had three cubes designating a captain's rank but when I was promoted to major on June 20, 1944, the insignia was changed to four cubes. Tr 1049. I served in the Latvian Legion until approximately March 17, 1946. Tr 1069. In the course of my service I received several decorations, including the Iron Cross, First and Second Class. Tr 1069.

I have never been involved in any war crimes, Tr 1052, been a member of the Nazi party or a Nazi sympathizer. Tr 1054. The Riga Police Headquarters, Prefektura, I visited only once in my life. That was in 1932 or 1933 when I had to find the address of a friend. The Prefektura has always been the headquarters of the police for the City of Riga only. Riga also had police precincts and other police units such as railway station police. I never had duties connected with Riga Police Headquarters. Tr 1034. I have never had anything to do with the Riga ghetto or any guard unit for it. I have never been inside of it, I only drove past it once in August of 1944. Tr 1036. I have never participated in the burning of any synagogue in Riga or anywhere else on earth. Tr 1038.

Before coming to the United States I was interviewed by representatives of different organizations such as the International Refugee Organization, Immigration and Naturalization Service, Central Intelligence Agency and the Security Officer of the United States Consulate in Hamburg, West Germany. Tr 1056. I truthfully answered all their questions about my wartime activities and war crime allegations. Tr 1057.

Since arriving here in the United States, I have been working for the Committee for a Free Latvia. My work consisted of political research and publication of various articles on Soviet Latvia." Tr 1054.

2.10.3 EVALUATION. The respondent's testimony was clear, convincing and unequivocal. It was enhanced rather than impaired on cross-examination. The respondent did not try to hide behind an interpreter. He used the English language, as best he could. He answered in a fair manner all questions put to him. Perhaps the most vivid example of it occurred when on cross-examination respondent was asked to translate a portion of a document, Exhibit G20 for identification, which corroborated the dates respondent referred to in his testimony. Tr 1149, 1152. There were of course other instances when the respondent's direct testimony was corroborated by the documents the government used in the course of its cross-examination. Since those documents are not in evidence, they shall not be further referred to except to note that the government never furnished this Court with competent translations of those documents. Perhaps a portion of the government's problem is attributable to its incompetent translations.

Most of the cross-examination constituted an attempt to paint the respondent as an SS member. This tactic backfired because the documents the government used were rather clear that the respondent had served under the Waffen SS as a member of the Latvian Legion. He had never denied that fact and no cross-examination was necessary to expose it. His military service in the Waffen SS surely was known to the government before the respondent entered the United States. The Berlin Document Center records were at all times available to the government. The IRO records were similarly available to the government.

The government attempts to cast doubt on the respondent's testimony in page 15 of their brief by suggesting that the interview with the reporter from "Tevija" must have occurred before July 5, 1941 since the newspaper was published that day. This argument ignores the resourcefulness and tenacity of the press. There is nothing in the record which excludes the presence of newspaper reporters at the Latvian Society building on July 1, 1941 and a brief interview then. Although the newspaper article does not specifically mention that respondent got a prison haircut, it does corroborate respondent's testimony that he was in prison. Other witnesses corroborated the fact that prisoners got that haircut and that respondent was seen with a prison haircut.

The respondent referred to his service in the Latvian Legion as having ended on March 17, 1946. While at first blush it may seem inconsistent with the fact that Nazi Germany collapsed in May of 1945, his statement is accurate because the Latvian legionnaires were not discharged from their prisoner of war camp until then. See M. Paul Hartman's cross-examination, Tr 1328.

The respondent's testimony speaks for itself and does not need further comment. Practically every portion of it was corroborated by respondent's other witnesses as well as it reasonably could be expected after 36 years.

2.11 PETER VILIPS.

2.11.1 BACKGROUND OF WITNESS. Mr. Vilips resides at 1430 South 19th Street, Maywood, Illinois. Because of his age and health condition, he was deposed at his home on April 6, 1978.

2.11.2 TESTIMONY. Mr. Vilips testified through a Latvian language interpreter substantially as follows: "I have known the respondent since 1929 when we were in Scouts and in the Latvian Army. We also met at the Latvian

Society. On July 1, 1941 I was in Bolderaja, Latvia, where I was called upon to organize the defense of the area. On the other side of Daugava River at Mangalsala, there was another defense group under the command of the respondent. His group stayed at Mangalsala for a couple of days and then moved to Ziemeļblazna. I did not personally meet him but was in contact with him by telephone during those days. I met him personally on July 7, 1941 at the Latvian Society in Riga where all the Army people would meet. Afterwards he went to work for the Security Staff on Annas Street where he worked until October of 1942. He was assistant to the Director there, he announced the visitors and took care of the paper work. I visited him there many times. He was always in the Latvian Army uniform. I also saw him after he was in the Latvian Legion, perhaps in 1944, but I am not sure of the year. The respondent's reputation for truth and veracity is very good."

2.11.1 EVALUATION. On pages 14 and 23 of its brief the government emphasizes that this witness made an erroneous estimate of the distance from Riga to Bolderaja, and without the benefit of any evidence to that effect in the record, attempts to palm off on this Court its own estimate. This witness testified on April 6, 1978 which surely gave the government ample time to offer appropriate evidence, not resort to these tactics in its brief.

The government also attacks this testimony because the contact was not face-to-face, but only by telephone which the government claims was inoperable during those times. It cannot be doubted that some of the telephone lines were cut or otherwise disrupted, but that does not necessarily mean that all telephone lines were cut or disrupted. Seidon is destruction that thorough.

If this witness and the respondent wanted to concoct a story and perjure themselves in this Court, surely they would have done a better job.

If the government had waited another year to commence this proceeding, perhaps the respondent would not have the benefit of even this evidence of his whereabouts on the second, third, fourth and fifth days of July of 1941. Then the government could shout with glee that the respondent is lying, because no one will back up his story.

2.12 ELVIRA MELJA.

2.12.1 BACKGROUND OF WITNESS. Mrs. Melja came to the United States in 1949 and resides at Lansing, Michigan.

2.12.2 TESTIMONY. Mrs. Melja testified in English substantially as follows: "In June 1941 I worked as a bookkeeper at the Trade Schools Administration on Kalku Street in Riga where I met respondent who also worked there. At the end of June, 1941, respondent was arrested by the NKVD at the office where we worked."

2.12.3 EVALUATION. Respondent called this witness to the stand for the purpose of corroborating the fact that he was arrested by the NKVD at his place of employment in June of 1941. The arrest and imprisonment of the respondent at that time is significant to this case only from the standpoint that the respondent received a prison haircut and was without any hair at the time that the government's witnesses testified he had hair.

2.13 OLGA SKUJINS.

2.13.1 TESTIMONY. Mrs. Skujins lives in New Jersey and testified in English substantially as follows: "In June of 1941 I worked as a clerk in the Department of Labor Reserves at 2 Keninu Street in Riga. Respondent came to work for this establishment in May of 1941. Sometime between June 22 and July 1, 1941 respondent was arrested at this place of employment by the NKVD."

2.13.2 EVALUATION. Similar to Mrs. Meija, this witness was called for the purpose of corroborating the fact that the respondent had been arrested at his place of employment.

2.14 VOLDEMARS CAPANS.

2.14.1 TESTIMONY. Mr. Capans testified mostly in English substantially as follows: "In the summer of 1941 I was a forester in the Kuldiga District in Latvia. I was arrested by the NKVD on April 20, 1941 and on June 25, 1941 I was taken to the Central Prison in Riga. Tr 1186. Every one of the prisoners in Central Prison had their hair completely cut. On June 30, 1941 we escaped from Central Prison. I did not meet the respondent at Central Prison but I have met him subsequently here in the United States."

2.14.2 EVALUATION. The testimony of this witness is important because it corroborates the respondent's testimony to the effect that his hair was completely cut down in Central Prison. The practice and procedure in those days apparently was to shave every prisoner's head.

2.15 ERIKS PARUPS.

2.15.1 BACKGROUND OF WITNESS. Mr. Parups was born on December 7, 1908 and came to the United States on December 15, 1951. Presently he resides at Bradenton, Florida. He graduated from the Latvian Military Academy, studied economics at the University of Riga and obtained an engineering degree in the United States. He was a member of the anti-German underground during the German occupation of Latvia during the Second World War. He also served as a company commander in the Latvian Legion.

2.15.2 TESTIMONY. Mr. Parups testified in English substantially as follows: "I got to know the respondent when we both served as officers in the regiment in Riga in 1936 or 1937. On July 5, 1941 I returned to my home in Riga from guerilla fighting with the Russians. Tr 1193. I went to the

building where all officers were asked to assemble and register. I was elected as Secretary of the Officer's Association. Tr 1195. That was my only job until September 1941 when I went to work at the Annas Street Headquarters of the Self-defense forces. Tr 1196. At the Annas Street Headquarters I met respondent almost every day. He was Chief of Administration . . . That involves to give out the orders what his superiors gave him, control the orders, receive the reports and keep these in order. Mostly he sit in his cabinet and he did not have outside activities. He did not have any troops under his command. Tr 1196. The respondent had nothing whatsoever to do with the persecution of Jews and he was never a member of the so-called Arajs Commando who were executioners. Tr 1203. I have been a friend of the respondent all my life. He was and is an honest, capable and decent man who does not lie, a real Latvian patriot. Tr 1205, 1206.

In the spring of 1942 they wanted to transfer me as an officer to one of the battalions but I got a medical discharge instead. Tr 1197. Parallel with my official duties I was also active in the anti-German underground, for which I was twice arrested by the Germans. Tr 1198. The first time for two days but the second time from December 12, 1942 to April 28, 1943. Tr 1199. I was freed after pressure from my friends and associates and after I promised to serve in the Latvian Legion. Tr 1200. I had opposed the formation of the Legion but had to serve in it as a company commander."

2.1.3.3 EVALUATION. Mr. Parups was no friend of the Nazis but he was and is a good friend of the respondent. The government in its own peculiarly clumsy and inept fashion has been trying to smear the respondent as an SS man. Mr. Parups who actively opposed the Germans was obliged to serve in the same Latvian Legion alongside the respondent. While the respondent did not regard it as a life or

death choice, in those days there was no Canada to which draft dodgers could escape if they did not wish to serve.

Mr. Farups' testimony is significant also on the functions of the Annas Street Headquarters where he himself worked for a time. Persecution and extermination of Jews was not one of the duties assigned to Annas Street.

This witness resides in the United States. The government has had enough time to place him under the investigations microscope.

2.16 VILHELMS VUSKALNS.

2.16.1 BACKGROUND OF WITNESS. Mr. Vuskalns came to the United States in June of 1948 and presently resides in Fort Washington, New York. He had known the respondent for a long time before 1941.

2.16.2 TESTIMONY. Mr. Vuskalns testified in English substantially as follows: "On July 1, 1941 I met respondent at the Self-defense Office on Elizabeth Street in Riga. He said that he had just gotten out of Central Prison. He looked tired, had on civilian dress and had his hair cut short. Tr 1214. Colonel Veiss sent him with a group of soldiers to clean out Russian soldiers from the Riga Bay area. When respondent returned to Riga he came to work at the Headquarters which was first on Elizabeth Street and then got moved to Annas Street. Tr 1216. He was adjutant for Mr. Veiss. I also worked at the Annas Street Headquarters until October of 1941 in the Supply Department and saw respondent there every day since our desks were in the same room. Tr 1217.

Respondent had nothing to do with the Riga Police Headquarters and he was not in any way connected with the persecution of Jews. Tr 1217. Respondent was an honorable gentleman and he was one of the highest Latvian Army officers. He never lied." Tr 1217.

2.16.3 EVALUATION. This witness is not a chance acquaintance of the respondent. They have been life long friends. During the summer of 1941, this witness was in daily contact with the respondent and surely had at least a general idea of what the respondent was doing. If indeed the respondent had been active in the Riga Police Headquarters and elsewhere in the persecution of Jews, it is rather difficult to believe that the respondent's activities would have escaped this witness's notice.

It is significant that this witness places respondent in contact with Colonel Voldemars Veiss as early as July 1, 1941 and then after July 10, 1941 as adjutant for Colonel Veiss. This corroborates respondent's testimony and also corroborates the substance of the historical record reflected in the publication entitled "Latviesu Karavirs Otra Passules Kara Laika", excerpts from which the government introduced in evidence in the course of its rebuttal.

The government had a full and fair opportunity to investigate this witness in any way they deem appropriate, and if thus far they have not dug up any dirt on him, it is safe to infer that there is none to be had.

2.17 ARTURS SILGAILIS.

2.17.1 BACKGROUND OF WITNESS. Mr. Silgailis is 83 years old and lives in Oshawa, Ontario, Canada. He is the highest ranking living officer from the Latvian Legion and also the highest ranking living officer from the Latvian Army.

2.17.2 TESTIMONY. Mr. Silgailis testified in English substantially as follows: "In 1937 I was a lecturer at the Latvian Army Staff College where respondent studied. I was also his commanding officer for approximately 2 1/2 years. Tr 1228.

In 1942 when I was the Personnel Director for the Latvian Self-administration

in Riga, I approved respondent's appointment to the position of Police Commissioner for the Abrene District. Without that approval he could not have gotten that appointment and the approval never would have been given if he had been a member of the so-called Arajs Commando. Respondent has never worked in the City of Riga Police Department. Tr 1255. Respondent was appointed Police Commissioner for the Abrene District because he was a good army officer and knew how to fight the Russian guerillas. Tr 1254.

Although the Latvian Legion was attached to the SS, members of the Legion were not members of the SS or the Nazi Party because we were not German citizens and therefore could not be accepted for membership in those organizations. Tr 1233, 1234. There were basic differences between the Legion and the SS. The Legion had nothing in common with National Socialist concepts and organizations. In the Legion there was religion but in the SS none. At roll call we sang the Latvian National Anthem and the Lutheran Battle Hymn. There was no political indoctrination in the Legion. On our uniforms the Latvian flag coat of arms was on the sleeve and the 15th Division had the Latvian rising sun and the 19th Division the Latvian fire cross insignia in place of the SS runes. Tr 1235. The oath of the legionnaires was also different from the SS oath.

Respondent served under me in the Latvian Legion where he served with distinction as a battalion commander and briefly as commanding officer of the 32nd Regiment. Respondent was decorated with an Iron Cross for leading his battalion in the battle for Mountain 193.4 near the river Velikaja in Russia. Tr 1231. Respondent started his service in the Latvian Legion as a captain and later was promoted to major.

2.17.3 EVALUATION. For an 83 year old person, this witness had remarkable recollection for dates, events and people. He obviously had been a man of stature and ability. If he had any reason to suspect that his former student had been beating up people at the Riga Police Headquarters, burning synagogues or beating people at the ghetto gate, it is difficult to imagine that Mr. Silgallis would have tolerated the respondent's presence or stooped to testify in this proceeding on behalf of the respondent. This witness is a professional soldier, not a coddler of murderers.

This witness, together with the respondent's next witness, M. Paul Hartman, also laid to rest the government's fallacious notion that members of the Latvian Legion were members of the SS and consequently guilty of the war crimes committed by the SS.

This witness also discredited the government's apparent attempt to brand the respondent a liar merely because he said he had never fired his weapon in battle. A battalion commander surely has more important tasks than to fire his pistol on the battlefield.

2.18 M. PAUL HARTMAN.

2.18.1 BACKGROUND OF WITNESS. Mr. Hartman served in the United States Army during World War II and afterwards became a civilian employee of the government. He first worked for the Counter-intelligence Corps and then became an investigator for the Displaced Persons Commission working out of its British Zone Headquarters. Thereafter he went to work for the Central Intelligence Agency and became an expert on the Baltic States, particularly Latvia. He is fluent in Latvian as well as German. Presently he is retired.

2.18.2 TESTIMONY. " While working for the Displaced Persons Commission as an investigator, I was assigned to investigate the Latvian Legion because

at that time there was uncertainty whether it was an organization inimical to the interests of the United States. I interviewed General Rudolph Bangerskis, who was in charge of the Latvian Legion, Mr. Janums and other members of the Legion. Tr 1265. Based on this investigation I concluded that the Latvian Legion was strictly a military unit and had never comprised anything inimical to the United States. Tr 1266. I rendered a report of this investigation to my superiors. The Displaced Persons Commission itself concluded that "The Baltic Legions are to be considered as separate and distinct in purpose, ideology, activities and qualifications for membership from the German SS, and therefore the Commission holds them not to be a movement hostile to the government of the United States under Section 13 of the Displaced Persons Act as amended." Tr 1268.

The Waffen or Weapons SS has often been confused with the Allgemeine or General SS. The Weapons SS was primarily conscripts like the Latvian Legion while the General SS was the Nazi Party bodyguard element. Latvians could not become members of either the Nazi Party or the General SS because membership was only for Germans.

I am familiar with the Berlin Document Center and I have examined the documents from the Berlin Document Center pertaining to the respondent. There is nothing in those documents that would suggest involvement in war crimes.

The Arajs Detail or Commando, was a group of Latvians under the Nazi command, the SD, who participated in atrocities. Tr 1290, 1295. I know of no high ranking Latvian Army officers who were members of this Detail. I have never known any case where a person who had been involved in atrocities would be permitted to leave this Detail and go join the Latvian Legion. I have never come across any documents or information that the respondent was a member of the
" Arajs Detail or the SD. Tr 1295.

The Annas Street Headquarters to my knowledge was not involved in any atrocities and was not connected with the Police Headquarters. Tr 1311, 1312.

The respondent attracted the attention of the Central Intelligence Agency in the early 1950s as an emigre leader active in anti-Soviet affairs. Tr 1299. The Soviets at that time were aggressively propagandising against the Latvians, Lithuanians, and Estonians, especially those who had served in one of the Legions. The Soviets regarded them as war criminals. The respondent's name has appeared in various heavy-handed Soviet propaganda publications regarding war crimes. The activities of the respondent and others were geared to countering such charges." Tr 1300, 1302.

2.18.3 EVALUATION. Mr. Hartman has had a truly unique career. As an investigator for the Displaced Persons Commission he was charged with keeping out of the United States criminals of all sorts and in the process learned quite a bit about who is who among the Latvian refugees. Later in his career he concerned himself more with Soviet affairs, particularly as they pertain to Latvia, as an Officer of the CIA. His unique experiences and insights are valuable in assessing the status of the Latvian Legion and those who served in it. His testimony regarding the findings of the Displaced Persons Commission itself is particularly significant since it lays to rest the government's ill-conceived notions about members of the Latvian Legion being SS men. The DP Commission findings were made when witnesses were alive and evidence was fresh. They should be given appropriate weight.

The testimony of this witness makes it abundantly clear that long before the respondent entered the United States, the government could have and probably did become fully familiar with the respondent's military record through the convenient indexes at the Berlin Document Center. There is no way that the

respondent's military record was or could have been concealed. Why the government includes on page 2 of its brief a stupid remark such as "though concealing SS service probably rendered him ineligible to enter the United States" is a mystery. The government surely had a full and fair opportunity to point out to this Court specifically how the written record was at variance with the respondent's testimony in this proceeding but the government did not even offer in evidence, as prior inconsistent statements or otherwise, the documents it used in the course of its cross-examination of the respondent.

2.19 ARTURS LUDRIKSONS.

2.19.1 BACKGROUND OF WITNESS. Mr. Ludriksons is a graduate electronics engineer residing in West Germany. He testified at this proceeding while on a visit to the United States.

2.19.2 TESTIMONY. Mr. Ludriksons testified through a Latvian language interpreter substantially as follows: "I got to know the respondent when we attended different military schools in Riga in 1938. The respondent was at the War Academy and I was at the Communications School. For about two or three months both schools shared the same building and we met each other each day. During the Soviet occupation I lived in Riga not far from respondent. We met surreptitiously at the bus station going to and coming home from work. I heard of the respondent's arrest at the end of June 1941. After the Germans occupied Riga I met the respondent on the seventh or eighth of July at the Latvian Society where the former Latvian Army officers gathered. This building was on Merkels Street. When I met the respondent he had a prison haircut and was wearing the Latvian Army staff uniform which had light grey insignia while the infantry division uniform I wore had red insignia. Thereafter I met the respondent on occasions while he was working at the Latvian Self-defense Unit Staff. Thereafter the respondent went to Abrene and I did not see him but I saw

him again when he began serving in the Latvian Legion. The place where the respondent was employed in Riga in 1941 had nothing whatsoever to do with the Riga ghetto or with the extermination of the Jews and the respondent was never a member of the Arajs Commando."

2.19.3 EVALUATION. The testimony of this witness was clear, convincing and unequivocal. His recall of dates was about what could be expected after 36 years. He corroborated the respondent's testimony on the following points: the arrest, the prison haircut, the type of uniform initially worn, the place of employment in 1941 and lack of involvement in organizations or programs involving war crimes.

2.20 KARLIS LOBE.

2.20.1 BACKGROUND OF WITNESS. Mr. Lobe resides in Sweden and was deposed at the United States Consulate in Stockholm on October 25, 1978. While the record does not reflect his age, it can be estimated to be in the early 80's.

2.20.2 TESTIMONY. Mr. Lobe testified through a Latvian language interpreter substantially as follows: "I became acquainted with respondent when he joined the War College. I think he graduated in 1938 but I am not certain. After the war started I met the respondent for the first time in January of 1942 when I became the Chief of the Annas Street Headquarters in Riga. Respondent was my subordinate as Chief of the Administrative Section. I served in that position until about August or September of 1942. In 1944 respondent was again my subordinate when he commanded a battalion which was alongside my regiment on the front near Veliki River in Russia.

Respondent was not in the so-called Arajs Commando and he could not have anything to do with the persecution or liquidation of Jews because of his rank and his duties at the Headquarters. The Annas Street Headquarters

had nothing to do with the persecution or extermination of Jews. I don't think he had any secret overtime hours. Neither was there any connection between the Annas Street Headquarters and the Riga Police Headquarters. I am sure respondent did not have any confidential or secret connection with the Riga Police Headquarters because all official relations would have gone through me."

2.20.03 EVALUATION. Mr. Lobe's testimony is important because he was for a period of time the respondent's superior at the Annas Street Headquarters. In that capacity the witness surely is presumed to know what the duties of his subordinates are. Mr. Lobe stated rather emphatically that the persecution of Jews was not one of the respondent's duties since the Annas Street Headquarters was not involved in that process.

Mr. Lobe also testified that there was no difference between the Self-defense Organization and the Kartibas Dianests, even though the Germans called it one thing one day and another thing the next day. This point is important because the government is now attempting to exploit the semantic distinctions in the various terms used by the various witnesses.

2.21 ALEKSANDRS FLIENSERS.

2.21.1 BACKGROUND OF WITNESS. Mr. Flensers resides in Sweden and was deposed at the United States Consulate in Stockholm on October 25, 1978. Mr. Flensers is a graduate of the Alexander Military Academy in Moscow where he studied in 1915 and 1916. He also studied law in Moscow in 1913 through 1915. He was the Latvian Military Attache in Berlin before the war. Although the record does not reflect Mr. Flensers' age, it would be safe to estimate it in the early 80's.

2.21.2 TESTIMONY. Mr. Flensers testified through a Latvian language interpreter substantially as follows: "I first met the respondent as a boy in

1917 in Valka, Latvia, where he worked for the institution I led. In the summer of 1941 I arrived in Riga on or about July 4 and met respondent on July 5 or July 6 when many officers came to me and respondent was one of them. He came to my office at the Riga Latvian Association located at 13 Pauluci Street in Riga. To the best of my recollection, respondent worked for the Directorate General for the Interior in 1941 and 1942, and in autumn of 1942 he went to work at the Annas Street Headquarters. The respondent couldn't have been a member of the so-called Arajs Commando because respondent was an officer with the highest military education and Arajs was only a corporal. I cannot remember that I met respondent in 1942, but I met him in 1943 at Papiaka where he was the adjutant of the Latvian Legion regiment stationed there. His rank was then captain.

2.21.3 EVALUATION. This witness is a man of stature. He was mentioned not only by the respondent but also by several of the respondent's witnesses. His recollection of the date when he first met respondent in Riga in July of 1941 does not correspond with the respondent's recollection, but this simply cannot be helped after the time span involved here. It must also be borne in mind that respondent was one of many army officers who came to visit Colonel Plensners.

The respondent's attorney in the course of his direct examination of the witness did not delve into the details of this witness' knowledge of the Arajs Commando but the government's attorney on his cross-examination pursued the subject and elicited rather interesting observations from Mr. Plensners. Although Mr. Plensners could not say so of his own knowledge, he offered his considered opinion that the ghetto was guarded by Arajs men. Coming from a person of Mr. Plensners' stature, this opinion should be given some weight.

In their brief the government announces that respondent never has been accused of being a member of the so-called Arajs Commando. Thanks!

2.22 PETERIS JANELSINS.

2.22.1 BACKGROUND OF WITNESS. This witness resides in Sweden and was deposed at the United States Consulate in Stockholm on October 25, 1978. This witness is younger than respondent.

2.22.2 TESTIMONY. This witness testified through a Swedish language interpreter substantially as follows: "I met the respondent sometime in the middle of 1930's. Afterwards we became good friends. I had a chance encounter with him on a Riga street on July 1, 1941. When I met him he was in pretty bad shape. He had untidy clothes, his hair had been cut off and he looked depressed. He told me he had escaped from Central Prison. Later I met him at the Annes Street Headquarters where he was helping Colonel Veiss. This Headquarters had nothing to do with the extermination of Jews and neither did the respondent. He was never a member of the so-called Arajs Commando.

Somewhere between 1943 and 1944 I served in the Latvian Legion as respondent's adjutant when he commanded a battalion and was wounded and I had to take over command of the battalion."

2.22.3 EVALUATION. This witness is a friend of the respondent's and had been his military subordinate. Similar to the respondent's military equals and superiors, this witness had a good opinion of the respondent and could not believe that respondent would do any of the things he is accused of.

This witness also provided the most vivid description of the respondent's appearance on July 1, 1941.

2.23 JANIS MEIERS.

2.23.1 BACKGROUND OF WITNESS. Mr. Meiers was born in Latvia on

February 7, 1901 and at the time of his November 1, 1978 deposition at Melbourne, Australia would have been 78 years old. He came to Australia in 1950. He became a Latvian Army officer in 1924 and by 1941 had reached captain's rank. He also obtained a Master of Laws Degree from the University of Riga in 1938 and had been a Vice-Prosecutor at the Latvian Military Court. He has known the respondent since approximately 1937.

2.23.2 TESTIMONY. This witness testified substantially as follows: "During the afternoon of July 1, 1941, I arrived at the Merkela Street Defense Headquarters in Riga where I began fulfilling the duties of a Communications Officer until approximately July 14 or 15, 1941. Approximately six or seven days after I arrived in Riga I saw respondent at the Headquarters. I do not believe he had any job there, he just came in to chat with the officers and get information. He came in several days. I recall he had his hair cut short. I heard or read that he had been in prison.

Thereafter I was assigned to the Riga District Court as Vice-Prosecutor where I stayed until July of 1942. During that time I had occasion to visit the Annas Street Headquarters which the officers used as a club, especially at lunchtime. Respondent was the Chief of Administration there.

Thereafter I went to work at the Annas Street Headquarters as Legal Officer. Respondent came there to the Headquarters but I can't tell exactly where he was at.

Respondent became a major near the end of 1945 when we were in the Latvian Legion.

It would have been impossible for respondent to be dressed in a German uniform in 1941, 1942. Riga Police force was separate from the Annas Street

Headquarters. The Police Chief in Riga at that time was Stiglitz."

2.23.3 EVALUATION. It is obvious that this witness's recollection of dates is not particularly vivid. He said as much on several occasions. This inability to treat dates with precision does not necessarily detract from the credibility of other aspects of his testimony. For instance, he testified that the Latvian Army officer's corps was a small, closely knit family, that each knew what the others were doing. If anyone had participated in war crimes, the others would have soon learned of it and shunned the perpetrator. It is submitted that this testimony makes a lot of sense and comes to grips with the central issue: the respondent could not be the man the government witnesses were talking about.

It is not at all strange that this witness did not see the respondent at the Headquarters on July 1, 1941, since the witness arrived there in the afternoon, probably at a time when the respondent had already left. Neither is there any conflict with the respondent's testimony regarding his other visits to the Morkela Street Headquarters. The respondent did not say that he had a job there, he only said that he visited the place. According to the respondent's recollection, he appeared there on July 7, 1941, after having slept a day following his return to Riga. The witness, as a busy Communications Officer, probably did not have time to concern himself with every other army captain who came in during the period from July 7 through July 15, the time that the witness was still at that Headquarters. The respondent testified that beginning July 10, 1941 he went to work for the Annas Street Headquarters.

2.24 VALENTINS SIRANTS.

2.24.1 BACKGROUND OF WITNESS. This witness was deposed at Melbourne, Australia on November 1, 1978. This witness was born in 1905. He had come to Australia from Germany in approximately 1950.

2.24.2 TESTIMONY. This witness testified substantially as follows:
"I came to Riga in July 5 or 6, 1941 and met my old friend Mr. Tiltins who offered me a job as bookkeeper for the Latvian Self-defense Headquarters which at that time, I believe, was located at Meierovics Boulevard in Riga. I started on that job in the second half of July 1941 and at that time I believe the Headquarters was located at 2 Annas Street. Mr. Tiltins had captain's rank and he was the Chief of the Supply Department while the respondent also had captain's rank and was head of the Administrative Department. I saw the respondent there almost daily since our offices were on the same floor. I wore civilian clothes because I was a non-commissioned officer while the respondent was dressed in military uniform. I stayed in that job until 1944 but respondent left in approximately one year. He was transferred to one of the districts in Letgale."

2.24.3 EVALUATION. The testimony of this witness corroborates respondent's testimony regarding his work at the Annas Street Headquarters. This witness, of course, could not fill in any details because he was of lower rank and working in a different department but the fact that the respondent was there also was quite clear. While the witness was obviously confused regarding the terminology applied to the formations then existing, one thing is quite clear: he worked at the Annas Street Headquarters where respondent also worked.

It is interesting to note that this witness is the only one who remembered the street number for the Headquarters. The others had apparently forgotten that it was No. 2.

2.25 VERNERS VOIKUS.

2.25.1 BACKGROUND OF WITNESS. This witness is a pastor. He had fled from Latvia to Germany during the Russian occupation and returned to Latvia at the time the Germans invaded it. He had worked at the Annas Street Headquarters as a translator and later transferred to the Latvian Legion where he was appointed chaplain for the 19th Division. He escaped from Latvia on May 8, 1945, and wound up in Germany from where he emigrated to Australia.

2.25.2 TESTIMONY. This witness testified substantially as follows: "I returned to Riga on approximately July 7 or 8, 1941, and went to the Latvian Society building on Merksia Street in Riga where I wished to meet Colonel Plensners. I did not know the respondent at that time but I noticed him. He was in a captain's uniform and he had a meeting with Colonel Plensners in his office. I was waiting to see the Colonel and saw Captain Hazzers leaving Colonel Plensners' room. I noticed him because he had very short hair and it looked funny to see a Captain with short hair which was unusual and I asked Colonel Plensners who that Captain was. Colonel Plensners told me it was Captain Hazzers who was lucky to get out of prison just a few days ago. I then met the respondent in March of 1942 when I joined the staff of the self-defense forces at Annas Street as a Latvian-German interpreter. The respondent was one of the leading officers there. The respondent himself gave me things to translate from time to time.

This Headquarters did not have any police duties, it organized the closed battalions that were sent to the front to perform various duties, including combat. This Headquarters did not have any connections with the Riga Police. Sometime in the fall of 1942 the respondent left the Annas Street Headquarters. I met the respondent again in the DP camps in Germany where we worked in the same refugee organization. In my opinion, the respondent is an excellent soldier, an excellent officer with very high qualifications who would never touch a human being who couldn't defend himself."

2.25.3 EVALUATION. This witness gave a rather vivid and candid account of conditions in Latvia after the German occupation. His testimony surely corroborates the respondent's testimony.

3.00 COMMON CHARACTERISTICS OF GOVERNMENT WITNESSES

3.01 QUESTION OF IDENTITY. The government adduced no hard evidence of the identity of their witnesses. Perhaps there is such evidence, and then again, perhaps there is none. Whatever the evidence, it was not presented. In the meantime, we have to believe that each of the witnesses indeed personally experienced those things that they are testifying about rather than having read about them in some Soviet propaganda publication or having heard about them after returning to Latvia from the U.S.S.R. interior following the war. This question of identity is inherent in the nature of the case. We are scrutinizing events which took place thirty-eight years ago on another continent under strange circumstances in a land that is behind the Iron Curtain.

3.02 PREPARED BY RADIWKA. The cumulative record in this case shows that all of the Israeli witnesses were recruited and prepared by Inspector Maria Radiwka. All except one of the witnesses are people who have recently been permitted to leave the U.S.S.R. and have settled in Israel. Their testimony is remarkably similar and appears as if it was made with a cookie cutter. This is not at all surprising if we examine the methods and techniques Inspector Radiwka and her able colleagues used. The recruiting program was primarily based on the skillful use of the notoriety of the so-called Arajs Commando. Proper announcements were placed in the newspapers most likely to be read by recent immigrants from the U.S.S.R. Those who responded to the newspaper announcements were interviewed in due course. The witness is informed, subtly or otherwise, that Arajs is not the only target, that some of his henchmen have been hiding in the United States but now have been caught. Even before any photographs are shown to the witness, Inspector Radiwka makes sure the witness understands that the photographs are those of Latvian Nazi criminals. Then,

photo displays of various descriptions, some with conspicuous numbers next to photos, are shown to the witness. Apparently the numbers of the photos are never changed but remain static. No effort is made to prevent the witness from memorizing a number. The witness is never told that in among the criminals are also the photos of innocent men. The witness is gradually put at ease, that the authorities surely know what they are doing and that each one of these culprits is guilty, that there is no chance of mistaken identity. When the witness says this or that picture does resemble someone he has seen before, the identification is quickly clinched and he is congratulated on having indeed identified one of the criminals. The witness is then pressed to remember specific instances, concrete acts of murder or brutality. If the specifics are not immediately forthcoming, Mrs. Radwker calls the witness back for further interviews until she pins him down to a definite story containing at least two specific incidents, which story is reduced to writing as it goes along and the witness commits himself by signing the writing. Throughout the whole process the photographs are repeatedly shown to the witness to make sure that the witness will continue to pick out the right photograph. It is very difficult, if not next to impossible, to reconstruct precisely which photographs were shown to which witness on which occasion. The records that were kept are ambiguous to say the least. Surprisingly, Mrs. Radwker does not make any record of the prospective witnesses who fail to pick out any photographs for purposes of identification or who misidentify a subject. It would be very interesting to learn how many prospective witnesses placed a particular subject at some other place and incident from that where another witness had placed him at the same time. Unfortunately, there are no such records. Neither do we know the total number of prospective witnesses who have been interviewed and who ought to have had some knowledge of the same events about which the witnesses testified.

Information of that type might shed some light on the quality of memory after thirty-six years. It is submitted that the methods and techniques employed by Mrs. Radiwker seriously impair the identification evidence presented by these witnesses. The reliability question was raised in much blunter terms by the Court in United States v Fedorenko, 455 F. Supp. 893, where it said: "The Court was convinced the witnesses were discussing the trial among themselves, at least; at worst someone was coaching them." The Court excluded Mrs. Radiwker from the courtroom.

The above comments are not intended as a personal attack on Israeli Police Inspector Maria Radiwker and her integrity is not put in issue, only her methods and techniques.

3.03 NO CORROBORATION. Despite the obvious similarities in the testimony, none of the witnesses can corroborate a single incident testified to by any other. This could, of course, be a pure coincidence. The situation entails one obvious advantage: if two people had to tell about the same thirty-six year old incident, who knows how inconsistent the telling might turn out to be.

3.04 STRANGERS TO RESPONDENT. Perhaps the most significant common element among the witnesses is the fact that none of them knew the respondent before the events they claim they saw. This undisputed fact goes to the very essence of the reliability of the identification evidence. If the witnesses could testify that they knew the respondent from earlier times as a classmate or a neighbor or a co-worker, and actually recognized him and spoke with him at the time of the alleged occurrences, then the identification might be more plausible. As it is, the witnesses observed a total stranger for the first time in their lives and later thought they saw the same stranger doing other acts.

3.05 IMPROVED RECALL. It seemed as if the witnesses had more vivid and complete recall of the events at trial than they did in the course of their previous interviews. They claimed to be able to remember more when they think more about it. Assuming it to be so, does it not follow that further reflection might bring to surface additional facts and circumstances? Who can say today that those additional facts and circumstances would not drastically change the inferences and conclusions to be drawn from the previous testimony? What are the outer limits to human recall of thirty-six year old events? Does the passage of time distort some aspects of recall? Are some aspects suppressed and others highlighted? Which, if any, are those? Does it vary from individual to individual or are there some common mechanisms? Just how is perception and subsequent recall affected by emotional trauma suffered at the time of the event? Those, and many more similar questions go to the very essence of the reliability of the evidence.

3.06 OBVIOUS BIAS. The prejudice and bias of the victims is patent. In the eyes of these witnesses the respondent is not an ordinary murderer, he is a participant in the most monstrous of crimes, the Holocaust. They lost their families and friends, almost themselves. They the living came here to speak for the dead. They have a duty. They cannot forget. They sincerely believe respondent must have been a participant. Whatever nagging doubts they may have are easy to suppress because their cause is just. How could the respondent be innocent? Didn't the proper authorities finally locate him in America and seek them out in Israel to come testify against this Nazi war criminal? If the man was indeed innocent, why would Inspector Radivker have spent so much time to make sure that there is no mistake, that the identification is positive? And I am not the only one who has identified him! No, I am 100% sure, this is the right man!

3.07 FEW DOUBTS. It was truly remarkable how sure of themselves the witnesses were and how unhesitatingly they could point to what they believed to be respondent's photograph and declare that there is no doubt. This self-assurance was remarkable. Even more remarkable was the in-court identification resorted to with a flourish. Confidence of that magnitude invites speculation about lack of candor.

4.00 PHOTO IDENTIFICATION

4.01 EXHIBITS G5, G10 and G9. Any discussion of photo identification in this case must begin with the observation that the government never offered in evidence Exhibits G5 and G10. Neither has the government bothered to offer any explanation for this unusual tactic. Trial Attorneys Smith and Strasser, each in turn, repeatedly assured this Court that a proper foundation will be laid for the photographs, Exhibit G5 for identification, that were being shown to the witnesses in Court. This promise was never kept, and if it had not been for respondent's attorney's insistence, it is conceivable that even Police Inspector Maria Radiwker would not have been called as a witness. Just how the government had initially expected to lay a proper foundation for the photographs is a complete mystery. They knew, or surely had reason to know, that Inspector Radiwker is incapable of telling this Court precisely which photographs were shown to which witnesses on which occasion for the simple reason that no records were kept of the photographs, only of the number of photographs shown. Whether these spreads included one or two photographs of the man purporting to be Hazners is unclear. Mrs. Radiwker testified that Exhibit 10 for identification contained two photographs of Hazners but she had no way of making that assurance with respect to the witnesses who were shown individual photographs. Both Mr. Smith and Mr. Strasser knew this, and yet they persisted in giving this Court promises they knew they could not keep.

The government cannot claim mere inadvertence because at the conclusion of the hearing on May 17, 1979 the government was reminded of this deficiency in their proof and still declined to remedy it. Tr 1372, 1373, 1374.

Since these Exhibits have not been offered, respondent has not been afforded an opportunity to object to their admissibility and protect the record

by setting forth the grounds for the objection. Moreover, respondent has been placed in limbo regarding any evidence which he could have adduced to counter these Exhibits for the simple reason that one cannot rebut something that is not in evidence. Perhaps that was the government's strategy. Be that as it may, it is submitted that since these Exhibits are not in evidence, they should not be considered for any purpose.

Exhibit G9 was accepted in evidence as a page from a book and there is no basis for the government's argument on page 33 of its brief that it has been identified as a photograph of Hagners, in this instance meaning the respondent.

The connection between the respondent and the photographs was never established. There is nothing in the record indicating on what date or at what point in his life cycle these photographs were taken, if indeed they are photographs of the respondent. A question of equal importance is whether those photographs depict the respondent as he might have appeared in 1941.

4.02 PSYCHOLOGICAL STUDIES. Eye witness identification by way of photographs viewed 36 years after the event cannot be clear, unequivocal and convincing as a matter of law. Eye witness identification is inherently unreliable. It is next to useless when resorted to 36 years after the event for purposes of identifying a stranger to the witness who suffered emotional trauma at the time of the event. There is no scientific basis for advocating the reliability of this type of evidence. The reported studies present convincing proof that eye witness identification is far less accurate than commonly believed. See Note, Did Your Eyes Deceive You? Expert Psychological Testimony on the Unreliability of Eye Witness Identification, 1977, 29 Stanford L. Rev. 969, pages 969 through 989 being included in the Appendix.

See also Levina and Tepp, The Psychology of Criminal Identification: The Gap from Wade to Kirby, 121 U. Pa. L. Rev. 1079. Perhaps the best legal treatise on the subject is Judge Nathan R. Sobel's "Eye Witness Identification. Legal and Practical Problems," published by Clark Boardman Company, Ltd., New York, New York, in 1972 and supplemented through 1979.



HERO'S WELCOME FOR DISSIDENTS IN ISRAEL: Mark Dymshits, left, and Eduard S. Kuznetsov being welcomed in Tel Aviv by Prime Minister Menachem Begin. They were among Soviet dissidents released and flown to

New York on Friday in exchange for two Soviet spies. "Thanks to your efforts, we have arrived to be with you," Mr. Dymshits said. "I'm happy that after nine years I can join my family and my country in my homeland."

ASSOCIATED PRESS

A rather vivid example of the unreliability of photographs is the above clipping from May 1, 1979 New York Times. Can there be any doubt that it is a photograph of the respondent's attorney talking with Israeli Prime Minister Begin? Even a second look at the photograph will not create any doubt about it. But the facts are otherwise. Mr. Begin is actually talking to a person who could pass for respondent's attorney's identical twin. We all know that this is not at all unusual, that our appearances are not as unique as we sometimes assume. This is especially so of soldiers in uniform. Don't they sometimes all look alike?

4.04 SUPREME COURT OPINIONS. The Supreme Court has recognized and tried to deal with the unreliability of eye witness identification in several important cases:

Moore v Illinois, 1977, 434 US 220, 54 L Ed 2d 424, 98 S Ct 458;
Manson v Brathwaite, 1977, 432 US 98, 53 L Ed 2d 140, 97 S Ct 2243;
Neil v Biggers, 1972, 409 US 188, 34 L Ed 2d 401, 93 S Ct 375;
Simmons v United States, 1968, 390 US 77, 19 L Ed 2d 1247, 88 S Ct 967;
Stovall v Denno, 1967, 388 US 293, 18 L Ed 2d 1199, 87 S Ct 1967;
Gilbert v California, 1967, 388 US 263, 18 L Ed 2d 1178, 87 S Ct 1951;
United States v Wade, 1967, 388 US 218, 18 L Ed 2d 1149, 87 S Ct 1926.

In Neil v Biggers the test was stated thusly: "the factors to be considered in evaluating the likelihood of misidentification include the opportunity of the witness to view the criminal at the time of the crime, the witness' degree of attention, the accuracy of the witness' prior description of the criminal, the level of certainty demonstrated by the witness at the confrontation, and the length of time between the crime and the confrontation".

In the same case the Court said: "There was, to be sure, a lapse of seven months between the rape and the confrontation. This would be a serious negative factor in most cases". If seven months was regarded as a serious lapse of time in a rape case where the victim's observation of the perpetrator is direct and prolonged, how should a thirty-six year lapse of time be characterized? It is submitted that a thirty-six year old identification is unreliable as a matter of law.

In Moore v Illinois the Supreme Court voiced another concern which is very much present in this case: "Persons who conduct the identification procedure may suggest, intentionally or unintentionally, that they expect the witness to identify the accused. Such a suggestion, coming from a police officer or prosecutor, can lead a witness to make a mistaken identification. The witness

then will be predisposed to adhere to this identification in subsequent testimony at trial".

The Supreme Court's remarks in Manson v Brathwaite about the victim being a stranger under stress are germane to this case: "Usually the witness must testify about an encounter with a total stranger under circumstances of emergency or emotional stress. The witness' recollection of the stranger can be distorted easily by the circumstances or by later actions of the police".

In its brief the government argues rather forcefully that tainted evidence is nevertheless admissible but fails to explain why the tainted Exhibits were not offered in evidence. Respondent agrees with the government that the ultimate issue is whether the photo identification is reliable but submits that there was no proper foundation laid for the admissibility of the crucial Exhibits constituting that evidence.

The lack of clarity regarding which photo displays each witness viewed has already been noted in Section 2.00 and 3.00 of this brief. It should be noted in passing that under Rule 16 of the Federal Rules of Criminal Procedure a defendant may move for production of all photographs used in pre-trial identification of the defendant. While it is not contended that this rule should be applied to this case, a proper foundation for the identification evidence ought to include the precise photo displays which were used in the initial as well as all subsequent photo identification procedures.

Judge Nathan R. Sobel in his treatise, page 87 of the 1979 supplement, proposes as one of the standards for photo identification the following: "8. The Witness should not be repeatedly exposed to photo displays containing the same

picture which has been previously identified." He suggests that repeated showing of the same picture tends to fix that image in the witnesses' mind, while blurring the image actually perceived during the crime. He is, of course, referring to a short time period between the crime and the viewing of the photographs. The prejudicial effect of repeated showings after thirty-six years is a matter of a different order of magnitude.

5.00 NAME IDENTIFICATION

Except for the probability that some or all of the government's witnesses learned the name Hazners from either Soviet sources or discussions with friends and neighbors, name identification plays no significant role in this case. To begin with, none of the witnesses were acquainted with the name Hazners until they had a direct involvement with a man whom others called Hazners. Mendelkorn, Wulfowitz and Dolgizer heard the name at the police headquarters while Mr. Loewenstein heard the name from his brother-in-law while Mr. Wagenheim is really not sure how he learned the name.

The record does not indicate whether Hazners is a rather common or rare name. Neither does it show whether other people having the same or a similar name might have been involved at the Riga Police Headquarters in the given time period or at the ghetto gate in 1941.

6.00 PHYSICAL DESCRIPTION

A Latvian Army captain with a prison haircut was a sight to behold. Messrs. Mendelkorn, Wulfowitz and Dolgizer who think they saw respondent in July of 1941 ought not have forgotten it. But they did. Mr. Loewenstein and Mr. Wagenheim perhaps did not observe it if the man had a hat on. It is submitted that none of the witnesses saw respondent but rather a man they now think was respondent.

In other respects the physical descriptions of the man believed to be Razners were characteristically unremarkable. About what could be expected 36 years later. The witnesses' descriptions could fit thousands of males in Riga in 1941.

In its brief the government places very little reliance on the physical description. See page 28. Respondent submits that the prison haircut is a very significant point and should be given appropriate weight by this Court.

7.00 IN-COURT IDENTIFICATION

The in-court identification procedures resorted to by the government are less than worthless. They detract from the credibility of the witnesses who participated in the procedures. Many people cannot recognize their brother whom they have not seen for 36 years while these witnesses purportedly picked out a stranger. But the respondent was not a stranger to them when they picked him out. The respondent was conspicuously sitting next to his attorney at the counsel table and no one in the courtroom had any doubt whatsoever who the respondent is. Footnote 40 on page 30 of the government's brief is sheer nonsense. Besides that, it is not part of the record in this case.

8.00 ABSENT WITNESSES

It is submitted that some hard questions must be asked regarding some missing witnesses on the government's side. The government relied almost exclusively on the testimony of people who had quite recently left the Soviet Union and emigrated to Israel. It could be a coincidence that all of the people capable of recognizing the man named Hasners remained behind the Iron Curtain while those who could not recognize him came to the West. The record does not show how many, if any, people who survived the Riga ghetto came to the United States and how many, if any, were interviewed by the government. It is reasonable to infer that an effort to identify and interview them was indeed made.

The documents the government introduced in rebuttal bristle with names of people who ought to have personal knowledge about Nazi atrocities in Riga after the German occupation. The record is sprinkled with names of other people who presumably would have something to say. Viktors Arajs, for instance. Yet, the record is completely silent regarding what efforts the government has made to call those people who are still alive as witnesses. It is strange indeed that only victims testified. Where are all the accomplices? The German special litigation Unit has been investigating Nazi war crimes for years. What have they found that might implicate the respondent in the events the witnesses talked about and what evidence do they have that might support the government's theories implicating respondent? These and many other questions which cannot be answered from the record raise a negative inference that if called, the missing witnesses would have impaired rather than enhanced the government's case.

9.00 MOTION TO DISMISS

At the close of the government's direct case on March 8, 1978, respondent moved to dismiss for failure to establish a prima facie case of deportability. The motion was renewed at the close of the government's rebuttal on May 17, 1979. It is respectfully submitted that the motion should have been, and ought to be, granted. At the close of the government's direct case as well as at the close of its rebuttal, there was insufficient evidence in the record to connect the respondent with the man Hazners that the witnesses were talking about because there was a complete failure of proof of identity. The respondent's defense did not furnish the missing elements in the government's case and consequently the government's case stands today exactly on the same level where it was on March 8, 1978.

10.00 RESPONDENT'S CREDIBILITY

The respondent was his own first witness. He testified in English. He did not dodge questions on cross-examination. He did not exhibit a selective memory. He did not exhibit discomfort. None of the documents he was cross-examined with controverted his testimony. The documents which the government out of the goodness of its strange heart offered in rebuttal corroborated respondent's testimony. The respondent's testimony was clear, convincing and unequivocal.

The government had a full and fair opportunity to cross-examine respondent and each of his witnesses on the details of his everyday duties at the Annas Street Headquarters. It chose to conduct a rather superficial cross-examination on this point and ought not be heard to complain about vagueness and inconsistencies. If the government had disclosed all of the materials that it obtained from the Soviet Union purportedly pertaining to respondent, perhaps they would have contained additional information on this point.

The government seems to argue that somehow respondent is being less than candid with this Court and skillfully trying to "distance" himself from the SS. On this point the government's argument is untenable. The respondent has never tried to distance himself from what he was and what he has done, he only wants to distance himself from the false conclusions reached by the government. The government has steadfastly persisted in branding the respondent a member of the SS even when the record lends no support to that conclusion. For instance, on page 2 of its brief the government states: "Though concealing SS service probably rendered him ineligible to enter the United States". Respondent has concealed nothing. There is no way he can distance himself from the fact that

he served in the Latvian Legion which was part of the Waffen SS and which was for some purposes under the SS. Those are historic facts on which there should be no controversy. At the same time, the nature of the Latvian Legion has been investigated by the Displaced Persons Commission which concluded that it is not an organization inimical to the United States. No evidence has been offered which at this late date could impel anyone to change those conclusions.

Regarding respondent's service at the Annas Street Headquarters, again there is no way the respondent can distance himself from the SS because his immediate superior was immediately subordinate to the KdOL who in turn was directly under Schroeder who was under General Jeckeln. Jeckeln's immediate superior was Himmler and Himmler was responsible to Hitler and no one else. Again, these are historic facts which neither the government nor the respondent can contest. What conclusions are to be drawn from those facts is an entirely different matter. The government would like to find the respondent guilty by association by simply waving the SS runes. This is what the respondent is trying to distance himself from.

The most unfair aspect of the government's attack on respondent's credibility is the absence of exculpatory evidence which should be a part of the record but is not. See Section 19 of this brief. The respondent testified that he was interviewed extensively by various United States officials before he was permitted to come to the United States. He said they had a file on him. Where is that file? What did it contain?

11.00 CREDIBILITY OF RESPONDENT'S WITNESSES

In assessing the credibility of the respondent's witnesses, the question to be asked is this: would each and every one of them come and testify under oath that the respondent had not been involved in war crimes when in fact they knew, had heard, or suspected that the respondent had in fact done any of the despicable acts the government's witnesses accused him of? Would these people face this Court and confirm that they are lifelong friends of the respondent if they had any reason to know that he had the blood of innocent people on his hands? If they did not tell the truth from the bottom of their heart, then they are indeed baser beings than the man the government witnesses were talking about.

The government seems to think that Jews were slaughtered in broad daylight on Riga streets like buffalo on the American prairie. Even the testimony of the government's own witnesses does not support this notion. Rather, the record supports the conclusion that the Nazis tried to keep their atrocities a secret as much as possible. What are the respondent's witnesses expected to say if they never saw this with their own eyes? The government says they are covering up, hiding something. It is difficult to hide something you cannot swear you saw.

The government also attacks the credibility of the respondent's witnesses by pointing out that they, like the respondent, cooperated with the Nazis. The premise seems to be that everyone who did not take up arms against the Nazis would lie under oath 36 years later. This proposed stigma is unwarranted. The government disregards the fact that the Communists invaded

Latvia before the Nazis did. The luxury of neutrality was neither offered nor available to the Latvian people. Mr. Farups cooperated with the Nazis because he did not wish to share a common grave with the Jews. He did not have the option of going to Canada. Neither did the other former Latvian Army officers who testified. Just because they fought the Communists on the side of the Nazis does not render them perjurers. They apparently did what they perceived to be in the best interests of their country in the given circumstances. There is no evidence that they ever embraced the racial fantasies, politics and morals of the Nazis.

The government places undue emphasis on the inconsistencies among the respondent's witnesses on street names. For instance, Mr. Flensners testified that the Riga Latvian Association was located at 13 Pauluci Street. Other witnesses named a different street. This is quite understandable, because, presumably, none of them have been back there for more than 30 years. We all know the building having the official address 26 Federal Plaza, New York, New York, but if we left the area and were asked 30 years later on what streets this building stood, how many of us would give a precise answer?

12.00 GOVERNMENT'S REBUTTAL

12.01 MAY 17, 1979 STIPULATION. Although this Court on March 28, 1979 had fixed May 17, 1979 as the final adjournment date for the government to present its rebuttal witness, on May 10, 1979 the government made a further motion to adjourn the hearing to June 18, 1979. Rather than suffer this potential further delay, respondent decided to stipulate with the government on certain matters in order to induce the government to withdraw its motion for an adjournment. The stipulation was signed and submitted to this Court on May 17, 1979 and is part of the record together with its two attachments. Also a part of the record are certain other documents offered by the government on May 17, 1979 and accepted into evidence on that date. Those additional documents are not covered by the stipulation. The government gave respondent no prior notice that those documents would be offered in evidence in addition to the stipulation and its documents. Tr 1372. If there are any conflicts between the stipulation and these additional documents, the stipulation should govern. In the interests of saving time, the respondent waived any opportunity which he might have had to offer additional evidence to counter those documents.

The stipulation embraces nine specific points which merit comment individually:

1. There is no controversy regarding the fact that after the war broke out various self-defense units sprang up in Latvia.
2. Respondent testified that on July 1, 1941 Colonel Veiss sent him with a self-defense unit to the seashore. There is no controversy about this. Similarly, there is no controversy that at one time or another the Germans

called these self-defense units "Selbatachutz".

3. This point is significant because the government has agreed that the immediate chain of command for the organization commanded by Colonel Weiss was different from that of the auxiliary security police. Henceforth, the government cannot advance any arguments that require SD control as an essential element.

4. This point is obvious and never has been in controversy.

5. Respondent testified that he went to work for Colonel Weiss on July 10, 1941. Regardless^{of} what the organization was called in what language, it was not part of the auxiliary security police and the Riga City Police. This is a very important point and precludes further arguments from the government that respondent worked for some kind of sinister security service.

6. There has never been any controversy on this.

7. The respondent and his witnesses have been saying all along that Colonel Weiss's units headquarters was on Annas Street in Riga and derived its popular name from that street. The government surely does not need a stipulation to prove this point. Among the respondent's witnesses there are differing recollections of the precise date when the headquarters was established at Annas Street. This simply cannot be helped after 36 years.

8. There is no controversy concerning the fact that the July 20, 1941 document exists and that the copy offered by the government is a true one. But this does not mean that the document cannot be the subject of differing interpretations. The initial question would be, to whom was this document or order addressed; was it published or was it secret or confidential? Was it

addressed to some lower echelon German commanders or to Police Chief Stiglitz and Colonel Weiss directly? How was this document actually implemented? In paragraph 4 of the document the security commando envisioned surely is not Colonel Weiss's unit because in paragraphs 3 and 5 of the stipulation the government agreed that it was not under the SD. The document shows that Colonel Weiss was in charge of the 500 man recruit reserve which we know evolved into the Schutzmannschaft Battalions mentioned in paragraph 5 of the stipulation. These observations are important for a proper evaluation of the other documents offered by the government.

9. Document L-180 from the Nurnberg trials collection has various appendixes and there can be no question that the government has given this Court a true copy of a portion of Appendix 4 which purports to speak as of October 15, 1941 and is apparently a summary of previous reports to that date. But what does it really mean? One thing is for sure, the July 20, 1941 memorandum has been subsequently modified or abandoned because the "Rekrutierungsreserve der Hilfspolizei" unit Colonel Weiss was commanding was up to 1,200 men from the 500 men mentioned in the July 20, 1941 document. There is no basis for concluding that the so-called Araja Commando is also included within the head count in document L-180. Rather, the contrary is indicated. Similarly, there is no basis in this appendix or elsewhere in the record for the government's conclusion on page 20 of its brief that "The Schutzmannschaft included a number of police battalions (military type formations of about 500 men each equipped as light infantry), harbor police, railway police, and a concentration camp administration of 880 men." This

argument is founded on thin air.

12.02 OPERATION SITUATION REPORT 15. This is the July 7, 1941 report which refers to the burning of the synagogues, and that aspect of it has been discussed in Section 15 of this brief. A further comment is in order regarding the identity of the two independent groups mentioned in the Report. From the tone of the report, it could be inferred that one or both of these independent groups was involved in the pogroms as well as the synagogue burnings. There is no indication that these independent groups were under the command of Colonel Veias. If they had been, there would have been no need to refer to them as independent. One can only speculate whether these groups refer to the so-called Arajs Commando. It is submitted that this report corroborates rather than rebuts respondent's evidence.

12.03 OPERATION SITUATION REPORT 24. This report is dated at Berlin on July 16, 1941. The only reference to the report is found on page 8 of the government's brief where it is cited in support of the proposition that Jews were persecuted and killed. How this report rebuts anything the respondent or any of his witnesses told this Court is not readily apparent. Perhaps the government wishes to convince this Court that just because the Nazis in some of their reports credited the hilfspolizei with murdering Jews, the unit where respondent worked is automatically a participant since the Germans referred to all Latvian units as hilfspolizei at one time or another. Neither this report nor any of the others supports such sweeping conclusions.

12.04 DOCUMENT L-180. The government again has submitted to this Court an incompetent translation. This is just one of many vivid examples how events and people can be put in a different light and facts distorted through translations. Perhaps the people at our State Department's Division of Language Services can operate on that level, but the government attorneys surely know better. One does not have to understand the German language to see that something is wrong with the heading of A.I.(1) which in German reads "Aufstellung der Hilfspolizei un der Schutzmannschaften". Since the immediately preceding heading uses the word "Organisatorische" which has been translated to English as Organizational, how can the translator use the same English word for the German word aufstellung? The general drift of the text suggests that a better word might have been build-up. But that is merely a minor point. What is really outrageous is the loading of the heading with ominous connotations. The Schutzmannschaften are suddenly and without warning turned into security forces of the uniformed regular police and the security police. What an abomination!

If a decent translation of the document had been made, it would be apparent that the words hilfspolizei and schutzmannschaften were used in a generic sense and not as references to specific units, such as the organization headed by Colonel Weiss.

12.05 LATVIEGU KARAVIERS OTRA PASAULES KARA LAIFA. These pages from a history book written in 1972 again corroborate rather than rebut. It shows that the organization headed by Colonel Weiss was officially referred to by various names in the course of its evolution. It does not touch upon the common everyday designation of it in vogue at that time. It goes into

greater detail regarding the titles that respondent had in this organization on various dates. All of this is very interesting but does not help the government's case.

If respondent had known that the government proposes to engage in a contest between books, he could have offered this book and other similar books as defense evidence. Instead, respondent chose to rely on the testimony of people. Unlike reports or pages from a book, respondent's witnesses testified under oath and were tested under cross-examination.

13.00 ANNAS STREET HEADQUARTERS

It is obvious from the record that the Latvians continue to refer to the Annas Street Headquarters in their language as "Annas Ielas Stabs" (Flensners' deposition) and there is no confusion about where it was and what it was. To this day the Latvians regard it as the self-defense headquarters responsible for recruiting, training and forming the battalions which were sent primarily to the front and later became the core units of the Latvian Legion. When we get down to fine points of terminology, the recollections and distinctions become somewhat fuzzy. For instance, there is no clear indication in the record of the date when the term "Kartibas Dienests" began to be used. Similarly, there is no indication when the corresponding German term "Schutzmannschaft" came in vogue. An appropriate translation to English of the Latvian words Kartibas Dienests is "order service" but nobody ever attempted to make a translation of Schutzmannschaft into English. Perhaps because a precise translation would be very difficult. It must also be observed that Kartibas Dienests is not a literal translation of Schutzmannschaft but merely Latvian terminology for the units the Germans referred to as Schutzmannschaft. A rather vivid observation was made by respondent's witness Mr. Karlis Lobe who answered "no" to the question "Was the self-defense organization different from Kartibas Dienests?" Page 17. He also said "It is hard to answer because Latvians call it self-defense forces and Germans called it one thing one day and another thing another day." Page 16. It is submitted that Mr. Lobe is in a position to know because as Chief of the Headquarters at Annas Street from January to September 1942 he was familiar with the organization and

the terminology applied to it. Similarly, respondent's witness Mr. Voitkus said that the term Kartibas Dienests referred to closed units intended for combat. See page 7 of his deposition.

On pages 10, 17 and 20 of their brief the government advances the argument that two separate entities existed, the self-defense and the Kartibas Dienests. This argument overlooks the fact that Lieutenant Colonel Veise did not lead two distinct units but only one. The conflicts in the testimony result from faded memories, nothing more.

Similarly, there is no real conflict in the testimony regarding respondent's duties at the Annas Street Headquarters. It is simply too much to ask after all these years that each witness recall with precision exactly what respondent did. They each had a general idea which is about what could be expected. As was pointed out in Sections 10.00 and 11.00 of this brief, the government had a full and fair opportunity to cross-examine the witnesses on this point. They could have pursued it further.

14.00 POLICE HEADQUARTERS

The Riga Police Headquarters atrocities are embraced within allegation 8 in the order to show cause, "Among the activities and conduct alleged in paragraph 5, was your participation and acquiescence in the commission of assaults upon a group of Jews, including one Ber Mendelkorn, at a police station located in Riga, Latvia, in or about July, 1941", and were covered in the testimony of government witnesses Mendelkorn, Wulfowitz and Dolgizer. Mr. Mendelkorn talked about the "first days of July", Mr. Wulfowitz about "first weeks" and Mr. Dolgizer specifically about July 14 and 15, 1941. Consequently, the time span in question under this allegation has been effectively reduced to the period from July 1 to July 15, 1941. The government in its brief somehow overlooks this limitation in their proof and continues to speak loosely about dates.

Respondent was in Riga on July 1 but away from Riga on July 2, 3 and 4, returning on July 5 and sleeping on July 6. On July 7 he was at Colonel Plensuers' office and on July 8 and 9 was hanging around the headquarters where the Latvian Army officers were meeting. Starting July 10 he was employed at the organization which Colonel Veiss headed and which at that time might have been located at Meierovica Boulevard but was soon moved to Annas Street. The July 2, 3, 4 and 5 whereabouts of respondent the government attacks by suggesting that his story is fictitious and even if it is true, whatever Russians he captured must have been taken to the Riga Police Headquarters (page 14 of their brief). They seem to forget that their own witnesses testified that the police headquarters was packed

full of Jews and Hazuers was busy with them and apparently had no time for Russian war prisoners.

Perhaps July 8 and 9 are not as fully and completely covered in the record as one might desire, but after 36 years that is rather difficult. Suffice it to say that Mr. Mendelkorn was not in the police headquarters on those days because he claims to have watched the synagogue burnings by that time and Mr. Dolgizer was not yet at the police headquarters.

The government's attack on the time period from July 10 to July 15 is less clear. Are they suggesting that respondent did not go to work for Colonel Veiss on July 10 or are they saying that Colonel Veiss and his subordinates were all involved with the Riga Police Headquarters where the persecutions were taking place? Whether the headquarters of Colonel Veiss' organization, by whatever name it might have been called, was on Meierovics Boulevard or Annas Street seems a rather minor point because the central question is, was his headquarters at the Riga Police Headquarters? From the record the answer is a resounding no. Therefore, there is nothing to be gained by quibbling about the name of the organization and the name of the street on which Colonel Veiss' headquarters was located initially, since everyone agrees the headquarters wound up on Annas Street where respondent worked under Colonel Veiss. There seems to be no controversy about the fact that the Riga Police Chief was Stiglitz and not Veiss. The Police Chief would normally be expected to be at the police headquarters. It is difficult to believe that Colonel Veiss would have permitted one of his officers to moonlight at the police headquarters as a Jew baiter while there was work to do organizing and administering his own headquarters. Moreover, an army captain surely was

not needed to command the type of activities the witnesses testified about.

A corporal would have sufficed.

The government's attack on the credibility of respondent and his witness Mr. Vilips regarding the July 1 through July 5, 1941 period is partly based on a misconception regarding disruption of telephone service. Footnote 20 on page 14 of the government's brief claims that telephone service was cut off and that consequently respondent and Mr. Vilips could not have conversed over the cut telephons. The government cites Mr. Meiers as the source of this information. On page 14 of his deposition Mr. Meiers said: "I spoke with some suburbs in Riga. . . They don't interrupt communications . . .". How the government came to its conclusion is not readily apparent.

15.00 SYNAGOGUE BURNING

The government proudly presents, on rebuttal, Operation Situation Report Number 15! They did not bother to point out to this Court what they are rebutting, the respondent or themselves. Neither the respondent nor any of his witnesses testified that the synagogue was not burned. Respondent merely said that he was not involved. How does the document rebut respondent's testimony?

Perhaps the document was offered in rebuttal because during the government's direct case those who should have been prepared were oblivious to the fact that the document is part of the Nurnberg trials collection and, along with document L-180, has been gathering dust in our National Archives in Washington, D.C., for years.

Even though the document neither directly inculpates nor exculpates the respondent, there are some limited exculpatory inferences which could be drawn from this document. Reasonable men could not differ that the synagogues were not burned on July 8, 1941, and afterwards. Whether the burnings took place on July 7, 1941 is fairly debatable and perhaps doubtful because the report is dated that day at Berlin. If the report was typed during normal business hours (what business the writer of the report was in being obvious), it probably reflects only events transpiring up to the close of business on July 6, 1941. It is equally probable that all of the synagogues in Riga were not burned at one time or even on the same day. Perhaps the Great Synagogue on Cogol Street was the first to go on July 2, 1941. Then again it could have been the last. If the burning occurred during the days respondent was not in Riga, he would have a good defense. Consequently, the precise day of the burning is of major significance. Since it was impossible to pin down Mr. Mandelkorn to a specific date when the Great Synagogue burned, respondent did not offer in evidence Operation Situation Report Number 15.

If the government wishes to rely on the 36 year old recollection of a 17 year old boy, that is their privilege. If this is all the evidence the government has marshalled, the burden of going forward with the evidence surely has not shifted to the respondent and he was not obliged to prove who ordered and who executed this crime. He said he did not and so be it.

16.00 GHETTO GATE

The Riga ghetto atrocities are embraced within allegation 10 in the order to show cause and allegation 12 in the additional charges, Exhibit G1B. Allegation 10 covers the testimony of Mr. Loewenstein and Mr. Wagenheim. Allegation 12 was tailored to fit Mr. Noy's tall tale about the selections.

The government apparently recognizes that simple logic requires it to prove that respondent was employed in some organization which was involved in war crimes. It is obvious that some organization or unit rather than ad hoc volunteers guarded the ghetto gate.

The government's argument on page 12 of its brief that respondent was at the ghetto gate gets a failing grade in logic. It runs somewhat as follows: the Schutzmannschaft wore Latvian Army uniforms. The guards at the ghetto gate wore Latvian Army uniforms. Respondent was the operations officer of the Schutzmannschaft. Therefore, respondent was at the ghetto gate to insure his troops are carrying out orders. Brilliant? No, just intellectually dishonest!

Those who wish to advance that argument must start out by establishing that the former Latvian Army uniforms were worn by the Schutzmannschaft exclusively. Nowhere is that contemplated in the May 17, 1979 stipulation. For openers, they should establish that the so-called Arajs Commando did not wear them. The next point to establish would be that an adjutant was an "Operations Officer" and neither is there in the record any description of the functions of a 1941 Schutzmannschaft Operations Officer. It is refreshing to note that the government has not asked this Court to take judicial notice of those duties.

A minor departure from the record occurs when the government characterizes the respondent as adjutant of "the Schutzmannschaft Battalion", implying that there was only one. The fair conclusion to be drawn from the record is that respondent was adjutant or chief of the Administrative Division of the Headquarters of the Schutzmannschaft.

While conceding that respondent was indeed employed at the Annas Street Headquarters, on page 19 of their brief, the government clutches at straws in their argument that this would not preclude him from doing the things that Mr. Loewenstein and Mr. Wagenheim testified about. The government resorts to all sorts of semantic acrobatics without addressing the real issue: what evidence is there in the record that establishes the involvement of the Annas Street Headquarters in the persecution and extermination of Jews, including the guarding of the ghetto? It is submitted there is none. See Sections 12.00 and 13.00 of this brief. It is sheer speculation to suggest that those who worked at Annas Street did "double and triple duty". Similarly, the argument that respondent was too able and ambitious to merely shuffle papers in unnecessary flattery. See page 24 of the government's brief.

17.00 GOVERNMENT'S BRIEF

The government has a propensity to trifle not only with exhibits but with the record itself. If something they wish was in the record is not there, they simply supply it in their brief. This is a rather unfair tactic because it places respondent in a dilemma: should he retaliate in kind or pray that the Court will ignore the contraband. Respondent has chosen the simple alternative of furnishing to this Court by way of Appendix 25 those portions of the government's brief which are outside the scope of the record.

An even more prejudicial tactic appears on pages 32, 33 and 34 of the government's brief where important arguments are founded on exhibits which are not in evidence. By this tactic the government's attorneys are putting themselves in issue rather than addressing the issues.

The government loads its order to show cause and purported evidence with innuendoes and then sneers at "the length to which the respondent has gone in attempting to disprove allegations not found in the order to show cause . . ." When the respondent says he was not at the Police Headquarters, the government intones that "the respondent has not claimed that the events described by the government's witnesses never occurred", as if respondent had the burden to establish that Mr. Mendelkorn's teeth were knocked out by somebody else. This attitude reveals more than mere confusion about who has the burden of proof.

In its brief the government cavalierly announces that "we do not accuse the respondent of membership in the Latvian Secret Police, known as the Arajs Command", but if the respondent had made no effort to disprove his membership in that notorious group, one can be sure that the government would have devoted a whole chapter of its brief to highlighting the fact that the respondent never established his non-membership. Consequently, the respondent could not sit idly by and afford the government any opportunity to tarnish him by indirect means.

18.00 ISSUES

Whether the government has or does not have the inherent privilege of withdrawing from this Court's consideration any one or all of the allegations and charges in the order to show cause need not be argued here. What must be argued is the unfair manner in which the government is or is not doing it.

Although the allegations clearly encompass a time period beyond December 31, 1941 and geographically extend beyond Riga and environs, on page 2 of its brief the government seems to be confining its case to Riga up to December 31, 1941. The government's brief omits any reference to the testimony of Mrs. Ljak that Hasners was abusing her husband's sister at the Daugavpils ghetto. Similarly, not a word is said about Mr. Noy's testimony of the December 41 and January and February 1942 selections at the Riga ghetto gate. Is it a mere oversight when the government states on page 35 of its brief that "Two witnesses testified about the incident at the ghetto gate; . . ." ? This surely is not an accurate statement if Mr. Noy's testimony is included. Is this their true intention or just some more of their gamesmanship of which this Court has seen plenty? Is it simply lack of courage which impedes the government's attorneys from clearly stating their position or is it some other problem?

Whenever the government decides to abandon any one allegation or charge, it ought to say so in plain English and not leave the respondent, and perhaps this Court, dangling and guessing what has happened.

Respondent submits that the issue to be decided is whether the government has established that he committed any of the acts embraced within the allegations, regardless of what position the government takes in its brief.

19.00 APPLICABLE LAW

While covering in detail the deportation provisions of the Refugee Relief Act on pages 3 through 5 of its brief, the government completely ignores sub-sections (a) and (b) of Section 11.00 of that Act:

Sec. 11.00(a) No alien shall be issued a visa under this Act or be admitted into the United States unless there shall have first been a thorough investigation and written report made and prepared by such investigative agency or agencies of the Government of the United States as the President shall designate, regarding such person's character, reputation, mental and physical health, history and eligibility under this Act, and such investigations in each case shall be conducted in a manner and in such time as the investigative agency or agencies shall determine to be necessary.

(b) No person shall be issued a visa or be admitted into the United States under this Act if the consular officer or the immigration officer knows or has reason to believe that such person is ineligible for a visa or is subject to exclusion from the United States under any provision of the immigration laws or is not eligible under the terms of this Act.

Since United States officials are presumed to have performed their statutory duties, what were the results of the thorough investigation which was conducted before respondent entered the United States and where is the written report they were required to prepare? The government has been engaging in a continuous cover-up of this aspect of the case. If the records have been lost or destroyed, the government should have had the courage to present evidence to that effect rather than simply stonewalling respondent's request for these documents. It should be remembered that at the very inception of this proceeding respondent asked for the report and whatever other documents the government may have. Respondent believes those documents contain exculpatory evidence. Their unavailability has seriously prejudiced the respondent's ability to present an appropriate defense.

20.00 CONCLUSIONS

The government has not sustained its burden of proof because the evidence adduced by the government in support of its allegations and charges does not rise to the exacting standard of clear, unequivocal and convincing. Respondent has not been identified as the person who committed the acts seen by the government's witnesses. It has not been established that the respondent misrepresented any material facts in order to gain entry to the United States. He was not excludable at the time of entry and is not deportable now.

August 7, 1979

Respectfully submitted,

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21.00 APPENDIX

Exhibits

| No. | I.D. | | Evidence | | Witness | Description |
|-----|----------|------|----------|------|-------------|---------------------------------------|
| | Date | Page | Date | Page | | |
| 1 | 2-14-77 | 2 | | | | Order to show cause |
| 1A | 11-2-77 | 589 | | | | Additional charge |
| 1B | 11-3-77 | 683 | | | | Additional charges |
| 1C | 11-3-77 | 683 | | | | Additional charges |
| 2 | 2-14-77 | 2 | | | | Respondent's answer |
| 3 | 2-14-77 | 4 | | | | Respondent's motion |
| G4 | 10-25-77 | 15 | 11-3-77 | 687 | | Respondent's visa |
| G5 | 10-25-77 | 75 | | | Mendelkorn | Photographs |
| R1 | 10-26-77 | 129 | | | Mendelkorn | August 8, 1975 statement, original |
| R2 | 10-26-77 | 129 | | | Mendelkorn | August 8, 1975 statement, German |
| R3 | 10-26-77 | 129 | | | Mendelkorn | August 8, 1975 statement, English |
| R4 | 10-26-77 | 139 | | | Mendelkorn | "Vini Bez Maskas" |
| R5 | 10-26-77 | 144 | | | Mendelkorn | "Kas Ir Daugavas Vanagi" |
| R6 | 10-26-77 | 144 | | | Mendelkorn | "Politiskie Begli Bez Maskas" |
| R7 | 10-26-77 | 144 | | | Mendelkorn | "Kas Apeudzen" |
| R8 | 10-26-77 | 152 | | | Mendelkorn | October 21, 1975 statement |
| R9 | 10-26-77 | 191 | | | Mendelkorn | List of names |
| G6 | 10-26-77 | 227 | | | Wulfowits | November 28, 1976 statement, original |
| G7 | 10-26-77 | 227 | | | Wulfowits | November 28, 1976 statement, typed |
| G8 | 10-26-77 | 228 | | | Wulfowits | November 28, 1976 statement, English |
| R10 | 10-28-77 | 378 | | | Loewenstein | August 2, 1976 statement, original |

| No. | I.D. | | Evidence | | Witness | Description |
|-----|----------|------|----------|------|-------------|---------------------------------------|
| | Date | Page | Date | Page | | |
| R11 | 10-28-77 | 378 | | | Loewenstein | August 2, 1976 typed statement |
| R12 | 10-28-77 | 378 | | | Loewenstein | August 2, 1976 translated statement |
| R13 | 10-28-77 | 383 | | | Loewenstein | October 13, 1976 statement |
| R14 | 10-28-77 | 383 | | | Loewenstein | October 13, 1976 statement, typed |
| R15 | 10-28-77 | 383 | | | Loewenstein | October 13, 1976 statement, English |
| R16 | 11-1-77 | 526 | | | Dolgizer | Description or location of Prefektura |
| R17 | 11-1-77 | 555 | | | Dolgizer | January 5, 1977 statement, original |
| R18 | 11-1-77 | 555 | | | Dolgizer | January 5, 1977 statement, typed |
| R19 | 11-1-77 | 555 | | | Dolgizer | January 5, 1977 statement, English |
| R20 | 11-2-79 | 626 | | | Ljak | March 3, 1976 statement, original |
| R21 | 11-2-77 | 626 | | | Ljak | March 3, 1976 statement typed |
| R22 | 11-2-77 | 626 | | | Ljak | March 3, 1976 statement, English |
| R23 | 11-2-77 | 626 | | | Ljak | April 23, 1976 statement, original |
| R24 | 11-2-77 | 626 | | | Ljak | April 23, 1976 statement, typed |
| R25 | 11-2-77 | 626 | | | Ljak | April 23, 1976 statement, English |
| R26 | 11-3-77 | 626 | | | Ljak | American Consulate, 8-20-76 |
| R27 | 11-3-77 | 666 | | | Dolgizer | November 4, 1974 statement, typed |
| R28 | 11-3-77 | 667 | | | Dolgizer | November 4, 1974 statement, English |
| R29 | 11-4-77 | 786 | | | Noy | June 27, 1967 statement, typed |
| R30 | 11-4-77 | 786 | | | Noy | June 27, 1967 statement, English |
| R31 | 11-4-77 | 810 | | | Noy | November 11, 1976 statement, original |

| No. | I.D. | | Evidence | | Witness | Description |
|-----|---------|------|----------|------|----------|--|
| | Date | Page | Date | Page | | |
| R32 | 11-4-77 | 810 | | | Noy | November 11, 1976 statement, typed |
| R33 | 11-4-77 | 810 | | | Noy | November 11, 1976 statement, English |
| G9 | 3-7-78 | 858 | 3-7-78 | 858 | Radiwker | Page from a book |
| G10 | 3-7-78 | 861 | | | Radiwker | Folder containing 18 photographs |
| R34 | 3-7-78 | 896 | | | Radiwker | Newspaper announcement |
| R35 | 3-8-78 | 969 | | | Radiwker | January 12, 1976 statement - Wagenheim |
| R36 | 3-8-78 | 969 | | | Radiwker | January 12, 1976 statement - Wagenheim |
| G11 | 3-8-78 | 991 | | | Radiwker | |
| G12 | 3-9-78 | 1085 | | | Hazners | Virsnieka Personas Aplieciba |
| G13 | 3-9-78 | 1087 | | | Hazners | Feteris Janelsins document |
| G14 | 3-9-78 | 1106 | | | Hazners | List of Abrene officers with translation |
| G15 | 3-9-78 | 1109 | | | Hazners | Personal identification |
| G16 | 3-9-78 | 1114 | | | Hazners | Duty roster, German |
| G17 | 3-9-78 | 1118 | | | Hazners | IRO application |
| G18 | 3-9-78 | 1138 | | | Hazners | Payroll record, German |
| G19 | 3-9-78 | 1138 | | | Hazners | Payroll record, English |
| G20 | 3-9-78 | 1143 | | | Hazners | Biography dated 7-29-43 |
| R37 | 5-1-78 | 1266 | | | Hartman | DP Commission document, September 25, 1950 |
| | | | | | | "Tevija" Article, Stipulation |
| | 5-17-79 | 1363 | 5-17-79 | 1363 | | May 17, 1979 stipulation |
| | 5-17-79 | 1365 | 5-17-79 | 1365 | | Operation Situation Report 15 |
| | 5-17-79 | 1365 | 5-17-79 | 1365 | | Operation Situation Report 15 |
| | 5-17-79 | 1365 | 5-17-79 | 1365 | | Document L-180 |
| | 5-17-79 | 1372 | 5-17-79 | 1372 | | Pages from book |

Uz tiesas lēmumu tomēr bija jāgaida līdz 1980. gada 27. februārim. Kaut man bija lielas cerības to sagaidīt pozitīvu, jo tiesas noslēguma dienā 1978. gada 9. martā, kad jau tiesas sēde bija slēgta un zāle pamazām tukšojās, es sagērbies gaidīju zālē savu dēlu Daumantu, lai tas man pateiktu, ka automašīna jau piebraukta un es varu tiesas zāli atstāt. Te jāpiezīmē, ka manas drošības nolūkos man tiesas mājā bija nozīmēta atsevišķa ieeja, atsevišķs lifts un kā pie ats. ieejas piebraucot, tā aizbraucot mani vienmēr sagaidīja resp. pavadīja tiesas maršāli. Bet mani arī ikreizes sagaidīja „news media” ļaudis ar savām TV kamerām, foto aparātiem un mikrofoniem un tā mani vienmēr arī pavadīja mans advokāts vai viens no maniem dēliem, kas tiesā bija klāt, jau iepriekš piebraucot arī auto mašīnu, lai mani mazāk traucētu uzbāzīgie reportieri, tad es parasti, jau sagērbies paliku zālē (kur arī par drošību gādāja tiesas maršāli) līdz man paziņo, ka mašīna pie attiecīgās izejas piebraukta. Tā tas bija arī šajā klātbūtnes pēdējā sēdē. Bez manis zālē bija palikuši tikai vēl daži cilvēki, kā arī abi valdības advokāti — Martins Mendelsons un otrs, kas visu laiku sēdēja viņam blakus un kuŗu Bērziņš teicās esam Mendelsona priekšnieku, uzvārdā Volfs (Wolf). Pēdējais abas tiesas dienas sēdēja klusu, pa laikam par kaut ko sačukstējās ar Mendelsonu un uz mani nekad netika pat paskatījies, arī tad kad es sēdēju viņa acu priekšā, uz liecinieku sola.

Man tā zālē stāvēt un gaidot uz auto piebraukšanu, piepeši Volfs pienāca man klāt, sniedza roku un pateicis tikai vienu teikumu: “Good-bye, Mr. Hazners, and be well!”, aizgāja atpakaļ uz savu vietu, lai sakrāmētu savu portfeli.

Tajā laikā ienāca arī mans dēls un kopā izejot abi bijām diezgan pārsteigti, jo mūs nesagaidīja neviens reportieris, neviena kamera un pavadītāji — tiesas maršāli, atvadoties noteica, ka es esot tagad drošs, jo mana liecība bijusi izšķirošā!

Mr. Wolf'a un šo maršālu teiktais it kā radīja lielāku cerību, ka viss beigsies labi. Vienīgi patikams nebija ilgā tiesas lēmuma gaidīšana un starplaikā turpinājošais terrrors.

Tiesas lēmuma, ka paredzēts, bija attaisnojošs. Tā saturs ir sekojošs:

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION COURT
ALBANY, NEW YORK

File: A10 305 336

Date: February 27, 1980

In the Matter of:)
)
HAZNERS, Vilis A.) IN DEPORTATION PROCEEDINGS
)
RESPONDENT)

CHARGE: Section 241(a) (1) of the Immigration and Nationality Act and
Section 7(b) of the Refugee Relief Act of 1953 - Excludable
at time of entry.

APPLICATION: Termination.

ON BEHALF OF RESPONDENT:

Ivars Berzins, Esq.
484 W. Montauk Highway
Babylon, New York 11702

ON BEHALF OF SERVICE:

Martin Mendelsohn, Esq.
Deputy Director
Office of Special
Investigations
Criminal Division
P.O. Box 28603
Washington, D.C. 20005

DECISION OF THE IMMIGRATION JUDGE

The respondent is a 74 year old married male alien, a native of Latvia, who claims to be stateless at this time, and who last entered the United States at New York, New York on August 23, 1956. He was admitted in possession of an immigrant visa issued to him under the name of Vilis Hazners, under the provisions of P.L. 203, Section 4(a) (2) of the Refugee Relief Act of 1953. The Immigration and Naturalization Service (the "Service") issued an Order to Show Cause charging him as deportable under Section 241(a) (1) of the Immigration and Nationality Act (the "Act"). The

respondent has denied he is deportable from the United States.

These proceedings commenced more than three years ago. There has been more than 1360 pages of testimony, more than 50 exhibits marked for identification of which 9 were offered into evidence and depositions of witnesses taken in Illinois, Australia, and Sweden.

The Service used three different trial attorneys to present their case.

The Service does not accuse the respondent with membership in the Latvian Secret Police, but charges that the respondent's service with the 15th Waffen-Grenadier Division of the S.S. rendered him ineligible to enter the United States. As stated in the Government brief dated June 11, 1979: "The sole question in this proceeding is whether Vilis Hazners persecuted or assisted in the persecution of any person or group of people in Riga during the last six months of 1941."

Although the Service presented eight witnesses to prove the charges in the Order to Show Cause they rely solely on the testimony of three witnesses: Bar Mendelkorn, Mendel Wulforwitz, and Shabtai Doligizer to establish deportability.

The respondent's visa was issued on June 6, 1956 at Hamburg, Germany. Prior to receiving his visa, the respondent filed an application on March 5, 1947 with the International Tracing Service. Prior to the issuance of the visa the Government presumably investigated the respondent. A letter from William H. Price, Director, Foreign Affairs Document and Reference Center, indicates that the visa office was in receipt of correspondence between the Secretary of States and the Charge de Affaires of the Latvian Delegation, dated January 16, 1952 regarding the respondent. They further state that all records of the visa office for the period 1950 to 1954 pertaining to the International Refugee Organization were destroyed in 1973 and 1974. The respondent has maintained that he was in contact with the officials

of the visa office and that he sent correspondence to them. The respondent has repeatedly requested the Service to supply him with the files of the State Department.

On November 28, 1979 the Service moved the Court to recuse itself because of prejudice indicated on the record, and requested a new trial. The Service alleges that on October 28, 1977, a comment made by the Court amounted to bias. Why the Service moved more than 2 years later is only known to themselves. A review of the record discloses that there was no basis in fact or law to grant the motion. The motion will be denied.

On March 13, 1978, interpreter Helen G. Meyrowitz advised the Court of the possibility of error in the interpretation. The Service and the respondent were advised and given an opportunity to review the record. They have both advised the Court that no substantial error occurred and wish to proceed.

The Service alleges that the respondent in July 1941, aided by pushing Jews into a synagogue located on Gogal Street in the City of Riga. The synagogue was then set on fire thereby killing all the Jews in the synagogue. The Service alleges that there is no dispute that the synagogue was burned. The Operation Situation Report 15 (Ex. 6) which was prepared by the force in control of Riga discloses: "Several synagogues have been destroyed." That is the only reference to synagogues in the report. There is no reference to how many or which ones were destroyed. The exhibit tends to prove that prior to July 7, 1941, the date of the report, some synagogues were destroyed.

The Government is relying solely on the testimony of Ber Mendelkorn to prove the allegation of the burning of the synagogues. According to the testimony of Ber Mendelkorn, he had escaped from the Riga Police Station. He went directly to his aunt's house located on Gogal Street. He remained there that day and on the next day from a window fronting on Gogal Street

he observed people being pushed into the synagogue. He then saw barrels and then smoke. He stated he saw the respondent pushing people into the synagogue. The witness, Ber Mendelkorn, testified that he only saw the respondent the day before for the first time and then again on the day of the incident on Gogal Street.

Ber Mendelkorn described the respondent as average height, eyeglasses, but did not recall color of hair (TR 39). This is the total evidence offered by the Service. Mendel Wulfowitz testified during the first week of July, 1941, he was arrested in the streets of Riga by Latvian students. He was then taken to the Police Headquarters around the noon hour. While at the Police Headquarters he heard the name Hazners. The witness assumed that Hazners was in charge because he was given the orders. The witness stated he saw Hazners for the first time during evening of the first day (TR 208). Wulfowitz stated he saw Hazners hitting and pushing Jews into a large room. He again saw Hazners hit and harrass people in the courtyard of the Police Headquarters during the next day. Wulfowitz never saw the respondent anywhere else except Police Headquarters. Wulfowitz described the respondent as dressed in civilian clothes, without hat, dark blond hair, glasses, medium height (TR 207, 281).

Schabtai Dolgizer testified that on July 14, 1941 he ventured out of his house and was arrested by two Latvian guards at about 3 in the afternoon. Dolgizer was then brought to Police Headquarters where he was required to do exercises; those who could not do them were beaten by the guards. He testified Hazners gave the orders to the guards. Dolgizer was at the Police Headquarters for 24 hours. Dolgizer described Hazners wearing a civilian suit, no hat, taller than medium height, hair slightly dark and parted on the side (TR 486, 495, 534, 535, 544).

The remaining witness called by the Service described the respondent as follows: Meier Loewenstein described Hazners as wearing a uniform of the

Latvian Army (did not remember rank) and middle sized (TR 359). Jakob Wagenheim described him as follows: taller than medium, solidly built, thick glasses, broad shoulders, and round face (TR 425). Chawa Ljak described the respondent as not too tall, 30 years old, Latvian uniform or Police uniform, no glasses, and rank of simple policeman (TR 614). Jacob Nay described the respondent as 40 years old, glasses, S.S. uniform, black coat and 1.6 meters tall (TR 712, 718, 766, 767).

The respondent testified on his own behalf. He stated that when the war started on June 22, 1941 he was in Riga. He testified that on June 25, 1941 he was arrested by Russian Secret Service NKVD and was sent to the Central Prison located in Riga. The respondent testified that while in prison, the prison authorities cut his hair very short. The respondent testified that he escaped on June 30, 1941, and went to a relatives home to hide overnight. On July 1, 1941, when the German troops entered Riga, he reported to the Latvian Command Center. He was then assigned to Vidzemes Beach to round up the retreating Russians. The respondent then returned to Riga late on the afternoon of July 5, 1941 to his home in Bierini, a suburb of Riga and spent July 6 and 7 there. He then reported to the headquarters of the self-government located on Merkel Street, Riga. There is no issue as to the respondent's arrest and imprisonment. The Service has conceded this.

To corroborate his testimony the respondent presented 14 witnesses, each testified that the respondent had been arrested and had his hair cut short.

Peter Vilips, one of the respondent's witnesses, was deposed in Chicago, (Dep. 5). He testified that the respondent was in Mangalsala on July 1, and 2, and went to Yiamelblayma and stayed there until July 5, 1941. Vilips stated he did not see the respondent but was in contact with the respondent by telephone. Vilips testified that he saw the respondent on July 7, 1941 at the Latvian Society in Riga.

Velhelmus Vushalus testified on behalf of the respondent. Vushalus testified that he saw the respondent on July 1, 1941 at the self-defense office. He further testified that the respondent had just gotten out of prison, was wearing civilian clothes, and had a short hair cut (TR 1214).

The respondent alleges that he was a member of the Latvian Legion which was under the control of the S.S. He further testified that to be a member of the S.S. one must be a German.

N. Paul Hartmann testified for the respondent as an expert. Hartmann had been in the Army and after World War II he became a civilian employee with the United States. He was an investigator with the Displaced Persons Center then with the Central Intelligence Agency. His total government service was 32 years. Hartmann's job was to investigate displaced persons applying to migrate to the United States. Hartmann testified he was assigned to investigate the Latvian Legion. He further testified that a Latvian could not become a member of the Nazi Party or the General S.S. as membership to these organizations are restricted to Germans. He testified that the Latvian were conscriptees into the German army.

The Service offered no evidence to either refute this.

During the lengthy proceedings the Service has made reference to certain photo lay out. In fact they offered Ex. 5 for identification and then Ex. 10 for identification. All three of the Service trial attorneys, each separately, assured the Court that a proper foundation would be laid before they would offer these photos into evidence.

A proper foundation must be laid for admission of evidence, that is, the facts that render the item relevant to the controversy must be established. This requirement is of special importance in regard to real proof. There is a danger that an unconscious inference can be drawn, whereby, facts that have been suggested but not proved are associated by the trier of the facts. Weinstein's Evidence, Par. 403(05). Rule 901, Federal Rules of Evidence.

Throughout the hearing the Service was reminded of this deficiency. In fact, at the conclusion of the hearing, the Court reminded them: "I am sure that the Government is aware that the group of photographs were never offered into evidence." Section 242(b) of the I&N Act provides: "Determination of deportability in any case shall be made only upon a record made in a proceedings before an Immigration Judge."

At an other point, the same section of the statute commands: "No decision of deportability shall be valid unless it is based upon reasonable, substantial, and probative evidence."

This directive, likewise, reflects the due process injunction. Obviously, the value of the opportunity to participate fully in the proceedings to determine deportability would be impaired if a decision could be made on evidence outside the record.

The Service in their post trial brief has made a forceful argument that exhibit 5 and 10 for identification and testimony relating to them should be considered in evidence. They argue that the Court is not bound by the rigid formality of the rules of evidence. This may be true as to certain aspects such as hearsay testimony and matters pertaining to discretionary relief. The rules require that deportability must be based only on evidence in the record of proceedings.

Neither of the exhibits marked for identification as Ex. 5 and Ex. 10 were never offered or received in evidence. Neither are part of the record, and neither can be considered in the determination of deportability.

Exhibit 5 and Exhibit 10 for identification is defective on other grounds. On November 3, 1977, the Service offered for identification Ex. 10 which they allege consisted of 10 photographs. The Service informed the Court that they had removed some of the photographs from Ex. 5 for identification, and added additional photographs which they now renumbered Ex. 10 for identi-

fication. The Service then attempted to introduce this Ex. 10 into evidence (TR 733-760). When questioned about this unorthodox procedure the Service attempted to rearrange Ex. 5 for identification.

Assuming, for example, a witness is shown an orange, then the orange is made into juice. There would be no way the witness could identify the orange.

Why the Service engaged in this procedure is a mystery to the Court. But by this procedure they have effectively destroyed both Ex. 5 and Ex. 10 for identification. All testimony relating to these exhibits must be given little or no weight.

The Service's arguments made in their post trial brief are based on assumption that the photographs are in evidence. The only value the photographs would have would be for an appellate body to determine if the Court erred in requiring that a proper foundation be laid before accepting them in evidence. No where has the Service indicated the Court erred in this requirement.

It is important to bear in mind that little documentary evidence was introduced into evidence by the Service or defendant as to the duties or conduct of defendant at Riga. Therefore the issue turns on the testimony and credibility of the witnesses. Credibility invalués more than demeanor. It apprehends the overall evaluation of testimony in light of its rationality or internal consistency and the manner in which it hangs together with other evidence, Corbo v. United States, 314 f 2nd 718, 749 (9th Cir., 1973).

With a time interval of 39 years, rather than days or a few weeks as in a typical deportation case one must be careful to evaluate the testimony in order to determine what is fact or what has been learned by the parties over the years.

Prior to giving testimony in this hearing, each witness presented by the

Service was interviewed in Israel by the Israeli Police concerning events in Riga. Each were shown photographs and asked if they recognized anyone. The photos shown were prepared by an Israeli inspector named Radiviker.

No deportation order may be entered unless it is found by clear, unequivocal, and convincing evidence that the facts alleged as grounds for deportation are true, Woodly v. INS, 385 US 276.

If the documentary evidence submitted by both the respondent and Service stood alone, there would be no question as to which should be given more weight. We are confronted, however, with testimony of the Service witnesses, respondent, and the respondent's witnesses. A determination of whether there is clear, unequivocal, and convincing evidence that the respondent is deportable resolves itself into a determination of whether the testimony is worthy of belief.

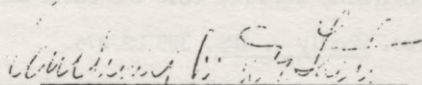
The Courts have consistently held that "Deportation is a drastic measure and at times the equivalent of banishment or exile." Fong Haw Tan v. Phelan, 333 US 6. and again in Briggs v. Wixon, 326 US 135. "though deportation is not technically a criminal proceeding it visits a great hardship on the individual and deprives him of the right to stay and live, work in this land of freedom...Meticulous care must be exercised least the procedure by which he is deprived of that liberty not meet the essential standard of fairness."

After a careful review of the entire record there remains much doubt as to whether the respondent was responsible for the charges in the Order to Show Cause. Doubt exists as to positive identity of the person who allegedly committed the persecutions in Riga. Finally there remains a doubt if the respondent was in Riga during the occurrences of the act of atrocities.

As long as doubts exist the Service's evidence has fallen short of meeting

the "clear, unequivocal, and convincing" burden of proof required to establish deportability. The proceedings will be terminated.

ORDER: IT IS ORDERED that the proceedings are hereby Terminated.


ANTHONY M. DEGAETO
Immigration Judge

Pēc tiesas sēdēm Albānijā laikraksts LAIKS 1978. gada 15. martā sniedza šādu informāciju:

Deportācijas prāvas velkas garumā

Tiesas sēdes Albānijā un Ņujorkā

ŅUJORKA (rd.). — ASV Immigrācijas pārvaldes ierosinātās deportācijas prasības izspriešana pret Vili Hāzneru tiesā Albānijā atsākās 7. martā, kad prasības aizstāvēšanai no Vašingtonas ieradās tieslietu ministrijas galvenais kaŗa noziegumu prokurors M. Mendelsons. Pagājušās nedēļas tiesas sēdēs pabeidza Immigrācijas pārvaldes liecinieku pratināšanu un liecību nodeva arī V. Hāzners.

Viņa liecība bija noteikta un apsūdzībā minētos epizodus atspēkoja ar dienas un pat stundas precizitāti. Pēc Latvijas okupācijas V. Hāzneru, tajā laikā Latvijas armijas galvenā štāba virsnieku, padomju režīms apcietinājis. Kad pēc padomju spēku padzišanas viņš izkļuvis brīvībā, kā aprīņa priekšnieks viņš cīnījies pret padomju partizāniem Abrenē, un kā Latviešu leģiona virsnieks pret padomju spēkiem austrumu frontē. Pretkomunistiskās darbības dēļ tagad pret viņu pastāvīgi vērsties padomju publikācijas, piedēvējot viņam izdomātus kaŗa noziegumus.

Prasības izspriešanas turpinājumā paredzēta V. Hāznera uzdoto liecinieku pratināšana. Tā kā tie dzīvo ne tikai ASV, bet arī Eiropā un Austrālijā, viņu liecību iegūšana prasīs zināmu laiku. V. Hāznera aiz-

stāvis I. Bērziņš domā, ka tas var aizņemt pāra mēnešus. Līdz tam prasības izspriešana tiesā pārtraukta.

Albānijas laikraksts „Times Union” 9. martā ziņoja par kāda Imigrācijas pārvaldes ierēdņa izteicieniem, ka ieskatot prasību par V. Hāznera deportēšanu par „zaudētu”, pārvalde priekš divi mēnešiem griezusies pie Rietumvācijas iestādēm, vai tās būtu ar mieru pieprasīt V. Hāznera izdošanu tiesāšanai par kaŗa noziegumiem Vācijā, piesolidama arī informāciju, ko šādā prāvā varētu vērst pret apsūdzēto. Procesa gaitā Mendelsons, pēc sazināšanās ar Vašingtonu, paziņoja, ka tāds pieprasījums neesot noticis. Tiesnesis De Gaeto kā par šo, tā citiem Imigrācijas pārvaldes deportācijas prasības prezentēšanas paņēmiem jaušami liekas neapmierināts.

Pag. nedēļā Imigrācijas pārvaldes apsūdzībā pret Boļeslavu Maikovski Apgabala tiesas tiesnese Konstance Beikere Motlija paziņoja spriedumu, ka B. Maikovskis nevar atsaukties uz konstitūcijas 5. pielikumu un atteikties liecināt. Šāda privilēģija esot attiecināma tikai uz kriminālpřāvām, bet ne uz deportācijas gadījumiem, kam civilprāvas raksturs. Maikovska atteikšanās liecināt bazēta uz pielaidumu, ka deportācijas gadījumā viņš var nonākt Padomju Savienībā, kur aizmuguriski notiesāts uz nāvi. Tiesnese norādīja, ka pēc Imigrācijas pārvaldes noteikumiem deportējamais pats var izvēlēties zemi, uz kuŗieni doties. Cik zināms, Maikovska aizstāvis šo tiesas atzinumu pārsūdzēs. Pretējā gadījumā, joprojām atsakoties liecināt, Maikovski var sodīt par nepaklausību tiesai.

Valdības advokāti (Office of Special Investigations Criminal Division Department of Justice) tomēr šo tiesneša Anthony M. DeGaeto lēmumu pārsūdzēja Apelācijas tiesā (Board of Immigration Appeals) un sagādāja mums jaunas rūpes.

Vienu laiku pat apsvērām vajadzību meklēt jaunu advokātu, ar spēcīgāku vārdu valdības tiesu iestāžu aprindās, bet pārrunās izrietēja vajadzība sagādāt jaunus \$10.000, kādu summu varētu prasīt honorāram cits advokāts.

Iepazīnies tuvāki ar pārsūdzības motivāciju advokāts Bērziņš izšķīrās pārsūdzības noraidīšanas dokumentus sagatavot pats, neprasot liekus izdevumus.

Savu pārsūdzības noraidīšanas dokumentu adv. Bērziņš iesniedza 1980. gada 20. augustā.

Tā saturs bija šāds:

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION and NATURALIZATION SERVICE

In the Matter of

VILIS A. HAZNERS,
Respondent

RESPONDENT'S BRIEF

File No. A 10 305 336

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TABLE OF CONTENTS OF
RESPONDENT'S BRIEF

| PRELIMINARY STATEMENT | | PAGE NO. 1 |
|-----------------------|--|------------|
| POINT I | - Respondent was Denied a Fair Hearing Because He could not get Access to Exculpatory Evidence, Cross-Examination of Government's Witnesses was Curtailed, Evidence of Soviet Influence was Excluded and Prejudicial Delays were Encountered | 2 |
| POINT II | - On the Witness Stand, Respondent Gave a Credible Account of Himself and His Activities which was Corroborated by His Witnesses | 11 |
| POINT III | - The Immigration Judge's Assessment of the Credibility of the Government's Witnesses is Amply Supported by the Record and Ought Not be Disturbed | 15 |
| POINT IV | - Exhibits G5 and G10 are not in Evidence Solely because of the Strange Manner in which the Government Handled Them | 25 |
| POINT V | - Mr. Dolgizer's Testimony was not Improperly Curtailed by the Immigration Judge | 31 |
| POINT VI | - The Visa Photograph was Properly Excluded from Evidence | 32 |
| POINT VII | - The Government Has Exhibited a Deplorable Propensity to Trifle with the Record | 35 |
| CONCLUSION | | 38 |

TABLE OF CONTENTS
PART I - INTRODUCTION

PAGE NO.

PRELIMINARY STATEMENT

POINT I - Respondent was denied a fair hearing because he could not access to Executive Director, Office of Governmental Management, Department of Administration at 1000 ...
Respondent was denied a fair hearing because he could not access to Executive Director, Office of Governmental Management, Department of Administration at 1000 ...

POINT II - Respondent was denied a fair hearing because he could not access to Executive Director, Office of Governmental Management, Department of Administration at 1000 ...
Respondent was denied a fair hearing because he could not access to Executive Director, Office of Governmental Management, Department of Administration at 1000 ...

POINT III - Respondent was denied a fair hearing because he could not access to Executive Director, Office of Governmental Management, Department of Administration at 1000 ...
Respondent was denied a fair hearing because he could not access to Executive Director, Office of Governmental Management, Department of Administration at 1000 ...

POINT IV - Respondent was denied a fair hearing because he could not access to Executive Director, Office of Governmental Management, Department of Administration at 1000 ...
Respondent was denied a fair hearing because he could not access to Executive Director, Office of Governmental Management, Department of Administration at 1000 ...

POINT V - Respondent was denied a fair hearing because he could not access to Executive Director, Office of Governmental Management, Department of Administration at 1000 ...
Respondent was denied a fair hearing because he could not access to Executive Director, Office of Governmental Management, Department of Administration at 1000 ...

POINT VI - Respondent was denied a fair hearing because he could not access to Executive Director, Office of Governmental Management, Department of Administration at 1000 ...
Respondent was denied a fair hearing because he could not access to Executive Director, Office of Governmental Management, Department of Administration at 1000 ...

POINT VII - Respondent was denied a fair hearing because he could not access to Executive Director, Office of Governmental Management, Department of Administration at 1000 ...
Respondent was denied a fair hearing because he could not access to Executive Director, Office of Governmental Management, Department of Administration at 1000 ...

CONCLUDING

UNITED STATES DEPARTMENT OF JUSTICE
BOARD OF IMMIGRATION APPEALS

In the Matter of

VILIS A. HAZNERS,

Respondent.

File No. A10 305 336

RESPONDENT'S BRIEF

PRELIMINARY STATEMENT

After coming to the United States, as well as before, the respondent has been active in various anti-communist endeavors, particularly those relating to the illegal Soviet occupation of his homeland. Tr 1053, 1297, 1299 - 1302. These activities displease the Soviets. They have tried to discredit the respondent. First they tried to brand him a communist, Tr 1057, then they resorted to a campaign of branding the respondent a war criminal. The disinformation campaign was carried on in Soviet occupied Latvia, as well as abroad. Presumably, the Immigration and Naturalization Service will forever deny that its investigation of the respondent and the ultimate decision to seek his deportation were in the least influenced by this disinformation campaign. There will always be those who will give scant credence to such denials. The fact remains that all five of the government's principal witnesses in support of its allegations were people who had recently gotten out of the Soviet Union. The opinions of reasonable people can differ regarding the significance to be attached to this fact, but a fact it is.

The manner in which the Immigration Judge curtailed the respondent's cross-examination of those government witnesses does not help to remove suspicions. The Immigration Judge's categorical refusal to hear any evidence

tending to show that the government's witnesses have probably been influenced by the Soviet disinformation campaign designed to frame the respondent leaves the matter dangling in the air. The government's steadfast refusal to make exculpatory materials available to the respondent raises the question whether the deportation proceeding was an objective search for the truth or dominated by other considerations. The dilatory tactics on the part of the government only served to aggravate suspicions.

Respondent regards the foregoing matters as being of the very essence of a fair hearing and therefore, they have been dealt with in Point I of this brief. The balance of this brief is devoted to advocating the proposition that even if all of the self-induced errors the government complains of were to be remedied, the believable evidence could not render respondent deportable. Consequently, there is no need for a new hearing, since this tribunal can decide for itself that the record, viewed in its most favorable light to the government, could not support a deportation order.

**POINT I - RESPONDENT WAS DENIED A FAIR HEARING BECAUSE HE
COULD NOT GET ACCESS TO EXCULPATORY EVIDENCE,
CROSS-EXAMINATION OF GOVERNMENT'S WITNESSES WAS
CURTAILED, EVIDENCE OF SOVIET INFLUENCE WAS
EXCLUDED AND PREJUDICIAL DELAYS WERE ENCOUNTERED**

Since the Immigration Judge decided in the respondent's favor, respondent is not seeking a new hearing, but neither does the respondent wish to waive the violations of his constitutional rights that occurred in the course of the hearing. It is the respondent's position that he was denied a fair hearing and, consequently, denied due process and equal protection of law in the constitutional sense. The denial of a fair hearing can be segregated into four aspects: First, respondent was denied access to exculpatory evidence.

Second, respondent was denied the effective assistance of counsel when his counsel's efforts at cross examining the government's witnesses were unjustifiably curtailed. Third, respondent was denied a fair hearing when the Immigration Judge precluded him from introducing evidence demonstrating the nature and magnitude of the disinformation effort that the RGE had made to discredit respondent and smear him as a war criminal. Respondent wished to prove that this disinformation and propaganda effort tainted the testimony of the government's witnesses. Fourth, respondent was denied a fair hearing by virtue of the government's dilatory tactics.

A. DENIAL OF ACCESS TO EXCULPATORY EVIDENCE

It is a difficult task to prepare a defense against accusations based on 36 year old events that happened on another continent. The task is more difficult when the defense has to be presented in the context of a civil administrative proceeding without the safeguards of a criminal trial and without the procedural advantages of a civil action. The task becomes almost unbearable when the government puts its heavy thumb on the scales of justice. The government's appalling insensitivity to fundamental fairness was demonstrated not only when it turned a deaf ear to the respondent's pleas for help in marshalling exculpatory evidence but also when it deliberately withheld exculpatory evidence. This misconduct on the part of the government impaired the effective assistance of counsel to which the respondent was entitled and deprived respondent of a fair hearing. This deprivation is revealed by the record notwithstanding the Immigration Judge's decision that respondent is not deportable. Respondent received hardly any sympathy or assistance from the Immigration Judge in overcoming the obvious obstacles he was faced with.

The withholding of exculpatory evidence is a serious matter and merits detailed analysis. This analysis must begin with reviewing the efforts respondent made to obtain exculpatory evidence and the results, or rather lack of results, of those efforts. At the ceremonial opening of this deportation hearing on February 14, 1977, respondent made a comprehensive application to the Immigration Judge by way of a motion for discovery and inspection. The government vigorously opposed this application and the Immigration Judge summarily rejected it. The motion is Exhibit 3. For a decision on the motion, see the transcript of the June 8, 1977 conference.

It is important to note the nature of the investigations that respondent had to endure well before he entered the United States. To begin with, he was a prisoner of war and as such had to undergo the screening applied to prisoners. Thereafter, the International Refugee Organization investigated respondent and denied him assistance. Respondent appealed that decision to the Review Board of the International Refugee Organization, which reversed the denial and rendered the following decision: "In accordance with the Provisional Constitution of the Review Board, the undersigned have, on this ninth day of January, 1952 sitting at Geneva, reviewed the appeal of Hazners, Vilis, against the decision taken on 28.11.49. Having examined the case-file and found it to be reasonably complete, the Review Board has reached the following decision, which has been placed on the records of the Board. Petitioner is declared within the mandate." See respondent's March 31, 1978 motion. The government, of course, could not find this decision. Tr 1123 to 1126. The government could only locate the decision that respondent is not within the I.R.O. mandate. Respondent steadfastly maintained that the files of the I.R.O. probably contain evidence of an exculpatory nature which ought to be made available to the respondent for preparing his defense.

The most important investigation respondent had to endure was conducted by United States officials after respondent applied to come to the United States. Respondent testified that this investigation embraced questions regarding alleged war crimes. See pages 1055 through 1058 of the transcript. The requirements of sub-sections (a) and (b) of section 11 of the Refugee Relief Act set forth the type of investigation to be made, as follows:

- (a) No alien shall be issued a visa under this Act or be admitted into the United States unless there shall have first been a thorough investigation and written report made and prepared by such investigative agency or agencies of the Government of the United States as the President shall designate, regarding such person's character, reputation, mental and physical health, history and eligibility under this Act, and such investigations in each case shall be conducted in a manner and in such time as the investigative agency or agencies shall determine to be necessary.
- (b) No person shall be issued a visa or be admitted into the United States under this Act if the consular officer or the immigration officer knows or has reason to believe that such person is ineligible for a visa or is subject to exclusion from the United States under any provision of the immigration laws or is not eligible under the terms of this Act.

Since United States officials are presumed to have performed their statutory duties, what were the results of the thorough investigation which was conducted before respondent entered the United States and where is the written report they were required to prepare? The government has been engaging in a continuous cover-up of this aspect of the case. If the records have been lost or destroyed, the government should have had the courage to present evidence to that effect rather than simply stonewalling respondent's request for these documents. It should be remembered that at the very inception of this proceeding respondent asked for the report

and whatever other documents the government may have. Respondent believes those documents contain exculpatory evidence. Their unavailability has seriously prejudiced the respondent's ability to present an appropriate defense.

Before the government called its first witness, respondent's attorney attempted to spread upon the record the government's misconduct in failing to make the Refugee Relief Act report available to the respondent as well as denying him access to other documents under the Freedom of Information Act and the Privacy Act. The Immigration Judge precluded respondent's attorney from getting these matters on the record. The colloquy begins on page 3 of the October 25, 1977 transcript and ends on page 7 with the plea: "Your Honor, I would like to find out from the government why they are withholding from me exculpatory materials that I should have here today." Also, on page 93 of the transcript respondent's attorney states: "Your Honor, I need the fruits of the previous investigation of my client to determine whether this witness has given any testimony before." The plea was repeated on pages 194, 195 and 196 of the transcript. Moreover, respondent's attorney made it a standing objection before proceeding with the cross-examination of each of the government's witnesses.

With equal diligence the government stonewalled respondent's efforts to gain access to information under the Freedom of Information Act and the Privacy Act. By order dated March 7, 1978, the United States District Court for the Western District of New York ordered the Immigration and Naturalization Service to justify the withholding of information under the Freedom of Information Act and the Privacy Act by the May 1, 1978 deadline.

See respondent's motion dated June 21, 1978. The government simply ignored this order for well over two months past the deadline. In his July 11, 1978 letter to respondent's attorney, the Assistant United States Attorney commented: "I agree that you have been most patient in waiting for compliance with respect to the filing of an index and justification in the above-captioned action." Needless to say, the deportation proceeding was terminated before the Freedom of Information Act litigation.

B. CROSS-EXAMINATION OF GOVERNMENT'S WITNESSES WAS CURTAILED

It is submitted that 36 years after the alleged events cross-examination of the government's witnesses had to be conducted in a manner commensurate with the time lag. The Immigration Judge had a different opinion. He believed that cross-examination ought to be confined pretty much to what was brought out on direct and that delving into the witnesses background and pedigree was outside the scope of proper cross-examination. The direct consequence of this opinion was that respondent's cross-examination of the government's witnesses was consistently curtailed whenever pedigree and background were sought. Examples of this appear on pages 97, 98, 102, 103, 104, 118, 177, 191 and 193 of the transcript with respect to the government's first witness, Mr. Mandelkorn. This had a chilling effect on the cross-examination of the other witnesses: Wulfowitz, Tr 260; Wagenheim, Tr 458, 460; Dolgizer, Tr 675. Questions pertaining to communist party affiliations were similarly disallowed. Tr 258, 282. The natural and direct consequence of this curtailment of cross-examination was that many areas which should

have been covered on cross-examination were not covered.

C. EXCLUDED EVIDENCE OF SOVIET INFLUENCE.

The record does not reveal the nature and magnitude of the Soviet disinformation and propaganda campaign targeted on the respondent. The Immigration Judge excluded this evidence as irrelevant. Tr 1301 through 1309. It is submitted that this is a legitimate subject to be explored in connection with evaluating the credibility of the government's witnesses. This subject is now foreclosed. On page 10 of his decision the Immigration Judge alludes to the subject thusly: "With a time interval of 39 years, rather than days or a few weeks as in a typical deportation case one must be careful to evaluate the testimony in order to determine what is fact or what has been learned by the parties over the years." Whether the Immigration Judge finally recognized that it is proper to consider the influence and pressures to which the witnesses have been subjected over the years is not at all clear. Perhaps he was referring to the manner in which Inspector Radiwker prepared the witnesses and not the Soviet accomplishments.

Be that as it may, respondent was precluded from including the available evidence in the record. This was unfair.

D. GOVERNMENT'S DILATORY TACTICS.

The fourth palpably unfair aspect of the proceeding is the inordinate delays respondent was obliged to suffer. The government's indifference betrayed the cynical attitude that an alien ought not complain about the government's dilatory tactics because he gets to stay here longer.

The order to show cause was issued on January 27, 1977 and served on January 28, 1977. It set February 14, 1977 as the start of the hearing.

As it turned out, the February 14th date was intended only as a ceremonial opening of the hearing so the government could issue press releases and make sure the hearing received adequate media attention. In answer to the Immigration Judge's question, "When will the government be ready to proceed to trial?", the government's Trial Attorney answered: "Your Honor, the government would like to have an adjournment without date." See page 3 of the February 14, 1977 transcript. Thereupon the Immigration Judge set June 20, 1977 as the date the government must be ready to proceed. Because the government was not ready to proceed as ordered, a conference was held on June 8, 1977 before the Immigration Judge and October 25, 1977 was fixed as the hearing date. The hearing did resume on October 25, 1977 and continued through November 4, 1977 when it was adjourned with the understanding that the government will let the Immigration Judge know by the week of December 5, 1977 the date when the hearing can be resumed. Tr 835, 836. Again, the government was not ready to proceed which prompted respondent to make the motion dated December 16, 1977 for an order compelling the government to proceed on January 23, 1978. The Immigration Judge set March 7, 1978 for the hearing to resume. The government's last two witnesses were heard on March 7 and March 8, 1978 and respondent proceeded with his testimony on March 8, 1978. Respondent's other witnesses were heard by deposition on April 6, 1978 and live on April 10, 1978, April 11, 1978, May 1, 1978 and July 6, 1978. Although respondent was ready since March 8, 1978 to proceed with deposing his witnesses in Australia and Sweden, the government kept stalling until the Immigration Judge issued his September 9, 1978 order to take those depositions, which was accomplished on October 25, 1978, November 1, 1978 and November 2, 1978.

On October 9, 1978 respondent moved for an order to recall government's witness Mendel Wulfowitz for further cross-examination. The government did not oppose the motion but neither did it proceed expeditiously to produce the witness. This circumstance was highly prejudicial to the respondent because he was obliged to abandon his efforts to recall Mr. Wulfowitz who in the meantime had become ill. The abandonment of the respondent's efforts came about because of fear that the hearing might be even further delayed. A man who has had multiple heart attacks cannot afford the luxury of waiting.

Thereafter the government dragged its feet on proceeding with its rebuttal. For fear that this will go on forever, respondent entered into a stipulation with the government to end the hearing. The delay, or fear of delay, in effect, was used by the government to extract an advantage. The government knew the respondent's age and health motivated his desire to complete the hearing as quickly as possible, even at the price of having a record less favorable than it otherwise would be.

Perhaps the most outrageous example of prejudicial delay is the government's motion for recusal of the Immigration Judge. After marinating the record for over two years they suddenly woke up from a bad dream that the Immigration Judge is prejudiced against their witnesses. Perhaps the only plausible explanation for this aberration is the sudden appearance and disappearance of Walter J. Rockler. In Point IV D of its brief, as if by inertia, the government continues to walk down this dead end street even though Mr. Rockler is no longer around to lead.

POINT II - ON THE WITNESS STAND, RESPONDENT GAVE A
CREDIBLE ACCOUNT OF HIMSELF AND HIS
ACTIVITIES WHICH WAS CORROBORATED BY
HIS WITNESSES

The respondent was his own first witness. He testified in English. He did not dodge questions on cross-examination. He did not exhibit a selective memory. He did not exhibit discomfort. None of the documents he was cross-examined with controverted his testimony. The documents which the government out of the goodness of its strange heart offered in rebuttal corroborated respondent's testimony. The respondent's testimony was clear, convincing and unequivocal.

The government had a full and fair opportunity to cross-examine respondent and each of his witnesses on the details of his everyday duties at the Annas Street headquarters. It chose to conduct a rather superficial cross-examination on this point and ought not be heard to complain about vagueness and inconsistencies. If the government had disclosed all of the materials that it obtained from the Soviet Union purportedly pertaining to respondent, perhaps they would have contained additional information on this point. In any event, the Immigration Judge on page 10 of his decision commented that: "It is important to bear in mind that little documentary evidence was introduced into evidence by the Service or defendant as to the duties or conduct of defendant at Riga. Therefore, the issue turns on the testimony and credibility of the witnesses".

The government's attack on the respondent's credibility and the credibility of his witnesses can be characterized at best as nit picking and at its worst as desperate. It ill befits the government to criticize the Immigration Judge for not commenting in his decision on these spurious

attacks on respondent's credibility. The Immigration Judge does not have to stoop to the level of the government's trial attorneys.

The government is overreaching when it argues on page 31 of its brief that "respondent admitted misrepresenting the truth to gain entry into the United States". The argument is based on the fact that respondent in his career as a journalist had from time to time used various pseudonyms or just initials to sign articles he had written. "It does not follow that merely because of this journalistic use, the respondent was actually 'known by any other name". Rather, it could be concluded that respondent was not known at all, since he used a pseudonym. Similarly, it is not clear in what context that question was asked, if it was ever asked in the course of the respondent's application for a visa to enter the United States.

The government says that respondent chose to lie about his arrest record. It is difficult to imagine why anyone in respondent's circumstances in 1954, 1955 or 1956 would consciously choose to lie about having been a victim of Stalinist terror. Instead, it could be regarded as a badge of honor rather than disgrace. This political arrest did not cast a cloud over the respondent. A full disclosure of this arrest would not have led to further investigation and inquiry which might have uncovered derogatory information. But what is more important, this arrest probably was disclosed and the people who investigated respondent's eligibility to enter the United States under the Refugee Relief Act were aware of it. Tr 1055, 1056. Unfortunately, respondent never could retrieve the documents evidencing this investigation. This has been noted in Point I.

The government's claim on page 33 of its brief that respondent

misrepresented his military record is sheer nonsense. To begin with, there was no way he could have misrepresented it, even if he wanted to. He was taken prisoner at the end of the war while serving as a Major in the Latvian Legion. His name, rank and military career were documented at the Berlin Document Center. Tr 1281. Every assignment he had and every decoration and promotion he received was a matter of written record. Some of those records the government chose to produce at the hearing and others it did not. Be that as it may, this written record was before the United States authorities who had to decide whether respondent is eligible to enter the United States under the Refugee Relief Act.

What the government now labels as "his dedicated service to Hitler" can surely be characterized as the valiant fight of a Latvian patriot against the bolshevick invaders of his homeland. Is the government suggesting that he should have become the dedicated servant of Stalin? Can it be fairly said that all of the South Vietnamese officers who fought against the North Vietnamese communist invaders were servants of President Lyndon Johnson? Perhaps a substantial number of them were not even sympathetic toward the United States, they merely used us in their fight against the communists.

The medals respondent accepted from his commanders were not handed out for persecuting civilians, they were earned on the battlefield. It is regrettable that the government attorneys have chosen respondent's decorations for casting aspersions on his character. Thusly they only raise questions about their own character.

By Nazi definition, everyone who served under the SS was a volunteer. The Latvian Legion had the "volunteer" label affixed to it. Tr 1278.

So did the payroll records, Exhibit 18. Consequently, respondent's testimony that he had been mobilized is not at all contradicted by any records. Common sense is not contradicted by respondent's testimony that he did not go around shooting his pistol. On the battlefield a battalion commander has no business discharging weapons, he is too busy giving orders and making sure that those orders are carried out.

Respondent's testimony concerning his whereabouts during the first six days of July 1941 is contradicted by nothing. The government is attempting to palm off sheer speculation on page 35 of its brief. Its argument lacks substance.

Equally devoid of substance is the argument that the various labels and their translations as applied to the military units affiliated with the headquarters at Annes Street somehow impair respondent's credibility. There is a lack of clarity in the terminology, but this surely is none of the respondent's doing.

In assessing the credibility of the respondent's witnesses, the question to be asked is this: would each and every one of them come and testify under oath that the respondent had not been involved in war crimes when in fact they knew, had heard, or suspected that the respondent had in fact done any of the despicable acts the government's witnesses accused him of? Would these people face the Immigration Judge and confirm that they are life-long friends of the respondent if they had any reason to know that he had the blood of innocent people on his hands? It is submitted that the rather haphazard attack on the credibility of the respondent's witnesses does not merit much further comment, since the record speaks for itself.

POINT III - THE IMMIGRATION JUDGE'S ASSESSMENT OF THE
CREDIBILITY OF THE GOVERNMENT'S WITNESSES
IS AMPLY SUPPORTED BY THE RECORD AND OUGHT
NOT BE DISTURBED

While accusing the Immigration Judge of ignoring portions of the evidence, the government turns a deaf ear and blind eye toward one of the most appalling problems with the testimony of at least three of its witnesses. Respondent established beyond a shadow of a doubt that at the end of June 1941 he was imprisoned by the Soviet Secret Police, who gave him a prison haircut which amounted to almost a shaven head. A Latvian Army Captain with a prison haircut must have been a sight to behold on the streets of Riga in July 1941 and in the courtyard of the Riga Police Headquarters and it is inconceivable how Messrs. Mendelkorn, Wulfowits and Dolgizer could have forgotten it. But they did. Mr. Lowenstein and Mr. Wagenheim perhaps did not observe the prison haircut if the man had a hat on or if the hair had grown back sufficiently. Perhaps what the witnesses claim they saw was some other man rather than the respondent. The government's handling of this issue is noteworthy. On page 16 of its brief we find: "Moreover, respondent did not even suggest that he might have been confused with another man named Hanners; there is no evidence that there existed in Riga between July and December 1941 any other man named Hanners." The argument is rather shallow.

The issue of identity did not escape the Immigration Judge's notice. On page 11 of his decision he observed: "After a careful review of the entire record there remains much doubt as to whether the respondent was responsible for the charges in the order to show cause. Doubt exists as to positive identity of the person who allegedly committed the persecutions

in Riga." The next sentence in the decision, "Finally there remains a doubt if the respondent was in Riga during the occurrences of the act of atrocities". The foregoing sentence is obviously addressed to the period from July 1 through July 5, 1941, when respondent was not in Riga and when the synagogue presumably was burned and the persecutions^{were} taking place at the Police Headquarters. Again, respondent's deportability ought not hinge on the accuracy or inaccuracy of that one sentence in the decision. The record speaks for itself.

The in-court identification procedures resorted to by the government were less than worthless. They detracted from the credibility of the witnesses who participated in the procedures. Many people cannot recognize their brothers whom they have not seen for 36 years, while these witnesses purportedly picked out a stranger. But the respondent was not a stranger to them when they picked him out. The respondent was conspicuously sitting next to his attorney at the counsel table and no one in the court room had any doubt whatsoever who the respondent is. No lineup or other less suggestive identification procedures were attempted by the government despite the respondent's attorney's initial request that the possibility of conducting such procedures be explored. See Exhibit 3.

The government's witnesses and their testimony have some common characteristics which are worth noting. For instance, the government adduced no hard evidence of the identity of their witnesses. Perhaps there is such evidence, and then again, perhaps there is none. Whatever the evidence, the KGB has exclusive control over it. In the meantime, we have to believe that each of the witnesses indeed personally experienced those things that they are testifying about rather than having read about them in some Soviet propaganda publication or having heard about

them after returning to Latvia from the U.S.S.R. interior following the war. This question of identity of the witnesses is inherent in the nature of the case. We are scrutinizing events which took place 38 years ago on another continent under strange circumstances.

Despite the obvious similarities in the testimony, none of the witnesses can corroborate a single incident testified to by any other. Messrs. Mendelkorn, Wulfowitz and Dolgizer never claimed that they were in the Riga Police Headquarters at the same time. Neither Mr. Wagenheim nor Mr. Lowenstein together observed the man they say is Hazners at the ghetto gate. This could, of course, be a pure coincidence. The situation entails one obvious advantage: if two people had to tell about the same 38 year old incident, who knows how inconsistent the telling might turn out to be.

Perhaps the most significant common element among the witnesses is the fact that none of them knew the respondent before the events they claim they saw. This undisputed fact goes to the very essence of the reliability of the identification evidence. If the witnesses could testify that they knew the respondent from earlier times as a classmate or as a soldier or officer in the Latvian Army or a neighbor or a co-worker during the Soviet occupation, and actually recognized him and spoke with him at the time of the alleged occurrences, then the identification might be more plausible. As it is, the witnesses observed a total stranger for the first time in their lives and heard someone say that his name is Hazners.

The cumulative record in this case shows that all of the Israeli witnesses were recruited and prepared by Inspector Maria Radiwker.

All except one of the witnesses are people who have recently been permitted to leave the U.S.S.R. and have settled in Israel. Their testimony is remarkably similar and appears as if it was made with a cookie cutter. This is not at all surprising if we examine the methods and techniques Inspector Radiwker and her able colleagues used. The recruiting program was primarily based on the skillful use of the notoriety of the so-called Araj's Commando. Proper announcements were placed in the newspapers most likely to be read by recent immigrants from the U.S.S.R. Those who responded to the newspaper announcements were interviewed in due course. The witness is informed, subtly or otherwise, that Araj's is not the only target, that some of his henchmen have been hiding in the United States but now have been caught. Even before any photographs are shown to the witness, Inspector Radiwker makes sure the witness understands that the photographs are those of Latvian Nazi criminals. Then, photo displays of various descriptions, some with conspicuous numbers next to photos, are shown to the witness. Apparently the numbers of the photos are never changed but remain static. No effort is made to prevent the witness from memorizing a number. The witness is never told that in among the criminals are also the photos of innocent men. The witness is gradually put at ease, that the authorities surely know what they are doing and that each one of these culprits is guilty, that there is no chance of mistaken identity. When the witness says this or that picture does resemble someone he has seen before, the identification is quickly clinched and he is congratulated on having indeed identified one of the criminals. The witness is then pressed to remember specific instances,

concrete acts of murder or brutality. If the specifics are not immediately forthcoming, Mrs. Radiwker calls the witness back for further interviews until she pins him down to a definite story containing at least two specific incidents, which story is reduced to writing as it goes along and the witness commits himself by signing the writing. Throughout the whole process the photographs are repeatedly shown to the witness to make sure that the witness will continue to pick out the right photograph. It is very difficult, if not next to impossible, to reconstruct precisely which photographs were shown to which witness on which occasion. The records that were kept are ambiguous to say the least. Surprisingly, Mrs. Radiwker does not make any record of the prospective witnesses who fail to pick out any photographs for purposes of identification or who misidentify a subject. It would be interesting to learn how many prospective witnesses placed a particular subject at some other place and incident from that where another witness had placed him at the same time. Unfortunately, there are no such records. Neither do we know the total number of prospective witnesses who have been interviewed and who ought to have had some knowledge of the same events about which the witnesses testified.

It seemed as if the witnesses had more vivid and complete recall of the events at trial than they did in the course of their previous interviews. They claimed to be able to remember more when they think more about it. Assuming it to be so, does it not follow that further reflection might bring to surface additional facts and circumstances? Who can say today that those additional facts and circumstances would not drastically change the inferences and conclusions to be drawn from the previous testimony?

What are the outer limits to human recall of thirty-six year old events? Does the passage of time distort some aspects of recall? Are some aspects suppressed and others highlighted? Which, if any, are those? Does it vary from individual to individual or are there some common mechanisms? Just how is perception and subsequent recall affected by emotional trauma suffered at the time of the event? These, and many more similar questions go to the very essence of the reliability of the evidence.

The prejudice and bias of the victims is patent. In the eyes of these witnesses the respondent is not an ordinary murderer, he is a participant in the most monstrous of crimes, the Holocaust. They lost their families and friends, almost themselves. They the living came here to speak for the dead. They have a duty. They cannot forget. They sincerely believe respondent must have been a participant. Whatever nagging doubts they may have are easy to suppress because their cause is just. How could the respondent be innocent? Didn't the proper authorities finally locate him in America and seek them out in Israel to come testify against this Nazi war criminal? If the man was indeed innocent, why would Inspector Radiwker have spent so much time to make sure that there is no mistake, that the identification is positive? And I am not the only one who has identified him! No, I am 100% sure, this is the right man!

It was truly remarkable how sure of themselves the witnesses were and how unhesitatingly they could point to what they believed to be respondent's photograph and declare that there is no doubt. This self-assurance was remarkable. Even more remarkable was the in-court identification resorted to with a flourish. Confidence of that magnitude invites speculation about lack of candor.

Doubts about the government's witnesses do not end with the witnesses the government actually called. Some hard questions must be asked about witnesses the government did not call. The government relied almost exclusively on the testimony/people who had quite recently left the Soviet Union and emigrated to Israel. It could be a coincidence that all of the people capable of recognizing the man named Hazners remained behind the Iron Curtain while those who could not recognize him came to the West. The record does not show how many, if any, people who survived the Riga Ghetto came to the United States and how many, if any, were interviewed by the government. It is reasonable to infer that an effort to identify and interview them was indeed made. The documents the government offered in rebuttal bristle with names of people who ought to have personal knowledge about Nazi atrocities in Riga after the German occupation. The record is sprinkled with names of other people who presumably would have something to say. Viktors Arajs, for instance. Yet, the record is completely silent regarding what efforts the government has made to call those people who are still alive as witnesses. It is strange indeed that only victims testified. Where are all the accomplices? These and many other questions which cannot be answered from the record raise a negative inference that if called, the missing witnesses would have impaired rather than enhanced the government's case.

Although in his decision the Immigration Judge did not make specific findings regarding the photo identification procedures as such, the record nevertheless presents this issue. It is the respondent's position that the photo identification procedures were impermissibly suggestive and created a

substantial likelihood of irreparable misidentification. It is submitted that eye witness identification by way of photographs viewed 34 years after the event cannot be clear, unequivocal and convincing as a matter of law.

Eye witness identification is inherently unreliable. It is next to useless when resorted to 38 years after the event for purposes of identifying a stranger to the witness who suffered emotional trauma at the time of the event. There is no scientific basis for advocating the reliability of this type of evidence. The reported studies present convincing proof that eye witness identification is far less accurate than commonly believed. See Note, Did Your Eyes Deceive You? Expert Psychological Testimony on the Unreliability of Eye Witness Identification, 1977, 29 Stanford L. Rev. 969.

See also Levine and Tapp, The Psychology of Criminal Identification: The Gap from Wade to Kirby, 1973, 121 U. Pa. L. Rev. 1079. Perhaps the best legal treatise on the subject is Judge Nathan R. Sobel's "Eye Witness Identification, Legal and Practical Problems" published by Clark Boardman Company, Ltd., New York, New York, in 1972 and supplemented through 1979.

The Supreme Court has recognized and tried to deal with the unreliability of eye witness identification in several important cases:

Moore v Illinois, 1977, 434 US 220, 54 L Ed 2d 424, 98 S Ct 458;

Manson v Brathwaite, 1977, 432 US 98, 53 L Ed 2d 140, 97 S Ct 2243;

Neil v Biggers, 1972, 409 US 188, 34 L Ed 2d 401, 93 S Ct 375;

Simmons v United States, 1968, 390 US 377, 19 L Ed 2d 1247, 88 S Ct 967;

Stovall v Denno, 1967, 388 US 293, 18 L Ed 2d 1199, 87 S Ct 1967;

Gilbert v California, 1967 388 US 263, 18 L Ed 2d 1178, 87 S Ct 1951;

United States v Wade, 1967, 388 US 218, 18 L Ed 2d 1149, 87 S Ct 1926.

In Neil v Biggers the test was stated thusly: "The factors to be considered

in evaluating the likelihood of misidentification include the opportunity of the witness to view the criminal at the time of the crime, the witness' degree of attention, the accuracy of the witness' prior description of the criminal, the level of certainty demonstrated by the witness at the confrontation, and the length of time between the crime and the confrontation".

In the same case the Court said: "There was, to be sure, a lapse of seven months between the rape and the confrontation. This would be a serious negative factor in most cases". If seven months was regarded as a serious lapse of time in a rape case where the victim's observation of the perpetrator is direct and prolonged, how should a thirty-four year lapse of time be characterized? It is submitted that a thirty-four year old identification is unreliable as a matter of law.

In Moore v Illinois the Supreme Court voiced another concern which is very much present in this case: "Persons who conduct the identification procedure may suggest, intentionally or unintentionally, that they expect the witness to identify the accused. Such a suggestion, coming from a police officer or prosecutor, can lead a witness to make a mistaken identification. The witness then will be predisposed to adhere to this identification in subsequent testimony at trial".

The Supreme Court's remarks in Manson v Brathwaite about the victim being a stranger under stress are germane to this case: "Usually the witness must testify about an encounter with a total stranger under circumstances of emergency or emotional stress. The witness' recollection of the stranger can be distorted easily by the circumstances or by later actions of the police".

Judge Nathan R. Sobel in his treatise, page 87 of the 1979 supplement, proposes as one of the standards for photo identification the following:
"8. The Witness should not be repeatedly exposed to photo displays containing

the same picture which has been previously identified." He suggests that repeated showing of the same picture tends to fix that image in the witnesses' mind, while blurring the image actually perceived during the crime. He is, of course, referring to a short time period between the crime and the viewing of the photographs. The prejudicial effect of repeated showings after thirty-four years is a matter of a different order of magnitude.

The testimony of each of the witnesses who testified at the hearing or by deposition is summarized and analyzed in Section 2 of the respondent's brief that was submitted to the Immigration Judge. This tribunal is respectfully referred to this summary for specific references to the infirmities in the testimony of each witness called by the government. The analysis is too lengthy to warrant its inclusion in this brief.

POINT IV - EXHIBITS G5 AND G10 ARE NOT IN EVIDENCE SOLELY
BECAUSE OF THE STRANGE MANNER IN WHICH THE
GOVERNMENT HANDLED THEM

On page 20 of its brief the government flippantly comments that the procedure it followed in offering "the photo spread" in evidence is not a model of clarity. That comment is surely a model for understatement. Which photo spread? Exhibit G5? Exhibit G10? Destroyed Exhibit G5 or reconstructed Exhibit G5? An aggregate composite of all photographs? What on earth are they talking about? It would take the wisdom of a King Solomon to glean the truth from this record.

The government cleverly covers up this hopeless confusion by suggesting that this tribunal "reach the conclusion that the photo spread was indeed offered into evidence/^{and} that the Immigration Judge erred in not receiving it." What "it" is the government referring to? How can this tribunal reach a conclusion that Exhibit G5 was offered in evidence when the offer does not appear on the record? The government's appellate attorneys then proceed to devote six pages of their brief to the tortured argument that somehow there exists this ephemeral "photo spread".

The government contends page 853 of the transcript shows that Exhibit G10 for identification was actually offered in evidence. Presumably, the government is making reference to the following language: "Mr. Mendelsohn: At this point, Your Honor, I would like to move the admission of that particular document as the best evidence available to the government at this time." Whether the "particular document" is Exhibit G10 for identification or the 19th picture or the letter signed by Major Russek is not clear. The entire procedure is fuzzy. Be that as it may, the government never attempted to comply with the best evidence rule by offering evidence that the original is unavailable. On page

22 of its brief, the government argues that the Immigration Judge misapplied the best evidence rule. The government doubts that respondent raised the appropriate questions regarding the authenticity of the original photographs. It is submitted that the record is abundantly clear that a genuine question as to the authenticity of the original was perpetually raised by the respondent and under the circumstances, it would have been unfair to accept a reproduction of unknown origin. How the government can argue now on page 23 of its brief that "at no time did the respondent or the Immigration Judge suggest that either exception applied" is not understandable. The government surely had the burden of demonstrating that one or the other of the exceptions to the best evidence rule was then applicable. This demonstration the government cannot make by unsworn testimony of its trial attorney or supply by argument in its appeal brief. No effort was made to explain the missing 19th picture or precisely which of the photographs were duplicates of what. These minimal requirements were not met. Contrary to the government's present contention, Mrs. Radiwker's testimony, which was apparently intended for furnishing the foundation for Exhibit G10, was ambiguous. See particularly the confusion surrounding the number of photographs actually contained in Exhibit G10. Tr 929 through 934. It is not even clear how many photographs were missing from Exhibit G10 when it was offered in evidence, even if it is held that an offer was made.

The record is replete with assurances from the government's trial attorneys that a proper foundation will be laid for the photographs, particularly Exhibit G5. Moreover, the government's trial attorney Smith agreed with the Immigration Judge that a proper foundation is indeed necessary. On page 76 of the transcript he stated: "Your Honor, for the record, with respect to any

designation or instructions or orders that the Court will issue to the government, we would be more than happy to accede, Your Honor". In the next breath Mr. Smith assured the Immigration Judge that some of the photographs in Exhibit G5 are the actual photographs. Tr 80. Next, he made a statement that all of the photographs are the actual photographs. Tr 82. Even though the government's witness, Mr. Wulfowitz disputed it, Mr. Smith again assured the Immigration Judge that the photographs in Exhibit G5 are the same ones Mr. Wulfowitz saw in Israel. Tr 248 through 250. Moreover, Mr. Smith assured the Immigration Judge that all of the photographs that were shown in Israel would indeed be produced. Tr 252. Mr. Smith made further promises to lay a proper foundation for the photographs when Mr. Lowenstein testified. Tr 350, 351. After Mr. Strasser took over as the government's trial attorney, he repeated the promises to lay a proper foundation for the photographs in the course of the testimony of government's witnesses Wagenheim and Dolgizer. Tr 439, 506.

The writers of the government's trial brief were more candid and did not contend that Exhibit G5 had been offered in evidence. See pages 33 and 34 of the government's trial brief. As late as March 7, 1978, a day before the government rested its case, Mr. Mendelsohn, the government's new trial attorney and one of the writers of that trial brief, confirmed on the record, Tr 846 and 847, that the government has not yet attempted to offer Exhibit G5 into evidence and when the time comes to do so, it will be done. The time never came, the offer was never made. On March 8, 1978 the government rested its case without even attempting to reserve the right to remedy the glaring defect in its proof. When the Immigration Judge asked: "Does the government rest now?", Mr. Mendelsohn

answered: "Yes, Your Honor." Tr 1014. At that point the proceeding ought to have been dismissed for failure to establish a prima facie case. The Immigration Judge erroneously denied respondent's motion to that effect. Tr 1015.

But even this did not put the matter to rest, the government was again emphatically reminded of this deficiency in its proof at the conclusion of the hearing on May 17, 1979 and still declined to remedy it. Instead, the government signed a stipulation terminating the hearing. This was not mere inadvertence, this was a conscious decision. The stipulation as well as the government's unexplained lack of effort to remedy the deficiency ought to preclude the government from arguing now that it was denied a fair hearing. If any denial there was, it was self-induced and self-perpetuated. It cannot serve as the grounds for reversal.

Just how the government had initially expected to lay a proper foundation for the photographs will remain a mystery. It is conceivable that even Police Inspector Maria Radiwker would not have been called as a witness if it had not been for respondent's attorney's insistence. Tr 835. The government's attorneys knew, or surely had reason to know, that Inspector Radiwker is incapable of telling precisely which photographs were shown to which witnesses on which occasion for the simple reason that no records of that sort were kept, only of the number of photographs shown. Whether these spreads included one or two photographs of the man believed to be Hazners is unclear. Mrs. Radiwker testified that Exhibit G10 for identification contained two photographs of the man believed to be Hazners, but she had no way of making that assurance with respect to the witnesses who were shown individual photographs.

Both Mr. Smith and Mrs. Strasser knew this and yet they persisted in giving to the Immigration Judge promises they knew they could not keep. It is submitted that the record shows that the type of foundation the government had promised the Immigration Judge they will furnish for the photographs or photo spreads, whatever they are to be called, just could not be built.

The government passes once over lightly the problem with the reconstruction of Exhibit G5 and the impropriety of calling Mr. Strasser as its witness. See the special briefs that were submitted to the Immigration Judge on this point.

Since Exhibit G5 has never been offered, respondent has not been afforded an opportunity to object to its admissibility and protect the record by setting forth the grounds for the objection. Moreover, respondent has been placed in limbo regarding any evidence which he could have adduced to counter Exhibit G5 for the simple reason that one cannot rebut something that is not in evidence. Perhaps that was the government's strategy.

On page 24 of its brief the government is kind enough to recognize that it had the burden of establishing that the photographs picked out by its witnesses depicted the respondent. Thereafter the government gingerly turns its back on the record and goes off on a tangent of its own by arguing, without proving, that Exhibit G9 in evidence depicts the respondent. They say this is the respondent because the assistant public prosecutor of Latvia has so certified. That is not an argument, that is an insult. Exhibit G9 was admitted in evidence as a page from a book, nothing more, nothing less.

There is not one scintilla of evidence in the record that the photograph attached to what purports to be the respondent's visa is in fact a photograph

of the respondent. The government has not even bothered to suggest a method for overcoming this deficiency.

There is nothing in the record indicating on what date or at what point in his life cycle these photographs were taken, if indeed they are photographs of the respondent. A question of equal importance is whether these photographs depict the respondent as he might have appeared in 1941.

POINT V - MR. DOLGIZER'S TESTIMONY WAS NOT IMPROPERLY
CURTAILED BY THE IMMIGRATION JUDGE

The authors of the government's brief could make a living as copy writers for an advertising agency or an expose newspaper. What a catchy headline, "The Judge committed reversible error by excluding evidence of respondent's brutality towards Jews". This fits, hand in glove with the government's accusation that the Immigration Judge made anti-semitic remarks. The headline promises much but the story delivers very little. Omitted from the story is the Immigration Judge's question "Do you wish to allege that as a new charge?" Tr 493. Also, "At the time the order was issued I warned the government attorney it was not specific enough so now you are stuck with these allegations unless you want to charge an additional charge which I will give the respondent time to answer". Tr 494. Needless to say, the government did not respond to the Immigration Judge's invitation to lodge the additional charge.

Neither can the government claim lack of an adequate opportunity to prepare the additional charge and to recall the witness, because this witness' testimony carried over from October 31, 1977 to November 1, 1977, and this witness was recalled for further cross examination on November 3, 1977.

In reality, very little if anything, that Mr. Dolgizer wanted to tell was excluded. He was permitted to answer the same questions two or three times and testified at length about the brutalities he claims he saw. Whether he saw ten people or one hundred people abused and was permitted to testify about one less than he saw, ought not render the decision reversible. The error, if any there was, in this context does not rise to the lofty level of reversible.

POINT VI - THE VISA PHOTOGRAPH WAS PROPERLY
EXCLUDED FROM EVIDENCE

The government cavalierly declares that the Immigration Judge committed reversible error by excluding from evidence respondent's visa photograph. There is no basis whatsoever in any testimony of record that the photograph the government is talking about is actually the respondent's photograph and neither is there any testimony in the record that the purported visa actually belongs to the respondent. On these crucial points the government chose not to call any witnesses or offer any other evidence.

The Marlowe case cited by the government on page 31 of its brief stands for the proposition that "The strict rules of evidence governing the admissibility of hearsay in judicial proceedings are not applicable to administrative hearings." While in that case the admission of the visa without a foundation for it from live witnesses did not violate due process, it does not necessarily follow that an Immigration Judge in other circumstances is powerless to require some adherence to the rules of evidence in order to assure fundamental fairness of the proceeding. The Immigration Judge has wide latitude in regulating the manner in which the hearing is to proceed. While he is not bound to follow the rules of evidence as he would if he was conducting a jury trial, he surely has discretion to use the rules of evidence as a guide to prevent manifest injustice. In this proceeding photographs and photo identification was the very heart and core of the government's evidence. There is nothing inherently unfair in requiring the government to lay some semblance of a foundation for the most hotly contested and crucial evidence in the case. It would be incongruous to require the government to prove its case by clear, convincing and unequivocal evidence and at the same time permit crucial elements of this evidence to come into

the record on a no questions asked basis. A balance must be struck between strict compliance and total rejection of the rules of evidence. The Immigration Judge of necessity must be permitted to exercise discretion in evaluating where this balance lies under the special circumstances of the case he is hearing. Unless a clear abuse of discretion is demonstrated, the Immigration Judge's evaluation ought not be disturbed. This is especially so where the government's failure to abide by the Immigration Judge's evaluation can be attributed to choice and not necessity. In effect, the government is complaining about its own decision, not the Immigration Judge's.

At all times the government was free to proceed in a normal fashion and lay a proper foundation for admitting into evidence whatever document it could establish as constituting the respondent's visa, if such a document was contained in the government's files. The government knew that photographs were vigorously contested in this proceeding because they were crucial to the government's case. The government could have subpoenaed and called to the witness stand hundreds of people who know respondent and who could have testified whether the photographs in question are or are not those of the respondent. The government chose to do none of this. Instead, it elected to play silly little games by trying to force respondent to stipulate that a certain document, Exhibit G4, was a visa pertaining to the respondent. On page 27 of its brief, the government seems to suggest that it would have been nice if the respondent had stipulated that the visa, including the photograph, was his. The government conveniently forgets that respondent has no duty to stipulate as to any material fact crucial to the government's case and has the constitutional right to put the government to its proof.

The respondent's refusal to stipulate ought not have been used against him, but it was. The government became vindictive and lodged the frivolous additional charge under Section 291 requiring respondent to establish the date, place and manner of his entry. This childish behavior on the part of the government's trial attorneys precipitated decisive action from the Immigration Judge who put an end to this little game by dismissing the additional charge on the basis of the document which the government claimed was the visa.

After the Section 291 additional charge was lodged, respondent surely was entitled to seek and obtain additional time within which to marshal the evidence to respond to the charge. Respondent was fully prepared to do so and the government's present argument that respondent presumably would have relied on his visa is simply mistaken. It is ridiculous to suggest that the visa is the sole and exclusive evidence by which the Section 291 burden of proof could be met.

After the Immigration Judge made his ruling admitting the purported visa without the photograph, the government was still at liberty to call as many witnesses as it wished to establish that the excluded photograph was that of the respondent. The government simply refused to do so and rested its case knowing full well that the record will not contain any evidence connecting the respondent with the crucial photographs. This is a conscious choice of the government made and it ought to be content now to live with it.

POINT VII - THE GOVERNMENT HAS EXHIBITED A DEPLORABLE PROPENSITY TO TRIFLE WITH THE RECORD

Respondent pointed out in his trial brief those passages in the government's trial brief which relied on facts not of record.

Another vivid example of this propensity is the pretense on the part of the government's appellate attorneys that the government's trial brief which was presented to the Immigration Judge simply does not exist and is not a part of the record.

The authors of the government's appellate brief are repudiating the advocacy of the authors of the government's trial brief by bringing up and discussing the testimony of the government's witnesses, Mrs. Ljak and Mr. Noy. The writers of the trial brief know better, they studiously avoided any mention of Ljak and Noy presumably because they did not wish to appear ridiculous in the eyes of the Immigration Judge and others who might read their brief. The government's appellate attorneys have no such qualms, they unabashedly rely on the testimony of those two pernicious perjurers.

The trial brief was very carefully structured to avoid all reference to Noy and Ljak. On page 2 of the trial brief we find the following: "The government charges that Vilis Hazners persecuted Jews at the Police Prefecture at Riga, Latvia in July 1941, and at the Riga ghetto in September, October and November of the same year;" and also "The sole question in this proceeding is whether Vilis Hazners persecuted or assisted in the persecution of any person or group of people in Riga during the last six months of 1941".

Then, under the heading of "Issues of Fact" on page 22 of the trial brief, the government contended: "The factual issues have been highlighted in the

foregoing discussion of the government's case and the respondent's defense. To recapitulate, they are as follows: (1) Three government witnesses put Hazners at the Prefecture in early July and mid-July. Hazners claimed to have been outside Riga at the beginning of July, and at the self-defense headquarters in the middle of the month. (2) Two government witnesses saw Hazners at the gate of the Riga ghetto in the Fall of 1941; the respondent said he was at the Anna Street headquarters during that period, doing nothing but paperwork."

Finally, under the heading "Conclusion" on page 35 of the trial brief, the government advocated: "The consistency of the experiences related by Mendelkorn, Wulfowitz and Dolgizer regarding their experiences at the Prefecture removes any question about their presence there. Likewise, the identification of the respondent both in Court and from photo arrays firmly establishes Hazners' presence at the Prefecture and his role in persecuting those who were brought there." Also on page 36: "In short, the government has proved beyond doubt that the respondent did persecute Jews in Riga during the last six months of 1941".

It must be remembered that Mrs. Ljak did not testify about anything that happened in Riga, but rather about her alleged experiences in Daugavpils. Similarly, Mr. Noy's testimony spans a period of time beyond December 1941 and his testimony pertains to something that allegedly happened inside the ghetto.

The government's trial brief seems to emphasize the alleged Police Headquarters incidents while playing down the ghetto gate incidents for which the government furnished only two witnesses, Mr. Wagenheim and Mr. Loewenstein. The synagogue burning incident related by Mr. Mendelkorn

merited only 11 lines on page 9 of the government's trial brief.

Based on the foregoing, it is small wonder that the Immigration Judge made the following observation on page 2 of his decision: "Although the Service presented 8 witnesses to prove the charges in the order to show cause, they rely solely on the testimony of three witnesses: Bar Mendelkorn, Mendel Wulfowitz and Shabtai Dolgizer to establish deportability."

It is submitted that the respondent's deportability ought not hinge on the issue whether the foregoing observation was accurate or inaccurate. Notwithstanding that observation, the Immigration Judge proceeded to discuss the essential points concerning the testimony of all five of the witnesses mentioned in the government's trial brief, that is Mendelkorn, Wulfowitz, Loewenstein, Wagenheim and Dolgizer. For obvious reasons, the Immigration Judge did not devote much attention to Mrs. Ljak and Mr. Noy.

In assessing the credibility of the respondent's witnesses, the question to be asked is this: would each and every one of them come and testify under oath that the respondent had not been involved in war crimes when in fact they knew, had heard, or suspected that the respondent had in fact done any of the despicable acts the government's witnesses accused him of? Would these people face the Immigration Judge and confirm that they are life-long friends of the respondent if they had any reason to know that he had the blood of innocent people on his hands? It is submitted that the rather haphazard attack on the credibility of the government's witnesses does not merit much further comment, since the record speaks for itself.

CONCLUSION

Even if "the photo-spread" was somehow deemed to be in evidence and the respondent stood up and said that those are his photographs, the government's burden of proof would not be carried to the lofty heights of clear, convincing and unequivocal. The record being what it is, there is no need to have a new hearing. The Immigration Judge's decision ought not be disturbed.

Dated: August 20, 1980

Respectfully submitted,

Ivars Berzins

Attorney for Respondent
484 West Montauk Highway
Babylon, New York 11702
516-661-3540

Starplaikā mani apgāda VAIDAVA īpašnieks A. Augstums bija informējis, ka U.S. Department of Justice esot pie viņa pasūtīnājusi divus eks. manu grāmatu Varmācības torņi un vai viņš to drīkstot pārdot. Man pret to nekādu iebildumu nebija un tā grāmatas divi eks. bija nonākuši Apelācijas tiesnešu rokās. Tie bija sameklējuši kādus „jaunus manus grēkus” un tā sagādāja manam advokātam Bērziņam jaunus un nevajadzīgus darbus. Viņam bija arī jāpiedalās Apelācijas tiesas sēdē un pat jāiesniedz rakstisks “OPPOSING AFFIRMATION”, ko viņš bija datējis 1980. gada 3. septembrī.

To ievietoju arī šajā grāmatā. Tas ir šāds:

UNITED STATES DEPARTMENT OF JUSTICE
BOARD OF IMMIGRATION APPEALS

In the Matter of

VILIS A. HAZNERS,

Respondent.

File No. A 10 305 336

OPPOSING AFFIRMATION

Ivars Berzins, an attorney admitted to practice law in New York and appearing as attorney of record for the respondent in this proceeding, upon penalties of perjury affirms:

1. I submit this affirmation in opposition to the Government's undated motion to reopen and supplement record, which I received on September 2, 1980. Presumably, the motion is to be argued simultaneously with this appeal on September 4, 1980.
2. Before pointing out to this tribunal why the Government's motion ought to be denied, I wish to emphatically object to several highly improper and prejudicial inaccuracies contained in the Government's motion papers.
3. On page 1 of its motion, the Government says that "the book contains reproductions of two documents which clearly contradict respondent's testimony at trial". One of the documents the Government mentions is a photograph and the other a commendation. In the course of the trial, the respondent never testified about any photographs and consequently no photograph could conceivably contradict his testimony. In his cross-examination, respondent never denied having received various decorations and

commendations for accomplishments on the battlefield and never denied that he held the rank of Waffen-sturmbannfuhrer. Again, no contradiction exists and it is difficult to understand what gives the Government a license to make these irresponsible remarks.

4. Equally irresponsible is the remark on page 6 that the respondent was "chief of the Administration Department in the Riga Police". The record does not support that statement.

5. The Government further distorts the record on page 5 of its motion, by suggesting that the respondent and his witness, Mr. Silgailis, denied that the Latvian Legion was under the Waffen SS. Nothing could be further from the truth. The respondent as well as Mr. Silgailis tried to make it very clear that the Latvian Legion was under the Waffen SS, not under the regular SS. It seems to me that the Government by now ought to understand this distinction. Yet, they persist in making these distortions.

6. I am also dismayed by what appears on page 4 of the Government's motion. They seem to accuse me of lack of candor for not telling the Government and the Immigration Judge that the respondent has published a book and that Exhibit 9 is reproduced in that book. I submit that this attitude is preposterous and betrays complete lack of understanding of the Code of Professional Responsibility and the nature of our adversarial system. I have no duty to assist the Government.

7. Turning now to the reasons why the Government's motion ought to be denied in all respects, the first is the question of timing. To make the motion two days before the appeal is to be argued is simply outrageous and deplorably consistent with the Government's prior conduct in this case.

8. In footnote 2 on page 4 of its motion, the Government admits that the book they are talking about was published in 1977. Why the Government did not obtain and read this book in 1977, 1978 or even 1979 is nowhere explained. In his August 28, 1980 affidavit, Neal Sher claims that he learned about the book in mid-May, 1980. By way of hearsay we are told that Allan A. Ryan, Jr. learned of the book's existence shortly before that. Allan A. Ryan, Jr. has chosen not to disclose his source. We

are then told that the Government ordered the book on May 27, 1980 and that it did not arrive until August 21, 1980.

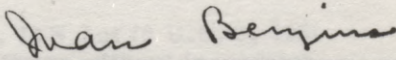
9. I think the foregoing admissions on the part of the Government regarding the dates speak for themselves and do not require further comment by me.

10. The inescapable conclusion is that the so-called newly discovered evidence has been sitting right in front of the Government's nose for at least the last three years and that the Government simply has not bothered to bend down and pick it up. Under these circumstances it would be unfair to reward the Government's conduct of this sort by remanding the case for further consideration by the Immigration Judge with all of the delay that would entail. The respondent is an elderly person who has had several heart attacks and the next heart attack could come any day and be the last one. He is vitally interested in having the charges against him finally adjudicated in his lifetime, because he will leave him surviving children and grandchildren on whom he does not wish to cast the shadow of accusations which he believes are unfounded.

11. I believe an essential ingredient of due process is freedom from harassment by the Government through tardy applications for reopening the proceedings.

WHEREFORE, I respectfully request that the Government's motion be denied in its entirety.

Dated: September 3, 1980



Ivars Berzins

Praktiski apelācijas tiesas sēde notika 1980. gada 4. septembrī, sākās atkal gaidīšanas un nervozēšanas laiks, jo terroru žīdu vietējās organizācijas nepārtrauca un tā nerviem bija atkal ko turēt.

Uz Apelācijas tiesas lēmumu bija jāgaida gandrīz gads un tas nāca tikai 1981. gada 15. jūlijā. Saprotams, ka bija arī tieši tāds, kādu mēs gaidījām — *attaisnojošs*. Iepriecinoša bija Apelācijas tiesas rūpīgā pieeja, kas liecināja, ka mēs tomēr dzīvojam likumības un taisnības zemē un apsūdzētāju (liecinieku) meli bija (kā komunisti saka) „aizslaucīti mēslainē”.

Tomēr interesanti, ka tiesas sastāvā bija minēti starp sešiem tiesnešiem arī divi man pazīstamie — Martins Mendelsons, kuŗš tik nikni mani vajāja tiesāšanās laikā un Michaels Wolfs, kuŗš pēdējā manā klātienes tiesas dienā, izrādīja jau agrāki pieminēto laipnību. Var pieņemt, ka advokāts Mendelsons, kuŗš pēc manas tiesāšanas izbeigšanās spēlēja galveno lomu Vašingtonas „kaŗa noziedznieku” tiesāšanas aparātā gan nesen bija nomainīts no advokāta Allana A. Raiena, Jr. (Allen A. Ryan, Jr.) un varbūt kā tagad viņa sirds bija kļuvusi „mīkstāka”. Bet tie ir visi pieņēmumi, kuŗiem var arī nebūt nekāda seguma.

Tiesas lēmuma saturs bija šāds:



U.S. Department of Justice
Board of Immigration Appeals

2203 Leesburg Pike
Falls Church, Virginia 22041

JUL 15 1981
HAZNERS
A10 305 336

Ivars Berzins, Esquire
484 West Montauk Highway
Babylon, New York 11702

Reference is made to your interest in the above case.

For your information, there is enclosed herewith a copy of the decision and order of the Board of Immigration Appeals.

Sincerely yours,

David L. Milhollan
Chairman

Enclosure

JUL 20 1981
JUL 15 1981



United States Department of Justice
Board of Immigration Appeals
Washington, D.C. 20530

JUL 15 1981

File: A10 305 336 - Albany

In re: VILIS HAZNERS

IN DEPORTATION PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Ivars Berzins, Esquire
484 West Montauk Hwy
Babylon, New York 11702

ON BEHALF OF SERVICE: Michael Wolf
Acting Appellate Trial Attorney

Allan A. Ryan, Jr.
Neal M. Sher
Arthur F. Norton
Bruce J. Einhorn
Martin Mendelsohn
Criminal Division, U.S. Department
of Justice

ORAL ARGUMENT: September 4, 1980

CHARGE:

Order: Sec. 241(a)(1), I&N Act (8 U.S.C. 1251
(a)(1)) - Excludable at entry

Lodged: Sec. 241(a)(2), I&N Act (8 U.S.C. 1251
(a)(2)) - Entry without inspection

APPLICATION: Termination

On February 27, 1980 the immigration judge found that the Immigration and Naturalization Service had not established deportability under either section 241(a)(1) or section 241(a)(2) of the Immigration and Nationality Act, 8 U.S.C. 1251(a)(1) and 1251(a)(2). He also denied the Service's motion, dated November 28, 1979, that the immigration judge recuse himself for bias. The

Service appealed. At oral argument on September 4, 1980 the Service submitted a motion to reopen the deportation proceedings in order to introduce new evidence of deportability. The Service appeal will be dismissed and the motion to reopen denied.

The alleged events that led to the issuance of the Order to Show Cause (Form I-221) took place during World War II in Latvia. Latvia is one of three small nations now within the Soviet Union bordering on the Baltic Sea and approximately 300 miles from Leningrad, Russia. It is located between Lithuania and Estonia. Its capital is Riga, which is a Baltic merchant city that originated from the Germanic-Hanseatic league in the sixteenth century. All three small nations were founded after World War I when western portions of the Russian empire became independent nations. Latvia had been a part of the Russian empire since Peter the Great defeated the Swedish empire in the early eighteenth century. During World War I it was occupied by the Axis Forces when Russia withdrew from World War I in March 1918. The three nations did not fall within Bolshevik control following the November 1918 Russian revolution. Latvia came again within Russian control as a result of the Nazi-Soviet treaty of August 1939 dividing Poland. In June 1941 Germany invaded Russia and quickly drove to Leningrad where the war front stabilized until the German Army was defeated and the Russians counterattacked. The three nations have been annexed by the Soviet Union since then. However, the United States has never recognized the legitimacy of the Soviet annexation. ^{1/} The events charged in the Order to Show Cause allegedly took place between June 1941 and 1943 during the last German occupation of the area.

THE ALLEGATIONS OF DEPORTABILITY

The Order to Show Cause (Ex. 1) charged that the respondent was a native and citizen of Latvia who entered the United States at New York on August 23, 1956. It alleged that he had been admitted for permanent residence as an escapee pursuant to section 4 (a)(2) of the Refugee Relief Act of 1953, upon presentation of an immigrant visa issued on June 5, 1956 at Hamburg, Germany.

^{1/} See generally: Alan Clark, *Barbarossa - The Russian-German Conflict, 1941-1945* (1965); *Times Atlas of World History*, 144 (2d ed. 1979); *Country Reports on Human Rights Practices for 1979*, 689, U.S. Department of State (1980).

He was charged with having advocated and assisted in the persecution of Jewish persons because of race, religion and national origin near his native city of Riga and at Dwinsk, Latvia. Other allegations are that at the Dwinsk ghetto he participated in the selection of Jews for execution in the Pogulanka woods around June 1941; and that he also acquiesced in assaults upon a group of Jews at the Dwinsk ghetto in June 1941 and in July 1941 at the Police Station in Riga, Latvia. He was charged with deportability under section 241(a)(1) of the Immigration and Nationality Act, and section 7(b) of the Refugee Act of 1953, in that at the time of entry he was excludable because he was not entitled to the immigrant visa issued to him under the Refugee Act of 1953. Section 14(a) of that Act excluded persons who had personally advocated or assisted in the persecution of any person or group of persons because of race, religion, or national origin. An additional charge of deportability was lodged at the hearing under section 241(a)(2) of the Act, 8 U.S.C. 1251 (a)(2) in that the respondent had allegedly failed to establish the date, manner and place of entry into the United States as required under section 291 of the Act, 8 U.S.C. 1361, even though it contradicted the improper entry as a displaced person charge (Tr. p. 682-690).

On February 27, 1980, the immigration judge rendered his decision in the respondent's case. He found that deportability had not been established by clear, convincing and unequivocal evidence as required by Woodby v. INS, 385 U.S. 276 (1966) and 8 C.F.R. 242.14(a). Crucial to the immigration judge's decision, in the Service's estimation, was the fact that he excluded from admission into the record a photo display which had been submitted by the Service (Tr. p. 853), gave little weight to several of the witnesses' testimony and excluded from the record part of the respondent's visa.

In addition, the Service charged on November 28, 1979 that the immigration judge was biased, based on a comment made by him two years earlier on October 28, 1977, during the deportation hearing (Tr. p. 389-390). Consequently, the Service made a motion to recuse. The immigration judge denied the motion to recuse finding that there was no basis in fact or law in the record to grant the motion. The Service appealed from the denial of that motion and that appeal is also presently before us along with the Service's appeal from the immigration judge's decision terminating the deportation proceedings.

In addition to the motion to recuse, the Service contends that the photo display including the respondent's photograph was admissible and should have been considered by the immigration judge. It also contends that a picture of the respondent in his visa application was admissible and should not have been excluded from the record. The Service also contends that because of the immigration judge's bias, his finding that there was not clear, convincing and unequivocal evidence of deportability was in error. Therefore, it requests that this Board conduct its own independent factual review of the record and rule in its favor. See Carrasco-Fayela v. INS, 445 F.2d 865 (9 Cir.), cert. denied, 405 U.S. 1030 (1971); Noverola-Bolaina v. INS, 395 F.2d 131 (9 Cir. 1968); Matter of B-, 7 I&N Dec. 1 (BIA 1955).

The Service has also submitted a motion to reopen the deportation proceedings in order to examine two more pieces of evidence, one of which is an Iron Cross decoration given to the respondent bearing the signature of Adolph Hitler and the designation, Waffen S.S. The other piece of evidence submitted by the Service in its motion to reopen is a copy of a photograph of the respondent in a book allegedly written by him in Latvian that is the same photograph that was ruled inadmissible as part of the photographic display. In accordance with our usual practice, we will engage in an independent review of the record. The respondent requests that the case be resolved on the basis of the present voluminous record in order to clear his name within his lifetime. The respondent is presently 75 years old and had had four heart attacks by the time of the deportation hearing. He specifically declined to apply for any discretionary relief from deportation despite the fact that his native country is still annexed within the Soviet Union (Tr. p. 1958).

SUMMARY OF TESTIMONY

The Service's first allegation is that during July 1941, after the German army arrived in Latvia, Latvian collaborators rounded up a large number of Jews and took them to the Riga police station (Tr. p. 18-19, 200-204, 478-481). At the police station, those arrested were subjected to indignities, assaults, and beatings by Latvian guards. According to the testimony, the person supervising these atrocities was referred to by the guards and some victims, as "Hazners" or "Captain Hazners" (Tr. p. 16-38, 200-212, 478-503). Three government witnesses made photographic identifications of the respondent as being the "Hazners"

they observed at the police station (Tr. p. 81-86, 251, 510-515). One of the witnesses testified that on another occasion in July 1941, he saw the respondent and other Latvians, some in uniform, force a number of Jews into a synagogue, which they then set on fire (Tr. p. 50-60). The Service also introduced evidence that during August and September 1941, Jews in Riga were forced into a ghetto (Tr. p. 335, 412-414). Allegedly, Latvian guards enforced the degradations imposed upon those in the ghetto including forced labor details, and that upon returning to the ghetto from such details the guards beat those who carried food (Tr. p. 341-342, 421-422). Some witnesses testified that the respondent was often in command of the guards at the ghetto gate and on three separate occasions in 1941 he was seen selecting Jews for removal from the ghetto who were never seen or heard from again (Tr. p. 702-726).

The respondent's rebuttal was that he was just a military officer and was part of the Latvian Self Defense unit. He claims that he was not in Riga when the events which took place at the Riga police station occurred. He also claims that he was at the Riga police station only once in his life, eight or nine years before 1941. He also claims that his duties never included participating in any persecution of the Jews in Latvia and that his appearance did not match that of the description given by the witnesses of the person they allegedly thought was the respondent. The respondent produced many witnesses who testified as to his everyday duties with the Latvian Self Defense Unit. These witnesses testified that he had nothing to do with such persecutions. They described his duties for the Latvian Self Defense Unit as merely administrative. He also introduced witnesses who described his appearance during July 1941. These witnesses said that the respondent had a very short haircut as a result of his being taken prisoner by the Russians a few days before the Germans arrived in Latvia. Another witness supported the respondent's assertion that he was not in Riga during the first week of July 1941 and another witness, who was an investigator for the United States government and who specialized in the Latvian region, testified that the respondent's organization was not involved in any of the atrocities committed upon the Jews of Latvia.

THE TESTIMONY OF THE SERVICE'S WITNESSES

Ber Mendelkorn was one of the witnesses presented. He stated that he was born in Riga in 1924 and was 17 years old in July 1941 when the Germans occupied Riga. He testified that during the first days of July 1941 he was staying with a friend in

Riga when he and his friend were arrested by armed men in civilian clothing who spoke Latvian. They were taken to the Riga police headquarters which was the only police station in Riga. When they arrived they saw many Jews there. He concluded that all the guards were Latvians because of the language they spoke, and because no German was spoken. Some of the guards were in civilian clothing and others wore the uniform of former Latvian army members. In the police station courtyard many Jews were cleaning the courtyard with toothbrushes and he was ordered by someone to do so also (Tr. p. 40). That same man who ordered him to clean the courtyard hit his friend and later hit and kicked him resulting in his losing two or three teeth several days later (Tr. p. 45). He was selected for a work detail, but managed to escape and went to the home of his mother's aunt who lived across from the great synagogue (Tr. p. 47). Twenty-four hours later he was looking out the window when he saw blue buses arrive at the great synagogue and saw that Jews were being driven from the buses by guards wearing civilian clothing and Latvian army uniforms. He later saw the synagogue burning with the Jews inside. From among the guards he recognized the following people, whose names he had learned at the police headquarters: Migla, Damskopfs, Cukurs, Arajs and Hazners. He saw "Hazners" wearing a green uniform pushing Jews back into the synagogue when they tried to get out (Tr. p. 50-60).

He also said that three to five days later he saw from the window of his mother's house a group of prisoners pass by on the street on the way to the prison. He said that "Hazners" was one of the guards who walked after the group. He was allegedly wearing the Latvian army uniform without any identifying marks (Tr. p. 63-69). He and his family were moved to the Riga ghetto in September of 1941 and he did not recall ever seeing the man there (Tr. p. 70). He also said that he saw "Hazners" at a courtyard of a meeting place for the S.S. and S.D. ^{2/} on Alunana Street in Riga in 1943 where he was working. At that time, "Hazners" was allegedly wearing an S.S. uniform with the rank of Sturmabfuhrer, which was the equivalent of a major. On the collar he had four symbols that designated his rank (Tr. p. 160).

The witness testified that he learned the last name Hazners from the people detained at the police headquarters, but does not remember specifically who told him the name Hazners. He never did learn the first name (Tr. p. 147). He described Hazners as an average person wearing glasses, but did not recall if he

^{2/} S.D. was an intelligence branch of the S.S.

was wearing a hat. He did not estimate the hair color or his height and build but recalled that "Hazners" did wear the Latvian army uniform without any insignia (Tr. p. 39). He identified photograph number 4 from a photograph display marked Exhibit G5 by the Service, over the respondent's objection. The immigration judge's exclusion from admissibility of this display and the evidence deriving therefrom will be discussed separately in this decision. He then proceeded to identify the respondent in the courtroom as the officer in the police station named "Hazners," over respondent's counsel's objection that such identification was "outrageous" (Tr. p. 91). This witness was the only one who testified regarding the alleged incident at the great synagogue in Riga.

Mendel Wulfowitz is another witness who testified regarding the incidents at the Riga Police Station. He was born in 1911 and was 30 years old in 1941. During the first weeks of July 1941 he was arrested in the street by three Latvian students (Tr. p. 204). He was taken to the police station around noon and pushed into a large hall with many other Jews inside (Tr. p. 205, 281). He said that he heard guards calling the name Hazners as their leader (Tr. p. 240). He was detained at the police headquarters for three days and said that he saw "Hazners" for the first time during the evening of the first day (Tr. p. 208). He was about 5 to 6 meters away from "Hazners" when he saw him hitting and pushing the Jews into a large room (Tr. p. 210). The next morning he was taken to work in the slaughterhouse (Tr. p. 212). He saw "Hazners" and other guards harrassing and hitting people (Tr. p. 213). He was at the peat bogs near Sloka from August 1, 1941 to November 4, 1941 but "Hazners" was not there. On November 4, 1941, he was returned to the big ghetto in Riga, where he rejoined his family but he did not see "Hazners" there. On November 28, 1941 he was separated from his family and placed in the small ghetto where he stayed until October 26, 1942; and thereafter went into hiding until October 13, 1944, when the Russians liberated Riga (Tr. p. 236). He never saw "Hazners" except at the police headquarters. At the hearing he also proceeded to identify photograph number 4 from the original Exhibit 5 for identification as the man he believed to be "Hazners" (Tr. p. 251). He described the man he saw at the police station, whom he believed to be "Hazners" as wearing civilian clothing, a suit, without a hat (Tr. p. 207, 281). His hair was dark blond, not dark, he wore glasses and was of medium build, and not very tall. He also proceeded to identify the respondent in court as the man he described as "Hazners" (Tr. p. 253).

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The next witness to testify was Meier Loewenstein now 67, who was 27 years old on July 1, 1941. He said that he saw a Latvian officer named Hazners for the first time in October of 1941 at the Riga ghetto gate when he was returning from work. His brother-in-law, Michael Rappaport, who was next to him in the worker's column pointed out "Hazners" to him from a distance of approximately 20 meters and said that he remembered him and his name from the Riga police station on July 2, 1941. He got as close as 6 to 7 meters to "Hazners" who was pushing people and shaking them (Tr. p. 345). One man from the group was beaten very severely because bread was found on him. He said that he saw "Hazners" several more times, the last time sometime in November of 1941 (Tr. p. 357). He also proceeded to identify picture number 4 from original Exhibit G5 for identification as being that of the man he believed to be "Hazners" (Tr. p. 353) over the respondent's objection. He described "Hazners" as being middle sized and a bit overweight and a head taller than the witness. He wore black horn rimmed glasses, had a full face and wore a revolver (Tr. p. 342-343). He also testified that "Hazners" was wearing the uniform of the Latvian Army with insignia of rank, but he does not recall what rank (Tr. p. 359). He also proceeded to make an in court identification of the respondent (Tr. p. 354). He stated that his hair was grayer now and his face rounder.

Jakob Wagenheim was another witness for the Service. He was 22 years old on July 1, 1941. He claimed that he was kept at the Riga ghetto for approximately 2 months beginning at the end of September 1941 (Tr. p. 455). He saw the man he called Hazners leading the guards while they were giving beatings to the Jews in the ghetto, at the ghetto gate. He claimed he never saw "Hazners" again (Tr. p. 456).

Mr. Wagenheim testified that he saw beatings such as these taking place about ten to twelve times during the two month period when he was at the ghetto (Tr. p. 429). He also testified that he had forgotten the name Hazners until he was told the name by the investigators of Nazi war criminals in Israel and when he was told the name he recalled it very well (Tr. p. 433). He identified two pictures, photographs one and four, of original Exhibit G5 for identification as photographs of the man he believes to be "Hazners". The preceding three witnesses had only picked out photograph number four. He described the man he believed to be "Hazners" as taller than medium, solidly built, broad shouldered, with a round face and thick glasses (Tr. p. 425). He said that he saw this man at the ghetto gate from approximately fifteen to twenty meters. The man was dressed in

a Latvian army uniform but the witness did not recall any insignia of rank on the uniform but recalled a hat being worn (Tr. p. 454). He also said that he believed the man was wearing an arm band (Tr. p. 460).

The witness also gave extensive testimony as to how he was contacted by the Israeli investigators. He said, "they came to me and they showed me the pictures of these people who participated in the extermination of Latvian Jewry" (Tr. p. 431). He also stated that he was told that "since I was in the ghetto, I should come and talk to them, perhaps I will recognize some people who exterminated Jews" (Tr. p. 431). The witness saw photographs on three occasions; twice in Israel and once in the United States before testifying (Tr. p. 430, 435). He claimed that on his first interview with Inspector Radiwker he picked out the respondent's photograph in a military uniform and in the second interview he recognized the same man in civilian dress (Tr. p. 434, 434A, 431, 435). Before the second interview began, he was told that among the photos to be shown him there was a picture of the same person dressed differently (Tr. p. 462).

Another witness was Schabtai Dolgizer. Dolgizer was born in 1917 in Riga and was 24 years old on July 1941. He works at the same bank in Israel with witness Meier Loewenstein. On July 14, 1941 at about two or three o'clock in the afternoon, he ventured out on the street to buy cigarettes and was detained by two guards in Latvian uniform (Tr. p. 484, 478, 479). He was taken to the Riga police headquarters where Latvian guards were guarding Jews in the courtyard. He was brought to a group that was already detained there, many of whom he recognized by name (Tr. p. 484, 485). They were made to do exercises by the guards accompanied by blows (Tr. p. 486). Many were beaten brutally (Tr. p. 488). He claimed that "Hazners" was in command of the guards (Tr. p. 490). He also saw and heard "Hazners" giving orders to take some Jews away in automobiles and they were never seen again (Tr. p. 495). Some had their beards pulled from their faces (Tr. p. 496). He was ordered to run up and down stairs while being beaten by the guards (Tr. p. 497). Others were ordered to beat other Jews and made to take off their trousers and were then hit (Tr. p. 497). Some were ordered to take off their religious undergarments and to stomp on them and one man who had a prayer book in his pocket was made to tear it up and step on it (Tr. p. 499). He repeated the other witnesses' testimony that the prisoners were required to sweep the floors with toothbrushes (Tr. p. 500). He was taken to a work detail during the morning of July 15, 1941 (Tr. p. 498).

The witness testified that the name Hazners came back to him right away when he saw the respondent's photograph during the course of a January 5, 1977 interview (Tr. p. 551). He had only heard that name before on July 14 and 15, 1941 at the Riga police headquarters where he heard the guards addressing the man as Captain Hazners (Tr. p. 503). He never learned the man's first name, only the last name (Tr. p. 535, 553). He picked out photograph number four of original Exhibit G5 for identification as a photograph of the man he believed to be "Hazners" over the respondent's continuing objection (Tr. p. 513). He described the man as wearing civilian dress without a hat, slightly taller than medium height, hair slightly dark, not black, but darkish, parted at the side. He had a normal face, not too wide and was middle aged. He saw the man from a distance of approximately five to six meters (Tr. p. 486, 495, 534, 535, 544). He could not recall whether the man wore glasses. He testified that even though he lives in the same city and travels to work with Mr. Wulfowitz and sometimes they meet each other, they never discussed their experiences at the Riga police headquarters (Tr. p. 539, 539A). He also never discussed his testimony with Mr. Loewenstein, with whom he works at the same bank (Tr. p. 677). The witness declined to participate in any in court identification because he was unable to recognize anyone without his glasses (Tr. p. 517).

Another witness was Mrs. Chawa Ljak who claims to have been born in 1906 at Daugavpils, Latvia where she was residing when the Germans invaded at the end of June 1941. She was then 35 years old. She immigrated to Israel in September of 1972. She testified that she saw "Hazners" at the Daugavpils ghetto where he struck her husband's sister with a club sometime between August 5 and August 15, 1941. She observed this incident from the second story window of the building where she was living at approximately 8 a.m. before going to work. She saw him there three or four times after that (Tr. p. 582, 583, 606). She testified that she learned the name Hazners after she picked out a photograph and Inspector Radiwker told her the name of the man was Hazners (Tr. p. 593). But she also testified "when I came home I did recollect exactly the name Hazners" (Tr. p. 621). She never explained how she learned that name. She did testify that afterwards the pictures shown had their names written underneath (Tr. p. 595).

Mrs. Ljak also identified photograph number four from original Exhibit G5 for identification as a photograph of the man she believed to be "Hazners". It is not clear when she first saw those photographs because at first she testified that she saw eleven photographs on brown cardboard (Tr. p. 593), but then

she said that she saw cardboards containing eight to nine photographs with numbers (Tr. p. 619). She was also not sure whether she had seen photographs in the United States, despite her brief and recent stay in this country for purposes of testifying (Tr. p. 602-603). The physical description of the man she saw beat up her husband's sister was approximately 30 years old, not too tall, of medium height (Tr. p. 592), probably dark haired (Tr. p. 614). He wore the Latvian army uniform or a police uniform (Tr. p. 557, 613). He did not wear glasses (Tr. p. 612). He was above the rank of a simple policeman (Tr. p. 614). Mrs. Ljak stated that Inspector Radiwker told her she was very interested in capturing the Nazis who spilled so much blood (Tr. p. 618). Her concern, according to the witness, was her three innocent children who were murdered (Tr. p. 661). She became quite emotional and was excused from further testimony (Tr. p. 662-663). She had also previously testified against another alleged war criminal who had been acquitted and freed (Tr. p. 658-659).

The next witness was Mr. Jacob Noy who was allegedly born in 1922 in Riga and would have been 19 years old in 1941 (Tr. p. 693). He testified that on three separate occasions he saw "Hazners" selecting groups of 5 to 10 people inside the Riga gate. The first time was in December of 1941, the second in January of 1942 and the third in February of 1942. Those selected were taken away and never seen again. According to the witness "Hazners" stood in the company of the ghetto commandant Krauser and his assistant Gbnik (Tr. p. 760-774). He said that he also saw "Hazners" on four or five other occasions, inside the ghetto administration building (Tr. p. 730). He never saw him again. He learned the name Hazners by word of mouth inside the ghetto (Tr. p. 726).

The man he believed to be "Hazners" was approximately 40 years old, 1.6 to 1.65 meters (5 feet 3 inches to 5 feet 5 inches) tall and wore glasses, according to the witness (Tr. p. 712). The man wore an S.S. officer's hat with the skull and crossbones symbol on it, just like the hats worn by the ghetto commandant and his assistant (Tr. p. 718, 766, 767). The man also wore a black coat similar to the coat worn by the ghetto commandant and his assistant. These observations were allegedly made from a distance of about five meters (Tr. p. 723). According to the witness Hazner's collar had an insignia of four squares which to the witness meant the rank of lieutenant (Tr. p. 759). He also testified that Hazners, the ghetto commandant and his assistant wore belts and pistols. He identified the respondent in court as Hazners (Tr. p. 755-756).

THE RESPONDENT'S TESTIMONY

The respondent testified that he was born on July 23, 1905, at Vircava, Latvia; therefore, on July 1941 he was almost 36 years old. He graduated from High School in Jelgava, Latvia, in June 1923 soon after Latvia became independent (Tr. p. 1020). In March of 1926 he began serving in the Latvian army. He entered Latvian Military Academy in October of 1929 and graduated in September 1931 as a Second Lieutenant (Tr. p. 1021). In March of 1937 he entered the Latvian Army General Staff Academy from which he graduated in December 29, 1939 (Tr. p. 1022). Thereafter he served in the Latvian army headquarters as education department head until September 18, 1940 when he was discharged from the Latvian army which was being demobilized by the Soviets (Tr. p. 1022-1028). On December 18, 1940 he began working in the sugar industry where he worked until May 1941 when he became an inspector for military and sports education for industrial schools (Tr. p. 1023). He remained at that job until June 25, 1941 when he was arrested at his office by the N.K.V.D., the Soviet Security Police (Tr. p. 1024. 3/

He testified that the war broke out on June 22, 1941 and he was arrested three days later at his office, and was detained in the central prison in Riga where he received a prison haircut with his head shaved (Tr. p. 1025-1026). On June 30, 1941 he managed to break out of the prison and went to stay with some relatives who hid him in their coal cellar overnight (Tr. p. 1026). On July 1, 1941 when the Germans troops entered Riga, he reported to the Latvian Command Center around noon. He was assigned to command a unit of about 200 men who were sent to Vidzemes Beach to round up retreating Russians (Tr. p. 1027-1028). He was then dressed in civilian clothes, the same that he had on when he got out of prison. All soldiers were armed with rifles (Tr. p. 1028). He returned to Riga in the late afternoon of July 5, 1941 and went to his home at Bierini, which was a suburb of Riga. He slept all day on July 6 and on July 7 put on his Latvian captain's uniform and reported to the self-government headquarters located at the Latvian Society Building on Merkel Street in Riga, which was later located on Annas Street (Tr. p. 1029). The uniform had white trim and was different from the regular army uniform which had red trim. According to the respondent, there were no more than four or five of those

3/ An article detailing the respondent's arrest was introduced by stipulation, along with a translation on November 30, 1978.

uniforms because the Communists had eliminated more than 90 percent of the army staff officers (Tr. p. 1031). Afterwards, he wore the regular army Latvian uniform until June 3, 1943 (Tr. p. 1048).

He stayed at the Latvian Society Headquarters with Colonel Plensners, who had returned from the Latvian Embassy in Berlin on July 10, 1941. At that point he was appointed to the staff of the Latvian Self Defense Unit located at 18 Meierovica Boulevard in Riga (Tr. p. 1032). He remained employed at the Self Defense Unit Headquarters as chief of the administrative department until October 10, 1942 (Tr. p. 1032, 1038). In October of 1942 he was appointed police commissioner for the Abrene District in Latvia where he served until May 28, 1943 (Tr. p. 1043, 1044). He was mobilized into the Latvian Legion on May 20, 1943 and left Abrene on May 28, 1943, arrived in Riga and from June 3, 1943, when he reported at Paplaka, he served in the Latvian Legion (Tr. p. 1063). He then wore a German uniform which in the beginning had the S.S. insignia on the right collar patch but was later changed to the Latvian Rising Sun insignia. On the left collar patch he had three cubes designating a captain's rank but when he was promoted to major on June 20, 1944 the insignia was changed to four cubes (Tr. p. 1049). He served in the Latvian Legion until March of 1946 (Tr. p. 1069). He received several decorations, including the Iron Cross, first and second class (Tr. p. 1069).

He testified that he was never involved in any war crimes (Tr. p. 1052), and never was a member of the Nazi party or a Nazi sympathizer (Tr. p. 1054). He also testified that he was only once at the Riga police headquarters in 1932 or 1933 when he went to find the address of a friend (Tr. p. 1035-1036). He also testified that Riga had several police precincts and other police units such as railway station police in addition to the Riga police headquarters. He also stated that he never had any duties connected with the Riga police headquarters (Tr. p. 1034). He never had anything to do with the Riga ghetto or any guard unit for it. He was never inside of it, and only drove past it once in August of 1944 (Tr. p. 1036). He also denied ever participating in the burning of any synagogue in Riga or anywhere else (Tr. p. 1938). He testified that he was interviewed by representatives of organizations such as the International Refugee Organization, the Immigration and Naturalization Service, the Central Intelligence Agency and by the Security Officer of the United States Consulate in Hamburg, West Germany before coming to the United States (Tr. p. 1056). He also stated that he always answered all questions truthfully regarding his war time activities

and any war crime allegations (Tr. p. 1057). Since his arrival in the United States, he has worked for the Committee for a Free Latvia. His work consisted of political research and publication of articles on Soviet Latvia (Tr. p. 1054). The respondent's contention has been that because of his anti-Communist activities he was unfairly portrayed by the Soviets as a war criminal.

THE RESPONDENT'S WITNESSES

One of the respondent's witnesses was Peter Vilips who was deposed at his home in Maywood, Illinois on April 6, 1978. Mr. Vilips testified that he had known the respondent since 1929 when they were both scouts and later in the Latvian army (d. p. 2). They also met at the Latvian Society. He said that he was in Bolderaja, Latvia, on July 1, 1941 when he was called upon to organize the area's defense (d. p. 3). He claims that the respondent was at that time on the other side of the Dougava River at Mangalsala, in charge of another defense group. He also stated that the respondent's group stayed at Mangalsala for a couple days and then moved to Ziemeļblazma. Although he did not personally see the respondent, he was in contact with him by telephone during those days (d. p. 3). Later, on July 7, 1941, he met him personally at the Latvian Society in Riga where all the Latvian Army people would meet (d. p. 4). He said that soon afterwards the respondent went to work for the security staff on Annas Street where he worked until October of 1942 (d. p. 4). The respondent was assistant to the director there, his duties included announcing visitors and taking care of the paper work. He saw the respondent there many times always wearing the Latvian army uniform (d. p. 6). He saw the respondent again when the respondent was part of the Latvian Legion perhaps in 1944 although he was not sure of the year (d. p. 4-5). He also testified that the respondent's reputation for truth and veracity was very good. The witness's testimony parallels the respondent's testimony regarding his military activities outside of Riga in the first days of July 1941.

The respondent then introduced two witnesses who testified regarding his arrest on June 1941. The first witness was Elvira Meija, who came to the United States in 1949 and presently resides at Lansing, Michigan. Mrs. Meija testified that she was a bookkeeper at the trade school's administration on Kalku Street in Riga where she met the respondent who also worked there (Tr. p. 1173). At the end of June, 1941, she saw the respondent being arrested by the N.K.V.D., at his office (Tr. p. 1173). The other witness was Olga Skujins, who lives in New Jersey and testified

that in June of 1941 she worked as a clerk in the Department of Labor Reserves in Riga. The respondent came to work for this establishment in May of 1941. Sometime between June 22 and July 1, 1941 the respondent was arrested by N.K.V.D.

Another witness introduced by the respondent was Voldemars Capans, who testified that in the summer of 1941 he was arrested by the N.K.V.D., and taken to the central prison in Riga (Tr. p. 1186). He testified that every one of the prisoners in the central prison had their hair completely cut (Tr. p. 1187-1188). He also escaped from the central prison on June 30, 1941. He did not meet the respondent at the central prison but knew him subsequently here in the United States. This witness as well as the other witnesses who knew of the respondent's arrest support the respondent's testimony that he had had his hair closely cropped as a result of his arrest and imprisonment in the Riga central prison.

The next witness was Eriks Parups who was born on December 7, 1908 and came to the United States on December 15, 1951, where he presently resides at Bradenton, Florida. He also was a graduate from the Latvian Military Academy, who studied economics at the University of Riga and obtained an engineering degree in this country. He testified that he was a member of the anti-German underground during the German occupation of Latvia during the Second World War and also served as a company commander in the Latvian Legion. He stated that he got to know the respondent when they both served as officers in the regiment in Riga in 1936 or 1937. He returned to his home in Riga from guerrilla fighting with the Russians on July 5, 1941 (Tr. p. 1193). He went to the building where all officers were asked to assemble and register and was elected secretary of the officer's association (Tr. p. 1195). That was his job until September 1941 when he went to work at the Annas Street headquarters of the Latvian Self-Defense Forces (Tr. p. 1196). There he saw the respondent almost every day because the respondent was chief of administration, which meant that he gave out the orders prescribed by his superiors, received the reports and kept these in order. Mostly he sat in his cabinet and did not have outside activities. He did not have any troops under his command (Tr. p. 1196). He testified that the respondent had nothing whatsoever to do with the persecution of Jews and he was never a member of the so-called Arajs Commando who were executioners (Tr. p. 1203). He added that he had been a friend of the respondent all his life and that the respondent was an honest, capable and decent man who did not lie, a real Latvian patriot (Tr. p. 1205-1206).

He testified that he was assigned for a transfer as an officer to one of the combat battalions but was then medically discharged (Tr. p. 1197). Meanwhile he had been active in the anti-German underground, for which he was twice arrested by the Germans (Tr. p. 1198). The first time he was arrested for two days and the second time for almost four months (Tr. p. 1199). He was freed through pressure from his friends and his promise to serve in the Latvian Legion (Tr. p. 1200). He opposed the formation of the Latvian Legion but had to serve in it as a company commander. The witness' testimony supports the respondent's description of his own duties and suggests that even those who actively opposed the Germans were obliged to serve in the same Latvian Legion alongside the respondent. He also reiterated the respondent's testimony that the functions of the Annas Street headquarters had nothing to do with the persecution and extermination of Jews.

The witness also testified regarding the Waffen S.S. and the Latvian Legion. He testified that although the Latvian Legion was attached to the S.S., the members of the Legion were not members of the S.S. or the Nazi party. "You had to be a German to be a member of the S.S.," (Tr. p. 1233-1234). He also testified that there were basic differences between the Legion and the S.S. The Legion had nothing in common with national socialist concepts and organizations. In the Legion there was religion but in the S.S., none. At roll call the Legion sang the Latvian national anthem and the Lutheran battle hymn. There was no political indoctrination in the Legion. The uniforms bore the Latvian flag coat of arms on the sleeve and the 15th division had the Latvian rising sun and the 19th division had the Latvian fire cross insignia in place of the S.S. emblem (Tr. p. 1235). He also testified that the respondent served under his command in the Latvian Legion briefly as commanding officer of the 32nd regiment and most of the time as a battalion commander. The respondent was decorated with an Iron Cross for leading his battalion in the battle for mountain 193.4 near the river Velikaja in Russia (Tr. p. 1231). The respondent started serving in the Latvian Legion as a captain and was later promoted to major.

A very important witness on the respondent's behalf was Mr. Paul Hartman. Mr. Hartman served in the United States army during World War II and later became a civilian employee of the United States government. During the war he was in the counter-intelligence corps and became an investigator for the Displaced Persons Commission working out of the British zone headquarters (Tr. p. 1260-1262). Afterwards, he worked for the Central Intelligence Agency and became an expert on the

Baltic states, particularly Latvia. He is fluent in Latvian as well as German and he is presently retired. He testified that while working for the Displaced Persons Commission as an investigator he was assigned to investigate the Latvian Legion because at that time there was uncertainty about that organization's character (Tr. p. 1262). He interviewed General Rudolph Bangerskis, who was in charge of the Latvian Legion, Mr. Janums and other members of the Legion (Tr. p. 1263-1265). He concluded on the basis of his investigation that the Latvian Legion was strictly a military unit (Tr. p. 1266). The Displaced Persons Commission concluded that the Baltic legions were considered separate and distinct in purpose, ideology, activities and qualification for memberships from the German S.S., and therefore, the commission held them not to be hostile to the government of the United States under section 13 of the Displaced Persons Act (Tr. p. 1268). He also testified that the Waffen S.S. often was confused with the Allgemeine S.S. The Waffen S.S. meant literally the Weapons S.S., ^{4/} and after 1943 it was composed primarily of conscripts like the Latvian Legion, while the General S.S., otherwise known as the Allgemeine S.S., was the Nazi party bodyguard element (Tr. p. 1275-1279, 1318). The Baltic conscripts were called volunteers by the Germans (Tr. p. 1278).

The witness testified that Latvians could not become members of either the Nazi party or the General S.S. because membership was only for Germans (Tr. p. 1279). He also testified that he was familiar with the Berlin document center and examined documents regarding the respondent (Tr. p. 1297). He saw nothing in those documents that would suggest involvement in war crimes. He also testified regarding the Arajs Commando. He said that the Arajs Commando was a group of Latvians under the Nazi command, the S.D., who participated in atrocities (Tr. p. 1290, 1295). He knew of no high ranking Latvian army officers who were members of this detail. He never knew of any person involved in atrocities who would have been permitted to leave the Arajs detail to join the Latvian Legion (Tr. p. 1293). He never came across any documents or information that the respondent was a member of either the Arajs detail or the S.D., (Tr. p. 1295). A district police chief had nothing to do with S.D. (Tr. p. 1294). He also stated that the Annas Street headquarters had not been involved in any atrocities and was not connected with the Riga police headquarters (Tr. p. 1311, 1312).

^{4/} The word "waffen" in German means literally weapons.

The witness also stated that the respondent attracted the attention of the Central Intelligence Agency as a leader of the anti-Soviet faction among Latvians (Tr. p. 1299, 1330). He stated that at that time the Soviets were very aggressively propagandizing against the Latvians, Lithuanians and Estonians, especially those who had served in one of the legions. The Soviets regarded them as war criminals (Tr. p. 1300). The respondent's name has appeared in many heavy handed Soviet propaganda regarding war crimes (Tr. p. 1301). The activities of the respondent were to counter those accusations against the Latvian Legion (Tr. p. 1300, 1302). The Service stipulated that the respondent's name appeared often in Soviet Latvian publications (Tr. p. 1303-1307).

The respondent presented other witnesses that knew him during the German occupation in Latvia. Arturs Ludriksons is an electronics engineer who presently resides in West Germany. He testified that he attended a different military school in Riga in 1938, the communications school, whereas the respondent was attending the war academy (Tr. p. 1343-1344). He got to know the respondent while both schools shared the same building for two or three months and he also lived close to the respondent in Riga during the Soviet occupation (Tr. p. 1345). He heard of the respondent's arrest at the end of June 1941. After the Germans arrived he saw the respondent approximately the seventh or eighth of July at the Latvian Society, where all the other Latvian army officers were gathered (Tr. p. 1347). He said that the respondent had then a prison haircut and was wearing the Latvian army uniform which had light gray insignia, which was different from the uniform he himself wore, the infantry uniform, which had red insignia (Tr. p. 1347). He saw the respondent often while he was working at the Latvian Self Defense Unit Staff. He testified that the respondent's job in Riga had nothing to do with the Riga ghetto or with the extermination of Jews (Tr. p. 1351).

Another witness was Karlis Lobe who presently resides in Sweden and testified by way of deposition at the United States Consulate in Stockholm. He testified that he met the respondent when he joined the war college and thinks that the respondent graduated in 1938 (d. p. 7). After the war started he met the respondent in January of 1942 when he became the chief of the Annas Street headquarters in Riga (d. p. 5). The respondent was his subordinate as Chief of the Administrative Section (d. p. 5-6). The witness testified that he continued as chief until August or September of 1942 and that again in 1944 the respondent became his subordinate when he commanded a battalion alongside his regiment on the front near the Veliki River in Russia (d. p. 7-9).

The witness stated that the respondent was not in the Arajs Commando and could not have had anything to do with the persecution or liquidation of Jews because of his duties and rank at the Self Defense headquarters at Annas Street. He did not think that the respondent had any secret overtime hours and he also stated that there was no connection between the Annas Street headquarters and the Riga police headquarters. He also stated that all of the respondent's official relations would have had to go through him because he was his superior (d. p. 8-9).

Another witness was Aleksandrs Plensners who also resides in Sweden. He testified by way of deposition at the United States Consulate in Stockholm, that he graduated from the Alexander Military Academy in Moscow and also studied law in Moscow before the communist takeover. He was the Latvian military attache in Berlin before the war. He met the respondent in 1917 when the respondent worked at an institution which he led in Vadlka, Latvia (d. p. 21). He saw the respondent in the first days of July 1941 and knew that he worked for the Annas Street headquarters (d. p. 22). He added that the respondent could not have been a member of the Arajs Commando because the respondent was an officer with the highest military education and Arajs was only a corporal (d. p. 24). He did not see the respondent again until 1943 at Paplaka, where the respondent was adjutant of the Latvian Legion Regiment stationed there (d. p. 24). His rank was captain. In his testimony Mr. Plensners offered his opinion that the Jewish ghetto was guarded by Arajs men, who also did the persecution of Jews (d. p. 25-30).

Peteris Janelsins, also resides in Sweden, where he testified by deposition. He met the respondent sometime in the middle 1930s and afterwards became good friends with him (d. p. 33). He saw the respondent on a Riga street on July 1, 1941 and the respondent looked in pretty bad shape. He had untidy clothes, his hair had been all cut off and he looked very depressed. He then told him that he had just escaped from the central prison (d. p. 34). He later saw him at the Annas Street headquarters (d. p. 35). He also testified that these headquarters had nothing to do with the extermination of Jews and neither did the respondent, who was not a member of the Arajs Commando (d. p. 36-37). Between 1943 and 1944 he served in the Latvian Legion as an adjutant to the respondent who commanded a battalion and was wounded; after which the witness was asked to take over command of the battalion.

Janis Meiers, who was also born in Latvia, testified by deposition at Melbourne, Australia. He went to Australia in 1950. He became a Latvian army officer in 1924 and was a captain in

1941. He had also obtained a Master of Laws degree from the University of Riga in 1938 and had been a vice-prosecutor at the Latvian military court. He testified that he arrived at the Merkela Street Defense headquarters in Riga where he worked as a communications officer until approximately the middle of July 1941. He saw the respondent in Riga at the headquarters in the first days of July, approximately the sixth or the seventh, and recalls that the respondent's hair was cut very short and that he had heard or read that the respondent had been in prison. Later he was assigned to the Riga District Court as vice-prosecutor where he stayed until July 1942. He saw the respondent often at the Annas Street headquarters which was also an officer's club. He knew that the respondent was the chief of administration there. Afterwards, the witness worked as a legal officer at the Annas Street headquarters and often saw the respondent there. He also knew that he became a major near the end of 1945 in the Latvian Legion and testified it would have been impossible for the respondent to be dressed in a German uniform in 1941 or 1942. He added that the Riga police force was separate from the Annas Street headquarters.

Another witness who was deposed at Melbourne, Australia was Valentins Sirants. He testified that he was a bookkeeper for the Latvian Delf Defense headquarters in Riga and that he started working there during the second half of July 1941 at which time the headquarters were located at Annas Street. He knew that the respondent was a captain and also head of the administrative department. He saw the respondent almost daily because their offices were on the same floor. The respondent wore a military uniform while the witness was dressed in civilian clothes because he was a non-commissioned officer. The witness worked there until 1944 but knew that the respondent left approximately one year before, when he was transferred.

Another witness deposed in Australia was Verners Voitkus who is a pastor (d. p. 1). He fled from Latvia to Germany during the Russian occupation and returned to Latvia after the Germans invaded it (d. p. 2). He testified that he worked at the Annas Street headquarters as a translator and later was transferred to the Latvian Legion where he was appointed chaplain for the 19th division (d. p. 6). He escaped from Latvia in 1945 and wound up in Germany from where he went to Australia.

The witness testified that he returned to Riga approximately on July 7 or 8, 1941 and went to the Latvian Society building in Riga where he noticed the respondent. He noticed the respondent because his hair was cut very short and it looked very funny to

see a captain with such short hair. He asked Colonel Plensners who that man was and the colonel told him that it was Captain Haznejs who had been lucky enough to get out of prison just a few days before (d. p. 3-4). He then met the respondent in March of 1942 when he was a Latvian-German interpreter at the Annas Street headquarters. He testified that the headquarters did not have any police duties, that it organized the battalions sent to the front for combat. He also added that the headquarters had no connection with the Riga police (d. p. 5-7). He met the respondent again in a displaced persons camp in Germany where he worked for the same refugee organization (d. p. 9). He thought the respondent was an excellent soldier with high qualifications who would never persecute anyone. Much of his testimony dealt with the confused conditions in Latvia right after the German occupation. He also testified that as far as he knew persecution of Jews was conducted by the S.D., which was run by Victor Arajs (d. p. 16).

THE EXCLUDED PHOTOGRAPHIC SPREAD

All of the Service's witnesses testified regarding a spread of photographs that was shown to the witnesses in Israel by Maria Radiwker. Mrs. Radiwker was a lawyer who went to work as an investigator in the Nazi War Crimes Unit of the Israeli Police (Tr. p. 866). She testified that in September of 1969 her superior received a picture and a letter with the name Hazners from Mr. Simon Wiesenthal and that in 1975 her organization received a list from the United States government of alleged Nazi war criminals. The name of the respondent was on that list (Tr. p. 867). A folder was prepared containing photographs for the purpose of showing it to witnesses. That folder contained two photographs of the respondent, one in military uniform which was the picture received from Mr. Wiesenthal in 1969 and another one in civilian dress, received from the United States government. She showed the photograph to as many as 150 to 200 people who were former Latvians now in Israel (Tr. p. 942). Prior to showing the photographs she asked them if they knew about the Arajs Command (Tr. p. 891). She told them that since they were in the Jewish ghetto in Latvia perhaps they would recognize pictures of people who participated in the atrocities (Tr. p. 889).

Another witness, Mr. Mendelkorn, testified that in 1975 in Tel Aviv he was shown some photographs for possible identification by the Israeli police after responding to an Israeli newspaper notice (Tr. 84-85, 180) (Ex. R-34) (Tr. p. 76). At this point the Service had the pictures marked as Exhibit G5 for identification and proceeded to ask the witness questions regarding the

photographs (Tr. p. 75). Following objections by the respondent's counsel, the immigration judge stated that the introduction of the photographs required better foundation such as the number of photographs which were shown to the witness and in what order (Tr. p. 76). The immigration judge then learned from the Trial Attorney that the photographs in Exhibit 5 might be reproductions of the ones shown in Israel and not the originals (Tr. p. 80). A sharp exchange between the immigration judge and counsel ensued with the result that the immigration judge stated that unless the Service established that these were the same photographs shown in Israel by the live testimony of the Israeli investigator, the photographs would be given little weight. The witness then testified that he had picked out photograph number 4 from Exhibit G5 as "Hazners" (Tr. p. 89). Witnesses Dolgizer, Ljak, Wulfowitz and Lowenstein similarly identified photograph number 4 from the display (Tr. p. 251, 353, 513, 593-603).

The witness gave extensive testimony as to how he was contacted by the Israeli investigators. He said "they came to me and they showed me the pictures of these people who participated in the extermination of Latvian Jewry (Tr. p. 431). He also stated that he was told that "since I was in the ghetto, I should come and talk to them, perhaps I will recognize some people who exterminated Jews" (Tr. p. 431). The witness saw photographs on three occasions, twice in Israel and once in the United States, before testifying (Tr. p. 430, 435). He claimed that on his first interview with Inspector Radiwker he picked out the respondent's photograph in a military uniform and in the second interview he recognized the same man in civilian dress (Tr. p. 434, 434A, 431, 435). Before the second interview began he was told that among the photos to be shown him there was a picture of the same person dressed differently (Tr. p. 462).

Respondent's counsel objected to the photo spread and the related evidence's admissibility and the immigration judge later concluded that it had not been introduced into evidence (i.j. dec. p. 9). The Service contends that the photographic spread was offered into evidence and that its admission would have increased the weight of the evidence against the respondent dramatically (brief p. 1920) (Tr. p. 853). We will consider the photographic spread as having been received into evidence (Tr. p. 853).

However, we do not consider that it adds a great deal of weight to the Service's evidence. Some of the witnesses had also identified the respondent in court as the man they saw. Moreover, Inspector Radiwker testified that the photographs were shown to as many as 150 to 200 potential witnesses (Tr. p.

942). One of the witnesses testified that prior to seeing the photographs he was told that he was going to see photos of men who participated in the extermination of Jewish people in Latvia and that since he had been in the Riga ghetto, maybe he would identify some of them. The same witness was the only one identifying the respondent's photograph wearing civilian clothing. Prior to this identification he was told that the set of photographs contained a photograph of the man he had previously identified wearing different clothing. Another witness testified that the last time she saw the set of photographs, the respective names were written underneath each photograph. Both witnesses' testimony indicate suggestiveness in the identification procedure and detract from the weight to be given to their identification of the respondent. Suggestiveness is also indicated by the fact that the only Service witness who described the military ranking of "Hazners" in 1941, described the four cubes, major's rank, which matched the photograph, instead of the three cubes, captain's rank, which the respondent held until 1944.

We will assume, for purposes of this appeal, that the witnesses introduced by the Service identified a photograph of the respondent as the man whom they believed they saw 35 years earlier engaging in atrocities against Jewish people in Latvia. Therefore, it is not necessary to reach the issues of admissibility based on the best evidence rule on the facts in this case. Similarly, we will also consider as being in the record the respondent's visa photograph which was excluded by the immigration judge. The photograph was clearly reasonable, substantial and probative evidence under section 242(b)(4) of the Act, 8 U.S.C. 1252(b)(4) and was therefore admissible. Again, we do not find that photograph to be of as crucial importance as the Service contends. It adds no weight to the evidence once we assume that it was the respondent's photograph which was shown to the witnesses.

EVALUATION OF THE WITNESSES' TESTIMONY

Evaluating the witnesses in a case of this nature is inherently difficult. Nearly 40 years have elapsed since the events transpired. Moreover, few events are more emotionally charged than the events during the Second World War and the persecution and atrocities committed upon the Jewish people and other ethnic groups in Europe by the Nazis. We will not disregard the respondent's witnesses' testimony as the Service suggests (Brief pg. 37-38), merely because they were Latvian military officers and therefore their testimony was self serving. Similarly, we

do not discount the Service's witnesses testimony, merely because as Latvian Jews, victims of the holocaust, their testimony could also be mistaken. Anyone claiming personal knowledge of the events regarding this case could be subject to charges of bias.

One of the problems with the Service's witnesses is the lack of specificity of their description of the man they called "Hazners". There are contradictions as to the clothing worn by the man. Some witnesses have him wearing civilian clothes, others have him wearing Latvian uniform clothes, while one of the witnesses has "Hazners" wearing the black S.S. uniform. Other discrepancies deal with whether the man wore glasses. These discrepancies are not necessarily fatal to the identification, in view of the many years since the events transpired. However, they do detract somewhat from the certainty of the identification and contrast with the certainty with which the witnesses now identify the respondent. It is clear that before looking at the photographs all the witnesses believed that all the photographs shown were photographs of war criminals. More significant is the fact that none of the witnesses described the man they call "Hazners" as someone who had had his head shaved. The respondent introduced substantial evidence that his head had been shaved and that this attracted everyone's attention who saw him. In addition, none of the witnesses knew the respondent's first name, or had an opportunity to learn the respondent's name prior to the events of July 1941. One of the witnesses admitted that the respondent's photograph had the name "Hazners" written underneath it.

Another significant question raised by the Service's witnesses is their origin. No documentary evidence was presented regarding their nationality and residence in Latvia during the alleged events. All of the witnesses originated from Israel and were selected and prepared by the same Israeli investigator. ^{5/} This contrasts with the respondent's own witnesses who ranged from all over the world. Some of the witnesses who testified about seeing the respondent at the Riga police station testified that they never saw the respondent again, even though they were at the Riga ghetto. This detracts from the testimony of those who testified about the respondent's alleged activities in the Riga ghetto.

^{5/} In a related denaturalization trial, a federal district court judge concluded that Inspector Radiwker may have coached the witnesses prior to their testimony. See United States v. Fedorenko, 455 F. Supp. 893, 907 (S.D. Fla. 1978), rev'd on other grounds, 597 F.2d 946 (5 Cir. 1979), 49 U.S.L.W. 4120 (1981).

The testimony of Mr. Mendelkorn is somewhat diminished by the fact that he was apparently misleading the court regarding his having seen his prior statement (Exhibit R1, R2) and the trial attorney was ready to stipulate that the witness had seen a typed copy of his statement (Tr. p. 121-133). It is also suspicious that despite his youth, he learned and remembered the name of five of those accused of being war criminals at the police station and also saw them at the synagogue burning (Tr. p. 60). This accuracy in his recollection contrasts with the fact that he did not remember knowing Mr. Loewenstein, another witness in the Riga ghetto (Tr. p. 396).

Other problems arise with the testimony of witness Wulfowitz. He was somewhat evasive as to whether he had looked at a book (Ex. R6) on "Hazners", but knew that it contained the respondent's picture (Tr. p. 314-318). He was also interviewed by Captain Scheckman of the Russian N.K.V.D., at least twice in 1944 and 1950 (Tr. p. 307). This fact raises some questions in view of the fact that all of the witnesses were Latvians who continued to live under Soviet control in Latvia for a considerable time prior to immigrating to Israel, since the respondent contends that Soviet propaganda is behind the accusation that he was a war criminal. The testimony of Mr. Loewenstein indicates that the name "Hazners" was often mentioned in newspapers in Soviet Latvia on memorial days (Tr. p. 400). His notoriety was stipulated by the Service (Tr. p. 1303-1307). This witness also admitted on cross examination that Inspector Radiwker told him the names of people he recognized after seeing their photographs (Tr. p. 373).

He also testified about a gathering sponsored by Inspector Radiwker for the witnesses in Israel prior to their departure to the United States (Tr. p. 393). This meeting included all the witnesses for this proceeding as well as those of two other alleged war criminals. None of the other witnesses admitted participating in this meeting. The witness also stated that in the first interview with Inspector Radiwker he picked out a photograph of the respondent in military uniform, but in the course of the second interview, he recognized the same man in civilian dress (Tr. p. 434, 434A, 431, 435). Prior to the second interview, he was told by Inspector Radiwker that he was going to see another picture of the same person he had identified, dressed in a different way, among the other pictures (Tr. p. 462).

Other questions arise regarding the testimony of witness Ljak. It was never made clear how she learned the respondent's name by observing the man hit her sister-in-law from a

second floor window. She also admitted that Inspector Radiwker told her the name "Hazners" after she picked out his photograph (Tr. p. 593). She was also very uncertain as to the format of the photographs she was shown (Tr. p. 593, 596, 619). She did not remember whether the man wore a Latvian army uniform or a police uniform (Tr. p. 557, 613). She was certain that the man did not wear glasses (Tr. p. 612). She was not even sure she was interviewed twice or three times (Tr. p. 615) or whether she signed a statement at the American Consulate (Tr. p. 653). She admitted that her testimony was a little mixed up in her head (Tr. p. 654). She was also confused as to whether she saw photographs in New York or not, even though she had been there to testify only two weeks (Tr. p. 603, 660). The testimony of witness Noy also raises questions. There are discrepancies between his testimony and his prior statements on the date that the respondent allegedly made selections for extermination (Tr. p. 822). He is the only witness who described the respondent as wearing an S.S. black coat and the skull and crossbones in the hat, the same as the ghetto commandant and his assistant (Tr. p. 718, 766, 767).

The Service's contention that the respondent lied regarding his not being an S.S. volunteer is based on Exhibit 19 which was never introduced into the record (Tr. p. 1138-1140). ^{6/} Its contention that the respondent lied in his visa application (brief. p. 32) by failing to list his arrest by the Soviet security forces under question 32 is unwarranted. The respondent had been detained for a long time as a prisoner of war following the German defeat. His brief detention on June 25, 1941 was clearly a Soviet military action following the German invasion. It is clear that the visa application questions were in the context of criminal arrests, not military detentions. The Service's contention wrongly assumes that the Soviet forces were the legitimate government of Latvia. The same assumption underlies the Service's contention that the respondent lied by testifying that he was never a Nazi sympathizer, based only upon his military service against the Russians. The Soviet Union had overrun his native country, terminating its independence. A more reasonable explanation is to conclude that a Latvian could fight against the Soviet occupying forces without necessarily being a Nazi sympathizer. The United States has never accepted the legitimacy of the Soviet occupation of Latvia,

^{6/} The testimony of Mr. Hartman casts doubts upon the designation "volunteer" in any such document.

Lithuania and Estonia, 7/ Finally, we are impressed by the testimony of Mr. Hartman, who was a crucial witness in these proceedings.

Therefore, we conclude after examining the voluminous record before us that it does not amount to clear, convincing and unequivocal evidence of the respondent's deportability. We reach the same conclusion as the immigration judge below, based on our de novo review. Consequently, we need not reach the motion to recuse issue. The appeal is dismissed.

Similarly, we will deny the Service's motion to reopen and remand. The proffered evidence adds nothing substantive to the record. The respondent has consistently testified that his military unit was under the Waffen S.S. command, and that he received military decorations for his combat activities. That is precisely all that can be gleaned from the copy of the military commendation proffered by the Service. The witnesses testified profusely as to the differences between the Waffen S.S. and the Allgemeine S.S. The respondent's photograph also proffered adds nothing to the evidence, since we assumed for purposes of this appeal that a photograph of the respondent was identified by the Service's witnesses. The motion to reopen is denied.

ORDER: The appeal is dismissed.

FURTHER ORDER: The motion to reopen is denied.

Chairman

7/ See Country Reports on Human Rights Practices for 1979, 689, U.S. Department of State (1980).

Ivars Bērziņš

Rakstot šīs atmiņas nāk prātā, ka ar Ivaru Bērziņu iepazīnos apmēram 20 gadu atpakaļ, kad abi kopā darbojāmies Amerikas latviešu apvienības valdē.

Toreiz apvienības valdes sēdes notika pieticīgajās YMCA's telpās Ņujorkas 34. ielā. Sēdēs notika samērā bieži, velkoties astoņas un reizēm pat vairākas stundas. Mums YMCA's nama pārzinis vienmēr ierādīja vienas un tās pašas paprāvas telpas, kur galdi mūsu vajadzībām bija salikti četrstūrī. Man kaut kā vienmēr iznāca sēdēt pretīm tieši Ivaram un tā bija izdevība šo, tajā laikā pavisam jauno mūsu valdes locekli, labi novērot. Viņam bija paradums sēžu laikā sēdēt zeķēs, kurpes novelkot un turot turpat kāju tuvumā. Kādreiz blakus sēdētāji kurpes tišām pabīdīja tālāku un tad, kad laiks bija pienācis tās sameklēt, tad kurpju īpašnieks bīdīja savu zeķaino kāju pa galda apakšu tās meklējot, kas saprotams, mums pretīm sēdētājiem sagādāja zināmu jautrību.

Bērziņam rokā vienmēr bija pagars zīmulis un viņš vienmēr sēžu gaitā kaut ko atzīmēja. Un ja sēdes vadītājam prasīja vārdu, tad vienmēr roku pacēla ar visu zīmuli.

Manā vērtējumā tajā laikā mums bija labākais valdes sastāvs šajā mūsu zemes centrālajā organizācijā kāds jebkad bijis. Kaut lai pieminēts tiek valdes priekšsēdis prof. Pēteris Lejiņš, viņa vietnieks Alfrēds Bērziņš, tad kultūras nozares vadītājs Dr. Pēteris Norvilis, aprūpes nozares vadītājs LPF direktors-rikoģtājs Ludis Bērziņš, izcilie sabiedriskie darbinieki Sigurds Rudzītis, ALA's ģenerāļsekretārs Bruno Albats un daudzi citi. Bez tam sēdes bieži bija paplašinātā sastāvā, pieaicinot dažādus ekspertus pārrunājamos jautājumos. Tādu nebija mazums, jo ALA toreiz bija vēl līdzekļiem nabaga, problēmu bija daudz un tās arī prasīja ilgās sēžu stundas. Sēdes īsti akadēmiskā garā vadīja prof. Lejiņš, vienmēr tās bija rūpīgi sagatavotas un manā vērtējumā vienreizīgi rūpīgus protokolus rakstīja valdes sekretārs Visvaldis Klīve.

Saprotams, pēc 20 gadiem daudz kas ir mainījies, man arī jau ilgus gadus nav bijusi iespēja ieskatīties ALA's tagadējo sēžu valžu darbā un tā atmiņā palicis uzskats, ka toreiz tas bija lielisks darba vīru pulks. Mūsu vidū neatceros piedalamies toreiz kādu dāmu.

Visi sēdes vīri mīļēja daudz runāt un debatēt par dažādiem skārtājiem jautājumiem. Starp tiem bija arī Ivars Bērziņš. Un viņu vērojot nācās atzīt, ka viņš nebija ilgrunātājs, bija ļoti konkrēts un pārliecinoši mācēja pateikt savu domu. Man nav palicis prātā vai viņš toreiz jau studijas bija beidzis, bet mēs visi zinājām, ka mūsu vidū sēd nākošais advokāts. Pēc kāda laika arī saņēmu no viņa oficiālu paziņojumu, ka ir uzsācis advokāta praksi Long-Island'es Babilonā. Kaut šajā samērā

īšajā ALAs valdes kopdarbības laikā bijām zināmā mērā jau sadraudzējušies, vismaz samērā labi iepazīnušies, man nekad neienāca prātā, ka var pienākt laiks, kad man būs vajadzīgi viņa juridiskie pakalpojumi. Mūsu draudzība bija balstīta vairāk uz labo pazīšanas, bet tāda viņam vairāk izveidojās ar maniem dēliem, sevišķi Daumantu, kuŗš bija aktīvs ALAs darbā, kādu laiku darbojās arī tās valdē un Ivars savukārt kopā ar savu kundzi Ingrīdu bieži vien bija ALAs delegātu sapulču delegāti, pārstāvētot visbiežāki Long-Island'es draudzi vai arī kādu citu organizāciju.

Un tā nebija gadījums, ka sākoties uzbrukumiem man no čekas un tai pakalpīgo žīdu puses, mani dēli ieteica, ka advokātu manā lietā aizstāvību uzņemties Ivaram Bērziņam. Patiesībā to arī, ar manu ziņu, bija jau sarunājis dēls Daumants.

Man patika rūpīgā Bērziņa pieeja apsūdzības lietai un uzmanīgais profesionālisms, kādu viņš lika lietā. Pēc vairākām telefoniskām sarunām, viņš mani ataicināja uz savu māju, lai tur visās lietās uzklausītu manu dzīves un darba gaitu stāstu vācu okupācijas laikā, visu to pierakstītu lentā, lai vajadzības gadījumā varētu to atskaņot no jauna. Šajās divās dienās tuvāki iepazīnos arī ar viņa kundzi un patīkamo un sirsnīgo mājas dzīvi. Kundzi Ingrīdu viņš bija atvedis no Zviedrijas, tur būdams kādā jaunatnes kongresā un iepazīnies ar jauku meiteni, lūdzis tās roku.

Kad bijām jau labu laiku sadarbojušies, kāds mans labs draugs mani brīdināja sameklēt citu advokātu, jo Bērziņš ar manu lietu netikšot galā. Mani tas gaužam pārsteidza, jo biju jau iepazīnies ar sava advokāta rūpīgo un lietpratīgo pieeju un savam draugam arī atbildēju, ka es esmu ar savu advokātu vēl vairāk nekā apmierināts un ka nesaskatu nekādas vajadzības to pārmainīt.

Bez tam man svarīgs bija arī Bērziņa prasītais honorārs par veicamo darbu, jo viņš strādāja apmēram uz pusi lētāki nekā to būtu darījis kāds cits advokāts. Bez tam viņš jau sīkumos bija iepazīnies ar manu apsūdzību, un no viņa rīcības redzot biju jau pārāki drošs, ka esmu arī drošās rokās.

Velākā sadarbības gaitā arī redzēju, ka nebiju ne pa mata tiesu maldījies. Mans advokāts nevien bija lietpratējs savā arodā, bet mani vēl vairāk iepriecināja viņa rūpīgā pieeja visiem jautājumiem un reti kārtīgais „papīra darbs”. Katrs rakstu galiņš bija nevien rūpīgi sakārtots, bet arī izskatīgi iesiets un uzrakstīts.

Kad sākās tiesas sesijas man sākumā likās, ka viņš ir par daudz „maigs” savās liecinieku pratināšanās, bet drīzi atskārtu, ka viņš pieder pie to advokātu tipa, kas ar savu stāju panāk vairāk „ieliekot vati un nevis lejot čugūnu”. Tā nācās it sevišķi piedzīvot vai labāki sakot ievērot, kad viņš pārpratināja valdības lieciniekus Ljak, Noy un Radiwerker. Tāpat viņa mierīgā saruna ar tiesnesi un apsūdzības uzturētājiem — valdības advokātiem.

Katrā gadījumā gribas piezīmēt Bērziņa rūpīgo un eleganto apģērbšanās tiesu sēdēs. Viņa elegance bija kā diena iepretīm naktij, salīdzinājumā ar valdības advokātiem, no kuŗiem šķiet cik necik rūpīgi apģērbies

sēžu laikā bija Lloyd's Sherman's. Tas gan bija jaunākais gados no visiem valdības advokātiem.

Kā zināms, tad Bērziņš aizstāvēja vairākus apvainotos latviešu karavīrus un visu lietās panāca attaisnojošus lēmumus, kas ir labākā atestācija šī advokāta varēšanai un rūpīgai pieejai.

Mūsu attiecības — kā klienta pret advokātu — ir jau sen pārvērtušās draudzībā, kaut gadu ziņā Ivars varētu būt mans dēls.

Tas nav liels pārsteigums, jo no saviem ilgā mūža piedzīvojumiem zinu, ka cilvēkus vieno un sadraudzē karš, cietums un posts.

Viņa darbs nekādā ziņā nebija viegls. Arī šī darba veikšana prasīja pārāki daudz spēka un laika. Tiesas laikā viņam bija jācīnās (ja tā var teikt) pret vairāk nekā 10 valdības advokātiem (!) un viss tas prasīja nevien runāšanu, argumentēšanu jeb arī kā to nesauktu, bet cīnīšanos vārda patiesā nozīmē, bez gala daudz materiālu savākšanu, dažādu izziņu iegūšanu un vēl daudz ko citu. Tā, piemēra pēc, es atceros, ka man bija viņam jāparaksta kādas 20 vai visas 30 pilnvaras dažādu izziņu iegūšanai no daudzajām valsts iestādēm, kas bija izsekojušas manām dzīves gaitām un šīs pilnvaras apstiprinot manu parakstu notārs Whitehall'ā atzinās, ka viņš vienlaicīgi visā savā ilgajā praksē vienam cilvēkam uz reizi tikdaudz pilnvaru nekad neesot parakstījis!

Pa tiesas laiku, cik necik ieskatoties Ivara „rakstu darbos” es varu apliecināt, ka dažādu sarakstes un citu materiālu lapas pušu skaits sniedzās simtos, pie kam ne visos šajos „papīros” man bija izdevība ieskatīties. Vismaz manā archīvā tie ir vairāki simti un mana advokāta dažādās sarakstes mapēs var būt pat tūkstoši.

Lai nedaudz parādītu šo „rakstu darbu” klāstu, es turpmāk šajā grāmatā ievietošu dažus (izrakstīšanas kārtībā) ņemtus no sava archīva (ne jau visus, bet izlases kārtībā, domāju tos raksturīgākos), lai tā, kaut nepilnīgi raksturotu advokāta darbu, bet arī nepieciešamību pieiet dažādajiem tiesas procesa jautājumiem un rūpēm tos arī rūpīgi nokārtot.

Šie piemēri ir šādi:

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

In the Matter of

VILIS A. HAZNERS,

Respondent.

File No. A10 305 336

NOTICE OF MOTION

PLEASE TAKE NOTICE that the respondent shall make a motion before the Immigration Judge at the hearing in this matter to be held on February 14, 1977 at 1:00 P.M., in Room 442 of the Post Office Building, Albany, New York, for the following relief:

1. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, requiring the Government to furnish respondent's attorney, in writing, a statement setting forth the date when, the place where, and the manner in which the respondent was required as a condition for obtaining his visa to enter The United States to either admit or deny, either orally or in writing, that he personally advocated or assisted in the persecution of any person or group of persons because of race, religion or national origin as charged in the order to show cause dated January 27, 1977, on the grounds that this information is essential for marshalling evidence favorable to the respondent, and without this information, the respondent will be severely prejudiced in the preparation of his defense and his attorney will be unable to adequately prepare himself for cross-examination of the Government witnesses.

2. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, requiring the Government

to furnish the respondent's attorney, in writing, the names, addresses and official capacities of the persons whose duty it was to investigate the respondent and determine whether he is qualified and eligible to enter The United States, on the grounds that this information is essential for determining which persons ought to be subpoenaed to attend this hearing and testify on behalf of the respondent and for marshalling other evidence favorable to the respondent, and without this information, the respondent will be severely prejudiced in the preparation of his defense and his attorney will be unable to adequately prepare himself for cross-examination of the Government witnesses.

3. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, requiring the Government to furnish respondent's attorney, in writing, a statement setting forth the specific acts and conduct of the respondent that constituted the participation in the selection of a group of Jews for execution and also setting forth the proper Latvian names for the two locations mentioned in allegation 6 of the order to show cause dated January 27, 1977, on the grounds that this information is essential for marshalling evidence favorable to the respondent, and without this information, the respondent will be severely prejudiced in the preparation of his defense and his attorney will be unable to adequately prepare himself for cross-examination of the Government witnesses.

4. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, requiring the Government to furnish respondent's attorney, in writing, a statement setting forth the specific acts and conduct of the respondent that the Government will claim constituted participation and acquiescence in the commission of assaults upon a group of Jews and identifying the members of the group referred to in allegation 7 of the order to show cause dated January 27, 1977, on the grounds that this information is essential for marshalling evidence favorable to the respondent, and without this information, the respondent will be severely prejudiced in the preparation of his defense and his attorney will be unable to

adequately prepare himself for cross-examination of the Government witnesses.

5. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, requiring the Government to furnish respondent's attorney, in writing, a statement setting forth the specific acts and conduct of the respondent that constituted the participation and acquiescence in the commission of assaults upon a group of Jews, identifying the members of the group, stating the present whereabouts of Ber Mendelkorn, if alive, and setting forth the precinct designation and address of the police station referred to in allegation 8 of the order to show cause dated January 27, 1977, on the grounds that this information is essential for marshalling evidence favorable to the respondent, and without this information, the respondent will be severely prejudiced in the preparation of his defense and his attorney will be unable to adequately prepare himself for cross-examination of the Government witnesses.

6. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, requiring the Government to furnish respondent's attorney, in writing, a statement setting forth the specific acts and conduct that constituted the participation and acquiescence in the collecting, identifying the members of the group of Jews and setting forth the exact date when the synagogue was burned, as alleged in allegation 7 of the order to show cause dated January 27, 1977, on the grounds that this information is essential for marshalling evidence favorable to the respondent, and without this information, the respondent will be severely prejudiced in the preparation of his defense and his attorney will be unable to adequately prepare himself for cross-examination of the Government witnesses.

7. An order pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act and 8 CFR 241.1, dismissing allegation 10 in the order to show cause dated January 27, 1977, on the grounds that it is too vague and fails to give the respondent reasonable notice of the specific acts or conduct and the specific dates and places where it allegedly occurred, or in the alternative, requiring the Government to clearly

state when, where and how the respondent did what in each specific instance, on the grounds that this information is essential for marshalling evidence favorable to the respondent, and without this information, the respondent will be severely prejudiced in the preparation of his defense and his attorney will be unable to adequately prepare himself for cross-examination of the Government witnesses.

8. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, requiring the Government to furnish respondent's attorney, in writing, a statement setting forth and identifying with particularity the military, police, political or other organization, group, command or entity to which it will be claimed the respondent belonged or under whose auspices it will be claimed that the respondent performed, participated in, or acquiesced in the acts and conduct alleged in allegations 5 through 10 of the order to show cause dated January 27, 1977, on the grounds that this information is essential for marshalling evidence favorable to the respondent, and without this information, the respondent will be severely prejudiced in the preparation of his defense and his attorney will be unable to adequately prepare himself for cross-examination of the Government witnesses.

9. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, requiring the Government to furnish respondent's attorney, in writing, a statement setting forth and identifying each and every other person who was directly involved as a perpetrator or participant with the respondent in the acts and conduct alleged in allegations 5 through 10 of the order to show cause dated January 27, 1977, to the extent that the Government is in possession of that information, and also requiring the Government to identify those persons, if any, who have entered The United States, and further requiring the Government to afford respondent's attorney an opportunity to inspect and copy from the Immigration files of those persons, on the grounds that it is essential for the respondent's attorney to seek out and interview each and every one of those persons in

order to discover any evidence favorable to the respondent and secure the testimony of any potential witnesses, and without this information, the respondent will be severely prejudiced in the preparation of his defense and his attorney will be unable to adequately prepare himself for cross-examination of the Government witnesses.

10. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, requiring the Government to state in writing to the respondent's attorney when, after the respondent entered The United States, for the first time, the Government received any derogatory information concerning the respondent, the nature of that information and the source of it, on the grounds that this information is essential for marshalling evidence favorable to the respondent, and without this information, the respondent will be severely prejudiced in the preparation of his defence and his attorney will be unable to adequately prepare himself for cross-examination of the Government witnesses.

11. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, requiring the Government to make available to respondent's attorney for inspection and copying such information as the Government may have obtained from the Berlin Document Center concerning the respondent, or, should the Government not have made a request for a search of the Berlin Document Center records, requiring the Government to conduct such a search and furnish the results thereof to the respondent's attorney, on the grounds that this information is essential for marshalling evidence favorable to the respondent, and without this information, the respondent will be severely prejudiced in the preparation of his defense and his attorney will be unable to adequately prepare himself for cross-examination of the Government witnesses.

12. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, requiring the Government to make available to respondent's attorney for inspection and copying such records as the Government may have obtained from the British Intelligence

concerning the period after the end of World War Two when the respondent was interned as a prisoner of war in the prisoner-of-war camps under British jurisdiction, on the grounds that this information is essential for marshalling evidence favorable to the respondent, and without this information, the respondent will be severely prejudiced in the preparation of his defense and his attorney will be unable to adequately prepare himself for cross-examination of the Government witnesses.

13. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, requiring the Government to make available to respondent's attorney for discovery, inspection and copying, such International Refugee Organization files and records kept on the respondent as are available to the Government, on the grounds that this information is essential for marshalling evidence favorable to the respondent, and without this information, the respondent will be severely prejudiced in the preparation of his defense and his attorney will be unable to adequately prepare himself for cross-examination of the Government witnesses.

14. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, requiring the Government to afford respondent's attorney an opportunity to take the deposition of every Government investigator who has been directly involved in investigating and preparing the case against the respondent, on the grounds that the respondent is entitled to discover such evidence as the Government has gathered which is favorable to the respondent and so as to enable the respondent's attorney to adequately prepare himself for cross-examination of the Government's witnesses.

15. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, requiring the Government to make available to respondent's attorney for inspection and copying each and every one of the exhibits that the Government proposes to offer in evidence in support of the charges and allegations set forth in the order to show cause dated January 27, 1977, on the grounds that this information is essential for

marshalling evidence favorable to the respondent, and without this information, the respondent will be severely prejudiced in the preparation of his defense and his attorney will be unable to adequately prepare himself for cross-examination of the Government witnesses.

16. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, requiring the Government to furnish respondent's attorney, in writing, a statement setting forth and identifying each and every witness that the Government intends to call in support of the allegations and charges; requiring the Government to identify those witnesses who reside in The United States; requiring the Government to make available to the respondent's attorney for inspection and copying the Immigration file of each of those persons, on the grounds that without this information, the respondent's attorney will be unable to adequately prepare himself for cross-examination of the Government's witnesses.

17. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, requiring the Government to make available to respondent's attorney for inspection and copying the prior statements, affidavits, or depositions of each of the witnesses the Government intends to present as well as of those witnesses whose statements have been taken but who will not be called upon to testify at this deportation hearing by the Government, on the grounds that this information is essential for marshalling evidence favorable to the respondent, and without this information, the respondent will be severely prejudiced in the preparation of his defense and his attorney will be unable to adequately prepare himself for cross-examination of the Government witnesses.

18. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, requiring the Government to identify those of its proposed witnesses who have heretofore given testimony in any tribunal or proceeding involving alleged atrocities or war crimes committed during the Second World War, and requiring the Government to identify

the tribunal or proceeding in sufficient detail so as to enable respondent's attorney to seek transcripts of that testimony, on the grounds that this information is essential for marshalling evidence favorable to the respondent, and without this information, the respondent will be severely prejudiced in the preparation of his defense and his attorney will be unable to adequately prepare himself for cross-examination of the Government witnesses.

19. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, requiring the Government to disclose in detail when, where and how each of its witnesses made a prior identification of the respondent, on the grounds that this information is essential for marshalling evidence favorable to the respondent, and without this information, the respondent will be severely prejudiced in the preparation of his defense and his attorney will be unable to adequately prepare himself for cross examination of the Government witnesses.

20. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, requiring the Government to disclose when and where any potential witnesses or the witnesses that the Government intends to call, failed to make a prior identification of the respondent, on the grounds that this information is essential for marshalling evidence favorable to the respondent, and without this information, the respondent will be severely prejudiced in the preparation of his defense and his attorney will be unable to adequately prepare himself for cross-examination of the Government witnesses.

21. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, requiring the Government to disclose when and where any potential witness or any of the witnesses the Government intends to call, misidentified the respondent, on the grounds that this information is essential to the respondent's attorney so as to enable him to adequately prepare for cross-examination of the Government's witnesses and every reasonable precaution ought to be taken to avoid violating the respondent's rights by improper identification procedures.

22. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, designating and setting aside a special session of this deportation hearing for the sole purpose of exploring and resolving all issues pertaining to the prior identification of the respondent and the procedures to be employed in the identification of the respondent by the Government's witnesses at the hearing, on the grounds that every reasonable precaution ought to be taken to avoid violating the respondent's rights by improper identification procedures.

23. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, requiring the Government to identify the evidence it has received and proposes to introduce against the respondent in this deportation hearing from the organization of Simon Wiesenthal in Vienna, Austria, on the grounds that this information is essential for marshalling evidence favorable to the respondent, and without this information, the respondent will be severely prejudiced in the preparation of his defense and his attorney will be unable to adequately prepare himself for cross-examination of the Government witnesses.

24. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, requiring the Government to identify the evidence, if any, concerning respondent that the Government has received from the Union of Soviet Socialist Republics, pursuant to the promises allegedly made to the members of the Subcommittee on Immigration, Citizenship, and International Law of the Committee on the Judiciary of the United States House of Representatives, in the course of their visit to the Soviet Union in the Summer of 1975, on the grounds that respondent's attorney ought to be afforded a reasonable opportunity to inquire into the authenticity of any evidence from those sources, so as to try to sift out any evidence fabricated by the Disinformation Department of the KGB.

25. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, requiring the Government to make available to respondent's attorney for inspection and copying such

affidavits and information pertaining to the respondent as the Government has received from Israel, as referred to in the May 26, 1976 letter from Attorney General Edward H. Levi to Chairman Joshua Eilberg, appearing in the Congressional Record of July 22, 1976, page E4026, on the grounds that this information is essential for marshalling evidence favorable to the respondent, and without this information, the respondent will be severely prejudiced in the preparation of his defense and his attorney will be unable to adequately prepare himself for cross-examination of the Government witnesses.

26. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, requiring the Government to make available to respondent's attorney for inspection and copying such affidavits and information pertaining to the respondent as the Government has received from the Union of Soviet Socialist Republics in response to the request delivered by the State Department to the Soviet Foreign Ministry in Moscow on January 26, 1976 and in response to such later or earlier requests as may have been made pertaining to the respondent, on the grounds that this information is essential for marshalling evidence favorable to the respondent, and without this information, the respondent will be severely prejudiced in the preparation of his defense and his attorney will be unable to adequately prepare himself for cross-examination of the Government witnesses.

27. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, requiring the Government to make available to respondent's attorney for inspection and copying such affidavits and information pertaining to the respondent as the Government has received from the Federal Republic of Germany as referred to in the October 31, 1975 letter from Leonard F. Walentinowics, Administrator, Bureau of Security and Consular Affairs, Department of State, to Joshua Eilberg, Chairman, Committee on Immigration, Citizenship and International Law, Committee on the Judiciary of the United States House of Representatives and in response to such earlier or later requests as may have been made pertaining to the respondent, on the grounds that this information is essential for marshalling

evidence favorable to the respondent, and without this information, the respondent will be severely prejudiced in the preparation of his defense and his attorney will be unable to adequately prepare himself for cross-examination of the Government witnesses.

28. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, requiring the Government to make available to respondent's attorney for inspection and copying the information, if any, pertaining to the respondent that was furnished to Mr. Simon Wiesenthal in Vienna, Austria on June 1, 1975 by Mr. Joshua Eilberg or such other members of the Committee as met with Mr. Wisenthal, as reported on page 38 of the report entitled "Report of a Special Study Committee of the Committee on the Judiciary on its trip to the Soviet Union, May 24 to June 1, 1975", Subcommittee on Immigration, Citizenship and International Law, Committee on the Judiciary of the United States House of Representatives, on the grounds that this information is essential for marshalling evidence favorable to the respondent, and without this information, the respondent will be severely prejudiced in the preparation of his defense and his attorney will be unable to adequately prepare himself for cross-examination of the Government witnesses, and on the further grounds that this information is readily available to the Government in view of the nature of the relationship between the Committee and the Immigration and Naturalization Service.

29. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, requiring the Government to make available to respondent's attorney for inspection and copying such information, if any, pertaining to the respondent as Mr. Samuel H. Zutty of the Immigration and Naturalization Service turned over to Dr. Elmar Rauch, Consul of the Federal Republic of Germany, at their May 15, 1974 meeting, and each subsequent meeting or contact, and the response or responses, if any, that have been received from the Federal Republic of Germany pertaining to the respondent, as appears in the record of the hearings before the Subcommittee on Immigration, Citizenship and International Law of the Committee of the

Judiciary, United States House of Representatives, 94th Congress, First Session on HR 982 and related bills, February 4, 26, March 5, 12, 13 and 19, 1975, Serial No. 8, pages 352, 359 and 443, on the grounds that this information is essential for marshalling evidence favorable to the respondent, and without this information, the respondent will be severely prejudiced in the preparation of his defense and his attorney will be unable to adequately prepare himself for cross-examination of the Government witnesses.

30. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 of the Immigration and Nationality Act, requiring the Government to make available to respondent's attorney for inspection and copying such information, if any, concerning the respondent that Mr. Joshua Eilberg turned over to Major Gershon Lengsfelder when Mr. Eilberg met with him in mid-May of 1976 in Israel, on the grounds that this information is essential for marshalling evidence favorable to the respondent, and without this information, the respondent will be severely prejudiced in the preparation of his defense and his attorney will be unable to adequately prepare himself for cross-examination of the Government witnesses, and on the further grounds that this information is readily available to the Government in view of the nature of the relationship between the Committee and the Immigration and Naturalization Service.

31. An order, pursuant to Subdivision 3 of Subparagraph (b) of Section 242 and Section 1105 of the Immigration and Nationality Act, requiring the Government to make available to respondent's attorney for inspection and copying such information, if any, pertaining to the respondent as the Government has received from the Federal Bureau of Investigation and the Central Intelligence Agency in response to the request made to those agencies as reported in the aforesaid hearings records, on the grounds that this information is essential for marshalling evidence favorable to the respondent, and without this information, the respondent will be severely prejudiced in the preparation of his defense and his attorney will be unable to adequately

prepare himself for cross-examination of the Government witnesses.

32. An order requiring the Government to state for the record whether it has or intends to induce or otherwise encourage the West German Federal Republic to commence an extradition proceeding against the respondent, on the grounds that this information is required by the respondent in order that he may make an intelligent and informed decision whether he should testify and seek discretionary relief in this proceeding.

Dated: February 14, 1977

IVARS BERZINS
Attorney for the Respondent
484 West Montauk Highway
Babylon, New York 11702
516-661-3540

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

In the Matter of

File No. A10 305 336

VILIS A. HAZNERS,

NOTICE OF MOTION

Respondent.

PLEASE TAKE NOTICE that upon the annexed affirmation of respondent's attorney Ivars Berzins, the respondent does hereby make a motion before the Hon. Anthony M. DeGaeto, the Immigration Judge presiding at this deportation proceeding, for the following relief:

(a) An order permitting the respondent to make such additional motions in this deportation proceeding as may properly be based on such additional information as the government may be required to disclose to the respondent under the Freedom of Information Act and the Privacy Act, within a reasonable time after the respondent receives the additional information.

(b) An order requiring the hearing to proceed on June 20, 1977 in the absence of the respondent, except for such times as the respondent's presence is specifically required, on the grounds that the respondent's health does not permit full time attendance at the hearing.

Dated: April 19, 1977

IVARS BERZINS
Attorney for Respondent
484 West Montauk Highway
Babylon, New York 11702
516-661-3540

TO: Lloyd Sherman, Trial Attorney
US Immigration and Naturalization Service
20 West Broadway
New York, New York 10007

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

In the Matter of

File No. A10 305 336

VILIS A. HAZNERS,

AFFIRMATION

Respondent.

Ivars Berezins, the attorney of record for the respondent in this proceeding, upon penalty of perjury affirms:

1. I submit this affirmation in support of the respondent's motion made simultaneously herewith for an Order permitting the respondent to make such additional motions as may be appropriate when all of the Freedom of Information Act and Privacy Act materials are disclosed by the government and also permitting the respondent to absent himself from the hearings because of his ill health.

2. By letter dated March 15, 1977, a copy of which is annexed, I appraised the Immigration Judge presiding in this proceeding of the respondent's inability to comply with the March 20, 1977 deadline for making all motions on behalf of the respondent. On March 15, 1977 I appealed the District Director's Freedom of Information and Privacy Act denial of access to the Office of the Deputy Attorney General. The Deputy Attorney General received my appeal on March 18, 1977 and has assigned Appeal No. 3101-P to it. When that appeal will be adjudicated, I do not know.

3. If the Office of the Deputy Attorney General does not adjudicate the appeal within the time provided for by law the respondent may commence an action in the United States District Court to compel compliance. As is its customary practise, the government will probably fight the appeal and the action at every step of the proceedings and will not budge an inch.

4. Unfortunately, the respondent is too old and too infirm to sit around and wait for these Freedom of Information Act and Privacy Act proceedings to be finally determined in the Courts. He insists, and rightfully so, that the government be ready to proceed with this hearing

on June 20, 1977 even though it has violated the law by refusing to disclose to the respondent such information as it should have disclosed under the Privacy Act and the Freedom of Information Act.


5. The hearing should proceed without prejudice to whatever rights the respondent has under the Freedom of Information and Privacy Acts. If at a later date it is determined that the government should have disclosed information to the respondent, then the respondent ought to be given a reasonable opportunity to make such additional motions as may be appropriate in this proceeding.

6. With respect to the second branch of this motion, the respondent has asked me to do what I can to have him excused from prolonged attendance at the hearing. He is, of course, willing and able to be present when his personal presence is required, but for those periods of time when his attendance is not essential, he would prefer to absent himself. The respondent has suffered four heart attacks and presently adheres to a schedule of periodic rests during the day. He simply could not sit through a continuous hearing from nine to five for several days at a time. He could appear for several hours and then retire for some rest and come back the next day.

7. I should also like to mention that the respondent has emphatically told me that he does not wish these proceedings to be in any way delayed on account of his ill health. He is most anxious to complete this proceeding within his lifetime.

WHEREFORE, I respectfully request that the respondent's motion be granted in all respects.

Dated: April 19, 1977



Ivars Berzins

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

In the Matter of

File No. A10 305 336

VILIS A. HAZNERS,

REPLY AFFIRMATION

Respondent,

Ivars Berzins, the attorney of record for the respondent in this proceeding, upon penalty of perjury affirms:

1. I submit this affirmation in support of the respondent's motion made on February 14, 1977 and in reply to the government's answering papers submitted on March 14, 1977.

2. The respondent's motion consists of thirty-two branches. It is my belief that the relief sought in each and every one of those branches of the respondent's motion is absolutely essential for assuring this respondent a fair hearing of an adversary nature with the effective assistance of counsel.

3. This is not a garden variety deportation proceeding. This is a political show trial staged at the behest of those who have the clout to compel the Immigration and Naturalization Service to prostitute its non-priority policies for the benefit of those who have scores to settle. Hardly anyone is interested in the actual outcome of this proceeding as long as it can be used as a vehicle for focusing the mass media on the desired viewpoint. The respondent and his rights become unimportant. On pages H 3160 and H 3161 of the Congressional Record for April 6, 1977, the gentlewoman from New York says: "The Immigration Service has only moved on these cases because of sustained pressure. It is clear, then, that Congress must keep up the pressure in order to see that Nazi war criminals are finally removed from the United States. . . . the present deportation actions have to be concluded successfully;"

4. After we strip this proceeding of all the euphemisms, what we have left is a thirty-five year old mass murder case from another continent to be tried here today in the context of a civil administrative proceeding without the safeguards of a criminal trial and without the procedural advantages of a civil action.

5. While attempting to stack the deck against him, with tongue in cheek the government assures the respondent that it will be a fair contest. A sad example of this sophistry is the lofty language in the last paragraph of the discussion on page four of the answering papers. It is a noble promise, but what does it mean?

6. Maybe it means that the government proposes to respect the respondent's constitutional rights by slipping me the list of the names of the government witnesses at 5 p.m. on one day and starting the hearing at 9 a.m. the next day. What good will that do me? I need the identities of the witnesses now. The respondent's right to the effective representation of counsel the government will respect by shoving the witnesses' prior statements across the counsel table at me after completing the direct examination of the witness. Thanks, but no thanks.

7. The government studiously avoids facing the real issues: the respondent's right to a reasonable opportunity to prepare his defense and his right to the effective representation of counsel.

8. The government makes the bold but meaningless statement that "respondent is not entitled to pre-hearing discovery as a matter of constitutional right". Respondent is not seeking discovery, he seeks elementary fairness embraced within the concept of procedural due process guaranteed by our Constitution. He only demands what Congress said the Attorney General should give him, namely: a reasonable opportunity to examine the evidence against him and to be represented by counsel of his choice who is afforded a fair chance to cross-examine the government witnesses. If in a specific situation such as we have here, a respondent cannot be assured of enjoying those basic rights without affording him some discovery, then discovery must be had.

9. From reading the answering papers, the conclusion is inescapable that the government would rather prefer trial by ambush. The government argues that other federal regulatory agencies do not provide pre-trial discovery and therefore the INS ought not either. The short answer is that the other federal agencies do not try people for mass murder that

occurred thirty-five years ago.

10. From the investigation I have conducted thus far, I have concluded that at least 95% of the people who would have known the respondent from 1941 through 1944 and who could be expected to give evidence favorable to him are either dead or unavailable. The war took a heavy toll from men in the respondent's age group. Only a small fraction of those who remained alive were fortunate enough to find themselves in the United States, British or French zones. The vast majority were imprisoned by the Red Army and soon found themselves in the GULAG archipelago. From those islands of misery many did not return. Those who did return had their life expectancies shortened. Those who are still alive are behind the iron curtain. Latvia is under Soviet military occupation today. I cannot locate, contact and interview them without triggering the sinister intervention of the KGB. Neither can I hope to gain anything of value by attempting to visit the scenes of the alleged mass murders. One war and thirty-five years have disintegrated the evidence. People's memories and documents have faded and disappeared. They have been replaced by the skillful fabrications of the Disinformation Department of the KGB. Their "evidence" more than likely is right here in the government files. I want to look at it.

11. Section 11 (a) of the Refugee Relief Act of 1953 requires the government to conduct a "thorough investigation" and make a "written report" concerning the respondent. In fulfilling this statutory requirement, the government presumably asked the respondent if he is ineligible for a visa under Section 14 (a) of that Statute for having "advocated or assisted in the persecution of any person because of race, religion, or national origin." Branches 1 and 2 of the respondent's motion are designed to pinpoint when, where, how and to whom the respondent made a material misrepresentation. There is no logical reason for letting the government cover up this vital information. I have to interview and perhaps subpoena each of the government employees or former employees who participated in the review of the respondent's application for a visa or otherwise were involved in deciding whether respondent

is eligible to enter the United States. I cannot accomplish this vital task without first learning the identity of these people.

12. Branches 3 through 7 of the respondent's motion seek the government's compliance with 8 CFR 242.1 (b). Instead of informing the respondent of the acts or conduct the government intends to prove, this Order to Show Cause merely alleges vague and ambiguous generalities in conclusory fashion. It seems to me that after thirty-five years the allegations ought to be made with specificity commensurate with the gravity of the matter.

13. Concerning branches 8 and 9 of the respondent's motion, it is essential for the preparation of a proper defense to know the respondent's affiliation at the time he is alleged to have committed the acts. It is utterly inconceivable that the respondent could have acted all by his lonesome without authority, orders or help from others. It seems to me that I would commit malpractice if I did not try to seek out all of the other alleged perpetrators and accomplices in an effort to ascertain the truth. Without knowing what the government will claim the respondent's affiliation was, it is tantamount to looking for a needle in the hay stack for me to find witnesses who could confirm or deny the respondent's affiliations. If the government was required to set forth the respondent's affiliations, my task would be reduced to somewhat more manageable proportions. Consequently, this information is essential if the respondent is to be afforded a reasonable opportunity to prepare his defense.

14. Concerning branch 10 of the respondent's motion, I need this information in order to try to ascertain whether the first derogatory information that the government received came from the January 7, 1949 article in Aufbau or from earlier or subsequent denunciations of the respondent by the Soviets. I must trace this information back to its source in order to expose the fabrications. Exculpatory evidence is bound to turn up.

15. Concerning branch 11 of the respondent's motion, while the government has free access to the Berlin Documentation Center, I have been lead to believe that I have none. There may be documents which are exculpatory

and which may aid the respondent on the issue of identity. If the government refuses to make the Berlin Document Center search, it can only be deemed a deliberate cover-up of possible exculpatory information.

16. Concerning branch 12 of the respondent's motion, it is my understanding that all prisoners of war in the British zone underwent a screening process designed to weed out alleged war criminals. Whatever records there may exist pertaining to the screening proceedings concerning the respondent, I must have in order to learn what allegations, if any, there might have existed regarding the respondent immediately after the war when witnesses were available and memories fresh.

17. Concerning branch 13 of the respondent's motion, the International Refugee Organization found the respondent eligible for its assistance. Presumably, it must have based its finding on some tangible evidence. Whatever this evidence might have been, it is very important to me in preparation of the respondent's defense. The same of course applies to the Displaced Persons Commission files. It is my understanding that the government has access to those records. There is no logical reason why it should hide them from the respondent in this proceeding.

18. The government brushes aside the respondent's motion for depositions of the government investigators too lightly. Under branch 14 of the motion, respondent would like to begin with the deposition of investigator Zutty and follow up with the others who have worked on this case. Denial of these depositions would be tantamount to completely depriving the respondent of an opportunity to prepare his defense. The government has had many years to amass a wealth of information on the respondent. If there ever was a case where depositions are required, this is the one. Let us not forget that thirty-five years have passed since the alleged crimes were perpetrated. There is no point in drawing analogies between this case and that of a sailor who jumped ship. The government's argument that the application is premature again fails to recognize the need for the respondent's attorney to adequately prepare himself for the actual hearing and the cross-examination of the government's witnesses. Depositions to be taken after the government has put in its evidence

would not in any conceivable manner assist me in cross-examining the government's witnesses. The importance of cross-examination in this case cannot be over-emphasized.

19. The government's response to branch 15 of the respondent's motion is cute. On February 3, 1977, shortly after the Order to Show Cause was served, I applied to the District Director for Freedom of Information and Privacy Act disclosures. It took the District Director until March 7, 1977 to respond with some documents. Instead of complying with the law and providing the respondent access to all documents that are not exempt, the government "furnished the respondent with copies of those documents which the government presently proposes to introduce into evidence". On March 15, 1977 I appealed the District Director's determination to the Freedom of Information Appeals Unit in the Office of the Deputy Attorney General. On April 18, 1977 I received from the Office of the Deputy Attorney General an acknowledgment, dated April 13, 1977, that my appeal was received on March 18, 1977. This form letter tells me that respondent's appeal is number 3101-P and that appeals through number 2129 are being currently processed. They will get to my appeal as soon as they can. Perhaps the right hand does not know what the left is doing, but the consequence is that respondent is being unlawfully deprived of information essential for the preparation of his defense.

20. Concerning branches 16, 17 and 18 of the respondent's motion, the answer is patently absurd. If the government is to prevail on these points, the hearing cannot be anything but a grotesque mockery of justice. I think it would take counsel of rare brilliance and unusual attainments to do anything resembling a competent job of cross-examining witnesses concerning events that happened more than thirty-five years ago and 4,500 miles away without the benefit of some advance preparation. To have the names of the witnesses the night before the hearing and to have their statements only after they have given their direct testimony is of very little value. The respondent is entitled not only to be represented by counsel, but to be effectively represented by counsel. If his counsel is to become merely a warm body that graces the

defense table in the hearing room, the respondent is not being afforded due process. No fair hearing can be had if one side has such overwhelming advantage as to turn the adversary proceeding into an ex parte proceeding. What the Constitution protects is the substance of representation by counsel, not just the appearance of it. I should also like to point out that furnishing respondent only the names of the witnesses is insufficient. I must have the Immigration file of each of the witnesses in order to ascertain their identity and whereabouts during the war. Mr. Grable's suggestion that the witnesses prior statements be submitted to the Immigration Judge for his determination as to whether it shall be furnished to the respondent for use in cross-examination of the witness is absolutely untenable. Only the respondent's attorney can be the judge as to what should be and what should not be used on cross-examination. It would be a gross perversion of our adversary system of justice if anyone other than respondent's counsel was to determine what material is suitable for use in cross-examination of the government witnesses.

21. Branches 19, 20, 21 and 22 of the respondent's motion are designed to attack directly the problem of misidentification. After thirty-five years, the chances for error are on a different order of magnitude. All reasonable precautions ought to be taken to avoid any tainted identification testimony. I do not believe it is too much to ask that a special session be devoted to this problem. The respondent cannot possibly trust the government to rely only on untainted identification evidence.

22. Branches 23 and 28 of the respondent's motion are essential for identifying and segregating that evidence which might have been fabricated by the Disinformation Department of the KGB. Based upon its performance thus far, I do not believe that the government is capable of distinguishing fact from fiction.

23. Branches 24 and 26 are equally essential for weeding out Communist propoganda. There can be no rational basis for denying the respondent access to this information.

24. Branch 25 of the respondent's motion is necessary as an adjunct

to the prior testimony of witnesses sought under branches 17 and 18 of the respondent's motion. In the same category fall branches 27' and 29 of the respondent's motion.

25. Branch 30 of the respondent's motion is designed to elicit information, if any, that is being disseminated by persons who obviously have access to the government's files pertaining to the respondent. It seems to me that the respondent would be more able to prepare his defense if he knew just what it is that the government has been trying to find out concerning him.

26. Branch 31 of the respondent's motion is designed to compliment branches 17 and 18 concerning the prior statements of witnesses.

27. Branch 32 is rather important to the respondent. If the government intends to play games and work out an extradition deal with the West German Government as it did in the Hermine Braunsteiner Ryan case, then the fair thing to do would be for it to put its cards on the table right now.

WHEREFORE, I respectfully submit that the respondent has made a more than ample factual showing of the pressing necessity for each of the forms of relief sought in the motion.

Dated: April 19, 1977

Ivars Berzins

Respondent's Memorandum of Law

| | Page |
|---|------|
| Point I. Timely disclosure of material evidence that might cast doubt on the government's case is essential to a fair hearing | 1 |
| Point II. Respondent moved for depositions pursuant to 8 CFR 242.14 (e) and his motion can also be treated as an application for subpoenas pursuant to 8 CFR 287.4 (a) (2) | 7 |
| Point III. There is very substantial likelihood of irreparable misidentification at this hearing unless adequate safeguards are established | 9 |
| Point IV. The government is flagrantly flouting the law by failing to disclose to the respondent the report required under Section 11 (a) of the Refugee Relief Act of 1953 | 9 |
| Conclusion | 10 |

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

In the Matter of

File No. A10 305 336

VILIS A. HAZNERS,

Respondent.

RESPONDENT'S MEMORANDUM OF LAW

This Memorandum of Law accompanies the Respondent's attorney's reply affirmation to the government's answering papers submitted on March 17, 1977 in opposition to the respondent's motion made on February 14, 1977. The motion consists of thirty-two specific applications for relief.

POINT I.

TIMELY DISCLOSURE OF MATERIAL EVIDENCE THAT MIGHT
CAST DOUBT ON THE GOVERNMENT'S CASE IS ESSENTIAL
TO A FAIR HEARING.

Non-disclosure of material evidence that may seriously affect the credibility of the government's witnesses deprives the respondent of a fair hearing. While seemingly recognizing this principle in the abstract, the government proposes to dilute and debase it by postponing disclosure to the very last minute, so as to preclude the respondent from making any practical use of the evidence that ultimately the government will disclose. If the evidence is unavailable when it is needed most, that is: when the respondent's defense strategy and trial tactics are being planned and prepared, then the respondent's right to a fair hearing is being seriously prejudiced. After thirty-five years, effective cross-examination of the government's witnesses is the very heart and soul of the defense. Without effective cross-examination the respondent is at the mercy of every conceivable erosion and perversion of the truth that thirty-five years, great distance and strange circumstances can impose. Shooting from the hip will not do, the cross-examiner must take careful aim. A lucky hunch or flash of brilliance cannot be substituted for diligent and meticulous preparation for the cross-examination. The sine qua non of that type of preparation is the

availability of every shred of material evidence that could affect the credibility of the government's witnesses.

The Supreme Court has been most sensitive to this basic ingredient of a fair hearing. In Jencks v United States, 353 US 657, 1 L Ed 2d 1103, 77 S Ct 1007, it observed:

" Every experienced trial judge and trial lawyer knows the value for impeaching purposes of statements of the witness recording the events before time dulls treacherous memory. Flat contradiction between the witness's testimony and the version of the events given in his reports is not the only test of inconsistency. The omission from the reports of facts related at the trial, or a contract in emphasis upon the same facts, even a different order of treatment, are also relevant to the cross-examining process of testing the credibility of a witness' trial testimony."

It can no longer be seriously argued that the principle for which the Jencks case stands ^{does not apply} ~~applies~~ to administrative hearings such as this. United States v. Bostic, 1972, 336 F. Sup. 1312. But the Jencks case should not be confused with the Jencks Act, 18 USC 3500, which applies only to Federal criminal prosecutions, while the Jencks case enunciates constitutional principles. The cases are a legion which parrot the cliché that a deportation proceeding is not a criminal prosecution. The act provides that "after a witness called by the United States has testified on direct examination," his statement must be made available to the defense for cross-examination. While applying to Federal criminal prosecutions, that arrangement surely is not applicable in this proceeding.

It is equally clear that the Jencks case does not establish any magic formula for fixing the time when the prior statements of the government witnesses must be made available to the respondent. There is no rule prohibiting the government from making timely disclosure of prior statements and other exculpatory evidence. What is "timely" ought to be decided by the Immigration Judge. If that sensitive task was to be entrusted to the government, the very foundation of our adversary system would be undermined. In a case where a sailor jumped ship, disclosure, if any there need be, at the end of the government's case would surely be timely. Where a thirty-five year old mass murder case is tried, the timeliness concept must conform to contemporary

notions of fair play. That is why we need judges. As will be urged in Point II infra, the Immigration Judge has adequate authority and procedures at his disposal to afford every respondent a fair hearing.

In the well-known security clearance case of Green v. Mc Elroy, 360 US 474, 3 L Ed 2d 1377, 79 S Ct 1400, the concept was stated most eloquently:

"Certain principles have remained relatively immutable in our jurisprudence. One of these is that where governmental action seriously injures an individual, and the reasonableness of the action depends on fact findings, the evidence used to prove the government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue. While this is important in the case of documentary evidence, it is even more important where the evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy. We have formalized these protections in the requirements of confrontation and cross-examination. They have ancient roots."

In this deportation proceeding the respondent earnestly seeks an opportunity to effectively cross-examine the government witnesses. For this task he needs all of the exculpatory evidence the government has, and he needs it now!

Not only the prior statements of the government witnesses, but also any other material evidence favorable to the respondent must be timely disclosed. Brady v Maryland, 373 US 83, 10 L Ed 2d 215, 83 S Ct 1194. The respondent's motion is designed to elicit that type of evidence and the need for it has been amply demonstrated.

Returning to the Jencks case for a moment, the government's suggestion that its witnesses prior statement "will be submitted to the Immigration Judge for his determination as to whether it shall be furnished to the respondent for use in cross-examination" is untenable. In Jencks it was stated that:

"The practice of producing government documents to the trial judge for his determination of relevancy and materiality without hearing the accused, is disapproved."

Under our adversary system, only the respondent's attorney is in a position to judge what material should be and what should not be used on cross-examination.

While this may not be the proper time and place to raise the issue, it should nevertheless be observed in passing that the regulations the Attorney General has promulgated in purported compliance with Section 242(b) (3) of the Immigration and Nationality Act are really in derogation of that statute to the extent that they deprive the respondent of a reasonable opportunity to prepare for the cross-examination of the government's witnesses. Consequently, the government would be well advised to think twice before resting its case on the infallibility of its own regulations.

The government should really derive scant comfort from its Gordon and Rosenfield citation because that Section goes on to mention the Immigration Judge's power to order depositions and issue subpoenas. Moreover, Mr. Gordon specifically refers to the availability of information under the Freedom of Information Act. It is submitted that the government ought not have it both ways, that is, oppose the respondent's request for depositions and subpoenas and at the same time deny his Freedom of Information Act request.

While it may be accurate to say that the Federal Rules of Civil Procedure do not apply to deportation proceedings, it is quite another matter to assert that "since government is never required to disclose its witnesses or evidence prior to hearing, it is submitted that 8 CFR242.14 (e) is not applicable prior to the presentation of evidence at the hearing." Never is a long, long time. When has the Supreme Court used language such as that? The authorities the government cites in support of its "never" position are not as persuasive as the government deems them to be. The non-immigration cases cited deal with the issue in the narrow confines of the particular statutory scheme without confronting the constitutional principles espoused in the Jencks, Brady and Greene cases, supra. See also Goldberg v United States, 47 L Ed 2d 603, and Giglio v United States, 405 US 150, 31 L Ed 2d 104, 92 S Ct 763.

Among the government cited Immigration and Naturalization Service cases the only one worthy of note is Da Silva Pereira v Murff, 169 F. Sup. 81. It is obvious that the respondent's request in that case was too broad under

the circumstances and its denial there did not deprive the respondent of a fair hearing. Although the language of the opinion is broad and sweeping, the actual holding is narrow. To read the case as holding that a respondent is "never" entitled to disclosure is unwarranted.

The Board of Immigration Appeals cases the government cites are nowhere near as dogmatic on the point as the government reads them to be. A prime example is Matter of Escobar, ID (BIA, October 18, 1976). If the Immigration Judge whose decision was appealed and the Board had thought that a respondent is "never" entitled to discovery, there would have been no logical reason for affirming the denial of his motion on the grounds that it was a belated request for non-essential evidence. The exact opposite of those facts exist in this proceeding. It is submitted that the Board is sensitive to the need for accommodating a respondent's legitimate discovery requirements.

It is quite apparent that the trend in judicial thinking is in the direction of a more liberal approach to discovery in administrative proceedings. A particularly interesting case in the security clearance revocation field is Smith v Schlesinger, 513 F. 2d 462, where it was observed:

"We do not think such a right of discovery is defeated by present doctrine. Indeed, we think the case law concerning the procedural protections in clearance revocation proceedings demonstrates an admirable sensitivity which could encompass a right of discovery."

The authorities are collected and discussed in footnote 46 of that opinion.

This sensitivity to procedural due process the Supreme Court has exhibited time and again in deportation cases, particularly where the respondent has been a resident of many years. See Rowoldt v Perfetto, 1957, 355 US 115, 2 L Ed 2d 140, 78 S Ct 180.

POINT II

RESPONDENT MOVED FOR DEPOSITIONS PURSUANT TO 8CFR 242.14 (e)
AND HIS MOTION CAN ALSO BE TREATED AS AN APPLICATION FOR
SUBPOENAS PURSUANT TO 8CFR 287.4 (a) (2).

The Immigration Judge has rather broad discretion in the ordering of depositions and issuance of subpoenas after a hearing has commenced.

This hearing began on February 14, 1977, and on the same day the respondent made a written motion for depositions of government investigators to testify on the respondent's behalf and to produce certain documents in their custody or under their control. The respondent has made it clear that he expects to prove through this testimony and documentary evidence sought that the allegations against him have been fabricated by the Disinformation Department of the KGB. The respondent has also shown "affirmatively that he has made diligent effort without success to produce the same". The respondent made a timely application to the District Director for documentary evidence under the Freedom of Information Act and the Privacy Act, which application has been denied by the Immigration and Naturalization Service and the Justice Department has not bothered to adjudicate the respondent's appeal from this denial. It cannot be seriously doubted that the evidence sought is essential. After all, the respondent is charged with complicity in mass murder thirty-five years ago. Consequently, all of the criteria set forth in 8CFR 287.4 (a) (2) have been met.

As for the "reasonably available at the place of hearing" requirement of 8CFR 242.14 (e), it is patently obvious that the government does not wish to make government investigators available for the respondent to examine. Moreover, respondent has amply demonstrated the need for examining the evidence sought before his counsel exercises his right to cross-examine the government witnesses.

There is nothing in the regulations prohibiting the Immigration Judge from issuing subpoenas for the examination of witnesses before the government has completed its direct case. The order in which testimony is to be taken is surely within his discretion. This would not be "prehearing discovery" as the government has chosen to characterize it, since the hearing has already commenced.

Whether the testimony of a government investigator is called a deposition or testimony by a defense witness called to testify early is not important. What is important is fundamental fairness in the due process context. If Mr. Zutty's testimony out of turn is essential to afford the respondent a fair hearing, then

that testimony should be heard forthwith.

As Justice Stuart said in Costello v INS, 376 US 120,

"In this area of the law, involving as it may the equivalent of banishment or exile, we do well to eschew technicalities and fictions and to deal instead with realities."

See also Joint Anti-Fascist Refugee Committee v McGrath, 341 US 123, 162-163, where Mr. Justice Frankfurter observed:

"Due process is not a mechanical instrument. It is not a yardstick. It is a delicate process of adjustment inescapably involving the exercise of judgment by those whom the Constitution entrusted with the unfolding of the process."

In a deportation proceeding it is the Immigration Judge and not the government who has the principal burden of making sure that substantial rights are not impaired for the sake of procedural niceties.

POINT III

THERE IS VERY SUBSTANTIAL LIKLIHOOD OF IRREPARABLE MISIDENTIFICATION AT THIS HEARING UNLESS ADEQUATE SAFEGUARDS ARE ESTABLISHED.

Just how reliable can identification testimony be thirty-five years after the event? Surely, in-court identification procedures are out of the question. So are line-ups. Left to be explored are photo-identifications procedures and those based on documents and circumstantial evidence. Just what kind of procedures did the government use? What procedures were used by others who handled the witnesses before they came to the attention of the government? These and many more questions raised by Simmons v United States, 390 US 377, and cases that followed have to be explored.

Branches ²⁰ through ²³ of the respondent's motion have been designed to come to grips with those problems. It is regrettable that the government has seen fit to reject the relief requested out of hand. Surely, a more serious approach is warranted.

POINT IV

THE GOVERNMENT IS FLAGRANTLY FLOUTING THE LAW BY FAILING TO DISCLOSE TO THE RESPONDENT THE REPORT REQUIRED UNDER SECTION 11 (a) OF THE REFUGEE RELIEF ACT OF 1953

Those government employees who were responsible for issuing the

respondent a visa and admitting him into the United States were also responsible for thoroughly investigating the respondent and embodying their findings in a written report. Presumably, they reported that there was no factual basis for the allegations that the respondent had personally advocated or assisted in the persecution of any person.

The war crime allegations against the respondent first came to light in the January 7, 1949 article in Aufbau, a German language newspaper published in New York City. Those allegations were well known to the government employees who investigated the respondent. Surely, they must have done something by way of investigation to satisfy themselves that those allegations are baseless. If that be so, all of the facts and circumstances concerning whatever investigation the government then made ought to be disclosed to the respondent both as exculpatory material and under the Privacy Act as well as under the Freedom of Information Act since the investigation was terminated with the respondent's entry into the United States.

The government's cavalier rejection of the respondent's Privacy Act and Freedom of Information Act request for this investigation report can have only a negative effect upon this deportation proceeding. If and when the United States District Court rules that the report should have been disclosed, this deportation proceeding record will have to be carefully reviewed to determine whether respondent's constitutional rights have been infringed. If the government wishes to underwrite that risk, let the hearing proceed.

CONCLUSION

It is respectfully submitted that a fair hearing cannot be had in the manner suggested by the government in its answering papers. The relief sought by the respondent in his motion ought to be granted to assure that the respondent's constitutional rights will not be violated.

Dated: April 19, 1977

Respectfully submitted,

Ivars Bersins
Attorney for Respondent
484 West Montauk Highway
Babylon, New York 11702

516 661 3540

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

In the Matter of

File No. A10 305 336

VILIS A. HAZNERS,

NOTICE OF MOTION

Respondent.

PLEASE TAKE NOTICE that upon the annexed affirmation of respondent's attorney Ivars Berzins, the respondent does hereby make a motion before the Hon. Anthony M. DeGaeto, the Immigration Judge presiding at this deportation proceeding, for an order denying to the government further adjournments and requiring the government to proceed with this deportation proceeding on a day certain, namely: January 23, 1978, on the grounds that the respondent's constitutional right to a fair hearing would be violated by subjecting him to further delays.

Dated: December 16, 1977.

IVARS BERZINS
Attorney for Respondent
484 West Montauk Highway
Babylon, New York 11702
516-661-3540

TO: William Strasser, Trial Attorney
Immigration and Naturalization Service
26 Federal Plaza
New York, New York 10007

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

In the Matter of

File No. A10 305 336

VILIS A. HAZNERS,

AFFIRMATION

Respondent.

Ivars Berzins, the attorney of record for the respondent in this proceeding, upon penalty of perjury affirms:

1. On December 12, 1977 I received the government's application dated December 8, 1977 seeking a further delay of this proceeding for reasons that are as vague as ever.

2. I have said it often, and I must repeat, that my client simply cannot afford any more delays because he wants to complete this hearing in his lifetime. He has had four heart attacks and his health is fragile. He regards every day as an additional blessing. He has children and grandchildren. He does not wish to cast a shadow on their lives by dying before he is vindicated. And that very human desire finds solid support in our constitutional concept that every man is entitled to a speedy trial, not as a matter of the government's grace or convenience, but as a matter of fundamental fairness which is the very core of due process of law.

3. The government has been investigating my client since 1949 or perhaps earlier. The government has steadfastly stone-walled every demand I have made for the exculpatory evidence gathered in the course of those never-ending investigations. I have been obliged to cross-examine the government's witnesses without having that exculpatory evidence available to me. But now the government has sunk to a new low: they are stone-walling my demands for a speedy trial by stating that they must do some more investigating. The most fitting words for characterizing the government's conduct I will refrain from using.

4. It is not only my client's health that dictates a speedy trial, some of his principal witnesses are perhaps in worse shape than he is.

None of them are young people. A substantial impairment of the respondent's defense occurred on November 30, 1977 when Mr. Alfreds Berzins died here in New York (no relation to me). He was the last living Cabinet Minister of free and independent Latvia. He survived a Nazi concentration camp until he was liberated by the Allies at the end of the war. He knew the respondent well and would have been an important defense witness. He, like many others who knew the respondent are gone and will never testify. I can only assume that most of the respondent's other witnesses will soon join them. For instance, there is a very important witness here in the United States whose continued availability diminishes with every passing day. I think it is essential that this Court hear his testimony. But if the government has its way, it may be too late.

5. There is yet a third reason why any further delay is prejudicial to the respondent's right to a fair hearing. It is painfully obvious that the government has abdicated to the Israeli Police and its sources, methods and techniques the task of preparing the government's witnesses for trial. We have already tasted the fruit of their efforts and it is unmitigated perjury. I have no stomach for it and I do not wish to give the government's surrogates more time to ripen, pick and serve us their poisoned fruit.

WHEREFORE, I respectfully request that an order be made peremptorily requiring the government to proceed on January 23, 1978.

Dated: December 16, 1977

S/
Ivars Berzins

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION COURT, NEW YORK, NEW YORK

In the Matter of

File No. A10 305 336

VILIS A. HAZNERS,

NOTICE OF MOTION

Respondent.

PLEASE TAKE NOTICE that upon the annexed affirmation of respondent's attorney Ivars Berzins, the respondent shall make a motion before the Hon. Anthony M. DeGaeto, the Immigration Judge presiding at this deportation proceeding, to be heard on April 10, 1978 at 9:30 A.M. at Room 13-130, 26 Federal Plaza, New York, New York, for an order granting the following relief:

(a) Requiring the government to make available to respondent's attorney for inspection and copying such evidentiary materials as corroborate the respondent's testimony and are exculpatory in nature, on the grounds that the respondent cannot get a fair hearing if he is denied access to exculpatory evidence;

(b) Requiring the government to make a further effort to obtain the files and documents of the International Refugee Organization pertaining to the final decision that respondent is eligible for IRO assistance, on the grounds that respondent has reason to believe that those files contain exculpatory evidence.

Dated: *March* ~~April~~ 31, 1978

TO: Martin Mendelsohn, Esq.
Special Litigation Unit
Office of General Counsel
Immigration and Naturalization Service
425 I Street, N.W.
Washington, D.C. 20536

IVARS BERZINS, ESQ.
Attorney for Respondent
484 West Montauk Highway
Babylon, New York 11702
516-661-3540

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

VILIS A. HAZNERS

Civil Action 77-514

-vs-

NOTICE OF MOTION

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE, et al.

PLEASE TAKE NOTICE that upon the annexed Plaintiff's Second Response to Defendants' Vaughn Index dated January 26, 1979, plaintiff shall move this Court at Part I, to be held at the U. S. Court House in Buffalo, New York, on February 12, 1979 at 9:00 A.M., for an order requiring the defendants to release Items 91, 96; 30, 36, 47, 92, 98, 99, 102, 105, 120, 122, 184, 218, 274, 286, 312, 313, 314, 324, 325, 326, 328 and 331 identified in their index and to do the following with respect to the 75 items remaining in controversy:

(a) Separately index each document and separately justify each exemption claimed for the documents which have been thus far indexed in bulk under one index number;

(b) Unequivocally state by number and letter the precise exemption claimed for each document;

(c) Whenever exemption 6 is claimed, segregate for each item the justification for the claim separately from whatever justification may be claimed under exemption 7(C) so that each claim can be separately evaluated;

(d) Whenever exemptions 6 and 7(C) are claimed, evaluate the feasibility of making appropriate deletion to protect either complete or partial privacy;

(e) Segregate the documents for which exemption 5 is claimed from the underlying documents that originated outside the Government and independently justify the withholding of each document;

(f) Segregate those documents to which exemption 7(A) interference is ascribed to plaintiff's deportation proceeding only and state whether the claimed exemption shall cease upon final adjudication of the proceeding;

(g) Segregate those documents to which exemption 7(A) interference is ascribed to other enforcement proceedings and describe the proceedings and their relationship to the plaintiff's deportation proceeding in sufficient detail to permit evaluation of the feared interference.

Dated: January 26, 1979

IVARS BERZINS
Attorney for the Plaintiff
484 West Montauk Highway
Babylon, New York 11702
516-661-3540

TO: RICHARD J. ARCARA
United States Attorney
Western District of New York
502 U. S. Court House
Buffalo, New York 14202

Attention: Roger P. Williams, Assistant U. S. Attorney

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

VILIS A. HAZNERS

Civil Action 77-514

-vs-

PLAINTIFF'S SECOND RESPONSE
TO DEFENDANTS' VAUGHN
INDEX

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE, et al.

Ivars Berzins, an attorney admitted to practice law in this Court and appearing as attorney of record for the plaintiff in this action, upon penalties of perjury affirms:

1. Plaintiff hereby exercises the privilege granted him by this Court's December 6, 1978 order and responds to the defendants' reply dated November 25, 1978, which shall be referred to as the "reply" and the defendants' Vaughn Index dated July 24, 1978 shall be referred to as the "Index".

2. Defendants' reply is as devoid of substance as the Index they filed. They continue to traffic in generalities and cleverly avoid getting down to specifics. They shun pinpointing with clarity which exemption they claim for each document and the operative evidentiary facts that support the claim. Conclusions are being palmed off as if they were facts. See paragraph 3 of the reply. This Court is being asked to presume the defendants' good faith when their track record vividly demonstrates the contrary. For example, the 102 items identified in paragraph 3 of plaintiff's October 19, 1978 response have been released now, when they should have been released two years ago. It seems as if the defendants are like a sponge, the more you squeeze them, the more they drip out. When light and heat is applied, their justifications evaporate.

3. With the exception of Item 91, defendants have now disclosed to plaintiff the 102 items referred to in paragraph 3 of plaintiff's October 19, 1978 response to defendants' index. Plaintiff still has not received Item 91 and respectfully requests its release.

4. In addition, defendants have released the following items, pursuant to their reply: 34, 40, 45, 50, 52, 100, 101, 128, 129, 159, 172, 173, 207, 214, 238, 248, 258, 259, 287, and 329(1).

5. Defendants have failed to release Item 196, which they promised to release pursuant to their reply.

6. Without conceding that there ever was any justification for withholding, plaintiff shall not further contest withholding of the following 20 items: 31, 75, 109, 134, 171, 192, 205, 222, 230, 250, 256, 257, 281, 294, 301, 320, 321, 322, 323 and 329.

7. In paragraph 5 of the reply, defendants requested an additional ten days to respond to plaintiff's objections to the defendants' lack of justification for withholding 22 specific items. Up to the date of this response, no reply has been received by plaintiff and therefore, it is respectfully submitted that those items ought to be ordered released forthwith for failure to justify their withholding.

8. This leaves in controversy 75 items which perhaps could be loosely segregated into six categories: 1. Investigatory Records; 2. Soviet Documents; 3. German Documents; 4. Personal Privacy; 5. Potential Witnesses; 6. Miscellaneous.

9. After each category, in tabular form, plaintiff shall state the exemptions defendants have claimed in their index and reply for each item. This is being done to demonstrate the confusion and lack of clarity in the defendants' approach to indexing and justification. The proper thing to do would have been to pinpoint in their index which branch of exemption 7 defendants claim in each instance. Instead, defendants simply claim exemptions 5, 6 and 7 and leave it at that. The reply aggravates rather than resolves this confusion by claiming branches (A) and (C) of exemption 7 on some items and sticking with the entire exemption 7 on others. In some instances, the reply omits an exemption claimed in the index and in other instances the reply adds an exemption that does not appear in the index. Defendants ought to be compelled to make up their minds and state precisely which exemptions they are claiming for which items. This patent abuse leaves the following questions: (a) If the reply omits either exemptions 5, 6 or 7 which were claimed in the index, does it mean that defendants are waiving or abandoning reliance on the omitted exemption, or perhaps they never did rely on it? (b) If the reply omits

some branches of exemption 7, does it mean that defendants are waiving or abandoning reliance on the others or perhaps they never relied on the others in the first place?

(c) Are the defendants privileged at any time they choose to add another exemption claim by simply inserting it in their reply or some subsequent paper, or are they required to stick with the index they filed?

10. Another equally frustrating abuse is the defendants' propensity to lump whole reams of documents under one item and then claim a bulk exemption based on the cover sheet or some equally dubious play. Thusly, they deem themselves obliged to expose only the tip of the iceberg. Instead of preparing an index designed to assist this Court in reviewing their exemption claims, defendants have submitted a non-index which obliterates substance and highlights meaningless labels. Plaintiff submits this is patently improper and constitutes a disregard for this Court's Vaughn order.

1. INVESTIGATORY RECORDS

| <u>Item</u> | <u>Index Claim</u> | <u>Reply Claim</u> | <u>Cross Reference</u> |
|-------------|--------------------|--------------------|------------------------|
| 32B | 5, 7 | 7 | |
| 35 | 6, 7 | 6, 7(A) & (C) | |
| 43 | 5, 6, 7 | 5,6,7(A) & (C) | |
| 48 | 5, 6, 7 | | |
| 49 | 5, 6, 7 | 5,6,7(A) & (C) | |
| 51 | 5, 6, 7 | | 43 |
| 52A | 5, 6, 7 | | 43 |
| 53 | 5, 6, 7 | 5,6,7(A) & (C) | |
| 54 | 5, 6, 7 | | 43 |
| 56 | 5, 6, 7 | | 43 |
| 57 | 5, 6, 7 | | 43 |
| 58 | 5, 6, 7 | | 43 |
| 61 | 5, 6, 7 | | 43 |

| <u>Item</u> | <u>Index Claim</u> | <u>Reply Claim</u> | <u>Cross Reference</u> |
|-------------|--------------------|--------------------|------------------------|
| 63 | 5, 6, 7 | | 43 |
| 64 | 5, 6, 7 | | 43 |
| 65 | 5, 6, 7 | | 43 |
| 67 | 5, 6, 7 | | 43 |
| 67A | 5, 6, 7 | | 43 |
| 67B | 5, 6, 7 | | 43 |
| 68 | 5, 6, 7 | | 43 |
| 76 | 5, 6, 7 | | 43 |
| 77 | 5, 6, 7 | | 43 |
| 78 | 5, 6, 7 | | 43 |
| 79 | 5, 6, 7 | | 43 |
| 80 | 5, 6, 7 | | 43 |
| 82 | 5, 6, 7 | | 43 |
| 83 | 5, 6, 7 | | 43 |
| 84 | 5, 6, 7 | | 43 |
| 88 | 6, 7 | | 43 |
| 93 | 6, 7 | | 43 |
| 96 | 7 | | 43 |
| 108 | 6, 7 | | 43 |

11. This is by far the largest category since it contains 32 items. The defendants' justification for withholding these items is stated under and referenced to item 43 of the reply and plaintiff has added items 32B, 35, 48, 49 and 53 to this category. Defendants rely only on branches (A) and (C) of exemption 7 and exemptions 5 and 6, thereby perhaps waiving any reliance on branches (B), (D), (E) and (F) of exemption 7 with respect to this category of items.

12. The interference with enforcement proceedings under exemption 7(A) must

be demonstrated, it cannot be presumed, and the burden surely must be upon the defendants to come forward with the evidence of the feared interference.

13. Defendants' broad reading of NLRB v. Robbins Tire and Rubber Company, 46 LW 4689, is to no avail because that case surely did not relieve the Government of the burden of demonstrating interference. The inconsistency, if any there be, between defendants' discovery practices and plaintiff's Freedom of Information Act request has to be demonstrated, it cannot be presumed.

14. To the extent that defendants place reliance upon exemption 5, they should clearly demonstrate the manner in which that exemption applies to each item, rather than parroting a conclusion that it is "privileged".

15. The considerations applicable to exemption 7(C) and 6 shall be covered under the Personal Privilege and Potential Witnesses categories.

2. SOVIET DOCUMENTS

| <u>Item</u> | <u>Index Claim</u> | <u>Reply Claim</u> | <u>Cross Reference</u> |
|-------------|--------------------|--------------------|------------------------|
| 271 | 5, 6, 7 | 5,6,7(A) & (C) | |
| 280 | 7 | 7(A) | |
| 302 | 5, 7 | | 271 |
| 327 | 7 | 7(A) | |

16. In 1941, the predecessor organization to what is now the Committee for State Security, KGB, imprisoned the plaintiff and compelled him to sign his own death sentence without even the formality of any judicial or administrative proceedings. Plaintiff managed to escape and much to the regret of the Soviets, has been rather active in the struggle against communism. The Soviets have maligned the plaintiff in various ways, one of which is to disseminate false information and forged documents implicating plaintiff in various misdeeds. The Disinformation Department of the KGB has given these materials wide distribution.

17. It is now readily apparent from Items 271, 280, 302 and 327 that defendants obtained reams of documents from the Soviet Union. Which of those documents the KGB has already publicized, the defendants fail to disclose. Similarly, defendants make no effort to segregate those documents which are in the public domain even in the Soviet Union. The Soviets neither expect nor want to have these documents kept confidential. On the contrary, they want these documents to receive the widest possible publicity. After all, they furnished these documents for the purpose of having them offered in evidence at the plaintiff's deportation proceeding. It is probably closer to the truth to say that the Soviets are disappointed that the defendants are now trying to hide these documents in their files. Why should they be hidden? Why not bring them out in the light of day?

18. Defendants would have this Court believe that release of this Soviet propaganda will interfere with their enforcement proceedings. But how? Nothing remotely resembling an explanation has been offered.

19. In the justification for Item 280, defendants readily admit that "two or three" of these documents do not qualify for any exemption. It is up to the defendants to identify which documents they are talking about rather than casting the burden upon this Court or the plaintiff to second-guess them. Completely out in left field is the defendants' assertion "that any doubt as to the applicability of exemption 7(A)" to Item 327 be resolved in their favor. There is no authority for giving the Government this procedural as well as substantive advantage. Plaintiff submits that all doubts should be resolved against the Government, since they are in a better position than anyone to remove the doubts, if any there be.

20. Plaintiff submits that the first step in evaluating the justification for withholding the Soviet documents would be to segregate those documents from whatever memoranda, letters and other papers have been exchanged between the defendants, the State Department and the Soviet Union and then treat the Soviet documents themselves as one category and evaluate the inter and intra-agency documents on their own merits.

21. Second, the burden should be upon the defendants to segregate out from the Soviet documents those documents which have already entered the public domain by virtue of having been used at the plaintiff's deportation proceeding.

22. As the third step, defendants ought to be compelled to segregate and release those Soviet documents which have entered the public domain either in the Soviet Union or here in the United States, by virtue of their free dissemination by the Soviets. It would be preposterous to suggest that Congress intended to exempt from disclosure Soviet propaganda contained in the files of our Government.

23. Fourth, defendants should be compelled to demonstrate what confidentiality, if any, has been promised to the Soviets regarding these documents. If the Soviets have no reason or right to expect that the documents would be kept confidential, the documents should be released.

24. Fifth and finally, if defendants rely on exemption 7(A), they must demonstrate how the release of the documents could conceivably interfere with the plaintiff's deportation proceeding which is practically completed.

25. In any event, the Soviet documents cannot be treated in bulk; they must be segregated and evaluated and justified on an individual basis, document by document. The defendants' gross and deliberate failure to index and justify the Soviet documents separately raises serious questions regarding the defendants' good faith.

3. GERMAN DOCUMENTS

| <u>Item</u> | <u>Index Claim</u> | <u>Reply Claim</u> | <u>Cross Reference</u> |
|-------------|--------------------|--------------------|------------------------|
| 37 | 5, 6, 7 | 5,6,7(A) & (C) | |
| 71 | 6, 7 | | 73 |
| 72 | 6, 7 | | 73 |
| 73 | 5, 6, 7 | | 153 |
| 153 | 5, 6, 7 | 5, 7 | |

26. Some of the considerations applicable to the Soviet documents have equal application to the German documents, namely: Are any portions of them already in the public domain either here or in Germany or elsewhere? Does anyone have a legal right or justifiable expectation that the documents would be kept confidential? Can any portions of the documents be released after appropriate deletions?

27. It is probable that most of the documents that come from Germany are already in the public domain there, by virtue of being stored in various documentation centers available to the public and by virtue of having been used in various Court proceedings.

28. The burden should be upon the defendants to separately index and justify each German document, rather than claiming an exemption in bulk.

29. Under Item 153 of their reply, the defendants seem to cast upon the plaintiff the burden of proving that the German documents ought to be released. The defendants have a propensity to forget that the burden of justifying withholding at all times is with the Government.

4. PERSONAL PRIVACY

| <u>Item</u> | <u>Index Claim</u> | <u>Reply Claim</u> | <u>Cross Reference</u> |
|-------------|--------------------|--------------------|------------------------|
| 41 | 6, 7 | 6,7(A) & (C) | |
| 138 | 5, 6, 7 | 5,6,7(A) & (C) | |
| 249 | 6, 7 | 7(A) & (C) | |
| 251 | 6, 7 | | 263 |
| 263 | 5, 6, 7 | 5,6,7(A) & (C) | |
| 264 | 6, 7 | 5,6,7(A) & (C) | |

30. If defendants wish to rely on exemptions 6 and 7(C), they cannot claim those in conclusory fashion, they must marshal the operative evidentiary facts to demonstrate that the persons they seek to protect have a legal right or justifiable expecta-

tion of complete, not only partial, privacy. Partial privacy could be protected in various ways which the defendants apparently have not even bothered to explore, while complete privacy is difficult to justify.

31. Moreover, corporations and various organizations akin to corporations are not protected by the personal privacy provisions, only individuals are. Consequently, defendants must segregate the individual claims to privacy from those of various organizations and corporations.

32. More than likely in many instances the defendants are gratuitously posturing as protectors of privacy. Some of the persons involved no doubt have no expectations that there is any privacy which merits protection.

33. Defendants must also demonstrate that there has been made to the private person an express or implied assurance of confidentiality. This showing cannot be made in conclusory fashion, it must be made in affidavit form by a person having personal knowledge of the facts. It is improper for the defendants to merely claim, as they do under Item 138, that "I.N.S. does not wish to disclose" the source, since the defendants' wishes are not relevant, only their statutory exemptions are. Wishes and whims cannot be substituted for operative evidentiary facts on which a claimed exemption is founded.

34. If under Item 249 defendants can demonstrate that an express or implied assurance of confidentiality has been made to the writer of the letter and that he does have a justifiable expectation of privacy, then perhaps appropriate deletions could be made in the documents and the balance released, but without that showing by a person having personal knowledge of the facts, the defendants' purported justification is insufficient.

35. Under Items 251, 263 and 264, defendants have failed to indicate whether exemptions 6 and 7(C) can be satisfied by appropriate deletions of the names of other persons who are the subjects of defendants' investigations. This issue must initially be addressed by the defendants, since the plaintiff cannot be expected to address this issue without discovery. Again, the materials for which exemption 5 is claimed should be

segregated from the underlying documents and the underlying documents indexed separately so they can be dealt with individually rather than in bulk.

5. POTENTIAL WITNESSES

| <u>Item</u> | <u>Index Claim</u> | <u>Reply Claim</u> | <u>Cross Reference</u> |
|-------------|--------------------|--------------------|------------------------|
| 66 | 6, 7 | | |
| 134 | 6, 7 | | |
| 187 | 6, 7 | 6, 7(A) & (C) | 204 |
| 204 | 6, 7 | 6, 7(A) & (C) | |
| 205 | 6,7 | | |
| 212 | 6, 7 | | 233 |
| 219 | 6, 7 | | 233 |
| 221 | 6, 7 | 6, 7(A) & (C) | |
| 223 | 6, 7 | | 233 |
| 224 | 6, 7 | | |
| 231 | 6, 7 | | 233 |
| 232 | 6, 7 | | 240 |
| 233 | 6, 7 | | |
| 234 | 5, 6, 7 | 5,6,7(A) & (C) | |
| 235 | 5, 6, 7 | | |
| 237 | 5, 6, 7 | | |
| 239 | 6, 7 | | |
| 240 | 6, 7 | | 289 |
| 247 | 6, 7 | | 239 |
| 253 | 6, 7 | 5,6,7(A) & (C) | |
| 254 | 6, 7 | 5,6,7(A) & (C) | |
| 260 | 5, 6, 7 | 5, 7(A) & (C) | |
| 289 | 6, 7 | 7(A) & (C). | |

36. Most of the comments made with regard to Personal Privacy also apply to the items under this category, since either an exemption 6 or exemption 7(C) claim has been made on each of these items.

37. Defendants are mistaken when they assume that just because a potential witness has not been called to testify, a written record of his statements or testimony is forever exempt from disclosure. The reported decisions simply do not support such a broad and sweeping exemption. Probable interference with enforcement proceedings must be demonstrated.

38. Potential witnesses who have been interviewed but not called to testify are probably persons who have the least expectation of privacy and it is not readily apparent on what grounds the defendants claim the privacy exemptions for them.

39. It is interesting to note that in their index the defendants claim only exemptions 6 and 7 for all of the documents in this category except for Items 234, 235, 237 and 260, for which exemption 5 is also claimed. In their reply, defendants add exemption 5 to Items 253 and 254. While refining the exemption 7 claim to branches (A) and (C) for Items 187, 221, 234, 253, 254, 260 and 289, for the rest of the items defendants have not bothered to refine their exemption 7 claim to show to this Court precisely which branch of exemption 7 they deem applicable.

6. MISCELLANEOUS

| <u>Item</u> | <u>Index Claim</u> | <u>Reply Claim</u> |
|-------------|--------------------|--------------------|
| 74 | 7 | 7(A) |
| 89 | 6, 7 | |
| 136 | 6, 7 | |
| 174 | 5, 7 | 7(A) & (C) |
| 210 | 6, 7 | |

40 Except for Item 74 and Item 174, defendants have not refined their exemption claims beyond those set forth in the index. In Item 74, they are now claiming only

exemption 7(A) and in Item 174, they are now claiming only exemptions 7(A) and 7(C).

41. For Item 74, defendants have to furnish evidence indicating the proceeding or proceedings that will be interfered with and a description of the anticipated interference if the information is released.

42. For Item 89, defendants should segregate the exemption 6 claim from the exemption 7 claim and pinpoint with particularity precisely what their exemption 7 claim is. They should also justify why legitimate privacy claims cannot be recognized by appropriate deletions.

43. For Item 136, defendants should segregate the exemption 6 claim from the exemption 7 claim and justify why the exemption 6 claim cannot be covered by appropriate deletions. Regarding the exemption 7 claim, the "several documents" themselves have to be appropriately indexed and a justification furnished for withholding each. This, the defendants have failed to do. Also, they should pinpoint the specific exemption 7 branch they are claiming. A "source and methods" exemption does not appear in the Freedom of Information Act and a claim of that sort cannot be sustained. Moreover, the mere possibility for interference cannot be sustained, since anything may be possible, rather a reasonable probability should be demonstrated.

44. With respect to Item 174, the U. S. Army Intelligence Agency has already disclosed certain documents to the plaintiff, pursuant to a separate Freedom of Information Act request that plaintiff made to that agency and defendants have the duty to determine whether the documents embraced within this item contain any of those that have already been released to the plaintiff. Then, the defendants have the duty to ask the U. S. Army Intelligence Agency whether the other documents can be released and separately index and justify each of the other documents that are covered in bulk under this item. Also, the specific branches of the exemption 7 should be indicated, together with the grounds for applying each.

45. On Item 210, the mere fact that the photographs are not those of the plaintiff does not exempt them from disclosure. For instance, the photographs could be

of a dead person or a person who has no right or reason to expect privacy. Similarly, defendants must claim the specific branch of exemption 7 that they are relying on and furnish justification for it.

WHEREFORE, plaintiff respectfully requests an order requiring defendants to release Items 91 and 196 (paragraphs 3 and 5) and the 22 Items referred to in paragraph 5 of the reply and to do the following with respect to the 75 Items remaining in controversy:

(a) Separately index each document and separately justify each exemption claimed for the documents which have been thus far indexed in bulk under one index number;

(b) Unequivocally state by number and letter the precise exemption claimed for each document;

(c) Whenever exemption 6 is claimed, segregate for each item the justification for the claim separately from whatever justification may be claimed under exemption 7(C) so that each claim can be separately evaluated;

(d) Whenever exemptions 6 and 7(C) are claimed, evaluate the feasibility of making appropriate deletion to protect either complete or partial privacy;

(e) Segregate the documents for which exemption 5 is claimed from the underlying documents that originated outside the Government and independently justify the withholding of each document;

(f) Segregate those documents to which exemption 7(A) interference is ascribed to plaintiff's deportation proceeding only and state whether the claimed exemption shall cease upon final adjudication of the proceeding;

(g) Segregate those documents to which exemption 7(A) interference is ascribed to other enforcement proceedings and describe the proceedings and their relationship

to the plaintiff's deportation proceeding in sufficient detail to permit evaluation of the feared interference.

Dated: January 26, 1979

Ivars Berzins
Ivars Berzins

TO: RICHARD J. ARCARA
United States Attorney
Western District of New York
502 U. S. Court House
Buffalo, New York 14202

Attention: Roger P. Williams, Assistant U. S. Attorney

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION COURT, NEW YORK, NEW YORK

In the Matter of

File No. A10 305 336

VILIS A. HAZNERS,

AFFIRMATION

Respondent.

Ivars Berzins, the attorney of record for the respondent in this proceeding, upon penalty of perjury affirms:

1. The government has steadfastly maintained that its files do not contain any evidence that might be considered exculpatory. Yet, during its cross-examination of the respondent on March 9, 1978, out of the clear blue sky there appeared for identification Exhibits G-12, G-13, and G-14, which are clearly exculpatory and which the government had not previously disclosed to me. It is readily apparent that each one of those exhibits the government had obtained from the Soviet Union. Exhibits G-12 and G-13 for identification are exculpatory to the extent that they corroborate the respondent's testimony that he was the department head for the Administrative Department of the Headquarters of the Latvian Self-Defense Units in Riga. However, the translation is improper since it characterizes this Headquarters as the Riga

Police Department. The Latvian word for police is "policija" and no where in the original does that word appear yet, when we look at the English language translation, we see either Riga Police Department or Riga Police Force. Perhaps this improper translation misled the government attorneys into believing that they have caught the respondent in a lie. Otherwise, their failure to make those exhibits available to me cannot be justified on either legal or ethical grounds.

2. Exhibit G-14 for identification is equally exculpatory since it again corroborates the respondent's testimony that he was the Police Commissioner for the Abrene District. In the English language translation of that document the translator again demonstrates his unfamiliarity with appropriate terminology but the overall result is tolerable. The same cannot be said for the English translation of Exhibit G-20 for identification. That translation contains deliberate distortions, not mere errors. For instance, on the first page, sixth line from the bottom, the term "Security Police" is used when a term of that nature does not appear in either the original Latvian text or the German translation. I find it difficult to believe that the translator is quite that stupid, I think she was being a little clever. Be that as it may, these improper translations ought not be used either as a shield or a sword by the government. The original documents are exculpatory and should have been made available to me.

3. That brings us to the question, how many more exhibits similar to G-12, 13 and 14 does the government have? According to the information I received from the State Department in response to one of my Freedom of Information Act and Privacy Act requests, the government ought to have at least 36 more documents since at one time it received from the Soviet authorities 40 items. See annexed Exhibits A, B, C, and D. I respectfully submit that I ought to have an opportunity to examine all of those documents as well as any others that have been received since then. Based on the record we have in this proceeding thus far, we simply cannot entrust to the government the task of deciding which documents are exculpatory. The government's track record on that issue merits no further comment.

4. In the course of its cross-examination of respondent on March 29, 1978, the government used Exhibit G-17 for identification ostensibly to attack the respondent's credibility. On the last page of this exhibit is a legend in somebody else's handwriting: "States he was conscripted into the Latvian Legion in 1944". The respondent immediately said that this is a mistake, which it obviously is. But this mistake is not what the government was really after. The government wanted to make sure that this Court sees the notations on the bottom of that same page to the effect that respondent was found not eligible for IRO assistance on November 28, 1949 and the decision was confirmed by the IRO review board on June 14, 1951.

5. Whether respondent was or was not found eligible for IRO assistance is immaterial in this deportation proceeding since respondent did not enter the United States under the Displaced Persons Act. But the government's effort to discredit respondent by implying that he was denied IRO assistance is an attempt to cast the respondent in a bad light. The fact of the matter is that respondent appealed the IRO denial and won the appeal as appears from the annexed form letter and decision, Exhibit E, which clearly shows that respondent was found eligible on January 9, 1952. Moreover, the State Department confirmed this by its January 16, 1952 letter to the Latvian Legation. A copy of that letter is annexed as Exhibit F.

6. It is a source of never-ending amazement to me why evidence which favors the respondent somehow disappears, gets destroyed, or simply becomes unobtainable for the strangest of reasons. I am not saying this because I am interested in the IRO decision per se. My actual purpose in pursuing the IRO documents is to obtain one piece of evidence which is very important to the respondent's defense. Respondent tells me that when he appealed the IRO determination, he submitted in support of his appeal several documents of which he has no copies. One of those documents was an article from the Latvian Language Newspaper "Tevija" that was published in Riga during the German occupation. The article was based on an interview with the respondent and recounted his arrest by the NKVD and subsequent liberation from Central

Prison on June 30, 1941. The respondent does not recall whether the article specifically mentioned his shaven head, but I am betting that it did. I have searched all over for the July and August, 1941 issues of this newspaper, but so far I have drawn a blank. I know the name and address of the Library in Soviet occupied Riga where copies of that newspaper are today, but that section of the Library is not open to the public and I have no chance of obtaining the article through official channels. For reasons that are obvious, the Soviets are not about to release that article.

7. Since it is equally impossible to obtain certified copies of NKVD arrest records and Central Prison records, that newspaper article coupled with the testimony of such witnesses as are alive today would be about the best I could do in establishing that in July of 1941 the respondent's head was shaved. A Latvian Army Captain with a shaved head in those days would have stood out like a sore thumb and should have been more difficult to forget than the man with a full head of hair the government witnesses were testifying about.

8. The loss, disappearance or destruction of the Refugee Relief Act files or file pertaining to the respondent should also be brought out in daylight and the government required to state for the record just precisely what happened to those files. I have reason to believe that those files contained materials of an exculpatory nature. But the government now stand up in public to tell us what happened to those files. It is difficult enough to defend oneself 36 years after the alleged events but it is even more difficult to defend when exculpatory evidence is destroyed and then a deportation proceeding started.

9. The proposition is really quite elementary: if indeed the respondent had given the United States Government Representatives true answers to all the questions they asked while investigating him and if he did not conceal any information which might render him ineligible to enter the United States under the Refugee Relief Act, then it is absurd to charge the respondent with being excludable. The government ought to be estopped from trying to arrive

at a different conclusion today based on the same facts which were available to it before the respondent's entry. Consequently, the government's files and the exculpatory information contained in them are important to the respondent's defense.

WHEREFORE, I respectfully submit that the motion ought to be granted.

Dated: ~~April~~ ^{March} 31, 1978

Ivars Berzins
Ivars Berzins

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION COURT, NEW YORK, NEW YORK

In the Matter of

File No. A10 305 336

VILIS A. HAZNERS,

NOTICE OF MOTION

Respondent.

PLEASE TAKE NOTICE that upon the annexed affirmation of respondent's attorney, Ivars Berzins, the respondent does hereby make a motion before the Honorable Anthony M. De Gaeto, the Immigration Judge presiding at this deportation proceeding, at Room 13-130, 26 Federal Plaza, New York, New York, for an order pursuant to 8CFR 242.14(e), authorizing the taking of depositions of the respondent's witnesses in Australia and in Sweden and setting the dates when those depositions are to commence, on the grounds that the proposed witnesses are not reasonably available at the place of this hearing and that their testimony is essential to the respondent's defense.

Dated: June 21, 1978

IVARS BERZINS
Attorney for the Respondent
484 West Montauk Highway
Babylon, New York 11702
516--661-3540

TO: Martin Mendelsohn, Esq.
Special Litigation Unit
Office of General Counsel
Immigration and Naturalization Service
425 I Street, N. W.
Washington, D. C. 20536

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION COURT, NEW YORK, NEW YORK

In the Matter of

File No. A10 305 336

VILIS A. HAZNERS,

AFFIRMATION

Respondent.

Ivars Berzins, an attorney duly admitted to practice law in New York and appearing as attorney of record for the respondent in this proceeding, under penalties of perjury, affirms:

1. I have previously advised this Court that certain of the respondent's witnesses reside in Australia and that I may not be able to secure their attendance at the hearing here. Similarly, there are witnesses in Sweden who cannot come to the United States to give their testimony. Consequently, the only reasonable alternative is to take the depositions of these witnesses near their places of residence.

2. I had hopes that the details regarding these depositions could be worked out amicably between myself and the attorneys representing the Government without the necessity of burdening this Court with applications of this nature. I suppose I should have known better and not wasted my time addressing myself to the stone wall that has thus far been the Government's position and tactic throughout. Mr. Mendelsohn kept putting me off by promising to send me some interrogatories that he wanted answered. I, of course, promised to look at his proposals and give him a response. When those interrogatories finally arrived on May 19, 1978, I could not figure out whether they were a joke or whether the man was indeed serious. I do not believe it will serve any useful purpose to characterize the proposed interrogatories and stipulation further, but suffice it to say that they were palpably unacceptable. On May 26, 1978, I sent Mr. Mendelsohn a letter, the text of it being as follows: "Answering your May 16, 1978 letter, your proposed stipulation is unacceptable for reasons that should be obvious to you. Please let me know what arrangements you wish to make for deposing the

respondent's witnesses in Australia, since we are ready to proceed there forthwith." To this very day I have received no response whatsoever to that letter and neither has Mr. Mendelsohn seen fit to return the several telephone calls I have placed to his office, leaving messages for him to call me back, since he is never available. I find it rather hard to believe that his office staff has not bothered to give him my messages. Be that as it may, I have given up trying and I respectfully seek the intervention of this Court in moving this deportation proceeding along so that we can expect a decision on the merits within a reasonable time.

3. Not only is Mr. Mendelsohn stonewalling me in this proceeding, but also in the Freedom of Information Act action that is pending in the Western District of New York. By order dated March 7, 1978, a copy of which is annexed, my Vaughn motion was granted and the Government was ordered to file an index and justify the withholding of records. I have no indication that the Government has complied with that order and neither has the Government served me with any papers that would justify their non-compliance. Perhaps again I should not be surprised because this is the way they have been treating me right along. It is difficult enough to defend this case after 37 years, but when the Government puts its heavy thumb on the scales of justice, the burden becomes heavy indeed.

4. In Australia respondent proposes to take the depositions of the following three individuals and perhaps three more individuals. Each of the named individuals served at the Ann Street Headquarters in Riga at the time respondent was there and they can testify of their own knowledge about respondent's duties and activities. Their testimony is essential because it corroborates respondent's own testimony and completely refutes the fabrications of the Government's specially prepared overseas witnesses. Each of these witnesses is an elderly man who is reluctant to travel to the United States to give testimony, but is willing to testify near his home in Australia. The most convenient place would be at the United States Consulate in Melbourne. I have arranged with an attorney in Melbourne to conduct these depositions for me and all I need to do is advise

him of the date when we may proceed. The names and addresses of the proposed witnesses are as follows: Voldemars Malins, 1 Sandford Street, Kensington Gardens, S.A. 5068, Australia; J. M. Meters, 30 Blyth Street, Parkside 5063, South Australia; and Valentins Stronts, 27 Simmons Street, Box Hill North, Vic. 3129, Australia.

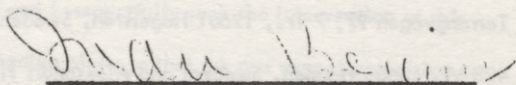
5. In Sweden respondent proposes to depose three witnesses: Peteris Janelsins, Terrangvagen 97, 7 Tr., 12661 Hagersten, Sweden; Karlis Lobe, Norra Kronans Gatan 423 VI, 13660 Handen, Sweden; and Aleksandrs Plensners, Jungfruns Gata 415 II, 136 60 Honden, Sweden. Mr. Lobe is elderly and his health and family situation precludes him from traveling to the United States. Mr. Plensners is elderly and confined to a wheelchair and travel would be out of the question. Mr. Janelsins is not as old as the other two proposed witnesses and he conceivably could travel to the United States to give testimony, but in the interest of justice, it would be better to take his deposition along with the other two witnesses from Sweden on the same day in the United States Consulate in Stockholm, rather than requiring the respondent to find the means for transporting him here. Mr. Plensners has personal knowledge of the respondent's whereabouts during the early days of July, 1941 and Mr. Janelsins also has personal knowledge of the respondent's whereabouts and activities. I should also mention that Janelsins' name appears on one of the exhibits from the Soviet Union that the Government used on cross-examination of the respondent. Mr. Lobe is referred to in the statement given by Government witness Ber Mandelkom. I believe that the testimony of these proposed witnesses is essential to the respondent's defense to the extent that it is anticipated the testimony will corroborate the respondent's direct testimony and refute the Government's purported evidence. I have arranged for an attorney in Stockholm to conduct these depositions as soon as we inform him when he may start.

6. Even if all of the proposed witnesses were willing to travel to the United States to give testimony, respondent would not have enough money to pay for their trip over here. The respondent is retired and does not have sufficient income to pay the type of expenses this would entail. Consequently, depositions are the only

reasonable means for the respondent to present to this Court the available evidence in his favor.

WHEREFORE, I respectfully request that dates be fixed for depositions to be taken in Melbourne, Australia and Stockholm, Sweden.

Dated: June 21, 1978

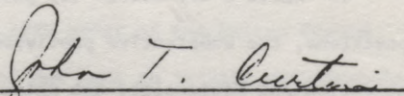

Ivars Berzins

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

| | | |
|---|---|------------------|
| VILIS A. HAZNERS, | : | CIVIL 77-514 |
| Plaintiff | : | |
| -vs- | : | |
| UNITED STATES DEPARTMENT OF JUSTICE, et al., | : | <u>O R D E R</u> |
| Defendants | : | |

This matter having come on to be heard before me upon the plaintiff's Notice of Motion dated February 15, 1978, together with the Affidavit upon which it is based and after having read the defendant's Memorandum in Opposition to the relief requested in the Motion and upon all the pleadings and proceedings heretofore had herein and after hearing Roger P. Williams, Assistant United States Attorney, of counsel, for the defendants, in opposition to the Motion of the plaintiff and due deliberation having been had thereon, it is

O R D E R E D, that the defendants file a Vaughn Index together with an Affidavit supporting the withholding of records deemed to be exempt from compelled disclosure pursuant to the Freedom of Information Act on or before May 1, 1978.


UNITED STATES DISTRICT JUDGE

March 7, 1978

APR 20 1978

In the Matter of

File No. A10 305 336

VILIS A. HAZNERS,

ANSWERING AFFIRMATION

Respondent.

Ivars Berains, an attorney admitted to practice law in New York and appearing as attorney of record for the respondent in this proceeding, under penalties of perjury, affirms:

1. I submit this affirmation in support of the motion I made on June 1, 1978 for depositions of witnesses in Sweden and Australia and in answer to Mr. Mendelsohn's July 3, 1978 reply.
2. Mr. Mendelsohn's reply appears to have been served on July 3, 1978 but I received it only on July 7, 1978. Consequently, I did not have it in my possession at the hearing on July 6, 1978.
3. The tone and style of Mr. Mendelsohn's reply betrays a belief that the respondent must satisfy the government that depositions are appropriate. Fortunately, the law does not impose a burden of that magnitude on the respondent. The respondent must satisfy this Court, not the government, that his proposed witnesses are not reasonably available and that their testimony is essential. It is within the discretion of this Court to determine what showing on the part of the respondent shall be deemed satisfactory. If the government's viewpoint were to prevail, the barriers to depositions would be insurmountable.
4. While 8 CFR 242.14 (c) provides the procedural framework for taking depositions, the substantive provisions are contained in Section 242 of the Immigration and Nationality Act which provides that the alien shall have a reasonable opportunity to present evidence in his own behalf. I submit that the concept of "reasonable opportunity" precludes the raising of insurmountable barriers. The opportunity has to be reasonable not in theory but in actual practice in the context of the reality confronting a respondent.
5. I do not believe it is reasonable to cast upon respondent's counsel the burden of determining whether the law in Sweden and Australia permits the

taking of depositions. We have consulates in both of those countries. Our consul could ask the officials in those countries whether they have any objection to their citizens voluntarily appearing at our consulate to testify. I cannot imagine any objection being raised. After all, we are not asking those countries to intervene and compel their citizens to assist us.

6. I do not know what "pacta sunt servanda" is and quite frankly, I do not care. I should think our State Department has experts in these matters who could for the asking advise Mr. Mendelsohn on every aspect of taking depositions in Australia. If there is some sort of a diplomatic hang-up concerning depositions in Australia, let the government inform this Court accordingly. It is neither logical nor reasonable to require the respondent to retain a diplomat in addition to an attorney to assist him with his defense.

7. Mr. Mendelsohn must have his tongue in cheek when he declares in paragraph 3 of his reply that "the government is anxious for a prompt resolution of this matter". On March 9, 1978 in Albany I advised this Court that some of the respondent's witnesses are in Australia and others in Sweden and that it may be necessary to take their depositions there. Mr. Mendelsohn did not voice any objections at that time. See pages 1158 and 1159 of the record. Neither has he up to this point put me on notice that the government expects me to do all the legal and diplomatic research to determine whether depositions could be taken in Australia. If Mr. Mendelsohn was interested in a prompt resolution of this matter, he would have put me on notice of his objections a long time ago. I must also point out that Mr. Mendelsohn, who controls the documents, still has not complied with the March 7, 1978 order of the United States District Court for the Western District of New York to justify the withholding of information under the Freedom of Information Act and Privacy Act. See annexed copy of U.S. Attorney's July 11, 1978 letter. Mr. Mendelsohn is aware of this Court's May 19, 1977 order affording the respondent additional time to make motions in this proceeding on the grounds that his Freedom of Information Act and Privacy Act requests for documents have not yet been adjudicated. If Mr. Mendelsohn wanted to move this proceeding along, he could surely start by

complying with Court orders and disclosing such exculpatory documents as have been denied to the respondent thus far in the course of this deportation proceeding as well as under the Freedom of Information Act and the Privacy Act.

8. If Mr. Mendelsohn's desire for a prompt resolution of this matter was genuine, the first thing he would have done is to join me in a motion to dismiss the charges and allegations on the grounds that the government has failed to sustain its burden of proof. Since he lacks the courage to do that, at least he ought not posture around as a proponent of prompt resolutions. His track record for dilatory tactics speaks for itself.

9. In vivid contrast to what the government expects respondent to prove on this application stands the government's own motion for depositions in another deportation proceeding, In the Matter of Karlis Detlavs, File No. A7 925 159. That proceeding is somewhat similar to this one to the extent that Maria Radiwker prepared all of the government witnesses and some of them testified in this proceeding. A copy of the government's motion is annexed to the original of this affirmation. Nowhere in that motion does the government explain to the Court the soviet law, or rather lack of it, pertaining to depositions and nowhere does the government point out where and how the depositions are to be conducted. The government never offered to furnish the dates, places of birth and aliases of any of its proposed witnesses. The assertion of unavailability is a mere conclusion without any evidenciary operative facts to back it up and equally conclusory is the assertion that the testimony of those witnesses is essential. Why the double standard? Why should the government have depositions just for the asking and the respondent be put to the heaviest of burdens in establishing the need for his depositions?

10. I believe the respondent has made an adequate showing of the unavailability of his proposed witnesses to testify in New York. I respectfully refer this Court to paragraphs 4, 5, and 6 of my June 21, 1978 affirmation. In order to properly defend my client, I should have gone to

Australia and Sweden to personally interview each of the proposed witnesses. I would then be in a position to make a detailed factual showing as to the circumstances of each. Unfortunately, I do not have a client as wealthy as the government of the United States. Congress has not seen fit to allocate any portion of the \$2,000,000.00 for defense. For lack of funds, I have been obliged to correspond with the proposed witnesses. A letter is no substitute for a face-to-face conversation under these circumstances. I do not personally know these people and I am not in a position to ask them to submit to me affidavits or reports from their doctors disclosing to me their medical condition. I understand that one of them is over eighty years old. How can I insist that he come here to testify? How can I ask any of them to come here at their own expense? Shouldn't I at least offer to pay their plane fare if I ask them to come here? I have no means for compelling these people to do my bidding, I must rely on their sense of justice and fair play.

11. There is nothing mysterious about the three witnesses in Australia whose names and addresses I have thus far not disclosed. For one of them I did not have the correct address and my letters never reached him until recently. On July 8, 1978 I finally received a letter from him agreeing to testify on my client's behalf. Until that letter arrived, I obviously was not in a position to name him as a proposed witness. The gentleman's name is Verners Voitkus, Flat 17, 70 the Boulevarde, Strathfield, 2135, NSW, Australia. This gentleman was also employed for a time at the Ann Street Headquarters in Riga where my client was employed. He has personal knowledge of what my client was doing there. The second gentleman in Australia whom I have not named has not yet answered my letter inviting him to testify. Consequently, I am not in a position to propose him as a witness, I only hope to do so as soon as I hear from him. Perhaps my letters to him have gone astray and not been delivered since I am told there was a postal strike in Australia.

12. Similarly, there is nothing mysterious about the expected testimony

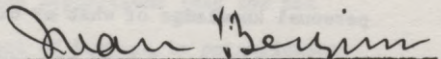
of the proposed witnesses. I believe I have adequately outlined their testimony in my July 21, 1978 affirmation. In my opinion, their testimony is essential. If this Court should be of a different opinion, I shall by all means abide by this Court's opinion and endeavor to furnish such additional information as may be sufficient to satisfy this Court that the testimony is indeed essential.

13. Mr. Mendelsohn seeks the dates and places of birth and the aliases of all the proposed witnesses. I fail to see the relevance of that request to the issues to be decided on this motion. As I see it, the only issues are whether the witnesses are available and whether their testimony is essential. The information requested sheds no light on those issues. Mr. Mendelsohn is obviously trying to engage in unauthorized discovery. He no doubt would prefer to have photographs of those witnesses also, so that he could pass them on to Maria Rudiwker so she can interview several hundred people and thusly locate five willing to testify that one or all of these proposed witnesses stood at my client's side at the ghetto gate. I have no objection to Mr. Mendelsohn asking the witnesses those questions when he gets them on the witness stand on cross-examination, but I am reluctant to go pester the witnesses with those questions at this time. Moreover, there is no statutory or regulatory authorization for a discovery proceeding of that type.

14. I offer to cooperate with this Court in any manner it may deem helpful to secure a just, speedy and inexpensive determination of this proceeding.

WHEREFORE, respondent requests that an order be entered affording respondent the opportunity to depose his witnesses in Sweden and Australia.

Dated: July 19, 1978


Ivars Bersins

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION COURT, NEW YORK, NEW YORK

In the Matter of

VILIS A. HAZNERS,

Respondent.

File No. A10 305 336

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the annexed affirmation of respondent's attorney, Ivars Berzins, the respondent shall move this Court before the Honorable Anthony M. De Gaeto, the Immigration Judge presiding at this deportation proceeding, on August / , 1978 at 10:00 A.M. at Room 13-130, 26 Federal Plaza, New York, New York, for an order quashing the interrogatories and request for production of documents served by the government upon the respondent on May 16, 1978 and for such further relief as may be appropriate to bar the government from further efforts to conduct discovery proceedings of the respondent's defense.

Dated: July 19, 1978

IVARS BERZINS
Attorney for the Respondent
484 West Montauk Highway
Babylon, New York 11702
516-661-3540

TO: Martin Mendelsohn, Esq.
Special Litigation Unit
Office of General Counsel
Immigration and Naturalization Service
425 I Street, N.W.
Washington, D.C. 20536

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION COURT, NEW YORK, NEW YORK

In the Matter of

File No. A10 305 336

VILIS A. HAZNERS,

AFFIRMATION

Respondent.

1. On May 19, 1978, I received from the government interrogatories and request for production of documents, dated May 16, 1978, a copy of which is annexed to the original of this affirmation. Mr. Mendelsohn had previously informed me of his intention to send me some interrogatories and I had promised to review them and let him know what I think. At no time have I conceded that the government has the right to require the respondent to answer any interrogatories and furnish any documents. At no time have I promised that the respondent shall voluntarily answer interrogatories or furnish documents.

2. By the simple expedient of serving interrogatories and request for production of documents, without bothering to apply to this Court for an appropriate order permitting the government to do so, the government after having rested its case, is now seeking discovery from the respondent. When the respondent sought discovery from the government, he at least made a motion for an appropriate order.

3. Government cites Sections 103,235, 242 and 287 of the Immigration and Nationality Act as authorization for these interrogatories to the respondent. Those sections do not require the respondent to answer any interrogatories and produce any documents of the type propounded by the government. Section 235 does authorize the government to seek a subpoena compelling a person's testimony and production of records, but that authorization surely does not encompass conducting discovery proceedings of the respondent's proof in an on-going deportation proceeding. Let the government cite a single case that approves their proposed procedure.

4. Mr. Mendelsohn's reasons for wanting the information are rather obvious: if respondent is a criminal, his friends and former associates must also be criminals and therefore I must get as much information on them as I

can so they can be investigated and exposed as liars and accomplices.

5. It is equally obvious what Mr. Mendelsohn proposes to do with the information: he will pass it to the State Department which in turn will contact the Ministry of Foreign Affairs of the U.S.S.R., pass the information to it and request Soviet information on those people. The information will thusly come into the able hands of the KGB which shall put it to its own sinister uses. In addition, Mr. Mendelsohn shall pass the information on to the Israeli authorities who shall give it to Mrs. Rudiwker's colleagues for their able attention. They in turn will interview hundreds of people in their customary fashion until they find at least five who are willing to testify that each of the proposed witnesses stood next to respondent and wielded a club at the ghetto gate.

6. How can I, as an attorney, approach these proposed witnesses and ask them to supply all of the requested information to me without disclosing to them what use may be made of the information? Invariably they will ask me, what do you need all that for? If I give them a truthful answer and tell them that the information will be furnished to the United States government, what chance do I have of securing the information and getting the people to voluntarily appear for depositions? Any sane person would tell me just where to go. How many of us would willingly tolerate such unwarranted invasion of personal privacy?

7. In real life normal people are reluctant to come to any court and testify in any case, much less a case that has generated so much unfavorable publicity. On top of it to require each witness to undress in public, is asking too much.

8. If the sub-divisions of each question are counted, the government has propounded nineteen interrogatories. I shall address them separately after I make some general observations.

9. The interrogatories are strange in that they require the respondent himself to answer under oath very specific and detailed questions regarding the personal affairs of persons other than himself. This puts an intolerable burden on the respondent to the extent that he is bound to give accurate answers under the penalties of perjury. How can he possibly do so when he has no means for

obtaining accurate information of that type except by hearsay? In effect, he is being asked to become the guarantor of the accuracy of information that he receives from third persons. This burden, I submit, is intolerable.

10. I vividly recall many instances throughout the course of this proceeding when this Court was of the opinion that I am proceeding too far afield in my cross-examination and I was obliged to curtail my efforts. It seems to me that Mr. Mendelsohn now proposes not only to wander far afield but to reach another planet. I submit that many of the questions he now poses as interrogatories could not be asked of the witness if the witness was in our courtroom on the witness stand.

11. Except for the question relating to health, I would have no objection if the government asked the rest of the questions in interrogatory 1(a) of each witness on cross-examination. The health of the witness may be relevant only on the issue whether he is able to travel to the United States to testify. Otherwise, his health is irrelevant. Similarly, the aliases of each witness can be inquired into on cross-examination. The government has no right to insist that this information be furnished to them before each witness testifies. A requirement such as that only tends to erect a barrier to getting the witnesses to voluntarily appear for a deposition.

12. With respect to interrogatory 2, I rather doubt that this Court would allow the government on cross-examination to elicit from each witness his residence addresses from 1939 through 1978, a period of almost forty years. To require the respondent to do it on behalf of the government is simply ludicrous.

13. With respect to interrogatory 3(a), I would have no objection to that question being asked on cross-examination since it pertains to the immediate identity of the witness, but sub-paragraphs (b) and (c) go far afield and again tend to erect an insurmountable barrier to the respondent's ability to secure the attendance of the proposed witnesses.

14. Portions of each sub-paragraph of interrogatory 4 may very well be proper subjects for cross-examination but to answer the entire interrogatory is too burdensome. Interrogatories 5 and 6 fall into the same category as interrogatory 2 and merit no further comment.

15. Interrogatory 7 is a proper subject for cross-examination but surely not anything else.

16. Interrogatory 8 falls in the same category as interrogatory 2.

17. Sub-paragraphs (a) and (b) of interrogatory 9 may very well be proper subjects for cross-examination but sub-paragraph (c) goes far afield and cross-examination along those lines may be improper.

18. Interrogatory 10 would be proper in the context that the respondent has to indicate the essential nature of the testimony he expects to obtain through the depositions, but it need not be detailed.

19. Interrogatory 11 is pertinent and the proper subject for inquiry on an application for depositions.

20. The government seems to be totally oblivious to the plight of the respondent. He has no means for compelling his proposed witnesses to give any testimony whatsoever, much less to submit to the gross invasion of personal privacy proposed by the government even before they reach the witness stand. It is one thing to conduct a searching cross-examination but quite another to pre-qualify each witness to the extent that the witness may be completely discouraged from voluntarily appearing for the deposition.

21. I would not have the audacity to ask each of the proposed witnesses to comply with the questions posed in Mr. Mendelsohn's interrogatories.

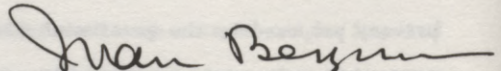
22. The government's rather clumsy attempt to conduct an unauthorized discovery proceeding should be emphatically rejected. Throughout this proceeding the government has turned a deaf ear and stone-walled every attempt by the respondent to secure information and documents that would assist him in his defense. Documents that are clearly exculpatory the government disclosed for the very first time when it cross-examined the respondent rather than turning them over to the respondent at an earlier date. Now Mr. Mendelsohn has the unmitigated gall to cavalierly demand detailed disclosure from the respondent.

23. Whether the government can ever serve upon a respondent interrogatories and demand disclosure is not the question before this Court at this time, the

question is much narrower: can the government serve interrogatories and demand disclosure of the respondent after it has rested its case in an on-going deportation proceeding. I submit there is neither statutory authority nor precedent for the proposed procedure.

24. If the government's view was to prevail, the net effect would be to preclude the respondent from ever securing the voluntary appearance of his witnesses for depositions. An insurmountable barrier to depositions would have been erected and the respondent would be precluded from a reasonable opportunity to present to this Court the available evidence in his favor. This goes to the very heart of a fair hearing and procedural due process in the constitutional sense.

WHEREFORE, respondent requests an order quashing the government's interrogatories and request for production of documents and declaring that the government has no right to serve any further or additional interrogatories and requests for production of documents upon the respondent.


IVARS BERZINS

Dated: July 19, 1978

Ivara Bērziņa biogrāfiskās ziņas īsumā ir šādas: Viņš ir dzimis 1936. gada 29. februārī Rīgā, ASV kopā ar vecākiem iecēlojus



1950. gada 13. janvārī (no Vācijas, saskaņā ar DP likumu). 1954. gadā beidzis vidusskolu Saginavā, Mičiganā. BS gradu civilinženieru fakultātē ieguvis 1958. gadā Michigan College of Mining and Technology, bet LLB gradu jurisprudencē 1962. gadā The George Washington University Law School.

Kā advokāts licencēts Virdžīnijā (Virģinia) 1962. gadā un Ņujorkā 1965. gadā.

Ieguvis praktizēšanas tiesības visās NY tiesās un Ņujorkā esošās federālās tiesās, kā arī ASV Augstākā tiesā (Supreme Court).

Bijis ALAs valdes loceklis, kā arī Amerikas Latviešu Jaunatnes Apvienības (ALJAs) valdes priekšsēdis.

Kopš 1969. gada darbojas savā personīgā advokāta praksē Ņujorkas Longailendā.

Kaut kādi man atmiņā palikušas trīs viņa liecinieku iztaujas: pirmā bija ar Mendelkornu, kuŗš bija arī pirmais valdības liecinieks manā apsūdzības lietā. Šis liecinieks šķita diezgan „slīpēts” un kā Bērziņš teica sēdes pārtraukumā — „Es netieku viņam klāt,” bet drīz vien pēc tam, viņš jau bija izdibinājis, ka Mendelkornam ir bijusi sadarbība ar čeku Rīgā un kā pēdējo jautājumu viņam uzstādīja: „Vai jūs kādu no šiem lieciniekiem esiet kaut kur agrāki dzīve saticis — Latvijā jeb Telavīvā?” Mendelkorns atbildēja, ka nekur agrāki, vienīgi tagad tiesā Albānijā. Ar to arī viņa iztaujāšana beidzās.

Otrā lieciniece bija Chawa Ljak. Viņas liecība gan bija ārkārtīgi nesakarīga, pie kam Bērziņš šij nesakarībai vēl „uzlika kroni” diezgan komiskā kārtā. Viņš jautāja vai lieciniece ir liecinājusi citu personu apsūdzības lietās un kad atbilde bija „jā”, tad jautāja viņai:

— Vai jūs arī liecinājat Vācijā Taberta lietā?

Atbilde: jā.

Bērziņš: un šo cilvēku attaisnoja?

Ljak: jā.

Bērziņš: tāpēc, ka visi liecinieki meloja?

Ljak: jā.

Bērziņš: paldies. Un pagriezies pret tiesnesi: man lieciniecei vairāk jautājumu nav.

Ljak bija noķerta melos un arī viņas nesakarīgās liecības pēc, turpmākā tiesas gaitā viņu neviens vairs par pilnu neņēma.

Trešais bija Jacob's Noy's. Par to jau daudz rakstīts Bērziņa aizstāvības iesniegumā, bet palicis atmiņā advokāta pēdējais jautājums viņam. „Vai jūs esat kādu no šiem lieciniekiem saticis arī agrāki.” Atbilde: „Nevienu, atskaitot Mendelkornu, ar kuŗu Rīgā dzīvojam vienā

namā, blakus dzīvokļos." Ar to Noy's bija iegāzis melos arī savu draugu Mendelkornu.

Pati par sevi bija interesanta Bērziņa saruna resp. Radivkeras iztaujāšana. Arī to Bērziņš ir analizējis savā attaisnošanas iesniegumā... Tā tiesas sēdes bija arī interesantas ar advokāta prasmīgo pieeju visiem šiem meļiem...

Tiesāšanas izdevumi

Uzsākot manu tiesāšanu nebija šaubu, ka tā prasīs nevien lielu neru piepūli, bet arī daudz materiālu izdevumu. Man kā pensionāram ienākumi bija knapi pietiekami iztikai, vēl strādājot alga bija ļoti pieticīga un iekrājumu nekādu nebija.

Tiesī pēdējais apstākļi prasīja daudz rūpju un sagādāja gandrīz vienu otru neatrisinamu problēmu. Laimīgā kārtā manā tiesāšanas sākumā jau bija nodibināts Latviešu patiesības fonds un tā man cits nekas neatlika, ka lūgt tā palīdzību.

Pēc savas dabas esmu rūpīgs savu dokumentu kārtotājs un tā arī varu pieminēt cik man šī ilgā tiesu gaita prasīja tīri materiāli lielus izdevumus.

Pēc manas grāmatvedības datiem kopš tiesāšanas sākuma 1976. gadā no Patiesības fonda esmu saņēmis \$52.832.76 un pats no savas kabatas sedzis \$14.466.27 vai kopā \$67.299.03.

Šādi izdevumi ir bijuši līdz 1980. gada 13. decembrim. Pēc tam vēl nedaudz segtos izdevumus vairs reģistrējis neesmu, bet manā grāmatvedībā uzrādīti kā dažādi izdevumi.

Gribu piezīmēt, ka visa šī lielā summa no Patiesības fonda nav palīdzējusi segt vienīgi manus personīgos izdevumus, bet daudz no šīs summas izlietots arī tādiem izdevumiem, kuŗi vairāk varbūt ir kalpojuši nevien man personīgi, bet arī citiem apsūdzētiem, kā piemēram dažādu dokumentu sagāde, sakari ar Vācijas iestādēm un tt.

Arī uzrādītā summa no manas kabatas ir zemāka, jo man materiāli palīdzēja nevien vairākas organizācijas, kā piem. Daugavas Vanagi, korporācija Lettgallia, bet arī daudzi draugi (kuŗu visu vārdus es negribu pieminēt zināmu apsvērumu pēc), tā arī apliecinādami savu izcilo morālo atbalstu šķiet manā grūtākā dzīves posmā.

Savu izdevumu daļu sedza (un tā nav mazā) arī mani dēli, bet šīs summas man nav reģistrētas.

Tā kopējā izdevumu summa krietni pārsniedz jau minēto.

Terrors

Kāds noskaņojums valdīja mūsu mājās pēc manas tiesāšanas ievadījuma, liecina manas sievas Elzas vēstules 1978. gada 26. martā no Florīdas, kur viņu „nosūtījām” nervu atslodzes atpūtā, šāds saturs, iepriekš paskaidrojot, ka viņa to raksta pēc kādām Lieldienas svētku viesībām, kurās piedalījušies trīs Latvijas armijas un Leģiona bijušie virsnieki, kuri visi mani ļoti labi pazīst. Kā tajā laikā bija pierasts, tad saruna skārusi arī mani. Un mana sieva, cita starpā savā vēstulē raksta:

„... mēģinu rakstīt, bet es visa vēl iekšķīgi trīcu no dzirdētā un pārrunātā ‚Lieldienu partijā’... Nakti negulēju... Kāds zvērs ir cilvēks!...

Ārprātīgais pasaules ļaunums! Kādēļ mēs klusējām? (tas attiecas uz žīdu meliem, VH)... Mums jārunā, jāraksta, jāpierāda patiesība! Bet mēs esam nabagi... Mums nav žīdu nauda, ar ko uzpirkt katrus melus...

Iedod man Ivara (mana advokāta) telefōnu. Gribu no Ņujorkas piezvanīt... Vai esmu kļuvusi panaroida? Es neticu vairs nekam. Ar meliem pazemot un apkaunot latviešu virsnieka godu?

Starp mums ir bijuši asins suņi, tāpat kā Kristum starp 12 mācekļiem — viens bija Jūdass, — bet mēs sodīsim paši. Ne žīdam, ne amerikānim uz to nav tiesību. Mēs paši, ja mums atkal būs sava valsts, liksim par visu atbildēt. Par visu ir jāatbild! — Bet nedrīkst apmelot Tevi — Tu, kas esi godīgi cīnījies par Latvijas brīvību... Es izmetu teikumu, ka Tu laikam biji par glēvu, ka Tev vajadzēja pacelt ieroci pret neliešiem... un viņi visi trīs reizē iesaucās: ‚Nē! — Viņš to nekad nevarēja darīt. To viņam neatļāva virsnieka goda kodekss!’

Ak, Dievs, un Tev vajadzēja sēdēt tiesas zālē un klausīties, kā komunistu uzpirkts žīds rāda ar pirkstu un apgalvo, ka Tu esi slepkava!

Bet patiesība vienmēr kājām mīta. Par patiesību cīnas tikai muļķi. Domāju par mūsu dēlu. Arī viņš ir naivs ideālists. Kaut ko sasniegt, uzkāpt augstāki, var tikai ar naudu un bezkaunību.

Mēs esam nabagi — patiesības mīlētāji. Godīgi nabagi...

Bet paliksim pie — ‚Labāk nomirt ar godu, nekā dzīvot ar negodu.’

Bet mūsu ģimenes gods ir aptraipīts meliem!... Viss manī sagriezies... Atbraucu te, lai būtu prom no visa. Nedzirdēt, neklausīties, iegūt mieru, uzņemt sauli un ziedu smaržu... Viss, viss ir atkal uzvandīts. Viss manī sacēlies. Tik mana balss ir par vāju, neviens manī neklausas... Ļauj man braukt uz Latviju, uzsist kulaku uz spodrā ‚kultūras ministra’ rakstamgalda: ‚Atbildi, atbildi! Pierādi, pierādi savus melus!’...

Patiesība ir jāpierāda!

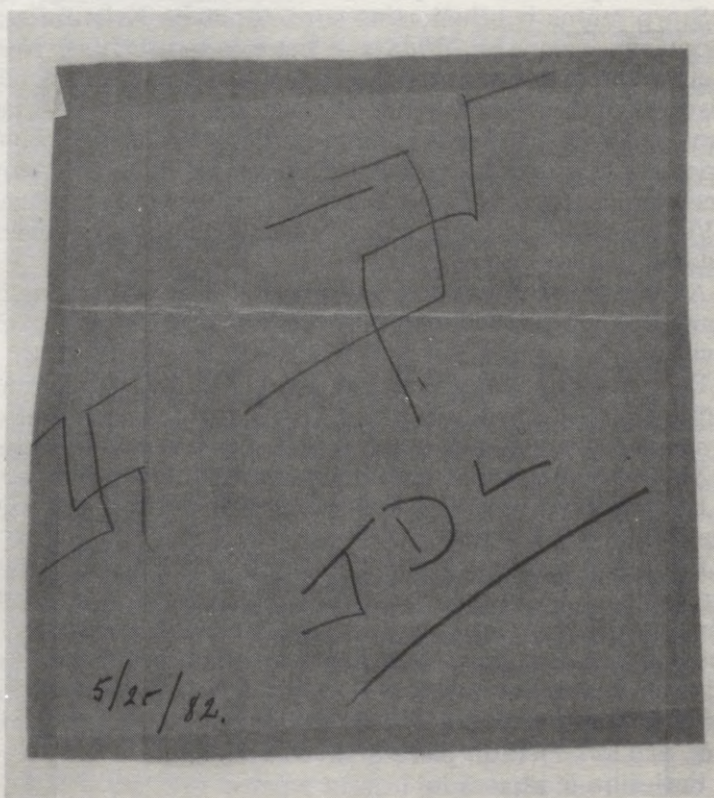
Man nevajadzēja visu Tev to rakstīt. Tev vajaga miera un daudz, daudz vēl spēka. Par mani nebēdā. Es izturēšu. Naidis, kas mani ir sacēlies ir stiprāks par nāvi.

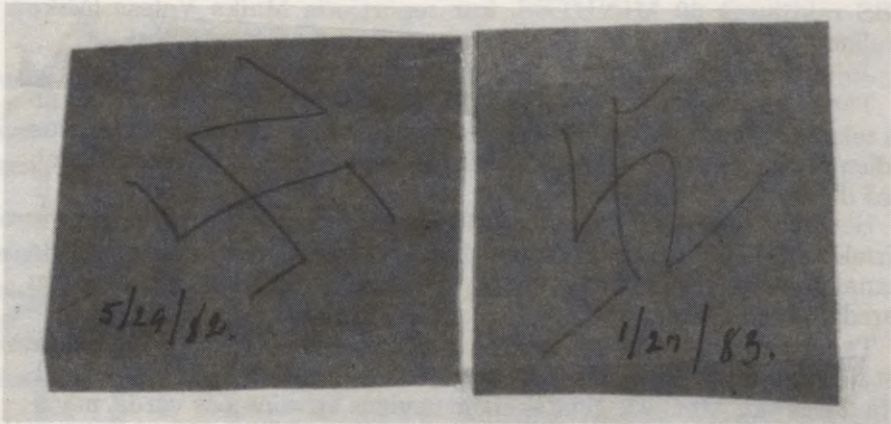
Sāp latviešu tautas gods un negods!”

Bet man prasītais miers netiek dots vēl šodien! Par to rūpējās mani negoda cēlāji — židi!

Mani tiesa šajā taisnības zemē attaisnoja pa divi lāgi, kā šajā grāmatā ievietotie dokumenti rāda, tad pirmo reizi jau 1980. gada 27. februārī (Albānijas tiesā) un otro reizi 1981. gada 15. jūlijā (Apelācijas tiesā), *bet šie fakti vēl līdz šai dienai nekur nav publicēti!* Un tas atļauj „nezinātājiem” mani vēl šodien terorizēt dažādos veidos. Pieminēšu raksturīgākos:

- manas telefona sarunas tiek vēl arvienu noklausītas,
- mans pasts tiek cenzēts, bieži vēl arvienu dažas vēstules pazūd, vairākas pienāk sabojātas, ar skaidri redzamiem bojājumiem: atplēstas, saņurcītas un pēc tam redzami aizlīmētas (vēl pat 1983. gada martā), pazudušas vēl šogad!
- aploksnes tiek „apgleznotas” ar vācu ugunskrustu un burtiem JDL! (sk. zemāk),
- pa telefonu pienāk (vēl nesen) draudi, soloties mani iznīcināt un tamlīdzīgi.





Saprotams, tiesas sākuma laikā draudu bija vairāk: kad pirmajā tiesas dienā atbraucu mājās no Albānijas, pēc īsa laika ieradās vietējais šerifs ar policijas spēkiem, lai pārņemtu manu un manas mājas apsargāšanu. Uz jautājumu kāpēc tas jādara, šerifs atbildēja ka šāds rīkums esot nācis „no pašām augstākām instancēm”, jo tās esot brīdinātas, ka mani nolaupišot. Šī apsargāšana ilgu laiku bija ļoti iespaidīga un reizēm liekas, ka tā notiek ļoti neuzkrītoši vēl šodien.

Ko viss tas nozīmē? Kāpēc?

Pie manām mājām, uz lauku ceļa, šajos gados ir notikušas trīs demonstrācijas: 1979. gada 13. augustā, 1979. gada 4. novembrī un pat vēl 1980. gada vasarā.

Pirmās divas demonstrācijas ir pieminētās arī vietējos laikrakstos. Pašas pirmās laikā vietējie iedzīvotāji pat sarīkoja plašu pret demonstrāciju, kuŗa daļēji aprakstīta arī pieminētos laikrakstos. Otrās un trešās demonstrācijas laikā es lūdzu savus kaimiņus tās ignorēt, jo tādā gadījumā nebūs iespējams demonstrētājiem sagādāt jebkādu publicitāti. Tas arī tika darīts. Otrā demonstrācijā demonstranti pie manas mājas bija „aizmirsuši” plakātu ar uzrakstu „Remember Gogol Street”, kaut man gan patiešām nebija iespēja šo vietu atcerēties, jo tās tuvumā pat savu mūžu nebiju bijis! Plakāts gan zīmīgi bija sarkanā krāsā. Demonstranti bija uz ceļa izmētājuši zemākminēto lapu, tā arī pasakot, kas šie demonstrētāji bija.

Demonstrācija 1980. gadā jau bija rīkota ar nolūku, lai manu dzīves vietu un arī mani paši no kādiem veciem laikrakstu foto uzņēmumiem ietilpinātu žīdu gatavotā Holocausta filmā.

Par visām šīm demonstrācijām tiku savlaicīgi brīdināts. Tās vietējā policija gādīgi apsargāja, lietojot pat helikopterus, kaut gan visas demonstrācijas notika ļoti miermīlīgi un atskaitot 1979. gadā minēto neviens tās neievēroja. Holocausta filmu gan vēlāku atkārtoti rādīja TV (CBS stacija), tā parādot gan kāda „kaŗa noziedznieka” dzīves vietu un viņu pašu, *jau sen, kad viņš tiesās bija attaisnots.*

Kā izcila bezkaunība un apvainojoša izdarība bija manis pieminēšana un apvainošana par kaŗa noziegumiem sen pēc manas attaisnošanas

CBS raidījumā 60 MINUTES, kur reportieris Maiks Valess (Mike Wallace) to vēl darīja 1982. gada 16. maijā un 12. septembrī.

Jājautā ar manas sievas vārdiem: vai to var piedot?

Tāpat nevar taču piedot manu pasta cenzēšanu, vēstuļu pazušanu un telefona sarunu noklausīšanos vai traucējumus (kākus trīs mēnešus ikdienas!) un naivo taisnošanos, kādus deva šīs atbildīgās iestādes. Jeb mēs dzīvojam policejiskā valstī?

Bet patiesības labā jāpiemin arī pāris atzīnību pelnijuši notikumi. Pirmkārt lielā uzmanība, kādu policijas ierēdņi un tiesas maršāli veltīja manai apsardzībai. Tādu uzmanību drošības jautājumos nekad nebiju paredzējis un pieredzējis!

Tāpat par godu jāliecina tai žīdu publikai, kuŗa piedalījās jau pieminētajās demonstrācijās pie manas mājas un tai, kuŗa bieži vien pārpildīja tiesas zāli Albānijā. Neatskanēja neviens apvainojošs vārds, neviens rupjība, ko nevar teikt par citu nevainīgi apmeloto tiesas gaitām. Vienīgi pirmajā tiesas dienā, kad atbildējām uz preses ļaužu jautājumiem, kāda gados jauna žīdiete, nez kāpēc, izdvesa vārdu „Auschwitz”. Bet uz mana dēla Vitauta starpsaucienu “Lady, you are in wrong place!” palika klusi un kāda cita vecāka žīdiete, kad mans advokāts pieminēja Rīgu, izsaucās: “I am from Riga too” un kad Bērziņš jautāja vai viņa pazīst mani, tad noteica, ka esot par jaunu, lai mani atcerētos, kaut gan pēc izskata varēja būt gandrīz mana māte . . .

Var jau būt, ka vainīga bija mans stingrā apsardzība, bet tikpat labi tā var būt šīs žīdu tautas daļas nepārliecinošie meli, kādus man bija veltījuši jeb veltīja čekas izraudzītie liecinieki . . .

THE POST-STAR

Home Newspaper of the Adirondack Region

GLENS FALLS, NEW YORK

Saturday, Aug. 12, 1978

Demonstration Set

DRESDEN — About 25 members of the congregation of Temple Israel, Albany, will demonstrate Sunday at the home of accused Nazi war criminal Vilis Hazners.

Hazners is facing a federal deportation hearing for having allegedly entered the U.S. illegally.

He is charged with concealing his alleged participation in World War II crimes involving the Jewish persecution.

Hazners target of protesters

WHITEHALL (AP) — A confrontation developed Sunday near the home of accused Nazi war criminal Vilis Hazners when Jewish protesters led by an Albany rabbi were challenged by his defenders in the usually serene Champlain Valley community of Dresden near the Vermont border.

Hazners, a Latvian immigrant, has been charged by the U.S. Immigration and Natural-



VILIS HAZNERS

ization Service with entering the country illegally in 1956 by concealing alleged involvement in the extermination of Jews in Latvia during World War II. A deportation hearing

against Hazners, 73, was recessed in November and has not been scheduled for resumption.

"God does not forget, and we will not forget," chanted more than 20 persons from the Albany area during a three-hour demonstration, which a Washington County sheriff's deputy watched, saying he had orders to keep the protesters away from Hazners' home.

Rabbi Paul Silton of Temple Israel in Albany led with campers and staff members from Camp Givah in Berne.

Several Dresden residents and one man with a car bearing Vermont license plates challenged the demonstrators, carrying placards reading: "Go Home Jew Gestapo, Jews are a Vengeful People and Jews are Hypocrites and Thieves — Remember the Palestinians."

Rabbi Silton said the demonstration was scheduled on the ninth day of the Jewish month of Ab, a day for mourning tragedies of years past. He said, "Our U.S. government has become a sanctuary for Nazi war criminals."

Hazners has not been convicted of any crime or ordered deported.

The rabbi said the Torah warns Jews never to forgive those who commit genocide. He said he traveled to northern Washington County along Lake Champlain "to make (Hazners)

uncomfortable and let him know he can't hide."

Hazners was not seen by the demonstrators. It was not known if he was in his neat two-story wood-frame home at the time. The well-maintained home is surrounded by heavily flowered gardens.

His defenders, led by a man identifying himself as "John Christian" said the charges were false and Communist-inspired. They described Hazners as a good and gentle man, incapable of atrocities. He is charged with fingering Latvian Jews for extermination.

Christian said he represented the "Christian Defense League." Another defender, who identified himself as "John," said the media had given only one side of the story and threatened a television cameraman that he would smash his equipment if the cameraman attempted to film him.

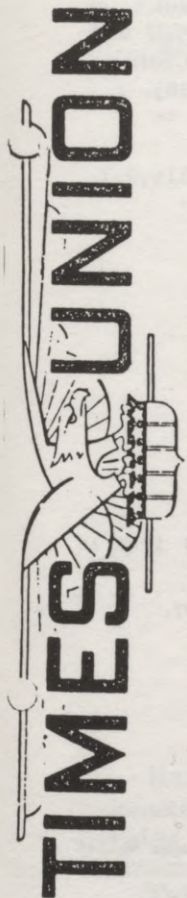
Hazners has refused to discuss his case with the media, hanging up when reached by telephone and failing to return calls.

Dresden is the home of several Latvian families, who fled their homeland during and after World War II when the Russians seized the Baltic nation.

Several members of the other families expressed shock and disbelief when

ALBANY, NEW YORK 12201, MONDAY, AUGUST 14, 1978

Hazners' name cropped up in magazine accounts of frustration encountered of employees of the Immigration and Naturalization Service when they sought to obtain action against alleged Nazis and Nazi collaborators.



Vigil quiet

DRESDEN — There were no incidents at Sunday's vigil by students at the house of a man charged with war crimes, according to the Washington County Sheriff's Department.

Deputies had been advised to keep an eye on the home of Vilas Hazners, 75, who is accused of collaborating

with the Nazis and of concealing involvement in war crimes.

Hazners is awaiting results of deportation hearings. The vigil was held by the Jewish Student Coalition of the State University at Albany.

THE POST STAR, Glens Falls, N.Y.
Monday, November 5, 1979.

FACT SHEET

VIGIL FOR JUSTICE

SUNDAY, NOVEMBER 4 BUS LEAVING CIRCLE 10:30 AM

1. Deportation Hearing concerning Vilis Hazners began in late January, 1977.
2. Hazners is charged with deportability under the Immigration and Nationality Act and the Refugee Relief Act.
3. The allegations concerning Hazners include beating, persecution, and directing murder.
4. Under the Immigration and Nationality Act and the Refugee Relief Act, it states that those persons who have committed such acts must not be accepted into the United States. If a person was admitted, and did perform such acts, the Immigration and Nationality Act and the Refugee Relief Act provide for that person to be deported.
5. During the hearing, which was completed in May, 1979, witnesses alleged that they saw Hazners;
 - a. beat and harass Jews outside of the Police Headquarters in Riga, Latvia.
 - b. push Jews into the Great Synagogue on Gogol Street in Riga, Latvia. The Synagogue was then burned to the ground.
 - c. Outside of the ghetto gate in Riga, Latvia, searching Jews and ordering others to beat certain of them, and to take away still others.
6. The post-trial briefs have been filed by both sides, and a decision is now being awaited.

WHY THIS VIGIL?

1. It is our intent to bring to the attention of those who support justice, that there is an alleged Nazi war criminal living in upstate New York, and that we expect that he will be dealt with fairly under the law.

2. It is our intent to publicize the fact that there are many other alleged Nazi War Criminals taking 'refuge' in this country, and it is the duty of every supporter of justice and freedom to see to it that every case is investigated, and if necessary, brought to a fair hearing
3. This is not an issue of the past. It is an issue of the present, and an issue of the future of all of us.

WORLD JEWRY COMMITTEE OF
 JEWISH STUDENTS COALITION--
 HILLEL
 457-7508

Morāles stiprinātāji

Kaut morāliski visus šos gadus, kopš mani sāka vajāt daudzkārt minētās trīs lielvaras — Padomju Savienība, Izraēla un Amerikas Savienotās Valstis, nekad neesmu bijis sabrucis, tomēr bija kādreiz tāds „melnais”, kādu grūti aprakstīt. Netaisnības pēc.

Tajā dienā, kad no Albānijas bija ieradusies vesela delegācija (kā tas redzams no tiesas pavēstes parakstiem), lai man nodotu personīgi aicinājumu ierasties tiesā, es to pārļasot sāku smieties, jo apvainojumi bija tik smieklīgi nepatiesi, kādus nekad nebiju ne iedomājies, ne gaidījis. Albānijas tiesas pārstāvji tā jocīgi uz manīm paskatījās, jo manu smieklus nesaprata. Vienīgi šķiet tos saprata kāds ASV robežsargu ierēdnis, kuŗš šos kungus bija atvedis pie manis un arī viņš pasmaidīja līdzī. Mana sieva bija manami uztraukusies un šis robežsargu ierēdnis viņu mīrināja, teikdams, ka visi šie apvainojumi arī viņam liekoties smieklīgi . . .

Bet vēlāku, sazinoties ar manu advokātu smieklī pamazam pārgāja, jo izrādījies kā arī visi meli tiesā ir jāpierāda un kad tas prasīs ilgu laiku, daudz naudas un bezgala stiprus nervus. Par pēdējiem es daudz nebēdāju, jo pats zināju un arī mani draugi bieži mīlēja pieminēt, ka man esot „striķa nervi”. Bet tiesas dienu tecējumā arī tie jau tās pašas pacietības pēc sāka palikt „vaļīgāki”. Un tā morāle arī lika savu stiprinājumu vajadzību radīt.

Saprotams, ka vislielākā stiprinājumu devēja bija mana ģimene — sieva un dēli. Sevišķi sieva, kuŗa ar manīm kopā bija nodzīvojusī jau vairāk nekā četrdesmit gadu un ļoti labi redzēja un zināja šo apmelojumu iemeslus, to radītājus (jau pieminētās trīs lielvaras) un redzējusi manus darbības gadus kā krievu, tā vācu okupācijas gados un it sevišķi izsekojusi manām gaitām Otrā pasaules kara vētrās.

Tikpat stingri mani balsti bija abi dēli — Daumants un Vitauts. Tie mani pazina kā tēvu un dziļi saprata mūsu ģimenes saites, kādas galvenām kārtām bija vijusi mana sieva.

Dēli zināmā mērā bija nobažījušies arī par manu fizisko drošību, jo tajā laikā jau tiesas lietas bija ievadītas iepretīm diviem citiem mūsu tautiešiem — Maikovski un Detlavu un tiem jau žīdu organizācijas gan mājās, gan tiesas zālē bija veltījušas dažādus uzbrukumus, pat dzīvību apdraudošus.

Un tā mani dēli kopš pirmās tiesas dienas vienmēr bija kopā ar mani gan tiesas zālēs, gan citādi, būdami nomodā par manu drošību, kā arī vienmēr man palīdzēdami atrast vajadzīgos argumentus iepretīm man veltītiem apmelojumiem. Pēdējās tiesas dienās, kad personīgi biju tiesas zālē, klāt bija arī vedekla Anita. Tās lielākās rūpes gan bija veltītas manam veselības stāvoklim. Bija tiesas dienas, kad man blakus uz apsūdzēto sola sēdēja arī abi dēli.

Jāpiezīmē, ka tas no viņiem prasīja arī lielus materiālus upurus, pie kam ne morāli, ne materiāli viņiem nekad nespēšu to atlīdzināt. Jāpieņem, ka dēlam Daumantam nācās arī ciest tīri personīgā dzīves jomā, jo viņš bija uzsācis aktīvu politisku karjeru, kā ASV, tā latviešu republikāņu partijā, kuŗa, tiesājot tēvu kā kara noziedznieku bija zināmā mērā jāpārtrauc pavisam jeb arī lielā mērā jāierobežo.

Šis ģimenes morālais spēka devums nekad un nekādos apstākļos man ne sievai, ne dēliem nebūs pa spēkam atlīdzināt.

Jauks bija arī visu kaimiņu morālais atbalsts, sevišķi no vietējo amerikāņu iedzīvotāju puses. Par mūsu latviešu kaimiņiem nav daudz ko stāstīt. Tie visi kā mūris nostājās manā pusē, jo nevienam nebija ne mazāko šaubu par manu apmelošanu un tās radītiem iemesliem. Bet ar lielu uzsvaru jāatzīmē vietējo iedzīvotāju, no kuŗiem visu vairumu pazinu tikai vārda pēc un citus nemaz, nostāšanās manā pusē. Tas bija negaidīts stiprinājums. To arī pieminēšu vēl citā šīs grāmatas vietā.

Lielu pārsteigumu nesagādāja bijušo cīņas biedru, Daugavas Vangu un sabiedrisko organizāciju vadības nedalīta nostāja manā pusē. Tie visi mani pazina kā no kaujas lauka, tā darbības trimdas sabiedrībā savas tautas labā. Te arī neatsverams bija vēlāku tīrs darbs atbalstot Patiesības fondu, kuŗš gan kalpoja visu apsūdzēto, arī melīgi un netaisnīgi, labā.

Man nav un nekad nebūs tik daudz vārdu spēka, lai par visu to pateiktu paldies maniem resp. mūsu atbalstītājiem.

Man pienāca arī simtiem vēstuļu, reizēm pavadīti ar kāda čeka pievienošanu, liecinieku pieteikšanās un tt. un tt.

Lai mani, mūs visus apmelotos, atcerētos un lai ar mūsu stāvokli iepazīstinātu trimdas sabiedrību, tad t. s. trimdas mazā prese nebei-

dza savos izdevumus aicināt ziedot Patiesības fondam un veltīja mums tīri personīgi labvēlīgus rakstus un sniedza vajadzīgo informāciju. Sevišķi tas sakams par Daugavas Vanagu organizāciju. Personīgi man jāatzīmē arī trīs cienījamu mūsu garīdznieku sevišķi veltīti aizlūgumi viņu baznīcās, lai Dievs stāv mūsu pusē. Tie ir prāvests Jānis Turks, mācītāji Elmārs Caune un Zanis Kristbergs, varbūt vēl citi, kuŗus man nav bijusi izdevība uzzināt. Vai to visu var maz novērtēt?

Tālāki šīs nodaļas noslēgumā pievienoju DV apvienības Indianapolē veltītu vēstuli man un viņu apkārtrakstu. Tādu bija arī no vairākām citām vietām, bet Indianapolē apvienības rakstus pieminu tāpēc, ka šo apvienību tajā laikā vadīja viens no izcilākiem Latviešu leģiona virsniekiem Visvaldis Jansons-Juraidis, kuŗš īsu laiku cīnījās arī manā padotībā uz Latvijas valsts robežām, aizstāvēdams mūsu tautas tiesības un godu.

Es ceru, ka citi līdzīgu rakstu sūtītāji par šo manu rīcību neapvainosies.

Indianapolē
11.martā, 1978.gadā

Mūsu draugam, kaŗa biedrim un izcilam latvietim,

VILIM H Ā Z N E R A M !

Apakšā parakstījušies latvieši šinī vakarā pulcējās lai atzīmētu Latviešu Leģiona dibināšanas dienu.

Un tā ka Tev bija tik tuvas saites ar leģiona dibināšanu un vēlākām kaujas gaitām, tad dabīgi ka domas šinī vakarā pievērsās Tev un Tavai pašreizējai cīņai par taisnību, un latviešu tautas un karavīru slavu.

Ar saviem parakstiem mēs gribam apliecināt ka Tu neesi viens un aizmirsts. Mēs visi esam ar Tevi savās domās un lūgšanās.

Lai Dievs ir ar Tevi un dod Tev uzvaru šinī cīņā pret ļaunām un atriebīgām varām!

A. Jansons
A. Reinmanis
C. Šabants
R. Dēķeris
V. Burģis

W. O'Connell
D. Bergins
Aida Currys
Dante Carver
M. Caure

A. Martinsons
K. Matulans
Fadon Aivars
Welda Cincis
Lietta Valdmans
E. Valdmanis
Valda Burģis
Andrea B. Burģis
Fānis Elberts
Kaiga Elberts
Zanis Zalman
Milda Rudovics.
Rūfija
A. J. Hauer
Ekeira Vitoliņi
Milda Janaga
Valdemārs Melnis
Skaidrite Melnis
Mikelis Rudovics

Peteris Vitoliņis
Magdalena Vitoliņi
Klāra Elberts
Markus Vitoliņis
V. Pūgura
M. Pūmāns
Dita Cūcāns
R. Cūcāns
O. Burģis
Daina Melhārdis
Eriks Pūmāns
Helena Mikels
Peteris Mikels
Gunda Burģis
Nora Ceriņa
Guido Burģis
Jānis Valdmāns
Roberts Pūmāns
Astra Melhārdis
Rasma Bērziņa
Agnija Melhārdis

Vēl 1981. gada 22. augusta DV apvienības Indianapolē izdevumā „Ziņnesis” šīs apvienības priekšnieks Visvaldis Jansons-Juraidis raksta:
„Pagājušā gadā es rakstīju vēstuli senatoram Richard G. Lugar'am, kurš manu vēstuli bija aizsūtījis ASV Tieslietu Departamentam, un Allen A. Ryan, Jr., Direktors no Speciālās Izmeklēšanas, man atbildēja.
Viņš sacīja, ka tas ir viņa uzdevums un pienākums izmeklēt un apsūdzēt aizdomās turētos „naci” kriminālus šeit ASV dzīvojošos. Viņš nevajādot visus latviešus Amerikā, bet tikai tos kas piedalījušies cilvēku vajāšanā „naci” režīma laikā Eiropā.

Tad, 1981. gada februārī, A. Braunfelds, kuŗš tai laikā bija DV ASV Ideoloģiskās nozares vadītājs, apkārtrakstā ziņoja, ka pres. Kārtera laikā ASV valdības pieņēma politisku lēmumu, sūtīt "Office of Special Investigation" darbiniekus uz komunistu pārvaldītajām zemēm, un meklēt liecības un pierādījumus pret „naci” kuŗi pašlaik dzīvo ASV. A. Braunfelds sacīja, ka vajagot rakstīt protesta vēstules par šo lēmumu prezidentam, tieslietu ministrim un senatoriem.

Viņš bija pielicis arī klāt — Ivara Bērziņa, latviešu advokāta vēstuli Galvenam Prokuroram (Attorney General) sava klienta Boļeslava Maikovska vārdā. Viņš aprāda savā vēstulē šo neloģiskumu, naivumu un politiskās intereses kādas šī Office of Special Investigation izrāda. Viņš arī saka, ka viņš nezinot nevienu apzinīgu novērotāju kas teiktu, ka komunistu tiesu sistēma ir taisna, un ka tai var ticēt.

Tad es, būdams labs Daugavas Vanags, aizrakstīju vēstuli mūsu prezidentam Reagan'am, un kopijas aizsūtīju Galvenam Prokuroram William F. Smith un Secretary of State — Alexander Haig'am.

Šo vēstuli aizsūtīju 1981. gada 20. martā, un tajā es sūdzējos par vajāšanām, kuŗas ir jāizcieš daži no mūsu tautas brāļiem šeit Amerikā. Teicu arī viņam ka latvieši ir labi šīs zemes pilsoņi-strādīgi, godīgi un ievēro šīs zemes likumus. Kādēļ ar mums tā apietas?

Pastāstīju arī mūsu prezidentam kādēļ mēs ienīstam komūnismu, un kādēļ komunisti ienīst mūs. Pastāstīju par izsūtīšanām, spīdzināšanām un slepkavībām, kuŗas latviešiem bija jāpārdzīvo komunistu okupācijas laikā. Aprakstīju arī ķengu grāmatas, kuŗas tiek izdotas komunistu Latvijā, un kā Lešinskis tās atmaskoja ka „safabricētas”. Un kā amerikāņu tiesu izmeklētāji tic šiem meliem. Pastāstīju arī mūsu prezidentam par vajāšanām un ciešanām kuŗas ir jāpārdzīvo Vilim Hāzneram un Boļeslavam Maikovskim melu un uzbrukumu dēļ no "Office of Special Investigation".

Un kā pēdējais plīķis sejā Amerikas latviešiem ir lēmums no Emigrācijas pārsūdzību tiesās, ka "Office of Special Investigation" darbinieki var braukt un iegūt liecinieku liecības un pierādījumus komunistu okupētā Latvijā, pret latviešiem šeit ASV.

Tas apšaubā ASV deklarāciju, ka tie neatzīst nelegālo un nelikumīgo Latvijas okupāciju.

Es rakstīju, Mr. President, šī "Office of Special Investigation" izmanto katru gadījieni lai apstiprinātu ka tie tic komunistu tiesu iekārtai kā taisnīgai un uzticības cienīgai.

Jūs, Prezidenta kungs, pats teiciet sava 1981. gada 29. janvāra preses konferencē, ka komunisti rezervē sev tiesības pastrādāt katru noziegumu, melošanu, krāpšanu — lai tikai veicinātu savu mērķi. Mēs lūdzam Jūs pārliecināt ASV Tieslietu Departamentu un Speciālo Izmeklēšanas Biroju, ka komunistu tieslietu iekārtai nevar uzticēties, ka tā ir tikai roka no komunistu partijas drošību iestādes, un kā tāda ir daļa no komunistu partijas.

Es arī sacīju, ka mēs, Amerikas latvieši protestējam ka 3 miljoni dolaru tiek izdoti no valsts kases "Office of Special Investigation" vajadzībām — kuŗa tad vajā mūsu brāļus!

Es nesaņēmu nekādu atbildi no prezidenta Reagan'a, vai William F. Smith, vai no Alexander Haig'a. Bet es saņēmu 9 lappuses garu vēstuli no Allen A. Ryan, Jr., Director of Special Investigation. „Baltā Māja” esot manu vēstuli viņam aizsūtījusi atbildēšanai. Viņš savā vēstulē atkal taisnojās, ka viņa izmeklēšana un apsūdzības nav vērstas pret amerikāņu latviešiem kā grupai. Tikai pret tiem latviešiem kas ņēma dalību cilvēku vajāšanā Otrā pasaules kara laikā Eiropā. Viņš vēstulē pārmet latviešiem, ka latvieši ar „tīru” pagātni nepienesot viņam informāciju par apvainotiem latviešiem. Viņš domājot, ka mums esot tiesības klusēt, bet būtu labāk ka mēs izietu priekšā un liecinātu pret šiem dažiem apvainotiem latviešiem. Ja mēs atzīstot, ka cilvēku vajāšana kas notika „naci” laikā ir nosodama, tad tas esot mūsu pienākums palīdzēt to nosodīšanā. Kaut arī viņš respektējot mūsu iekšējās saites, kas saista latviešus šeit Amerikā, viņš ierosinot tādu domu manai novērtēšanai, ka šīs saites nevarot būt par iemēslu, lai mēs nepienestu viņam pierādījumus par noziegumiem kuņus pastrādājuši latvieši.

A. Ryans arī saka savā vēstulē, ka viņš nosoda notikumus un uzbrukumus apvainotiem un tiesā esošiem mūsu tautiešiem — tie kas to dara tikšot nodoti tiesām sodīšanai.

Viņš arī aizstāv braukšanu uz komunistu zemēm liecību un pierādījumu iegūšanai. A. Ryan's saka, ka viņa biroja darbinieki ir bijuši daudzās vietās Krievijā un ieguvuši vērtīgus pierādījumus un liecības. Viņi arī drīzi braukšot uz komunistu Latviju. Viņš saka, ka viņš neticot komunistu tiesu iekārtai, bet ticot lieciniekiem un dokumentiem. Un bez tam, amerikāņu tiesneši esot tik gudri un piedzīvojuši, ka tie tūlīņ atklāšot melus un viltojumus.

Es nebiju apmierināts ar Allen Ryan, Jr. atbildi, un 1981. gada 17. maijā es atkal rakstīju vēstuli prezidentam Reagan'am ar kopijām Smith'am un Haiga'm.

Es rakstīju mūsu prezidentam ka es esmu apbēdināts, ka viņš neatbildeja uz manu vēstuli, bet prasīja to atbildēt A. Ryan'am par kuņa darbībam es sūdzējos viņam — prezidentam.

Es viņam arī rakstīju, ka man nepatīk A. Ryan'a apsūdzība, ka mēs neliecinām apsūdzēto latviešu tiesu prāvās. Cik man zināms, tad Viļa A. Hāznera prāvā bija kādi 12 liecinieki, kas liecināja viņam par labu! Bet tas jau A. Ryanam nepatīk! Viņš netic mums bet ir ar mieru iet un bučot komunistu asiņainās rokas un lūgt palīdzību lai notiesātu to ienaidniekus!

Es rakstīju mūsu prezidentam, ka ir naivi ticēt komunistiem — kā A. Ryan's to dara. Komunisti vilto dokumentus un tie dabū viltotus lieciniekus. To var apliecināt vīri kuņi ļoti labi pazīst komunistus: Solženicins, Rode, Lešinskis, Brūvers u.c.

Es arī pastāstīju prezidentam kā šī Office of Special Investigation radās. To radīja Elizabeth Holzman, židene, demokrāte un tai laikā (1979. gadā) kongresa locekle. Tas bija labs veids kā piebraukt žīdu vēltājiem īsi priekš 1980. gada vēlēšanām.

Es rakstīju prezidentam, ka mēs Amerikas latvieši ļoti stingri protestējam liecinieku pratināšanai un pierādījumu meklēšanai komunistu

zemēs.

Komūnisti mēģina mūs iznīcināt kur vien mēs esam brīvajā pasaulē, jo mēs esam bīstams šķērslis viņu mērķu piepildīšanā — pārvaldīt visu pasauli.

Nekādu atbildi uz šo vēstuli neesmu saņēmis.

Tā ka senators Richards G. Lugar's nebija man atbildējis uz manu otro vēstuli, es 1981. gada 18. maijā aizrakstīju viņam, prasīju kādēļ viņš man neatbild, un arī prasīju viņam kādas ir viņa domas par Office of Special Investigation darbinieku braukšanu uz komūnistu zemēm vākt liecības un pierādījumus pret apsūdzētiem Amerikas latviešiem.

1981. gada 21. jūnija viņš man atbildēja, ka viņš izprotot manu sajūtu pret šādām izmeklēšanām. Viņš arī saka, ka viņš domā, ka Tieslietu Depārtamentam vajagot saprast visas iespējas, kas var notikt mēģinot atdzīvināt notikumus kas notika sen atpakaļ, un kas pa daļai ir atkarīgi no citām zemēm, un kas ir bez šaubām ļoti nepatīkama rakstura.

Bet, viņš tur nevarot iejaukties, jo Tieslietu Depārtaments strādājo ASV likumu ietvaros.

Viņš, Sen. R. G. Lugar's, raksta, ka viņš tomēr cerot, ka atkārtota intereses(?), izpausme no privātiem pilsoņiem varot palīdzēt atrisināt Jūsu rūpes un intereses. Paldies par rakstīšanu!

Visas augšminētās vēstules un citas sarakstīšanās (27 lappuses) es aizsūtīju DV ASV Informācijas vadītājam Tāļivaldim Strautkalnam un Vilim Hāzneram.

V. Hāzners man atsūtīja š. g. 28. maijā sirsniņu vēstuli, kurā viņš starp citu raksta: Mīļo Visvaldi, paldies par papīriem. Tie mani priecīgi pārsteidza, jo Tu līdz šim esi vienīgais, kas šādu nostāju ieņēmis — mūsu „kaŗa noziedznieku” labā. Tavus papīrus nosūtīšu savam advokātam, jo negaidu ka DV lielvīri kaut ko darīs. Bet advokatam noderēs, vismaz Ryan'a filozofija.

Tāļivaldis Strautkalns man arī piezvanīja, pateicās par manu rakstīšanu apsūdzēto latviešu labā, un teica ka DV ASV nolēmusi dibināt speciālu informācijas kopu, kurās uzdevums būtu rakstīt un tikties ar ASV valstsvīriem un tieslietu darbiniekiem un apgaismot patieso stāvokli apsūdzēto latviešu labā, jo lielāko daļu no apsūdzētiem latviešiem ir bijušie kaŗavīri un Daugavas Vanagi.

Viņš man jautāja, vai es būtu līdzstrādātājs šīnī kopā, un es teicu, ka es būšu manu iespēju robežās.

Pēc pāris nedēļām T. Strautkalns atkal piezvanīja, un atvainojās ka nekas ar informācijas kopas darbību neiznākšot, jo DV zemes valde šādas informācijas kopas darbībai nepiekrīt. Arī ALA esot gribējusi līdzīgu informācijas kopu organizēt, bet tagad doma esot tāda, ka apsūdzēto aizstāvēšana varot kaitēt organizāciju darbībai.

Kā Jums, Daugavas Vanagi, patīk šītās krizdoles!

Es gribu ticēt, ka mans darbs sarakstoties ar ASV valdības vīriem un tieslietu ministrijas prokuroriem, mazā mērā atspēkoja šos nepatīkos apvainojumus un vajāšanu, kas notiek šīnī „brīvības un taisnības”

zemē. Un varbūt arī netieši palīdzēja Latvijas Armijas virsniekam un bijušam DV priekšniekam Vilim Hāzneram viņa cīņā pret meliem un nepatiesiem apvainojumiem.

Un varbūt palīdzēs arī pārējiem apsūdzētiem latviešiem.

VISVALDIS JANSONS

Un noslēgumā gribu ar dziļām sērām pieminēt, ka divi no apsūdzētiem — mag. oec. Arnolds Trucis un kapteinis Tāivaldis Kārklīšs savu uzvaru tiesā nepiedzīvoja, jo to nervi un sirdis morāli un netaisnīgi pārslogoto terroru neizturēja, bet mira vēl tiesas laikā.

Galva jānoliec arī Kārli Detlavu pieminot. Viņu tiesāja slimu ar kaulu TBC, kuņas pēc bija jau amputēta viena kāja. Saprotams, ka tiesa gaita un terrors, kāds viņam bija jāpiedzīvo no žīdu puses viņa slimībai par labu nenāca un tā viņam bija nelaikā jādodas Aizsaules ceļos.

Arī ikviena cilvēka spēkiem ir savas robežas . . .

Kā nākamos piemērus varu pieminēt mag. iur. Vanagu Kārļa rakstu sēriju Dienvidkalifornijas Daugavas Vanagu apvienības izdevumā „Vēstnesis”, kā arī Voldemāra Korsta (Latviešu republikāņu valdes goda priekšsēža) rakstu „Zelta Vārtu Vēstis” 1978. g. februārī.

Daugavas Vanagu apvienības Dienvidkalifornijā izdevumā „Vēstnesis” trīs nummuros (46., 47. un 48.) mag. iur. Kārlis Vanags bija uzrakstījis šādu rakstu:

Raganu medības

Dienvidkalifornijas DV Vēstneša š. g. 44. numurā bija aicinājums tautiešiem, vērst Savienoto valstu prezidenta un tieslietu ministra uzmanību uz ačgārnībām, ievadītajā baltiešu „kaŗa noziedznieku” vajāšanas procesā. Jau 1977. gadā, kad tā laika kongresa locekle Elizabete Holcmane, ierosināja likumprojektu par deportācijām, DV apvienības informācijas nozares vadītājs K. Petrovskis, izsludināja šo likumprojektu Vēstnesī un lūdza tautiešus uz to reaģēt, nosūtot vēstules likumdevējiem, norādot, ka tas nekalpo nedz tiesībām, nedz taisnībai.

Tā, ka mūsu centrālās organizācijas atturējās šo akciju atbalstīt un vietējā atsaucība nebija pietiekama, kad dezinformētie likumdevēji, iesniegto likumprojektu beidzot arī pieņēma. Balstoties uz šo likumu, Tieslietu ministrija izveidoja Sevišķu izmeklēšanas pārvaldi (SIP), to personu apzināšanai, notiesāšanai un izraidīšanai, kuņas, atrodoties vācu okupētās zemēs, diskriminētas tā saucamos noziegumos pret cilvēci, 2. Pasaules kaŗā. ASV likumdevēji tomēr, vēl joprojam ir akli un kurli pret tiem noziegumiem, kuŗus vēl smagākā veidā, izdarīja „sabiedrotā” Padomju Savienība. Tas izskaidrojams varbūt ar to, ka uz sabiedroto sirdsapziņas guļ 100,000 kroātu un meţonīgā kazāku izdošana Kilhauzoperācijā (Allied Atrocities in WW II).

Tagad, pēc 40 gadiem, tiek meklēti vainīgie, kara laika nodarījumos pret cilvēku tiesībām. Šiem apsūdzētiem ir jāpierāda, ka viņi nav vainīgi un ka komunistu inspirētie apmelojumi un viltus liecības, nebauda ticamību.

Frankam Valusam, ko apsūdzēja par „kara noziegumiem” Polijā un kuŗu tiesnesis, neuzklausot nekādus pretpierādījumus, atzina par vainīgu un izraidāmu no ASV, tikai ar lielām grūtībām izdevās pierādīt, ka visi apmelojumi ir no gaisa grābti. Viņu beidzot attaisnoja, bet šī tiesāšanās tam izmaksāja ap \$50,000 un sabojāja viņa veselību. Šobrīd vēl nav zināms, kā viņam veiksies ar ievadīto prasību pret ASV valdību, par nodarītiem zaudējumiem.

Kādā citā gadījumā, Rumāņu ortodoksālās baznīcas archibīskāps Valeriāns Trips, pēc tam, kad līdzīga tiesāšanās, viņam un draudzei bija jau izmaksājusi ap \$100,000, paziņoja Tieslietu ministrijai, ka atsakas no piešķirtās ASV pavalstniecības. Viņu bija apsūdzējis kāds Ņujorkas cionistu komūnists, par to, ka tas 2. Pas. kara laikā, sastāvējis rumāņu Dzelzs gvardē un nav to uzrādījis ieceļošanas dokumentos. Apsūdzētais nenoliedza, ka Rumānijā esot turējis pretžidiskas runas, bet Dzelzs gvardē nekad neesot sastāvējis. Mēs nevaram šeit saskatīt sakarību ar „kara laika nacistu noziegumiem” pret cilvēci. Cilvēku tiesību universiālā deklarācija taču ikvienam garantē domu un ieskatu brīvību. „Raganu mednieki” Vašingtonā to ignorē uz izposta pretkomūnistisko cīnītāju dzīves.

Majoru Vili Hāzneri tiesa attaisnoja pret viņu vērstajos apvainojumos. SIP ar to neapmierinājās un kādu neredzamu aizkulišu spēku jundīta, tiesneša attaisnojošo lēmumu pārsūdzēja. Tikai nesen, pēc vairāk kā 5 gadus ilga procesa, federālā apelācijas tiesa Vašingtonā, šo pārsūdzību noraidīja. Viss jau bijis izkārtots Hāznera deportēšanai, par biografisku ziņu noklusēšanu. Šinī sakarībā, zīmīga ir Rietumvācijas atbilde. Kad Rietumvācijas valdībai prasīts vai tā būtu ar mieru dot Hāzneram patvērumu, Bonna atbildējusi, ka cīņu biedrim dos nevien pajumti, bet maksās arī vēl pensiju. Cerams, ka šī taisnības uzvara pret mūsu ienaidnieku, atvieglos procesu tiem, kuŗus vēl tiesā. Būtu lietderīgi, ka tiktu publicēts pilnīgs apelācijas tiesas lēmums Hāznera lietā.

Tas atkailinātu čekas garo roku un sūdzētāju žīdu baltos melus. Hāznera ilgā un garā tiesāšana izmaksāja pāri par \$67,000. Smago pārdzīvojumu dēļ, šim cienījamam karavīram, bija pāris reizes jāuzmeklē slimnīca. Garīgā agonija, kas tagad jāpārcieš visiem tiem mūsu karavīriem, kuŗiem inkriminē sodamus nodarījumus, joprojām turpinājas. Komūnisti dedzīgi sadarbojas ar SIP prokuroriem, pierādījumu vākšanai viņpus „dzelzs” aizkara. Latviešu sabiedrībai vajadzētu dziļāki izprast šo kļūmīgo situāciju un neliegt savu morālo un materiālo atbalstu, patiesības uzvarai.

Sevišķo izmeklēšanas pārvaldi (U. S. Department of Justice, Office of Special Investigation, P. O. Box 28603, Washington, D.C. 20005) nodibināja 1979. g. To tagad vada prokurors Alens Raiens (Allan A. Ryan, Jr.). Tas nesen informēja presi, ka SIP jau nobeigusi izmeklēšanas pret 20 „nacistu noziedzniekiem”, kuŗus sagaidot deportācija. Līdzīgas

izmeklēšanas gatavo arī Kanādā. Šo cilvēku medību meistars, Sīmons Vizentāls jau apspriedies ar Kanādas ģenerālprokuru R. Kaplānu, kuŗam izteicies, ka Kanādā tagad mierīgi dzīvojot ap 1000 „nacistu”. Vizentālam, cik noprotams, nav īsti labs prāts pret latviešiem. Viņam nepatika, kad apsūdzībā pret Boļeslavu Maikovski, Ņujorkas tiesnesis Franks J. Lyons, viņu izraidīja no tiesas zāles, kad nopratināja 3 no Izraēlas atvestos lieciniekus. Maikovskim tagad jāpacieš terors. Kā amerikāņu laikraksti raksta, „Radical Jewish Defense League” hulīgāni uzbrukuši Maikovskim tiesas zālē, viņa automobili iemestas degbumbas un izdarīti vēl citi noziedzīgi akti.

Mēs nedrīkstam klusēt par šīs zemes iestāžu aplamībām. Pilsoņu notiesāšanai, tās pieņem komunistu apgādātus, sagudrotus un pārtaisītus dokumentus, vai liecības. Mutisko liecību pieņēmēji negrib saprast, ka liecinātāji, bāilēs par tuvinieku dzīvi, noliecina tikai to, kas tiem iepriekš norādīts un iemācīts. Arī politisko mērķu dēļ, ASV tiesu vadība ir gatava neparastiem gājieniem. Tuvojoties 1980. g. vēlēšanām, tieslietu ministris Benjamiņš Civileti, kā ASV ģenerālprodurors, pats uzņēmās uzturēt apsūdzību, kas bija iesniegta augstākā tiesā pret ukraiņi Feodoru Federenko. Ar šo neparasto soli tika parādīts ka Kartera valdība ir aktīva apsūdzību lietās un pelnījusi žīdu vēlētaļu balsis. Šī prāva bija iesākta Florīdā, kuŗā, apgabala federālais tiesnesis Normans Rotgers, bija Federenko attaisnojis.

No SIP nāca arī preses ziņa, ka ievadīta lieta pret 73. g. veco lietuvieti Kazi Palcinausku, kas ieceļojot ASV nebija uzdevis, ka vācu okupācijas laikā bijis Kauņas pilsētas galva un ka parakstījis vācu okupācijas varas izdoto rīkojumu par Dāvida zvaigznes nēsāšanu. Šis gadījums rāda, ka tiesāšana notiek par kollaborāciju — sastrādāšanu ar „naciķiem” un demonstrē, tā laika Baltijas valstu, apstākļu pilnīgu neizpratni.

Immigrācijas apellācijas instance nesen apstiprinājusi 1953. gadā izdoto deportācijas lēmumu pret Kalifornieti A. Urukoviču, kas bijis iekšlietu ministrs Kroātijas leļļu valdībā un „atbildīgs par genosīda politiku pret serbiem un žīdiem”. Rodas jautājums par ASV vispāri atzītām azila tiesībām politiskiem bēgļiem un šo tiesību pielietošanu. Jau iepriekš minētā žīdu aktiviste E. Holcmane, 1978. g. iesniedza kongresā likuma metu, par aziltiesību atņemšanu „Nacistu kaŗa noziedzniekiem”, pieprasot to iedzīvināt ar atpakaļejošo spēku.

Attiecībā uz baltiešiem, pret kuŗiem SIP ievada apsūdzību lietas, stāvoklis ir absurds. ASV valdība taču neatzīst Baltijas valstu okupāciju un tā tad ipso jure, visi, šo valstu varas organu izdotie vai apliecinātie dokumenti, ASV tiesu iestādēm ir ignorējami un nav iztirzājami.

Tādi precedenti bijuši civilās lietās, bet tagad Sevišķā izmeklēšanas pārvalde (SIP) cieši sadarbojas ar mūsu zemju okupācijas iestādēm, sūta uz Baltijas valstīm savus prokurus „pierādījumu” meklēšanai un pieņemšanai.

Protests ASV prezidentam.

Paskatīsim, kas notiek ar baltiešu protesta iesniegumiem ASV valdībai, ievadīto vajāšanu lietās.

Indianapoles DV apvienības priekšnieks, kapt. Visvaldis Juraidis-Jansons (viņa vārds pieminēts arī leģiona cīņu vēsturē), būdams arī Indiānas sabiedrisko organizāciju padomes priekšsēdis, nosūtīja (20-3-81) ASV prezidentam R. Rēgenam vēstuli, protestējot pret SIP ievadītām vajāšanām, kuŗas bāzējas uz Latvijas okupantu — komunistu apšaubāmām apsūdzībām. Tā, ka Amerikas latvieši ir pretkomunistiski noskaņoti, padomju vara tos visus nosauc par noziedzniekiem un izdzimumiem, kas aizbēguši no padomju paradīzes. Mūsu nomelnošanai komunisti izdevuši vairākas brošūras par „latviešu kuŗa noziedzniekiem”, kas piesūtītas ASV kongresa locekļiem, tieslietu un immigrācijas iestādēm. Neievērojot pārbēgušā komunistu funkcionāra Imanta Lešinška liecinājumu, ka šo izdevumu saturs ir „safabricēts”, bez faktuāla pamata, tiem šeit tomēr piedod ticamību.

Baltiešu vajāšanas ideja dzimusi Maskavā.

Kas ir tā „melnā roka”, kas visu pret mums izkārtu? Zīmīgi, ka baltiešu, ukraiņu u. c. padomju okupēto zemju bēgļu vajāšanas sākušās pēc tam, kad Maskava 1975. g. bija apmeklējuši Tautas vietnieku nama deputāti Jošua Eilbergs un Elizabete Holcmane. Šos deputātus krievi apgādāja ar „pierādījumu dokumentiem” par ieceļotāju „kuŗa noziegumiem” viņu dzimtenēs. ministrs Civileti 1979. g., kādā runā, paskaidroja, ka tagad tiks paplašināta „naci noziedznieku” tiesāšana un deportācijas, jo PSRS Augstākās tiesas priekšsēdis Ļevs Smirnovs viņam apsolijs uzrādīt ASV dzīvojošos „burlakus” un apgādāt nepieciešamos dokumentus un liecības. Bazējoties uz Smirnova solījumu, Kartera valdība nodibināja pieminēto SIP, priekškirot tai 2 miljomu dolaru gada budžetu. SIP ievadītās izmeklēšanas skāra arī latviešus, apvainojot tos par necilvēcīgu rīcību vācu okupācijas laikā. Apsūdzētiem tagad, pēc 38 gadiem grūti pierādīt savu nevainību, jo dokumenti, par tā laika dienestu un darbu, kuŗa laikā gājuši zudumā. Liecinieki, vai nu miruši, jeb dzīvo komunistu režīmā un drīkst teikt tikai to, kas tiem pavēlēts. Apsūdzību izmeklēšana velkas gadiem. Izdevumi, pierādījumu vākšanai un aizstāvībai izposta apsūdzēto dzīves. Notiek iebiedēšana ar organizētu terroru. Laikrakstos un TV tiek publicētas apsūdzēto adreses un ģimietnes. Tie zaudē darbu un no sakūdītu pilsoņu grupām tiek apdraudētas viņu un ģimenes locekļu dzīvības. Prezidentam iesniegtā rakstā pieminēti B. Maikovska un viņa drauga Civiļa nogalināšanas mēģinājumi. Izdābājot krieviem, immigrācijas pārvaldes apelācijas daļa 1981. g. 9. janvarī nolēma izdarīt liecību vākšanu okupētā Latvijā. Noraidāma ārlietu ministrijas nostāja, ka tāda liecību vākšana okupētā Latvijā neietekmējot Latvijas okupācijas neatzīšanas statusu. SIP izmanto katru iespēju apgalvot, ka PSRS tiesību sistēma ir taisnīga un uzticamības vērta.

Savā iesniegumā kapt. V. J. norāda, ka ASV prezidents, savā 1981. g. 29. janv. preses konferencē teicis, ka komunisti savu mērķu sasniegšanai, attaisno melus, blēdību un noziegumus. Ja tā, kādēļ tad Amerikas latviešu dzīvības un labklājība jānodod viņu rokās? Vēstules nobeigumā V. J. vēl uzsver, ka visa padomju iestādījums, kas kalpo komunistu partijai. Mēs neesam pret izmeklēšanām un sodiem, bet to nedrīkst pamatot uz komunistu meliem.

Jaunajā budžetā, Tieslietu komitejas priekšsēdis dep. H. Fišs ir pieprasījis piešķirt izmeklēšanas pārvaldei 3 milj. dolarus. Pret šo naudas tērēšanu mēs stingri protestējam.

Prezidentam adresētās vēstules noraksti nosūtīti arī ārlietu ministram A. Heigam un tieslietu ministram P. Smitam.

Kas notiek ar Prezidentam sūtītām vēstulēm?

Parasti par vēstuļu saņemšanu, to autori saņem no Baltā nama kādu apliecinājumu. Ar kapt. V. J. protesta vēstuli noticis citādi — tā nodota tieši tam vīram, par kuŗu VJ sūdzējās prezidentam. SIP direktors A. Raiens tad nu atbild garākā izklāstā. Viņš respektējot baltiešu pretkomunistiskās izjūtas un norāda, ka latviešu pārstāvji līdz šim nav mēģinājuši sastapties ar viņu. Raiens saka, ka daudzi Amerikas latvieši nevēlas sniegt viņam ziņas par personām, pret kuŗām ievadīta izmeklēšana. Viņa pārmetumi gan ir nevietā, jo maj. Haznera apsūdzību lietā, kādi 12 latvieši nodeva liecības.

Raiens tālāk raksta, ka uzbrukumi apvainotām personām ir prettiesīgi un neattaisnojami un ka viņš tādus nosoda kā arī nododot kā arī izmeklēšanai, ikvienu informāciju, ko par tādiem gadījumiem viņš saņemot.

Komunistu piegādāto pierādījumu ticamība.

Šinī sakarībā Raiens raksta: „Mums nav nekā kopēja ar padomju jurisdikciju. Mēs tikai esam lūguši, lai padomju valdība dod mums iespēju nopratināt zināmus lieciniekus. Apsūdzēto aizstāvjiem dota iespēja, uz ASV valdības rēķina, piedalīties liecinieku nopratināšanā un tos arī nopratināt. Vai liecinieks teicis ticamību to izlemj tiesnesis. Pēc mūsu līdzšinējās pieredzes Igaunijā un Ukrainā, nopratinātie liecinieki teikuši taisnību. Mēs tagad sāksim nopratināšanas Latvijā. Es nekad neesmu teicis, ka padomju tiesību sistēma ir taisnīga. Es gan teicu, ka liecinieki teikuši taisnību un ka dokumenti no padomju archīva, bijuši autentiski.”

Baltiešu antipatijām, pret Padomju Savienību, esot politiska iedaba, kas ASV prokuratūras darbu nevarot ietekmēt. Prokuratūrai jāmeklējot pierādījumi tur, kur tādi esot. Vairāk kā 200 lietās, kur tādu pierādījumu nav bijis, izmeklēšana esot izbeigta bez tiesas procesa.

Raiens meklē palīdzību Maskavā.

1980. gadā es biju Maskavā, raksta Raiens, lai informētu PS valdību, ka ASV valdība, tagad pirmo reizi nopietni centīsies izmeklēt naci kuŗa

noziegumus un tādēļ lūdzam mūs atbalstīt ar dokumentu norakstiem, vai oriģināliem, kā arī atļaut mums nopratināt PS pilsoņus. PS valdība tam piekrita.

Liecinieku nopratināšana notiek pēc ASV tiesu procesa noteikumiem un tā tiek uzņemta video lentā, lai ASV tiesnesis pats varētu pārliecināties par nopratināšanas veidu un ticamību.

Mēs darām iespējamo, lai palīdzētu aizstāvjiem dabūt no ārzemēm tiem nepieciešamos dokumentus. Tiktālu Raiens.

Kā zināms p. g. jūnijā un novembrī, liecinieku nopratināšana iesākta arī Latvijā, kur piedalījies arī advokāts I. Bērziņš.

ASV tiesu sistēmas pārākums.

Raiens saka: „Es ticu, ka Amerikas tiesiskā sistēma ir labākā no visām sistēmām. Tas tomēr nenozīmē, ka 200 gados ASV tiesas nebūtu piekrāptas, vai kļūdijušās, liecību izvērtēšanā. Pēc likuma mans pienākums ir izmeklēt kara noziegumus un apsūdzēt vainīgos.”

Pie tikko pieminētās Raiena retorikas, kas idealizē ASV tiesu procesu, varam piebilst, ka tiesneši tiek regulāri ievēlēti un tamdēļ „cilvēcisko vājību dēļ”, bieži vien cenšas izpatikt savu vēlētāju grupām un atbalstītājiem. Prokurori, kuŗus ieceļ un atceļ valdošā partija, pārāk bieži aizmirst savas profesijas augstos uzdevumus. Bieži vien taisnības svaru kausi jau pirms prāvas tā nosvērušies, ka Justīcijas dievietei gauži jāraud. Viens gadījums, kas apēno Raiena cildenos apgalvojumus ir Fr. Valusa lieta. Čikāgas tiesnesis Julius Hofmanis viņu atzina par vainīgu (30-5-78), bet apelācijas tiesa vienprātīgi viņa „taisnīgo” lēmumu atcēla (13-2-80). Valusa advokāti apelācijā neparasti asi vērsās pret Hofmaņa partejiskumu, neļaujot pārpratināt prokuratūras lieciniekus. Hofmanis arī norājis tos lieciniekus, kas runājuši apsūdzētam par labu. Šis skandaloza lieta aprakstīta arī tiesībnieku žurnālā „Chicago Lawyer”, pieminot, ka šī plaši izpublicētā prāva apzināti vilkta garumā, lai tuvojošās vēlēšanās iegūtu žīdu balsis. Vēl vairāk pirms V. nodots Hofmanim notiesāšanai, prokuratūrai bija iesniegti vairāki apliecinājumi, bet šie dokumenti SIP apsūdzībā noklusēti. Pēc prāvas „Washington Post” sarkatiski norādīja, ka ar šāda veida „raganu medībām” sasniegti muļķības kalngali. Šīm lietām jāpievērš uzmanība, lai mēs apzinātos cik viegli nevainīgi ļaudis tiek apsūdzēti.

Prāvā pret Kārli Detlavu, kuŗa risinājās Baltimorā, Raiena vīru galvenā lieciniece bija modes zīmētāja Frīda Michelsone (Izraēlā). Apsūdzību pret Detlavu, kas tika ķengāts un terorizēts pa laikrakstiem, emigrācijas tiesa Baltimorā izbeidza.

Liecinieki, kas atvesti no Izraēlas, dažkārt tiek saukti par „profesionāliem lieciniekiem”, jo tie liecina vairākās prāvās. Ukrainā Fedorenko apsūdzības prāvā Fort Lauderdālē, tiesnesis N. Retgers lieciniekus uzskatīja par apmācītiem, kuŗiem visu nevar ticēt. Kad apsūdzētam nekādus „nacistu noziegumus” nevarēja pierādīt, viņu attaisnoja, bet vēlāk viņam piesēja lietu par nepareizu ziņu uzdošanu ieceļošanas dokumentos.

Jauna vēstule ASV prezidentam — kritika par SIP.

Kapt. V. Juraidis-Jansons, būdams neatlaidīgs cīnītājs, pēc Raiena vēstules saņemšanas, nosūtīja R. Rēgenam otru vēstuli, izsakot neapmierinātību par to, ka atbildi sniedzis vajāšanu vadītājs A. Raiens. Viņš tālāk norāda, ka Raiena protežētāja, bijušā kongresa locekle E. Holcmane, kādā runā ir teikusi, ka ikviens, kas Baltijas valstīs strādājis vācu okupācijas varai, ir „nacistu kolaborants”. Kapt. V. J. arī atzīmē, ka latviešu izcelsmes amerikāņi šeit dzīvoja mierā līdz 1979. gadam, kad demokrāti, pirms federālām vēlēšanām, gribēja sev nodrošināt vietējo žīdu balsis. Pateicoties E. Holcmanei, kas arī ir žīdiete, žīdu vēlēšanu izpatikšanai tika nodibināta SIP. Šie SIP darbinieki, lai saglabātu savas labi nodrošinātās vietas, tagad ceļo pa visu pasauli, tērēdami nodokļu maksātāju artavas, lai meklētu pierādījumus neesošiem noziegumiem. Raiens tic, ka PS iedzīvotāji dod liecības no brīva prāta — mēs tam neticam, jo pazīstam komunistus labāk, kā viņš. PS dara visu iespējamo, lai mūs, kas pazīstam un atklājam viņu metodes un mērķus, iznīcinātu.

Kas kapt. V. Jansonam-Juraidam, tagad no Baltā nama, atbildēs, to rādīs nākotne. Uz līdzīgu rakstu Indiānas senatoram R. Lugaram viņš saņēma atbildi, ka „lieta esot sarežģītusies”, jo rekonstrukcija jābalsta „uz citu zemju piegādāto informāciju”. Senators domā, ka plašākai pilsoņu ieskatu izpaušmei, šinī jautājumā, būtu liela nozīme.

Mūsu centrālās organizācijas, līdz šim, ir atturējušās iesaistīties protesta akcijās, apsūdzēto aizstāvēšanai. Tas varot „mest ēnu” uz organizāciju darbību! Pat DV zemes valde nav piekritusi īpašas Informācijas kopas dibināšanai, kas aktīvi un spēcīgi iestātos apsūdzēto labā. ALAs pēdējais kongress Losandželosā gan uzdeva ALAi sadarboties ar DV, lai panāktu to baltiešu kaŗavīru amnestiju, kuŗi ieceļojot ASV nav uzdevuši, ka cīnījušies pret Padomju Savienību. Līdz šim, par šīs rezolūcijas iedzīvināšanu, nekas nav dzirdēts. Kad p. g. jūlijā, baltiešu pārstāvji, satiekoties ar ārlietu ministrijas Austrumeiropas lietu kārtotāju Viljamu Ferandu, norādīja uz vienpusīgo baltiešu lietu izmeklēšanu un naivo uzticēšanos komunistu apmelojumiem, viņa atbilde bija, ka Ārlietu ministrija nevar iejaukties Tieslietu ministrijas darbā. Šeit jāievēro, ka tanī pat laikā valdības iestādes spriež, par amnestiju ar atpakaļejošu spēku, visiem nelegāli ieceļotājiem, dienvidamerikāņiem. Ir zināms, ka tūkstošiem nelegālo ieceļotāju saņem sociālus pabalstus un pensijas uz falsificētu datu pamata. Par šiem pārkāpumiem, Tieslietu ministrijas ieskats ir, ka tiem jānod iespējas, bez jebkādas sodīšanas, izlabot viltotos datus. Šo izkārtojumu ierosinājis Pensilvānijas senators un patreizējais tautas labklājības ministris R. Šveikers. Līdz šim nav zināms neviens senators, kas vēlētos atbalstīt tos mūsu kaŗavīrus, kas nav viltojuši, bet tikai noklusējuši, savas dzīves gaitas 2. Pasaules kaŗā. Bērnišķīga bija fantāzija, ka cienādami un godādami Franku Gordonu (Ģederu Osipovu), mēs varētu viņam dot ieganstu, ielikt kādu labu vārdu par mums pie „visu spēcīgā lobijista” Vīzentāla.

Kas mums jādara? Visiem jāiesaistas akcijā, lai vienotiem spēkiem, mazinātu komunistu izprovocēto, nelabvēlīgo nostāju pret trimdas latviešiem, kā naci kolaborantu kopību. Latviešu dzīves ziņa antisemitismu nepazīna! Zīdus dzimtenē uzskatījām kā latviešu tautas daļu, devām tiem mazākumtautības paraugprivilēģijas, līdz komūnisms saārdīja Latvijas likteņus. Šī velnišķā komūnisma gaŗā roka, joprojām izpaužas apsūdzību dokumentu un liecinieku vākšanā, okupētās Baltijas zemēs un citur. Šāds izkārtojums dod tiem tagad iespēju izrēķināties ar saviem pretiniekiem un iebiedēt ikvienu, kas atbēdzis „kā savas tautas nodevējs” no komunistu vērdzības Austrumeiropā un izvairas atgriezties „atbrīvotājās padomju republikās”!

Senatora Ričarda Lugara (viņš ir arī ārlietu komitejas loceklis senatā) padoms, ka plašāka pilsoņu akcija, šajos jautājumos, varētu sekmēties, pamudina ikvienu latvieti atsaukties uz Dienvidkalifornijas Daugavas Vanagu aicinājumu, apņēmīgi vērsties pret baltiešu „naci kaŗa noziedznieku” medišanām un vajašanām Savienotās Valstīs.

Ikvienam, kas ir par savas tautas un tēvzemes brīvību un pret komunistu varas izplēšanos un uzkundzēšanos — laiks apliecināt savu nostāju!

Neaizmirstiet, ka apsūdzētiem vajadzīgs, nevien jūsu morālais, bet arī jūsu finansiālais atbalsts. Patiesības Fonda adrese: Latvian Truth Fund, P. O. Box 1682, New York, NY 10163.

ZELTA VĀRTU VĒSTIS,
1978. g. februāra izdevumā.

Voldemārs Korsts raksta:

„Mēs nevaram atļauties gulēt”

Zem šāda virsraksta „Chicago Tribune” bija ievietots ievadraksts, kur bija apskatītas vairākas, ir Ameriku, un zināmā mērā arī mūs apdraudošas problēmas. Šī ievadraksta galvenā doma ir faktu konstatējums, ka pilsoņi nelabprāt iedziļinās jautājumos, kuŗu saturā ir brīdinājumi, ka, laikā nereaģējot uz apstākļiem un notikumiem, gala rezultāts var būt katastrofa. Tikai tā demokrātija vai kāda brīva sabiedrība var būt stipra, ja pilsoņi, jeb sabiedrības locekļi, ir pietiekami modri un inteligenti, lai būtu ne tikai spējīgi savā profesijā, bet interesētos arī par sabiedrības domu gaitu un vairāk vai mazāk saskatītu, ir draugu, ir ienaidnieku politisko nostāju un nolūkus. Īsi izsakoties, izrādītu pietiekamu interesi, lai būtu informēti, kas notiek un kas var notikt pasaules politiskā un mūsu pašu nākotnē.

Ir zīmīgi, ka ļoti maz ko dzird, un mūsu vadība pilnīgi klusē par to, ka prezidenta Kārtera pārbaudes mīkstinoši rīkojumi ir pielaiduši apstākļus, kur Ameriku pārpludina mūsu visu ienaidnieka — komūnisma un krievu imperiālisma — spiegi, propagandisti, dažādas „kultūras delegācijas” čekistu stingrā uzraudzībā. Vai šeit nebūtu plašs un mūsu mērķim, redzēt brīvu Latviju, nepieciešams darba lauks, nebaidoties protestēt un teikt atklātu vārdu? Tas būtu jādara tiem, kuŗi reprezentē latviešu sabiedrību Amerikā. Jeb tas ir viens no jautājumiem, kur mēs guļam un rīkojam „debates” pašu starpā? To rezultātā rodas šķelšanās, ko ar laiku var sadzirdēt arī tie vadošie amerikāņi, kas mums šodien vēl ir ļoti labvēlīgi, un var radīt šaubas par mūsu patiesi vienoto gribu redzēt Latviju brīvu.

Vēl klusāki mēs esam jautājumā, ka ir nepamatoti apsūdzēti vairāki latvieši, it kā par „kaŗa noziedznieku” darbiem laikā, kad Latvija bija okupēta no Hitlera Vācijas. Būtu jābūt pārāk naivam, lai nesaskatītu, ka šīs apsūdzības ir politiska akcija, ko sagatavojuši komūnisti. Īstenībā jāsaskata, ka mērķis šīm apsūdzībām nav taisnības meklēšana jeb

„vainīgo” sodīšana, bet gan nolūks diskriminēt latviešu trimdas sabiedrību brīvajā pasaulē, kur mūsu aktivitātes ir ļoti neērtas mērķim pierādīt, ka Baltijas valstis ir labprātīgi pievienojušās Padomju „brālīgajām republikām”. Būtu jāpieņem, ka katru no mums interesē tas, par ko latviešus, un personīgi apsūdzētos, apvaino. Šo apvainojumu galvā ir skaidri izteikta doma, ka žīdu vajāšanā un iznīcināšanā Latvijā dalību ir ņēmusi turpat vai visa latviešu tauta, un tiem, kam ir bijusi drusku interese painteresēties par šīm „kaŗa noziedznieku” prāvām, būtu viegli saskatāms, ka viss šīs tiesas process ir ar mērķi diskreditēt latviešu tautu. Tālākais mērķis ir aplūsināt un atriebties par komūnisma īstās sejas atklāšanu tiem, kuŗi nav baidījušies to darīt. Ka par „galveno” apsūdzēto ir izvēlēts izcilus spējīgais, daudz darba veikušais Vilis Hāzners, nav jābrīnās. Viņa darbība, sevišķi Komitejā Latvijas brīvībai un Daugavas Vanagu organizācijā ir bijusi tik patiesi nacionāla un antikomūnistiska (pie tam, Vilis Hāzners arvien ir ieņēmis izcilus personas stāvokli latviešu sabiedrībā), ka tikai apmētājot viņu ar dubļiem vien tiek diskriminēta visa latviešu sabiedrība trimdā un latviešu tauta vispār. Apsūdzību saturs ir tik acīmredzami (ārpus Amerikas) safabricēti meli un fantazijas, ka ir gandrīz kauns, ka Amerikas valdības iestādes vispār šādu apsūdzību varēja akceptēt un uzsākt kādu prāvu. Par pēdējo teikumu es uzņemos pilnu atbildību, un būtu laiks, ka mēs izbeidzam klusēšanu, ne tikai mūsu laikrakstos, bet protesti un patieso apstākļu apskate būtu darāmi zināmi mums labvēlīgiem Amerikas patriotiem un valstsvīriem, šajā darbā iesaistot ne tikai atsevišķas personas, bet droši un atklāti arī mūsu centrālās un citas lielākās organizācijas, ieskaitot arī slēgta rakstura organizācijas, kuŗas ir bijušas latviešu tautas atmodas pamatā, Latvijas valsts izcīnīšanas spēks un idejiskas nacionālā latviskuma cēlājas.

Šinīs prāvās, kuŗas netiesā vienīgi Vili Hāzneru un vairākus citus, bet īstenībā tiek tiesāta latviešu tauta un tās centieni pēc brīvības un patstāvības, pretiniekiem ir neaprobežoti līdzekļi. Būtu laiks, ka mēs ne tikai izbeidzam klusēšanu, izvairīšanos tikt iejauktiem prāvās, bet arī sākam patiesu līdzekļu vākšanas akciju Patiesības Fondam (Truth Fund), lai būtu spējīgi piesaistīt lieciniekus, savākt pietiekami materiālus patiesības pierādīšanai, lai attaisnojot apzināti apmelotos apsūdzētos, tad varētu droši pacelt savu balsi arī pret tiem, kas šos melus safabricēja, kā arī tiem, kas pielaida, ka uz caurskatāmu melu pamata tiek šķiesti Amerikas līdzekļi.

Arnolds Apse

VECAIS VANAGS

*Kurzeme, Prūsija, Pomerānija,
Beļģijas bads un dzeloņu žogi,
Kas teica — tie stāsti ir veci!
Nē, tie ir jauni,
kaut gadu desmiti pagājuši
un es esmu vecs.*

*Un tomēr — es esmu tas pats!
Kā gan var būt vēl tas pats?
Var!*

*Jo vēl arvien man sāp mani kritušie biedri,
man sāp mums atņemtā zeme,
Sāp kapenes tundrā, sāp svešums
un sāpēs līdz galam.*

*Es esmu tas pats, jo mans gars
liedz piedot un uzsmaidīt svešiem
kas manai tautai Daugavas krastos
liek dzīvot bez smaida —
sakostiem zobiem.*

*Es esmu tas pats, jo māju atslēgu
paņēmu līdzī — tā ir man vēl šodien.
Un ja tā būs, kā svešumā svētvakars
pienāks, es Latvijas atslēgu atdošu
d ē l a m, uz aizsauli iešu
ar Daugavas Vanagu dziesmu,
un aizsaulē būšu — t a s p a t s !*

Tās nav anekdotes!

Kā divus sevišķus gadījumus gribu pieminēt morāles un ētisko normu pārkāpšanu, kādas ir skārušas mani šīs nelikumīgās un melu pilnās tiesas laikā.

1979. gada ziemā, saprotamās nervu pārslodzes pēc, kādu vakaru nejauši kritu, smagi ievainojot kreiso aci, kas asiņošanas pēc un dziļās rētas dēļ, lika meklēt palīdzību slimnīcā. Kad ar sirsnīgu un izpalīdzīgu kaimiņu palīdzību, vakarā ap plkst. 11.00 tiku nogādāts Rutlandes slimnīcā un ievests pirmās palīdzības telpā, tad kāds žīdu tautības ārsts, apskatījis manus dokumentus, man atteicās palīdzību sniegt, teiktams, ka t ā d a m cilvēkam viņš nepalīdzēsot un atstāja telpas. Man īsi arī pateica, ka patreiz esot dežūrārstu maiņas laiks, lai es gaidot nākamo ārstu. Šis fakts man nedeļa arī tiesības vēlāk šo ētikas pārkāpēju sūdzēt tiesā . . . Laimīgā kārtā man smagā asiņošana bija pārstājusies un pēc kādas pusstundas gaidīšanas atnāca nākamais dežūrmaiņas ārsts, kuŗš arī manu aci ļoti rūpīgi salāpīja. Kad pēc piecām dienām ieradās pie šī ārsta viņa birojā, lai izņemtu šuvuma diegus, tad viņš man noteica: „Es gan nezināju, ka Jūs esat tik slavens vīrs.” Kad es ievaicājos ko viņš saka par sava kolēģa ētisko stāju, man atsakoties sniegt nepieciešamo palīdzību, tad viņš vienīgi noplātīja rokas . . . Ar šo žīdu tautības ārstu man bija tikai vienīgi šī nepatīkamā darīšana, vēl man bija vajadzība vēlāku meklēt palīdzību pie citiem žīdu tautības ārstiem, bet tie bija savas profesijas ētikas augstumos . . .

Otrs gadījums, kuŗu gribu pieminēt, ir jau pavisam savādākas dabas. Dzīvodams laukos un jau tajā laikā, kad KLB darbs bija palicis pavisam pasīvs, saņēmu kādu vēstuli, adresētu komitejas priekšsēdim, kāds patiesībā arī skaitījās, kuŗas rakstītājs bija kāds Rīgas žīds, kuŗš nesen bija ieradies ASV, dzīvoja Ņujorkā un sūdzējās, ka komunistiskā vara neatļaujot izbraukt no Rīgas viņa piederīgiem ģimenes apvienošanas nolūkos, kas esot pretīm Helsinku nolīgumā minētam, un cik es sapratu bija griezies pie vairākām latviešu centrālām organizācijām, lūgdams viņam šajā jautājumā tām palīdzēt. Šoreiz arī man. Tā kā man nekādu iespēju tikpat kā nebija, tad šajā krievu nelikumības jautājumā uzrakstīju garāku tekstu raidītājam Brīvība, pārmezdams Rīgai un prasīju, lai beidzot sākt ievērot pašu parakstītos solījumus.

Vai šim manam sagatavotam raidījumam bija kādas sekas — nezinu, vienīgi zinu, ka tāds tika noraidīts (pēc Brīvības vadības apliecinājuma).

Tajā pat laikā daudz nodarbojos ar Latvijas apstākļu pētīšanu, savus komentārus sagatavoju raidītāja Brīvība vajadzībām un lielu daļu nodevu arī iespēšanai laikrakstā „Laiks”, kuŗš labprāt tos drukāja un

man bija daudzi draugi un pat sveši lasītāji pateicīgi par šiem komentāriem. Un tad vienu laiku uz reizi „Laiks” pārtrauca to iespīšanu, kaut rakstīju samērā bieži. Pēc kāda laika, dabūju zināt, kāpēc manus rakstus vairs neievieto. Esot tagad kāda ļoti laba jauna mašīnrakstītāja, no Latvijas iebrukusi — kuŗa atsakoties manus rakstus pārrakstīt un tā kā laikraksts cīnoties ar darbinieku trūkumu, tad izdevējs arī nekā pret šo darbinieci, — pasākt nevarot un labāki upurējot manu rakstu ievietošanu.

Nu man atlika vienīgi komentēt ar vārdiem „Jēzus, Marija, kur mēs ejam!” Un kopš šīs „ēras” man, lai nu katrs domā ko grib, jo skaitos jau vairāk nekā 25 gadus „Laika” pastāvīgais līdzstrādnieks(!) ir iestājies vēsums sirdī iepretīm šim mūsu izcilākam laikrakstam trimdā, kaut gan visus šos gadus arvienu tieku aicināts kaut ko uzrakstīt un to arī daru. Viena bezdelīga — jau pavasari netaisa!

ASV preses „objektivitāte un tonis”

Visu manu tiesāšanas laiku nācās iepazīties nevien ar šīs zemes preses senzāciju kāŗi, bet negausīgu neobjektivitāti un toni.

Kad pirmajā tiesas dienā mēs — mans advokāts Ivars Bērziņš, es un mani dēli — Daumants un Vitauts gribējām mūsu šīs zemes preses pārstāvjiem, kuŗi tiesas zālē bija ieradušies kuplā skaitā, vismaz no apkārtējo pilsētu laikrakstiem, dot objektīvu informāciju (par ko būs rakstīts vēl citā vietā) un atbildēt uz viņu jautājumiem jeb, kā avižnieku valodā teiktu — noturēt preses konferenci, tad visi atdūramies uz negaidītu pārsteigumu: nevēribu mūsu stāstījumā, atbildot uz jautājumiem, tos vēlāk publikācijā izteikt pa savam prātam un nevis tā, kā mēs to bijām teikuši un, galvenais, izrādīt mums brīvā zemē, kur valda arī brīva prese, nekaunīgu bezinteresi un visu uztvert un lasītājiem priekšā celt tā, kā viņi vien vēlās. Saprotams, šis apstāklis mums diktēja arī nākamās tiesu dienās vienīgi atturēties no jebkādas informācijas sniegšanas. Līdzīgi laikrakstiem „uzvedās” arī TV un radio staciju, tāpat citu „news media” korrespondenti vai ziņotāji.

Šajā grāmatas nodaļā lasītāju ieskatam ievietoju dažu laikrakstu izgriezumus. To skaits varētu būt nesamērīgi lielāks, bet savos saturos viens laikraksts no otra neatšķiras tikpat kā nemaz.

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Nazi probe's shadow reaches Capitaland

Washington Co. resident linked to Latvian crimes

By FREDRIC U. DICKER

DRESDEN — Inside a modest, well-kept farmhouse overlooking the southern end of Lake Champlain lives aging, bespectacled Vilis Hazners, a native of Latvia who is not an American citizen. Neighbors say Hazners, 71, is a decent, somewhat reclusive, interesting man.

But inside that farmhouse in Washington County, just north of Whitehall off Route 22, there lives, according to others, a very different Vilis Hazners: Vilis Hazners, a man whose name appears in official Latvian publications in reference to alleged wartime atrocities; the Vilis Hazners who fought side-by-side with the German Nazis during World War II as a major in the Latvian Legion.

Hazners, by his own admission, is now being investigated for alleged war crimes by the U.S. Immigration and Naturalization Service.

Although an Immigration and Naturalization Service official said a loophole in immigration law makes it unlikely that Hazners, if the allegations against him are true, can be deported, he did not rule out that possibility.

Not so lucky is another Latvian emigre, Boleslavs Maikovskis of Mineola, Long Island, who is now undergoing Immigration Service deportation hearings as an accused Nazi-sponsored war criminal.

Hazners has served with Maikovskis on several Latvian emigre organizations and said last week in a brief telephone interview that he is "friendly" with him.

The accusations against Hazners come from official present-day Latvian publications and from Dr. Gertrude Schneider, a City University of New York professor, Latvian history scholar, survivor of the Riga, Latvia, Jewish ghetto, and a naturalized U.S. citizen.

During a visit to Latvia in 1971, Dr. Schneider, who had been deported from her native Austria to Latvia by the Nazis at the beginning of World War II, recalls a discussion with the Latvian culture minister in which he spoke of alleged atrocities committed during the war by persons now living in the United States, and "he mentioned the name of Hazners, among others."

She returned with several official Latvian publications containing allegations against Hazners. The publications also contained several photographs of a military officer identified as Hazners including one, which could not be clearly reproduced, allegedly showing him in the company of high Nazi officials reviewing Latvian Legion troops.

The allegations appear on several pages of the publications, dealing with the activities of the Latvian Legion, Latvian police authorities and members of the "Perkonkrusts", or Thunder Cross organization.

See NAZI PROBE, Page A-12

Nazi probe reaches Capitaland

Continued from Page A-1

According to the publications, many wartime Latvian collaborators aided the Nazis in the murders of tens of thousands of Jews and others considered "undesirable."

In a telephone interview last week, Hazners referred all specific questions to his Long Island attorney, Ivars Berzins, who refused to discuss them.

Hazners did admit to being a major in the Latvian Legion and fighting on the Nazi side against the Russians. However, he said the Legion was a "national group fighting for Latvia" and said, while a police official, he never committed any crimes.

Immigration and Naturalization officials in Washington and New York refused to discuss the allegations involving Hazners, citing the Federal Privacy Act which prohibits disclosure of such personal information.

Frank Kiley, the service's New York district director whose office investigates such matters, would not comment on the allegations contained in the Latvian publications.

"Many publications are made available to us and we look at them all," he said.

The Times-Union attempted to contact Latvian officials through the Soviet embassy in Washington.

The embassy consul, R. Malishauskasi said Latvian officials had been asked more than two weeks ago to comment on the charges against Hazners but, at press time, no response had been received.

Dr. Schneider, who has written a book on the Riga ghetto, said she remembers clearly that members of the Latvian Legion went out of their way to gain favor with the Nazis.



WW II EVIDENCE — This picture, above, from a Latvian publication has been alleged to be Vilis Hazners in a Nazi uniform during World War II. He now lives in Dresden, Washington County. Dr. Gertrude Schneider, left, a City University of New York professor, has accused him of aiding in wartime atrocities against Jews in Latvia.

"These high Latvian Legion officials were so anti-Semitic that it was unbelievable. For the German Nazis, what they were doing was the policy of their country. But Latvia, for all practical purposes, was overrun and occupied by the Nazis. So in addition to what the officers did, they were collaborating with those who had overrun their country," she said.

Dr. Schneider recalls an "unbelievable experience" when "because the Latvian guards around the ghetto were being so brutal to the Jews, the German commander had to intervene to stop it. Can you imagine a Nazi having to protect Jews?"

A detailed look by The Times-Union into Hazners' past did, although he declined to cooperate, reveal a great deal of information.

Hazners, along with his 65-year-old wife, Elza V. Hazners, entered the United States in New York City on Aug. 23, 1956, coming as "displaced persons" from Germany.

According to the biographical "Who's Who in the East," Hazners was born July 23, 1905, in Latvia and, from an early age, chose a military career.

He joined the Latvian Army in 1926 and attended the Latvian Military Academy in Riga from 1929 to 1931. He remained in the army and, in 1937, was appointed to its general staff.

Hazners is listed as a major in the Latvian Legion from 1943 to 1945, a career which ended with the defeat of Nazi forces.

After the war, Hazners fled to Germany to escape Russian troops and became active in Latvian emigre associations, serving on the Latvian National Council from 1946 to 1956 and the Committee for a Free Latvia. In 1960, already in the United States, Hazners was chairman of that organization.

For many years the Hazners family, including their two sons, Daumants and Viataus, lived in New Jersey. On Aug. 19, 1966, Mrs. Hazners became a naturalized citizen, swearing allegiance to her new homeland in a New Jersey federal court.

Vilis Hazners, however, was never naturalized and remains under the "permanent resident alien" status he was granted on entering the country.

The Hazners and their sons first came to the Washington County town of Dresden as summer vacationers, visiting a hotel operated by Eduards and Lydia Krasts, also Latvian natives.

The Krasts had moved to Dresden from their home on Long Island "for a very simple reason. This part of the country reminded us of the old country, the same climate, the same trees, the same change of the seasons, many, many things," Mrs. Krasts recalled.

The Krasts were the first Latvians to reach Dresden but their presence, operating an old hotel, drew others.

"Many people would come up and visit in the summer and some eventually bought land here," she recalled.

There are now several Latvian families living in Dresden, Mrs. Krasts said.

Records on file at the Washington County courthouse show that Hazners' son Daumants, and his wife Vija Rita Hazners, bought several parcels of property including a farmhouse, totaling about 400 acres, on May 29, 1968, from Edward J. and Elsie J. Archambault.

The deed for the property does not indicate the price paid, although an \$8,000 mortgage was given the Archambaults by Daumants Hazners on May 24, 1968.

Records show the mortgage was paid off last January.

Elza V. Hazners, Vilis' wife, registered to vote in Dresden

on April 10, 1975, listing "Republican" as her party of choice.

She told the board of elections that she had been living in Dresden since 1972.

Mrs. Krasts said she has known Hazners for many years. He has been retired for some time, she noted, and spends his days writing many books, in the Latvian language. He is suffering from heart trouble and is a very sensitive and nice man," she said.

Neighbors also speak well of Hazners, saying he is an industrious man who spends many days working on the property, a well-kept garden and, along with his wife, a charming home.

See LATVIAN, Page A-14

The Hazners live with their two grandsons, one of whom attends Whitehall High School.

Only members of the close-knit Latvian community in Dresden appear aware of the allegations against Hazners.

"We have heard about it and we were very surprised and shocked," said Mrs. Krasts. "If you knew him as we did you wouldn't believe any of it was true. I can't believe it. When somebody is like that it shows. I don't feel he has committed any crimes, he only obeyed orders."

Mrs. Krasts said "only the Germans can be blamed for killing the Jews," arguing Latvians were never willing participants in war crimes.



HAZNERS' HOME — Just off Route 22 in the Washington County town of Dresden, Vilis Hazners, who is mentioned in official Latvian publications in connection with wartime atrocities, now lives in this home with his wife and two grandsons. (Staff photo)

LAT VIAN

Continued from Page A-12

That is not what the Immigration and Naturalization Service now contends.

Last week, deportation actions began against two Latvian emigres, Maikovskis, Hazners' friend and an alleged officer in the Latvian police, and Karlis Dellavs of Baltimore, an alleged Latvian Legion soldier. Both are accused of participating in the massacre of Jews.

Their situations differ from that of Hazners for one critical reason.

Unlike Hazners, both Maikovskis and Dellavs entered the United States before 1952, when immigration requirements obliged would-be U.S. residents to declare they had never committed war crimes.

Both Maikovskis and Dellavs swore they had not and if found to have lied will be deported.

But Hazners was never asked that question since the requirement was removed four years before his entry.

So even if it should be proven that Hazners committed war crimes, according to an Immigration and Naturalization Service spokesman, it is "doubtful" that action would be taken against him.

Investigation of alleged war criminals by the Immigration and Naturalization Service was seemingly at an end until just a few years ago, when several congressmen and persons concerned with locating war criminals, such as Dr. Schneider and several Israel-based former Nazi victims, began accusing the service of allowing war criminals to remain illegally in the United States.

More than 30 years after the war crimes were committed, locating the perpetrators is not an easy or popular task.

A recent television documentary on suspected war criminals in the United States surveyed a neighborhood bar in Mineola, near the home of Boleslavs Maikovskis.

Unanimously, those surveyed said the past should be forgotten and Maikovskis allowed to remain in this country.

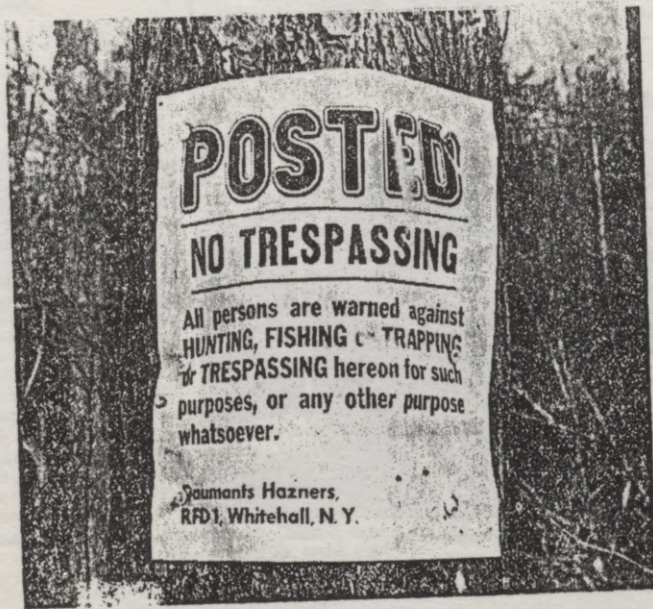
In Dresden, a bartender nearby Hazners' home said he would "sooner see the government punish those guys who went to Canada to escape fighting for their country in Vietnam than I would some ex-Nazi."

In Dresden and Whitehall, those who know Hazners,

when told of the allegations against him, still could speak only praise.

Dr. Schneider, who lost many members of her family at the hands of the Nazis, is not prepared to be sympathetic.

"It is an outrage that can only make our young people cynical about how easy it is to get away with mass murder," she said. "Why should we ever prosecute someone who is a mugger or someone who just commits one murder when these people how shown us, have shown the world, how cheap they viewed human life to be?"



POSTED — The home where Vilis Hazners lives in the town of Dresden is heavily posted with no-trespassing signs bearing the name of his son, Daumants Hazners. (Staff photo)

Immigration Agency Investigates 9 Suspected as Nazis

By RALPH BLUMENTHAL

The former police commander of Nazi-held Croatia, who is now living in California, and five other Eastern European immigrants here who are accused of wartime atrocities, are reported to be among nine leading suspected Nazi war criminals under investigation by United States immigration authorities.

According to sources in Israel, where war crimes files were recently made available to American investigators, the inquiry has settled on the nine top suspects, including two men last listed as living on Long Island, one in Philadelphia, one in Seattle and one in San Diego. Six of the nine have been previously identified in connection with immigration investigations.

The Immigration and Naturalization Service announced last week that it was prepared to begin denaturalization of deportation cases within 60 days against four naturalized citizens and three resident aliens who allegedly misrepresented a record of involvement in Nazi activities to gain entry to the United States after World War II.

Four-Week Trip to Israel

The agency said the seven were among nine on whom information had been obtained by immigration investigators on a recent four-week visit to Israel. The names were not given.

However, according to Israeli sources, the individuals on whom the four investigators—Paul Vincent, chief immigration trial attorney, and three assistants—were

Croatian and 5 Eastern Europeans in the U.S. Could Be Deported

focusing were the following:

¶Andrija Artukovic, 76 years old, of Surfside, Calif., former Minister of Justice and Internal Affairs on the Nazi-puppet regime of Ante Pavelic, in Croatia. Mr. Artukovic, who came here under an alias in 1948, was charged by the postwar Yugoslav Government with responsibility for the murder of thousands of Serbs, Jews and gypsies. He has successfully fought extradition to Yugoslavia on the ground that he would be subject to political persecution.

¶Boleslaus Maikovskis, 72, of Mineola, L.I., a native of Stirniene, Rosenke, Latvia. Mr. Maikovskis was sentenced to death in absentia in 1965 by a court in Riga, the capital of Soviet Latvia, on charges of murder. The United States government lists him as former chief of police of Rosenke and head of the "second punitive battalion."

¶Karl Linnaas, 57, Greenlawn, L. I., a native of Tartu, Estonia. He was sentenced to death in absentia in the Soviet Union in 1962 for murders committed while he was administrator of the Nazi concentration camp at Tartu.

¶Edgars Laipenieks, 63, San Diego, a native of Latvia. The immigration file

says he is accused of killings in the central prison of Riga in 1941.

¶Edmunds Gustaf Macs, also Match, Macz, 72, Seattle. The Immigration file alleges his complicity in wartime murders in Lumbazu, Latvia.

¶Sergei Kovalchuk (also Kowalczuk), 50, Philadelphia, a native of the Ukraine. He and his brother, Mikolaj, are accused of complicity in the killings of Jews in Lubomil.

No Data on Three Others

In addition, the sources said the investigators had sought data on three other individuals about whom no further information was available. There were Frederick Broscheid, August Dancis and Vilis Hazners.

Efforts to reach any of the reported suspects for comment were unavailing. Mr. Maikovskis, Mr. Linnaas and Mr. Kowalczuk have unlisted telephone numbers. Relatives of Mr. Artukovic reached in California said they had no way of reaching him. A person who answered the telephone at a number listed for Mr. Laipenieks in San Diego said Mr. Laipenieks moved away four years ago. No listings could be found for the others.

All have refused to discuss their cases with reporters in recent years.

Charges Against Rumanian Bishop

In another case already under way, the Justice Department is seeking to revoke the citizenship of Bishop Valerian D. Trifa of the Rumanian Orthodox Episcopate of America in Grass Lake, Mich. The Government charges that he fraudulently concealed a role in atrocities in Rumania in 1941 when he sought admission to the United States as an alleged displaced person after the war. Bishop Trifa has denied the charge.

Meanwhile, the chairman of a Congressional subcommittee reviewing the Immigration drive on the Nazi suspects has raised particular questions about the handling of the Artukovic case.

Representative Joshua Eilberg, Democrat of Pennsylvania, chairman of the House Judiciary Committee's immigration subcommittee, said in an interview that "there are reasons to believe" that the case "was influenced by other than facts."

After Yugoslavia sought Mr. Artukovic's extradition beginning in 1951 to face murder charges, an immigration hearing officer, after hearing State Department testimony ruled that Mr. Artukovic would be subject to political persecution if he were returned and denied the extradition request.

Congressional sources said the files showed indications that Roman Catholic church groups had campaigned strongly on Mr. Artukovic's behalf. But the hearing officer, Theodore Hocke, now retired in California, denied that any such influence was involved. "I made my own decisions," he said.

Some Suspected of Nazi War Crimes Are Known as

By RALPH BLUMENTHAL

On national holidays they are often the first in their neighborhoods to hang out the American flag. They go to church, work hard, and tend their flower gardens. They are called model neighbors — friendly kind and unobtrusive.

Their neighbors do not understand how they could be under investigation for Nazi war crimes.

But, according to the Immigration and Naturalization Service, at least 85 naturalized American citizens and resident aliens, including some most ardently praised by their neighbors, are suspected of having concealed participation in World War II atrocities in order to enter the United States after the war.

Who are some of these people? Where do they live? What are they doing? What do they and their neighbors have to say about the allegations? And why has it taken until now, 31 years after the end of World War II, to step up or resolve the investigations?

Immigration Service List

Many of the names were first provided to the Immigration Service more than a decade ago by Jewish groups and other war crimes archivists. Those who came under official investigation might never have been known publicly except for the fact that the Immigration Service, in response to some charges of foot-dragging on the Nazi cases, released the names of 37 suspects in June 1974. Many are being investigated today, and the list has been expanded through additional allegations from Israel and other sources.

Almost all the suspects are from Eastern Europe, particularly the former republics of Latvia, Lithuania and Estonia that were overrun by the Nazis in World War II and pressed into the liquidation of the Jews and the war against the Soviet Union. The territories were taken over by the Soviet after the war, and that remains an emotional issue with the suspects, most of whom are fiercely anti-Communist.

The Government has said that 85 persons are under investigation for participating in Nazi war crimes. Last week, two Latvians and a Lithuanian became

Model Citizens

the first resident aliens to face United States deportation action in more than 20 years, on the ground of concealing war crimes to enter the country. They face hearings on Nov. 15.

Also, the Government said that at least four naturalized American citizens charged with war crimes would soon face Federal civil suits for their denaturalization, a preliminary step to the deportation of citizens.

The Case of Bishop Trifa

Another denaturalization case—only the second ever brought against an alleged war criminal here—is already under way. It charges Valerian D. Trifa, Bishop of the Rumanian Orthodox Episcopate in Grass Lake, Mich., with having lied to the immigration authorities about his activities as a student member of the Iron Guard and his alleged participation wartime atrocities in Bucharest in 1941.

Most prominent of the three aliens charged last week was Boleslava Maikovskis, a 72-year-old carpenter from Mineola, L.I., who entered the United States in 1951 as a purported displaced person. He was an alleged member of the pro-Nazi Latvian police department in Re-

zekine that was accused of selecting Jews, including children, for execution from 1941 to 1943. Mr. Maikovskis was tried in absentia in the Soviet Union and sentenced to death in 1965. The United States has refused Soviet demands for his extradition, a policy that the United States shows no signs of changing.

No one has been answering the doorbell at the three-story house in Mineola where Mr. Maikovskis and his wife have been living for more than a decade. Sometimes there are lights on inside but no one comes to the door.

Neighbors on the quiet, tree-lined avenue describe the couple as unobtrusive and friendly, and as two people who often sat quietly in their garden and attended a nearby church.

Another of the three aliens facing deportation action, Bronius Kaminskas of Hartford, initially appeared to be confused by the allegations. A 73-year-old Lithuanian who came here in 1947, he is accused of shooting 200 Jews, including 68 children, and selecting another 400 Jews for execution.

He denied the allegations and said that he was a wagonmaker in the war.

Defended by Landlady

"Oh, no, no, no, no," said his Lithuanian landlady at the \$20-a-week room he occupies alone. Oh, no, he's not a Nazi. He ran from Communism. He hates Communism. He no can kill a fly."

Another neighbor, James Mellon, was quoted as saying that Mr. Kaminskas rides his bicycle around the neighborhood collecting material to make toys for children.

The third alien facing deportation, Karlis Detlavs, 65, of Baltimore, also denied allegations that, as a member of the pro-Nazi Latvian Legion, he had participated in the shooting and selection of Jews for execution at Riga. After coming here in 1950 he worked at the General Electric cable factory until 1973, when his left leg was amputated for cancer. Nearby residents called him a model neighbor and praised his well-tended garden.

In its denaturalization suit against Bishop Trifa in Federal Court in Detroit, the Government charged that, as head of the National Union of Rumanian Chris-



Associated Press

Andrija Artukovic, in photograph made in the 1940's, lives in Seal Beach, Calif. He is wanted in Yugoslavia on charges of war crimes.

Ulan Students, Bishop Trifa had participated in anti-Jewish atrocities and concealed the record to enter the United States as an avowed displaced person in 1950 and to gain naturalization in 1957.

After initially denying the charges, Bishop Trifa has declined to discuss the case publicly. He has also fought making a court deposition, winning several postponements.

The allegations in the Government case were rejected last week by a spokesman for the National Council of Churches. Responding to questions about protests against Bishop Trifa's membership on the council's governing board, the spokesman, Warren Day, said, "We did a lot of checking and it doesn't hold up under any kind of investigation."

Another controversial and long-stalled case concerns Andrija Artukovic, former Minister of Justice and Internal Affairs in the wartime pro-Nazi regime in Croatia. He is wanted in Yugoslavia on charges of murdering thousands of Serbs, Jews and gypsies.

He arrived here in 1948 under another name and was discovered and arrested in 1951 to face the nation's first deportation action against an alleged former Nazi. But Yugoslavia requested his extradition, and that move was opposed by the State Department and by some influential church groups and politicians on the ground that he would be subject to political persecution in Yugoslavia.

An Immigration hearing officer found in his favor in 1959 and the Government has never pressed the case further. There are indications, however, that the State Department may be reviewing the matter again.

Today, Mr. Artukovic lives in closely guarded seclusion in the beachfront development of Surfside Colony in Seal Beach, about 30 miles south of Los Angeles. Relatives live nearby.

Names Provided by Israel Sources

The Government has not released the names of others now under intensive investigation. But immigration investigators have just returned to Israel this weekend for the second time in a month to seek eyewitness testimony against certain leading suspects, and Israeli sources have disclosed some of those on whom material was provided.

Among these are a number of people previously identified as being under investigation by the United States authorities. They include the following: Karl Linnaas, a 57-year-old native of Tartu, Estonia, who came here in 1951 and was naturalized in 1960. Mr. Linnaas was charged by the Russians with war crimes as administrator of a concentration camp at Tartu and condemned to death in absentia in 1962. The United States denied Soviet requests for his extradition.

In an interview last week in a cluttered house in Greenlawn, L.I., where he lives alone, he denied the charges as Communist propaganda. But he declined to discuss his wartime service in detail, saying only "I was an Army guy." He indicated he might say more "maybe when all this gets straightened out."

"All I know is that he is a nice man and a good neighbor," said Mrs. Frank Wuestman, who lives next door. "War is war and everybody gets mixed up in it somehow anyway," she added.

Mikola and Serge Kowalczuk, two brothers from the Ukraine who came here in 1950. They have been under investigation in connection with the stayings of Jews in Lubomil.

Both brothers are tailors and live in North Philadelphia. Serge Kowalczuk, 56, said in a brief interview last week that the allegations were untrue. "No, I'm not afraid," he said in heavily accented English. "If I were afraid we would not have lived here all this time."

Mikola Kowalczuk declined comment, but neighbors said that every holiday the Kowalczuk family was the first to hang out the American flag and the first to put lanterns in the windows at Halloween.

A policeman who is a neighbor of the other brother said, "They are good people from what I can see. They get up early in the morning and work hard every day."

Edgars Lalpenleks, a 63-year-old former Latvian intelligence officer and anti-partisan fighter who came here in 1960. He is now living in Solana Beach near San Diego. Last week he disclosed that he had performed spy missions for the Central Intelligence Agency in the 1960's. He said that the C.I.A. had paid his expenses for trips to Japan, Alaska, San Francisco and Washington for him to collect and disseminate certain unspecified information about the Soviet Union. The C.I.A., he said, had also talked to the Immigration Service for information on his case and informed him in July that the investigation had been closed. The agency confirmed that Mr. Lalpenleks had done some work for it.

Edmund Gustav Macs, a 72-year-old Latvian who came to the United States in 1949. He is under investigation in connection with wartime murders in Lumbazu.

Today he is pastor of a small Lutheran congregation in Tacoma, Wash. He has denied the allegations, calling them Communist propaganda.

"There is nothing, just nothing to all this," said Mrs. Macs, who said her husband would not come to the door.

"We have gone through two terrible wars, lived under Hitler and Communism," she said. "Why have we to suffer more?"

Emils Verzemnieks of nearby Puyallup, president of the congregation at Mr. Macs' Tacoma Lutheran Church, recalled that the Germans moved the Jews into ghettos, then out to forced labor on the farms and back to the ghettos. But, he said, "This happened all over Latvia and it was the fault of the Germans, not of Pastor Macs."

Vilis Hazners, a 71-year-old Latvian who came here in 1956 as an avowed displaced person from Germany. He has been under investigation regarding allegations of atrocities by Latvian Police. He is the former president of the Committee for a Free Latvia in Washington and delegate to the Assembly of Captive European Nations. He is now living on a well-kept 104-acre farm near Whitehall, N.Y., close to the Vermont border.

In a recent telephone interview he said he had been a major fighting with German forces on the Eastern Front but declined to discuss the allegations directly, referring further inquiries to his attorney, Ivars Berzins, who also refused to comment on the charges.

One major factor in increased public and Government interest in the war crimes allegations was the arrest here in 1972 of Hermine Braunsteiner Ryan, a Queens housewife who was identified as a former guard at the Maidanek concentration camp in Nazi-occupied Poland. The Government opened its first Nazi denaturalization case against her, but she agreed to voluntarily relinquish her citizenship and was then extradited to West Germany, where she is now on trial with others for murder.

Since then, Representative Joshua Ellberg, Democrat of Pennsylvania, chairman of the House Immigration Subcommittee, and Representative Elizabeth Holtzman, Democrat of Brooklyn, a committee member, charged that the Government has been lax in investigating other Nazi cases. Now they say they are encouraged by the Government response although they have raised questions about the possible connection between suspects and the C.I.A. and other intelligence agencies, a connection just disclosed in the case of Mr. Lalpenleks.

The Government investigation of suspected war criminals has recently become the subject of numerous newspaper and magazine articles around the country. A forthcoming book entitled "Wanted: The Search for Nazis in America," by Howard Blum, a New York reporter, deals with the Government handling of the cases of four leading Nazi suspects.

Shadow of World War II Lengthens Again

By HOWARD COFFIN
And HARRY JAFFE
Vermont Press Bureau

DRESDEN, N.Y. — Mrs. Elza V. Hazners, 65, tearfully denied here Monday that the name of her husband, Vilis Hazners, should be linked to Nazi atrocities in Latvia during World War II. It did appear, however, that her husband had been in the armed services in Latvia during the war, fighting on the same side as the Germans.

Her husband remained inside the elderly couple's farmhouse on a hillside looking across Lake Champlain to the countryside of West Haven, Vt., less than a mile away.

Mrs. Hazners, a gray-haired woman with blue eyes, a kindly face and heavy accent, said: "We are not criminals. We have nothing against Jews."

She said: "You do not know what it is like to live under the Communists."

But it was clear on Monday, despite her strong denials, that stories about alleged Nazi war criminals had spread into the North Country and to the quiet

home of the Hazners some three miles north of Whitehall.

Mrs. Hazners said Monday that her husband was in bed and ill, that he has had several heart attacks, and that he was thus unable to talk with reporters. She also said that the couple has been told by its lawyer, Atty. Ivars Berins of Long Island, not to discuss allegations. She did say her husband is leaving soon for New Jersey.

And she indicated that her husband would like to explain things to the public, but that Atty. Berins has said no, at least for the time being.

The Hazners' problems became well known on Sunday when the Albany Times Union followed an earlier report by the New York Times which had listed the Hazners' name among persons being investigated by the U.S. Immigration and Naturalization Service.

The Times Union ran a story complete with picture of a man dressed in a Nazi

(See Page 16: Hazners)



(Photo by Jaffe)

Mrs. Elza Hazners gestures at entrance of home in Dresden, N.Y., near Whitehall. Her husband, Vilis Hazners, she said was too ill to be interviewed by reporters seeking to ask about published statements that he fought on the side of the Germans in Latvia in World War II, near a spot where many Jews were killed by the Nazis. Mrs. Hazners denied that her husband was a Nazi participant.

Hazners

(Continued from Page One)

uniform who was said to be Hazners.

The Times Union said that Hazners admitted that the Immigration and Naturalization Service is now investigating him for alleged war crimes.

Hazners has also admitted knowing another Latvian, Boleslavs Maikovskis of Mineola, who is now undergoing deportation hearings as an accused Nazi-sponsored war criminal.

Atty. Berins said Monday that he also represents Karlis Detlavs of Baltimore, Md., an alleged Latvian Legion soldier who is accused of Nazi-related war crimes.

Hazners has told the Times Union that he was a member of the Latvian Legion which fought on the side of the Nazis in Latvia in World War II.

One of the prime searchers for Latvian Nazis in this country is Dr. Gertrude Schneider of the City University of New York. She was a survivor of a concentration camp in Riga, Latvia, where 21,000 Jews were reportedly shot. She has reportedly found mention of Hazners' name in Latvian publications dealing with Nazi war crimes. She could not be reached for comment Monday.

While Maikovskis and Detlavs face possible deportation, it appeared Monday that Hazners was not in the same danger. While he is not a U.S. citizen, he came to the U.S. after a requirement had been suspended for immigration statements as to whether they had been participants in war crimes.

The Hazners live in a comfortable 125-year-old twin-chimneyed farmhouse overlooking Lake Champlain three miles up Route 22 from Whitehall. The property abutting Route 22 has several no-trespassing signs tacked to trees in the name of one of Hazners' sons.

Mrs. Hazners answered a persistent knock at her door on Monday that roused energetic barking of a small pet dog.

At first reluctant to talk at all, Mrs. Hazners did answer some questions on the small glass-enclosed sun porch that looks over Lake Champlain.

She was near tears during much of the conversation.

She insisted that there is

no truth to any allegations being made about her husband.

At one point, to emphasize that claim, she crossed herself.

She grasped at her throat briefly another time in a reference to "suicide" if there were truth to war crimes connected with her husband.

At one point Mrs. Hazners called things being written about her husband "all lies."

She was most upset when a photograph of her was taken.

Mrs. Hazners said she and her 71-year-old husband have lived in Dresden for eight years.

More than once Mrs. Hazners mentioned having lived under Communist rule and said: "If you could see what the Communists were doing against us."

She was asked if she believes that Communists may be behind the problems her husband is now having.

At one point she intimated that she believes Communists may be behind her husband's difficulties.

She did say: "We know who is behind this."

Mrs. Hazners also said: "We don't blame Dr. Schneider. We understand her father was killed by the Nazis."

She said of her husband's experiences during the war: "He was an officer. I would have been ashamed if he did not go to work with his soldiers."

And she said: "He was like a father to his men. He couldn't leave them to the Nazis."

At one point she went into the house to obtain the phone number of her attorney. She carefully closed the door behind her.

The dining room of the house had paintings of flowers on the walls and a large formal dining table in the center. The room looked homey, not ostentatious.

She mentioned the beautiful flowers she said grow in the summer on the grounds of the house. On Monday the grounds were covered with snow. She said that "many people from other countries come here and see the flowers."

Mrs. Hazners said she had lived for a time in Germany after the war and that people there questioned her about her foreign accent and about whether she "was poor."

She said she came to America and worked in a hospital and nobody asked her such questions.

She said: "I am so happy to be here. I love this country."

Mrs. Hazners said she

and her husband have no intention of moving.

Neighbors speak well of the Hazners, calling them quiet and intelligent.

At a diner in Whitehall on Monday nobody had heard of the couple or of the allegations concerning them.

A waitress said: "If there was anything going on, this would be the place to hear it."

Up Route 22 in the fading afternoon light Mrs. Hazners stressed: "We are not criminals. We have nothing against Jews. We have nothing against Dr. Schneider."

She said: "This will be cleared up."

She was asked if she had any plans to sue newspapers and she said that she did not.

But Atty. Berins said: "That matter will have to wait. I will not rule anything out at this point."

Mrs. Hazners, her eyes moist, said she would say no more. She did question why reporters had to pry into the lives of people who have done nothing wrong.

Saturday, January 29 1977
Times Union Albany

Upstate man, 71, faces deporting

By FREDRIC U. DICKER

The U.S. Immigration and Naturalization Service moved Friday to deport Latvian native Vilis A. Hazners, 71, who now lives in the Washington County town of Dresden, near Whitehall, after accusing him of wartime atrocities in collaboration with the Nazis.

Hazners was served with a show cause order at about noon Friday by two INS officials and must appear for a hearing Feb. 14 at the service's Albany office, in the U.S. Postal Service building.

Hazners, whose alleged involvement with Nazi-inspired war crimes against Latvian Jews was detailed in The Times-Union on Nov. 28, was accused by the INS of six specific actions, any of which could lead to the revocation of his permanent (non-citizen) resident status.

He is accused of selecting Jews in the

Dwinsk Ghetto in 1941 "for execution at the location known as the Pogulanka Woods," and of having participated in and allowed the "collecting of a group of Jews in Riga, Latvia, and detaining them at the Big Synagogue (Choral Synagogue) on Gogol Street, after which the said synagogue was set afire and the detained Jews burned to death therein, in or about July, 1941."

In addition, Hazners is accused of having "advocated" persecution of persons because of their "race, religion, or national origin," and assaulted numerous Jews, specifically a person named "Ber Mendelkorn, at a police station in Riga, Latvia, in or about July, 1941."

A copy of the charges against Hazners was released Friday afternoon at the INS's Albany office.

Reached for comment, Hazners, who

See NAZI, Page 2

Nazi collaboration charged

Continued from Page 1

has admitted fighting side-by-side with the German Nazis during World War II as against Russian troops a major in the Latvian Legion, denied the allegations against him.

"It is Communist propaganda. I know it is coming from the Latvian Communists," Hazners said. He said he is "sure" he'll be exonerated.

Hazners entered the United States on Aug. 23, 1956 as a displaced person from Germany, coming in under a provision of the Refugee Relief Act of 1953.

But, according to the INS's show cause order, Hazners was not entitled to

admission under the act "because you were an alien who...had personally advocated or assisted in the persecution of any person or group of persons because of race, religion, or national origin."

Benedict Ferro, director of the INS's Buffalo office, which supervises the Capitaland area, said a formal hearing aimed at deporting Hazners will be held in Albany before an INS-appointed judge.

"He (Hazners) will have to show cause why he should not be deported," Ferro said. Asked if the INS is prepared to present witnesses to testify against Hazners, Ferro said "we have no comment at all on that."

THE POST-STAR

Home Newspaper
Of The Adirondack Region

GLENS FALLS, NEW YORK

Tuesday, Feb. 1, 1977

Man Faces Deportation

By EILEEN LEVY
Staff Writer

A Dresden man may be deported because of his alleged involvement in World War II atrocities.

Vilis A. Hazners, 71, a permanent resident alien from Latvia, was served

Friday with notice of the deportation proceedings by the U.S. Immigration and Naturalization Service. He was directed to report for a hearing Feb. 14 at the Immigration Service office in Albany. He must show cause why he should not be deported.

Hazners is charged with entering the United States using a visa to which he is not entitled because he had "advocated or assisted in the persecution of persons because of race, religion or national origin," according to a release from the Immigration Service.

Hazners came to the United States Aug. 23, 1955, under the Refugee Relief Act of 1953. Persons guilty of involvement in such persecution were specifically excluded from admission to the United States under the law.

Hazners has been charged with specific acts of persecution against Jews in Latvia: participating in the selection of Jews in the Dwinsk Ghetto for execution at the Pogulanka Woods in June 1941; with assaults upon Jews at a police station in Riga, Latvia, in July 1941, and participating in the collection of a group of Jews detained in a Riga Synagogue which was set afire killing those in it in July 1941.

Hazners is one of several aliens living in the United States who have recently come under investigation by the Immigration Service.

Hazners is represented by Ivars Verzins, an attorney in Babylon, who could not be reached for comment.

Hazners has lived in Dresden since 1968. Before that he worked in New York City as an employe of the Committee for Latvia.

The hearings in Albany will be open to the public, according to District Director Benedict Ferro of the Immigration Service.

Man Accused of Latvian Nazi-Related Crimes Says He'll Deny It at Deportation Hearing

Vermont Press Bureau
DRESDEN, N.Y. — The man who will stand before a federal Immigration and Naturalization Service deportation hearing Monday, on charges he committed atrocities against Jews during World War II, said Thursday he intends to plead not guilty to the charges.

Reached by phone at his home here just a few miles north of Whitehall, Vilis A. Hazners, 71, said he would personally appear at the administrative hearing scheduled to begin Monday in Albany. He said he will be represented by Atty. Ivars Berins of Long Island, who also represents two other accused Nazi-collaborators before government deportation proceedings.

Hazners, described by the Immigration Service as "a permanent resident alien from Latvia," was reported by his wife to be unwell last November. But Hazners said Thursday: "I am sick, but not so sick."

"I will plead not guilty," Hazners said.

The 71 year-old former officer in the Latvian Legion

will face charges of committing "specific acts of persecution against Jews in Latvia." The Latvian Legion was allied with Nazis in the war, and the Baltic country is known for one of the most infamous extermination camps, the Riga Ghetto.

Government accusations include selection of Jews for execution, assaults upon Jews at a Riga police station and collection of Jews in a Riga synagogue which was set afire killing those inside. All occurred in July, 1941, according to the Immigration Service.

Hazners came to this country on Aug. 23, 1956, under the Refugee Relief Act of 1953, according to a government report. The Immigration Service contends Hazners entered illegally because that law excludes persons who had advocated or assisted in the persecution of persons due to race, religion or national origin.

The Latvian, who has lived since 1968 in a small farmhouse here with a view to Vermont over Lake Champlain, was served with papers on Jan. 28 to ap-

pear in Albany and prove why he should not be deported.

The administrative hearing, described by government officials Thursday as a quasi-judicial process will be the first deportation proceeding in the northeast district, centered in Buffalo. The Monday session will be "perfunctory," an official in Washington said.

Verne Jervis, public information officer for the Immigration Service, compared the first hearing to an arraignment in the criminal justice process. The hearing officer will be an immigration judge from New York, he said.

Although Jervis said no evidence or witnesses will be called Monday, eyewitnesses will testify at some time during the hearing schedule, he said. A government lawyer will press the case for the Im-

migration Service, according to Jervis.

If the government's deportation cases against Boleslavs Malkovskis of Mineola and Karlis Detlavs of Baltimore, Md. — both former Latvians also accused of Nazi-related war crimes — are any indication, a decision on Hazners could take months. While motions in hearings against the two were filed in November, Jervis said the suspended proceedings will not begin until later this month.

U.S. finally ridding nest of

By FREDRIC U. DICKER

Some people consider it another Watergate, others call it a major blot on the reputation of American justice, and at least one person thinks an international conspiracy may be at work.

But whatever it is, when Vilis Arverds Hazners, 71, a Latvian emigre living in the Washington County town of Dresden, walks into an immigration court in Albany Monday afternoon, he will become a major figure in what is now a national controversy.

Hazners, a non-citizen resident alien, is accused by the U.S. Immigration and Naturalization Service of having committed war crimes while in the service of the Nazi-backed Latvian SS Legion during World War II.

INS is seeking to deport him from the United States.

The six deportable actions Hazners is accused of participating in, including

murder, assault, and advocating racist views, occurred some 35 years ago.

Hazners came to the United States from Hamburg, Germany, in 1956 as a displaced person admitted under the Refugee Relief Act of 1953.

Why then, after so many years, has the INS decided to take action against Hazners?

A better question may be, why didn't the INS take action against Hazners before?

At least for the present, the answer to the latter question cannot be learned.

The theories, espoused by a former INS investigator, professional Nazi



IN LATVIA—Photo of Vilis Hazners, purportedly taken while he was in the Nazi service, which appeared in a Latvian publication.

suspected Nazis

hunters, and at least two congressmen, include the following:

Hazners, and dozens of other alleged war criminals, may have been protected by the CIA and the FBI, after having been recruited in the cold war struggle against Communism.

The alleged war criminals may have arranged for protection from ODESSA,

an international organization of former Nazis dedicated to keeping their numbers free from prosecution.

Or, in individual cases, money may have changed hands between alleged war criminals and senior INS officials.

For more than two years, Joshua Eij-

See U.S., Page B-2

The Sunday Times-Union ***
February 13, 1977

U.S. finally cleansing its

Continued from Page B-1

berg, chairman of the House subcommittee on Immigration, Citizenship, and International Law, has been attempting to find out why the INS has not deported one of the more than 100 alleged Nazi war criminals believed to have entered the U.S. after World War II.

Last month Eilberg sent a letter to the head of the General Accounting Office asking for a full investigation of the INS.

"I would like to enlist the cooperation of the General Accounting Office," Eilberg wrote Elmer B. Staats, the comptroller general of the United States, "in conducting a thorough investigation of this situation, especially to determine if Immigration personnel deliberately obstructed active prosecution of these cases or engaged in a conspiracy to withhold or quash any information in its possession."

The investigation has begun.

A just published best-selling book, "Wanted: The Search for Nazis in America," by Howard Blum, makes the case that Eilberg's concern is justified.

Blum relied heavily on the experiences of Anthony J. DeVito, a now-retired INS investigator who laid the groundwork for the service's extradition of Hermine Braunsteiner Ryan, the only alleged Nazi war criminal thrown out of the United States.

She is now on trial for war crimes in Germany.

After encountering what DeVito said were repeated problems with his investigation, including stolen files, leaked confidential information, and threatening calls to his unlisted home telephone, DeVito wrote a memorandum to his superiors.

"During investigation of the deportation phase in the Hermine Braunsteiner Ryan matter, I indicated to you my strong feelings concerning the existence and operation of ODESSA here in the United States, even to the point of possible infiltration into our government," DeVito wrote.

ODESSA, or Organisation der Ehemaligen SS-Angehorigen (Organization of former SS members,) is said by professional Nazi hunters to be a still active international organization of ex-Nazi war criminals.

DeVito, who recently has been speaking across the country on the question of

Nazis in America, told The Times-Union that there is no single means of explaining the lack of INS action.

"After giving this question much thought I can only conclude there are two potential reasons for the failure to take action. There were people inside and outside the government who shared a similar ideology with these (alleged) Nazis or there was just outright corruption, money changing hands," DeVito said.

His two-pronged theory "should not exclude isolated cases where the CIA brought people back here from Germany to do work for them," DeVito said.

According to Blum and other researchers, the CIA's predecessor, the OSS, actively recruited at the end of World War II one Reinhard Gehlen, a Nazi general who headed the Foreign Armies East, a complex intelligence gathering organization.

And with Gehlen, according to the researchers, came many of his agents, including former Latvian Legion officials.

Hazners on two occasions told The Times-Union he never committed war crimes. He does admit fighting side-by-side with the German Nazis as a major in the Latvian SS Legion against the Russians, an action he said sprang from anti-Communist nationalism.

The present INS action, Hazners said, is the result of Communist pressures. "It is Communist propaganda. I know it is coming from the Latvian Communists," he said Jan. 28, just hours after being served with a deportation notice.

As in the case of many other alleged former Nazis, the charges against Hazners are not new.

After weeks of research, The Times-Union, which first disclosed details of the charges against Hazners on Nov. 28, determined that charges of Hazners' alleged involvement in German-sponsored atrocities appeared as early as 1949, in a New York City German language newspaper called Aufbau, and on a war criminal list gathered by the Jewish Historical Documentation organization in Linz, Austria.

According to the list, contained in a war crimes file at the Yivo Institute for Jewish Research in New York City, Hazners was "district chief of the Abrene-Latvia during the (German) occupation. Responsible for the mass killing in this

district. Now in c/o Latvian National Council in Ilanau, Germany."

In 1963, the Latvian State Publishing House, controlled by Latvia's Communist government, published Daugavas Vanagi: Who Are They?, a treatise on a Latvian emigre organization to which Hazners belonged.

As chief of the Abrene district police, Hazners, according to the publication, "Directed the extermination of the inhabitants there who were either Jewish or 'undesirable elements'."

Late Friday, the Soviet Embassy in Washington, D.C., informed The Times-Union that Latvian authorities have documentary evidence to support the charge.

The charges on the war criminals list and in the Latvian publication are similar to those made against Hazners by the Immigration and Naturalization Service.

According to the INS, Hazners participated in the 'collecting (of) a group of Jews in Riga, Latvia, and detaining them at the Big Synagogue (Choral Synagogue) on Gogal Street...after which the said synagogue was set on fire and the detained Jews burned to death therein, in or about July, 1941.'

Hazners is also accused by INS of participating 'in the selection of a group of Jews, in the location known as the Dvinsk Ghetto, for execution at the location known as the Pogulanka Woods, in or about June, 1941.'

According to Dr. Gertrude Schneider, a Riga ghetto survivor who has written a history of Nazi atrocities in Latvia, at least several hundred and maybe thousands of Jews died in the fire at the Big Synagogue.

According to Hazners, he has been active both in Europe and America in Latvian emigre organizations.

He served with Boleslavs Maikovskis of Mineola, Long Island, also accused by INS of Nazi war crimes, on several Latvian emigre organizations and describes Maikovskis as a friend.

In 1965, Maikovskis was tried in absentia in the Soviet Union for war crimes and sentenced to death.

The biographical 'Who's Who in the East,' lists Hazners as a Latvian delegate in 1964 to the European Assembly of Captive Nations."

The organization, according to former

nest of suspected Nazis

CIA agent Philip Agee, is "a CIA propaganda operation."

Agee's allegation is contained in his recent book, 'Inside the Company: CIA Diary.'

During the 1960s, Hazners' emigre activities received an international forum when he made language broadcasts

for the United States Information Agency-sponsored Voice of America.

According to agency information officer George Berzins, Hazners was not paid for the broadcasts which, Berzins said, consisted mainly of interviews about his organizational work.

Hazners was asked by The Times-

Union if he ever knowingly worked for the CIA. "No, never," he said.

There are indications that many Americans take a 'forgive and forget' approach towards alleged war criminals in the country, an attitude DeVito said he experienced while with the INS.

February 15, 1977

THE POST-STAR

Home Newspaper of the Adirondack Region

GLENS FALLS, NEW YORK

Deportation Hearing Begins for Dresden Man

•Legal case outlined —
page 12.

By EILEEN LEVY
Staff Writer

ALBANY — The deportation hearing of a Dresden man began here Monday.

Vilis A. Hazners, 71, who now lives with his wife in the rural Washington County town near Whitehall, was ordered Jan. 27 to show cause why he should not be deported.

He is charged with having illegally obtained entrance to the United States with a visa issued under the

Refugee Relief Act of 1953.

The specific charges against Hazners state that he participated in the persecution of Jews in Latvia during World War II. The hearing was adjourned until June 20.

Lloyd Sherman, Immigration and Naturalization Service (INS) attorney, said witnesses for the government will have arrived in the United States by that time.

Sherman said most of the witnesses will travel from Israel.

Judge Anthony DeGaeto,

special inquiry officer for the INS, presided over a brief courtroom session in which Hazners' attorney, Ivars Berzins, denied all the allegations of wartime atrocities.

DeGaeto did not allow Berzins to make an opening statement. "That can wait until June," Judge DeGaeto said.

He did allow Berzins to say, "My client has had four heart attacks. He wants this to proceed without undue delay before he has a fifth one. He wants to be vindicated, while he is still

alive."

But after the judge adjourned the hearing, Berzins, and later Hazners' son, Vitauts Hazners, spoke loudly to reporters and observers in the courtroom.

Most of what they said was part of the statement Berzins had attempted to deliver in the courtroom.

"If they (the INS) had reason to know he was ineligible, why did they let him in?" Berzins said. "Where are all the witnesses? Where have they been hiding?"

"You killed them all,"

said a woman standing in the courtroom.

Berzins charged the press with disseminating communist propaganda about his client.

"These charges have 'Made in Moscow' stamped all over them," he said.

Hazners, a white-haired, well-dressed man, showed no emotion during the hearing or afterward, ex-

cept for an occasional smile.

He was accompanied by his sons and grandsons, who live in central New Jersey.

Hazners entered the United States from Germany in August 1956.

Sherman would not say whether the witnesses he plans to summon are eyewitnesses. But he said,

"We expect them to substantiate the charges."

About 50 persons were in the courtroom observing.

One woman, who had been in a concentration camp in Europe during World War II, traveled from Glens Falls to attend the hearing.

There was a young man in a yarmulke, a small cap worn by Orthodox Jewish men as a sign of their devotion to God.

Hazners Case 1 of 3 Being Heard in U.S.

The deportation of Willis A. Hazners of Dresden is being undertaken in accordance with two sections of the Refugee Relief Act of 1953.

One section states, "Any alien admitted under this act at the time of entry shall, irrespective of the date of his entry, be taken into custody and deported in the manner provided by...the Immigration and Nationality Act."

Hazners is not being held in custody.

Another section of the Refugee Relief Act referred to in the order to show cause served on Hazners says, "No visa shall be issued under this act to any person who personally advocated or assisted in the persecution of any person or group of persons because of race, religion or national origin."

Charges similar to those brought against Hazners are being applied in three other deportation cases in the United States — in Baltimore, Md.; Hartford, Conn., and New York City.

If Hazners or one of the other respondents does not show sufficient cause why he should not be deported, he will be the first in the United States to be deported because of war crimes.

Five or six denaturalization cases are also being brought to hearing in similar circumstances, according to Lloyd Sherman, Immigration and Naturalization Service attorney.

Hazners, a permanent resident alien, is charged with personally advocating or assisting "in the persecution of a person or

group of persons because of race, religion or national origin in and around locations" known as Dwinsk and Riga in Latvia.

He is charged with participating "in the selection of a group of Jews, in the location known as the Dwinsk Ghetto, for execution at the location known as the Pogulanka Woods, in or about June 1941."

A third charge against Hazners is that he participated and acquiesced "in the commission of assaults upon a group of Jews in the location known as the Dwinsk Ghetto, in or about June 1941."

Hazners is further charged with "assaults upon a group of Jews...at a police station located in Riga, Latvia, on or about June 1941."

He is charged with "collecting a group of Jews in Riga, Latvia, and detaining them at the Big Synagogue (Choral Synagogue) on Gogol Street, Riga Latvia, after which the said synagogue was set afire and the detained Jews burned to death therein, in or about July 1941."

Finally Hazners is charged with "assaults upon numerous Jews near and within the ghettos located in Riga, Latvia, between the years 1941 and 1943."

In behalf of Hazners, his attorney denied all those charges.

TIMES UNION, Albany, Febr. 15, 1947.

Emigre denies war crime

By FREDRIC U. DICKER

Vilis A. Hazners, 71, a nationally prominent Latvian emigre, Monday denied in a U.S. Immigration and Naturalization Service Court in Albany that he committed war crimes while an officer in the Nazi-backed Latvian SS Legion during World War II.

His attorney, Ivars Berzins of Babylon, Long Island, said the charges have "made in Moscow stamped all over them."

INS Judge Anthony DeGato set June 20 for the start of a formal trial for Hazners, which could eventually lead to his deportation. Hazners is in the United States as a permanent resident alien.

Lloyd Sherman, the INS attorney who presented the case Monday, said the government is prepared "to bring four or five witnesses from overseas" to testify against Hazners.

Most of the witnesses, survivors of the Riga, Latvia, Jewish ghetto, are now believed living in Israel.

Hazners, who lives in Dresden, Washington County, was served with a deportation notice Jan. 28.

He is charged with having entered the United States from Germany in 1956 in



VILIS A. HAZNERS
Denies war crimes

violation of the anti-war crimes proviso of the Refugee Relief Act of 1953.

The deportation notice accuses Hazners of participating "in collecting a group of Jews in Riga, Latvia, and detaining them at the Big Synagogue (Choral Synagogue) on Gogal St., Riga, Latvia, after which the said synagogue was set afire and the detained Jews

burned to death, therein, in or about July, 1941."

At least several hundred Jews are believed to have died in the fire.

In addition, Hazners is charged with selecting Jews for execution in an area known as the Pogulanka Woods, Latvia, assaults on Jews in the Dwinsk Ghetto and at a Riga police station, and advocating or assisting "in the persecution of a person or group of persons because of race, religion, or national origin in and around locations known as Dwinsk, Latvia, and Riga, Latvia."

Hazners, chairman of the Committee for a Free Latvia, arrived early at the courtroom, accompanied by his two sons, a grandson, his attorney and several family friends. White-haired, bespectacled and partially bald, the senior Hazners paced outside the courtroom door, occasionally speaking in Latvian to his sons.

The hearing ended quickly.

Berzins told Judge DeGato that his client denied the charges against him. He asked DeGato for permission to read a prepared statement defending Haz-

See EMIGRE, Page 18

Continued from Page 1

ners, but DeGato said the statement should be held until the trial.

About 40 spectators came to the hearing, including a few persons who said they were Jewish survivors of Nazi persecution.

When the hearing ended, several spectators shouted accusations at Hazners.

Berzins, himself a Latvian native, claimed Communist propagandists are behind the charges against his client.

Hazners, he said in a prepared statement he had planned to read in court, was arrested by the Russian secret police in 1941, just before the German invasion of Latvia, "and ordered shot without trial or hearing of any sort.... The outbreak of war between the Third Reich and the USSR saved my client's life."

Berzins said Hazners served under the German occupation as an officer in the Latvian SS Legion and as police commissioner in the Abrene District.

In those capacities, he said, Hazners never committed war crimes.

"My client never had and does not now have any sympathy for the racial fantasies (sic) and atrocities of the National Socialists of the Third Reich. Like any normal human being, my client abhors and condemns those atrocities. My client has fought only for his homeland and against the Bolsheviks," Berzins said.

Hazners, according to Berzins, welcomes the INS hearing.

"My client has had four heart attacks. We would like this proceeding to proceed without delay. He wants to get this over with before his fifth heart attack. He wants to be vindicated while he is still alive," Berzins told Judge DeGato.

The Times-Union disclosed details of the charges against Hazners Sept. 28. In The Times-Union Sunday, it was revealed that present-day Latvian authorities claim to have documentary evidence of Hazners' alleged crimes.

The Kitchener Daily News, Page 9-a

Nazi charges Soviet-inspired, lawyer

By ALAN JAY ALPERN

The white-haired defendant stood calm and erect as several courtroom spectators taunted and heckled him.

Vilis A. Hazners, accused of being a Nazi collaborator in Latvia during World War II, was making his first appearance in an Albany court since U.S. Immigration and Naturalization Service (INS) charges against him hit the headlines three months ago.

The 75 or so spectators, mostly members of Metroland's Jewish communities, sat taut and grim-faced as they watched the brief court proceedings Monday. But as Hazners' attorney and son were interrogated by the press, the somber crowd pushed against the court railing to shout at the elderly defendant: "The witnesses will be here," and, "The dead are hiding at Auschwitz."

Hazners remained silent.

The slender, blue-eyed retired journalist has resided in the Washington County town of Dresden five years. He is being prosecuted by the INS as an illegal resident because of his alleged involvement in Nazi executions and roundups in Riga and Dvinsk, Latvia, from 1941 to 1943, and he faces deportation to his homeland or extradition to West Germany, where he could be tried as a war criminal.

Long Island attorney Ivars Berzins and Hazners' son, Daumants, attempted to paint a picture of Soviet Union influence on the charges against the self-proclaimed Latvian patriot.

"These charges have 'Made in Moscow' stamped all over them," Berzins declared to a group of reporters. Daumants Hazners, an engineering professor at a New Jersey community college and a former member of the Federal Highway Safety Board, denounced the charges as a Communist-inspired attempt to discredit expatriate Latvians.

Berzins cautioned the defendant not to speak with reporters.

The 71-year-old Hazners denied the six INS charges against him Monday, and INS Judge Anthony DeGato set June 20

for a trial date. But in an opening statement, that Berzins was prohibited from an Army captain of directing "the extermination of the inhabitants there who were either Jewish or undesirable elements," while chief of the Abrene police.

Documents published by Latvian authorities in 1963 accuse the former Latvian Army captain of directing "the extermination of the inhabitants there who were either Jewish or undesirable elements," while chief of the Abrene police.

Styling Hazners a Latvian patriot and soldier, Berzins' statement reads: "My client never had and does not now have any sympathy for the racial fanatics (sic) and atrocities of the National Socialists of the Third Reich. Like any normal human being, my client abhors and condemns those atrocities. My client has fought only for his homeland and against the Bolsheviks."

Berzins challenged the government prosecutors to produce witnesses who can place Hazners at the scene of Nazi



Clara Rudnick, left, of Glens Falls watches as Vilis A. Hazners, right, and his attorney, Ivars Berzins, answers questions outside federal courtroom in Albany Monday. (Staff photos)

offenses in Latvia.

INS attorney Lloyd Sherman said his office plans to bring four or five witnesses now residing in Israel to testify against Hazners. One reason it took 21 years from the time Hazners entered the United States until prosecution of his case began, according to an immigration service spokesman, is that these witnesses only recently became available when they emigrated from Eastern Europe or the Soviet Union to Israel.

Responding to Berzins' accusation that the charges against Hazners originated in Moscow, Sherman told reporters he is "not aware of any influences" from the Soviets in the direction of this prosecution.

In attempting to substantiate his charge of Soviet influence, Berzins noted his client was marked for a firing squad by the Soviet Secret Police in 1941 and escaped when war broke out between the Russians and Nazi Germany. Hazners has been on Moscow's "enemies list" ever since, the attorney contended.

In addition, Hazners has been active in the anti-Soviet Committee for a Free Latvia since 1953 and its chairman the last 17 years, and in the 1960s he made Latvian-language radio broadcasts for the Voice of America, a propaganda arm of the U.S. Information Agency.

Berzins questioned why U.S. immigration authorities are pursuing his client when government officials had "a full and fair opportunity" to investigate him before granting a visa in 1956. The attorney said Hazners "concealed nothing, since he had nothing to conceal. Let his accusers come forward and prove a single lie. I challenge them."

Berzins did not note that by 1956 immigrants who had fought for the Germans

in World War II were no longer asked whether they had participated in war crimes, according to a local immigration official.

INS officials in Washington could not be reached Monday to comment on Berzins' charges.

Members of the Jewish community said they are equally anxious to see the trial begin. And some are convinced of Hazners' guilt.

"I'll be there with my whole family. If not me who's going to go there?" said Clara Rudnick of Glens Falls, a survivor of the Nazi concentration camp in Riga. Mrs. Rudnick, who lost her parents, two brothers and two sisters at Riga, admitted she had "terrible" thoughts while watching Hazners in the Albany courtroom Monday.

Said Mrs. Rudnick, "I don't know him personally, but if he was innocent he would have stayed in Latvia."

Steve Shaw of Albany is the son of concentration camp survivors. "It was a strange feeling in me," he said of sitting in the court Monday. "It's always been an abstraction, World War II, the Holocaust, Nazis, and there in the same courtroom five feet from you is a guy accused of murdering people. It made me angry. I'll be thinking about it for some time. I felt hatred, hatred toward this man and the people who are trying to defend him."



ESTABLISHED IN 1794



(AP Wirephoto)

Ivars Berzins, left, attorney for accused Nazi war criminal Vilis A. Hazners, far right, answers questions Monday on the steps of the Albany Federal Building after the initial deportation hearing aimed at forcing Hazners, of Dresden, N.Y., out of the country. Hazners' son Vilits stands between the two.

Angry Jews Gather at Deportation Hearing of Alleged War Criminal

By HARRY JAFFE
Vermont Press Bureau
ALBANY, N.Y. — A group of angry Jews added drama to the opening hearing here Monday in the federal Immigration and Naturalization Service's effort to deport Vilis A. Hazners for allegedly committing atrocities against Jews in Latvia during World War II.

Hazners, a 71-year-old white-haired man, has lived for the past eight years with his wife in a farmhouse just across Lake Champlain in Dresden, a small village north of Whitehall.

The hearing itself was perfunctory. Immigration Judge Anthony DeGaeto read the government's charges which include a number of incidents where the Latvian allegedly killed or harassed Jews.

Hazners' attorney, Ivars Berzins, admitted his client was a Latvian citizen who entered this country in 1956. But Berzins denied accusa-

tions Hazners is responsible for assaulting and burning Jews in the Riga Ghetto between 1941 and 1943. These were among six similar charges, all denied.

The deportation proceeding was adjourned until June 20 when the government is expected to produce

eyewitnesses to support its charges. The entire process may take months or years.

Shortly after the hearing's conclusion, reporters pressed Berzins, Hazners and the Latvian's family members. Under questioning, Berzins described the

(See Page 16: Hazners)

RUTLAND DAILY HERALD, TUESDAY MORNING, FEBRUARY 15, 1977

Hazners

(Continued from Page One)

government's case as "trumped-up charges."

Hazners' 39-year-old son Daumantz said: "It's obvious where the charges come from... there's made in Moscow stamped all over them."

The atmosphere here reached an emotional pitch when Hazners' son said his father had been condemned to death in 1941.

"He should have died then," a woman shouted from a few feet outside the rail. "How about my dead mother and father?"

The younger Hazners, an engineer living in New Jersey, said his father had suffered four heart attacks.

Someone from the gallery responded: "I'd like to see him dead."

The gathering inside the rail of the high-ceilinged courtroom — which included Hazners' entourage and members of the media — was guarded by four federal marshals. The area bet-

ween the guards and the Jewish detractors, some wearing the traditional yarmulke, was just three feet.

Atty. Berzins asked where all the witnesses were who saw Hazners participate in the alleged war crimes.

"They're all dead," came the response from the group of Jews.

The scene continued as Hazners, his family and attorney later faced reporters' microphones on the steps of the federal building. Along with media representatives, Hazners listened to the taunts of a small but vociferous gathering of Jews.

Throughout the close questioning and jeers, Hazners remained calm, showing a hint of a smile on his face.

His two sons and grandson, also smiling and joking, stood behind Hazners and Berzins as the two looked into a battery of cameras and microphones.

The aging Latvian, whom supporters painted as a leader in the fight for freedom in Latvia, spoke little during the confrontations. What he did offer was spoken with a heavy accent.

Berzins and Hazners' oldest son Daumantz carried on the dialogue with reporters. They claimed charges against Hazners were part of a plot to discredit American Latvians.

Two other Latvians, both represented by Berzins, also face possible deportation because of similar charges.

His son claimed the KGB, Russia's counterpart to this country's Central Intelligence Agency, has been harassing Hazners and other Latvians living here. He said KGB members in Latvia had influenced the immigration service to press investigations into Latvian emigres.

"They (KGB agents) can't hide any longer," Berzins told reporters. Hazners' detractors will have to take the stand when the hearing reconvenes in June, he said.

After the day in Albany, Hazners returned to his home in Dresden.

The search for alleged Nazi associated war criminals reached him when the government probed Hazners' past associations. In a series of investigations that took on nationwide proportions, Hazners was charged with violating the Refugee Relief Act of 1953.

That law allows for limited immigration but excludes those who have participated in acts of persecution or harassment of persons for reasons of race, religion or national origin. An investigation by Howard Blum, author of the bestselling book, "Wanted: The Search for Nazis in America," turned up alleged wrongdoing in the immigration service's activity.

Through interviews with former government employes, Blum contends immigration service officials may have been bribed by former Nazis and the CIA actually protected Nazi collaborators who were contributing to anti-Communist propaganda in Latvia.

Hazners, in addition to writing over four books in this country, has been actively providing tapes for broadcast over Radio Free Europe into Latvia, according to Berzins.

Israeli beating victim puts finger on Hazners

By FREDRIC U. DICKER

A 52-year-old Israeli citizen, Ber Mandelkorn, testified at a U.S. Immigration and Naturalization Service deportation proceeding Tuesday that Willis A. Hazners of Dresden, Washington County, was the Latvian police officer who, in July, 1941, beat him so hard that "two or three" of his teeth fell from his mouth a few days later.

In addition, Mandelkorn, flown from Israel to Albany for the deportation proceeding, testified that he saw Hazners, armed with a revolver and dressed in a police uniform, "push people inside the burning Choral Synagogue" in Riga, Latvia, where as many as 1,000 Jewish Latvians may have died.

"He pushed the people inside. People went out and he yelled at them and pushed them back into the synagogue," Mandelkorn, the first of eight witnesses expected to be called at the hearing, stated.

Hazners, 73, a nationally prominent Latvian emigre who once made broadcasts for the United States-sponsored Voice of America, is accused by the

Immigration Service of having entered the U.S. illegally in 1956 by failing to declare his role in Nazi-sponsored war crimes during World War II.

If found guilty, Hazners, who is not a citizen but holds permanent resident alien status, could be deported.

Mandelkorn spoke in Hebrew during the proceedings and his remarks were translated by an interpreter appointed by the Immigration Service.

He said he was arrested by Latvian police on the day the Germans invaded Latvia in early July 1941 and transported to the central police station in Riga.

When he arrived, Mandelkorn said the police station was filled with Jewish prisoners. Within a short time, he was forced to "clean the courtyard (at the police station) with a tooth brush."

While doing so, Mandelkorn said he was approached by a uniformed Latvian police officer who "held a pistol in one hand." He said the officer hit him with his hands and kicked him.

Immigration Service Judge An-

thony DeGato asked Mandelkorn why he had been attacked.

"Because I am a Jew," he responded.

Mandelkorn identified his attacker as a man named "Hazners" and, in response to a question from the Immigration Service trial attorney, Ralph Smith, identified the defendant in the courtroom as the same man.

In February, when Hazners first appeared before DeGato to plead innocent to the charges, his attorney, Ivars Berzins of Babylon, Long Island, contended the charges had "made in Moscow stamped all over them."

When he cross-examined Mandelkorn Tuesday afternoon, Berzins appeared to be trying to link the witness to Russian Communist authorities.

However, Mandelkorn said he was not a communist and, in fact, had been arrested by the Soviet secret police in 1947.

Mandelkorn said he remained in the Soviet Union after the war and emigrated to Israel in 1969.

Many agencies involved

By FREDRIC U. DICKER

The CIA and FBI, British Intelligence and the U.S.S.R., Israel and the Federal Republic of Germany, Simon Wiesenthal and the Berlin Document Center.

All may be gathering information on accused Nazi war criminal Vilis A. Hazners, 71, of Washington County, court papers submitted by Hazners' attorney suggest.

In a sweeping "notice of motion" presented last week to a U.S. Immigration and Naturalization Service (INS) judge, the attorney, Ivars Berzins of Babylon, Long Island, seeks an order forcing INS

to give up all information obtained from those and other sources.

The action, part of a "discovery proceeding" before Hazners' planned June 20 trial, is expected to be resisted by INS.

However, it does give an insight into how broad and complex the Hazners case is.

Hazners, an officer in the Nazi-sponsored Latvian SS Legion and a police chief in Nazi-occupied Latvia during World War II, is accused by INS of six war crimes including participation in the murder of hundreds of Jews.

If any of the charges are proven, Haz-

ners, a permanent resident alien who entered the U.S. from Germany in 1956, could be deported.

According to Berzins, who also represents accused Nazi war criminal Karlis Detlavs, 65, of Baltimore, who is undergoing an INS deportation hearing on charges that, as a member of the Latvian SS Legion, he participated in the shooting of Jews near Riga, Latvia, Hazners welcomes the upcoming trial as an opportunity to clear his name.

And to do that, Berzins wants advance access to all INS information which may be used against his client.

Among things sought in the legal papers are :

in investigating Hazners

— "Such records as the government may have obtained from the British Intelligence concerning the period after the end of World War II when the respondent (Hazners) was interned as a prisoner of war in the prisoner-of-war camps under British Jurisdiction...."

— "Such information, if any, pertaining to the respondent as the government has received from the Federal Bureau of Investigation and the Central Intelligence Agency...."

— "Such affidavits and information pertaining to the respondent as the government has received from the Union of Soviet Socialist Republics...."

— "The evidence it (INS) has received and proposes to introduce against the respondent in this deportation hearing from the organization of Simon Wiesenthal (the well-known Nazi hunter) in Vienna, Austria...."

— "Such affidavits and information pertaining to the respondent as the government has received from Israel...." and,

— "Such affidavits and information pertaining to the respondent as the government has received from the Federal Republic of Germany...."

Why INS has not acted before 1977 against more than 100 alleged Nazi war

criminals in the United States is a subject of national controversy.

Congress' General Accounting Office is investigating the question and the House subcommittee on Immigration, Citizenship, and International Law, is expected to begin an inquiry shortly.

The alleged inaction has been attributed to several possible causes by at least two congressmen, a former INS investigator, and experienced researchers—causes which include CIA and FBI interference, payoffs to INS officials, and the involvement of ODESSA, or Organisation der Ehemaligen SS-Angehorigen

See AREA, Page B-2

Area

Continued from Page B-1

(Organization of former SS members.) a group said by professional Nazi hunters to be a still active international organization of Nazi war criminals.

The CIA and FBI interest has, researchers speculate, been motivated by a cold war willingness to recruit anti-Communist emigres for propaganda purposes, despite their histories.

For instance, Edgars Laipenieks, a 63-year-old former Latvian intelligence officer now living near San Diego, has presented documents to a San Diego newspaper showing he worked during the 1960's for the CIA.

And the agency has confirmed Laipenieks has done work for it.

Laipenieks reportedly is being investigated by INS for Nazi-sponsored war crimes.

Hazners, who is nationally prominent within Latvian emigre circles, has been affiliated with groups linked to the CIA.

In 1964, Hazners was a delegate to the European Assembly of Captive Nations, an organization ex-CIA agent Philip Agee has termed a "CIA propaganda operation."

He has broadcast for the U.S. Information Agency's Voice of America and the federally-backed Radio Free Europe and Radio Liberty, where he is still a paid consultant.

However, Hazners told The Times-Union that he never knowingly worked for the CIA.

On April 6, INS is scheduled to respond to Berzins request for all documents on his client. The service is not expected to provide much of what Berzins is seeking.



Face to Face With A Nazi!

BY STEVE SHAW

Last year, I wrote an article in *The Jewish World* telling of how the Holocaust ceased being an abstraction to me when I discovered at Yad Vashem, that my 90 year old great-grandfather, Chaim Pscherowski, and over 40 other relatives were victims of Nazi atrocities.

On Monday, February 14, 1977, I sat in a courtroom in downtown Albany, less than five feet away from a man accused of atrocities against the Jewish people. How

did I feel? How would you?

Vilis Hazners, who for the last 20 years has been living in the town of Dresden, Washington County, in the State of New York, stands accused of violating the Refugee Relief Act of 1953, lying about his role in the Latvian Army during World War II. He is accused of "personally advocating or assisting in the persecution of a person or group of persons because of race, religion or national origin in and around locations known as Dwinsk, Latvia and Riga, Latvia." He is specifically accused of rounding up "a group of Jews ...and detaining them at the Big Synagogue on Gogol Street, Riga, Latvia, after which the said synagogue was set afire and the detained Jews burned to death therein, in or about July 1941." There are other charges against him.

I sat in the courtroom in the front row. I couldn't take my eyes off Hazners. I just kept staring, staring and thinking. Who is this man? What is he? A human being with the same flesh and blood as me but with a big difference. He is capable and in fact did kill hundreds of human beings because of their religion, my religion. I muttered, still staring at Hazners, to one of the JSC-Hillel students sitting next to me, "How does it feel, sitting in the same room with a murderer of your people?" No answer.

The hearing is over in ten minutes. The media crowds around Hazners and his lawyer. The lawyer insists the charges are Communist inspired. I think "How did the Nazis inspire the Latvians, the Estonians, the Poles, to help them kill Jews. The Nazis accused the Jews of being Communists. The local populations were only too willing to help in the genocide." The implications of the lawyer's charges were all too clear to me.

The lawyer shouts out, baiting the reporters and the spectators, "Where is your proof? Where are your witnesses?" A voice from the crowd calls out "They're dead." But there are witnesses. The government will bring them from Israel to identify Hazners.

I have not stopped thinking about my confrontation with Hazners. What do you do? What can you do? Do you spit? Do you break through the guards and physically attack him? If you have a knife or gun, do you use it? No, none of those. You just stare and hate and think of Chaim Pscherowski, your other relatives and your six million brothers and sisters. And you look at Vilis Hazners and see in him the personification of man's inhumanity to man.

Post-script — February 14, 1977, an admitted admirer of Hitler and hater of Jews and Blacks, killed five innocent people in New Rochelle, N.Y.

*The Albany
Jewish World*

2/25/1977

Nazi-hunter in Albany Monday

Tuviah Eriedman, the Nazi-hunter credited with tracking down 2,000 Nazi war criminals and playing a major role in capturing Adolf Eichmann, will speak at 7:30 p.m. Monday at the Albany Jewish Community Center, 340 Whitehall Road.

His address will keynote the center's annual Yom Hashoah — memorial to the victims of the holocaust. It will also inaugurate a week of events celebrating the 200th anniversary of the signing of the New York State Constitution, which, in 1777, adopted the first guarantee of religious freedom in the country.

The celebration will culminate with the three-day annual meeting in Albany of the American Jewish Historical Society April 29, 30, and May 1.

A two-week exhibit on the history of the Jews in Albany is planned to coincide with the celebration and visit of the historical society. The exhibit will be April 25 through May 8 in the New York State Museum at the South Mall Plaza.

A 40-page booklet containing the history of the Jews in Albany and resumes of Jewish synagogues, organizations and institutions has been prepared to commemorate the celebration. It was done under the auspices of the Albany Jewish Community Council with Mrs. Howard Pressman as coordinator and Mrs. Steven Windmueller as editor. Mrs. A. Abba Koblenz was in charge of the historical survey. A. Abba Koblenz is coordinator of the week's events.

The exhibit has been assembled by Alan H. Pertman, Marey L. Bailey and Mrs. Philip L. Patlen. It is a cooperative effort of the Albany Jewish Community

Council and the Bureau of Cultural Affairs, Department of Human Resources of the City of Albany. The exhibit is being designed by Carl Erickson of the museum staff under the direction of C. Carroll Lindsay.

The American Jewish Historical Society annual meeting will convene the evening of April 29 with services at Congregation Beth Emeth and Congregation Ohav Shalom at 8:15 p.m. and at Temple Israel at 8:30 p.m. Guest lecturers will be noted Jewish scholars, Prof. Malcolm Stern, historian, author and rabbi, Saul Wiener, authority on Southern Jewry, one to be announced, and Prof. Abraham Karp, professor of history and religious studies at the University of Rochester, respectively.

The program on April 30 will begin at Congregation Beth Abraham-Jacob with services at 9 a.m. and a noon address by Dr. Isadore Meyer, editor emeritus of the American Jewish Historical Society's Quarterly. It will then move to Temple Israel's social hall at 1:30 p.m.

There, the keynote address will be given by Prof. Lawrence Fuchs, chairman of the American Studies Department at Brandeis University. His topic of "Equality in America: the Perspective of Ethnicity" will highlight the conference theme of "Religious Liberty in America: The New York Jewish Experience".

The evening program will be at the Jewish Community Center beginning at 8:15 p.m. It will include a service by the students from the communal high school, a multi-media presentation, and a dramatic presentation on "Rendezvous with History: The Story of the Albany Jewish Community".

The May 1 program will be at the Campus Center ballroom at Albany State University, concluding with luncheon. The luncheon speaker will be Prof. Moshe Davis, director of the Institute of Contemporary Jewry at Hebrew University in Jerusalem. During the morning, the guest speaker will be Dr. Gladys Rosen, program specialist of the American Jewish Committee.

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Israeli says Yank helped kill Jews in synagogue

ALBANY, N.Y. — (UPI) — Deportation proceedings against alleged Nazi collaborator Vilis A. Hazners opened yesterday with testimony from an Israeli that Hazners pushed persons inside a Riga, Latvia, synagogue which then burned, killing those inside.

The hearing by the United States Immigration and Naturalization Service was to decide whether to deport Hazners, 73, on grounds he concealed his alleged collaboration with the Nazis when he immigrated to the United States in 1956.

The first witness, Ber Mandel-

korn, 52, now an electrical worker in Tel Aviv, spoke through an interpreter and at times there was confusion about his testimony involving the strict translation from Hebrew to English.

Mandelkorn testified he was a native of Riga, where the alleged collaboration between Hazners and the Nazis took place in July 1941 when the Germans invaded the country. He said he was struck by Hazners after being taken to a Riga police station during World War II.

Mandelkorn said he later escaped a work detail and went to a relative's

home across the street from the 'Great Synagogue of Riga. There, he testified, he saw guards force "loads" of people into the building. He said he also witnessed prisoners and guards roll barrels into the synagogue.

gogue and then saw and heard "smoke, fire and screams."

He said Hazners, now a resident of Whitehall, N.Y., was among the guards who pushed persons into the building.

The Cleveland Press, Wednesday, October 26, 1977

Israeli beating victim puts finger on Hazners

By FREDRIC U. DICKER

A 52-year-old Israeli citizen, Ber Mandelkorn, testified at a U.S. Immigration and Naturalization Service deportation proceeding Tuesday that Vilis A. Hazners of Dresden, Washington County, was the Latvian police officer who, in July, 1941, beat him so hard that "two or three" of his teeth fell from his mouth a few days later.

In addition, Mandelkorn, flown from Israel to Albany for the deportation proceeding, testified that he saw Hazners, armed with a revolver and dressed in a police uniform, "push people inside the burning Choral Synagogue" in Riga, Latvia, where as many as 1,000 Jewish Latvians may have died.

"He pushed the people inside. People went out and he yelled at them and pushed them back into the synagogue," Mandelkorn, the first of eight witnesses expected to be called at the hearing, stated.

Hazners, 73, a nationally prominent Latvian emigre who once made broadcasts for the United States-sponsored Voice of America, is accused by the

Immigration Service of having entered the U.S. illegally in 1956 by failing to declare his role in Nazi-sponsored war crimes during World War II.

If found guilty, Hazners, who is not a citizen but holds permanent resident alien status, could be deported.

Mandelkorn spoke in Hebrew during the proceedings and his remarks were translated by an interpreter appointed by the Immigration Service.

He said he was arrested by Latvian police on the day the Germans invaded Latvia in early July 1941 and transported to the central police station in Riga.

When he arrived, Mandelkorn said the police station was filled with Jewish prisoners. Within a short time, he was forced to "clean the courtyard (at the police station) with a tooth brush."

While doing so, Mandelkorn said he was approached by a uniformed Latvian police officer who "held a pistol in one hand." He said the officer hit him with his hands and kicked him.

Immigration Service Judge An-

thony DeGato asked Mandelkorn why he had been attacked.

"Because I am a Jew," he responded.

Mandelkorn identified his attacker as a man named "Hazners" and, in response to a question from the Immigration Service trial attorney, Ralph Smith, identified the defendant in the courtroom as the same man.

In February, when Hazners first appeared before DeGato to plead innocent to the charges, his attorney, Ivars Berzins of Babylon, Long Island, contended the charges had "made in Moscow stamped all over them."

When he cross-examined Mandelkorn Tuesday afternoon, Berzins appeared to be trying to link the witness to Russian Communist authorities.

However, Mandelkorn said he was not a communist and, in fact, had been arrested by the Soviet secret police in 1947.

Mandelkorn said he remained in the Soviet Union after the war and emigrated to Israel in 1969.

Hazners aide 'stopped'

ALBANY — The attorney for a 73-year-old Whitehall man accused of killing Latvian Jews during World War II declared Wednesday he could not properly question an important government witness without information the government was withholding.

"Your honor has stopped me cold in my tracks," Ivars Berzins, attorney for Vilis Hazners, told Immigration Judge Anthony DeGaeto in the second day of Hazners' deportation hearing in the downtown Albany Post Office. "Are you joining the government in stonewalling me?"

Berzins was complaining that Judge DeGaeto would not allow him to continue asking Ber Mandelkorn, who swore Hazners had beat him and helped burn a synagogue filled with Jews in Riga, Latvia, in July, 1941, about his politics and personal history.

Berzins also accused the U.S. Immigration Service of improperly refusing to give him certain "exculpatory material," which might help Hazners. Berzins, though, would not specify which materials he wanted either to the judge or reporters.

In the two days of the hearing, Berzins has argued several times with Judge DeGaeto about which questions he could

ask. After Berzins asked dozens of questions about streets, persons and addresses in Riga, Judge DeGaeto ordered Berzins to stop the relevancy to the matter or stop.

"If your honor orders me, I will abide," the lean, brush-cut Berzins said several times during the hearing.

The hearing, which was scheduled to continue today, is to determine whether Hazners, a Latvian citizen who is a permanent resident in the United States, should be deported. He is accused of lying on his visa application in 1956, the year he entered the country. It is not a criminal trial. If the white-haired, alling Hazners is proven to have helped burn Jews in Riga in 1941, beaten Mandelkorn or selected other Jews for execution in 1943, he could be turned out of the United States.

In the Wednesday morning portion of the hearing, Berzins questioned Mandelkorn about a Latvian book "Vინ bez maskas," which means "The Unmasking," or "They Without Masks." Mandelkorn said he never read the book, but had been interviewed about the Riga synagogue burning for the book, which is apparently about World War II atrocities in Latvia.

Mandelkorn said the man who interviewed while he lived in Latvia, which is part of Russia, never told him the book would be circulated in the Soviet Union. He never read the book because he "saw much more than was in the book and it did not interest me."

Berzins' questions and others about his relationship with Soviet officials were apparently attempts to link Mandelkorn with the Communists. Hazners reportedly broadcast anti-Communist statements into Latvia during the 1950s over the Voice of America.

During questions to Mandelkorn about how he got his visa from Russia to immigrate to Israel in 1969, Judge DeGaeto challenged Berzins.

"I have reason to believe that it is relevant," Berzins said. "This man's relationship with the KGB (a Soviet secret police organization) is the very foundation of this case. It's the very heart."

Earlier in the hearing, Mandelkorn said he was arrested by the Soviet secret police in 1947; it took him seven years to get his visa and that he returned to Latvia, which was once again part of Russia, after the war to help his family.

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TIMES UNION

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20 CENTS

2d Israeli tabs Hazners Riga persecutor

By FREDRIC U. DICKER

A second Israeli citizen testified in Albany Wednesday that Washington County resident Vilis A. Hazners, 73, was actively involved in the persecution of Latvian Jews, saying Hazners "led the whole operation" at a Riga police station where numerous Jews were "hit and chased."

Mendel Wulfowitz, 66, said Hazners gave orders to other Latvian police officials to take individual Jews from the police station.

"The police asked him what to do. He said, 'send out this one, send out that one.' He was the one who gave the orders."

Those Jews led away, Wulfowitz testified, "were never seen again."

Wulfowitz made his remarks on the second day of a deportation proceeding brought against Hazners by the U.S. Immigration and Naturalization Service.

Hazners, who is not a citizen, is accused of having entered the United States illegally from Hamburg, Germany, in 1956 by failing to disclose that he participated in Nazi-sponsored war crimes against Jews. If found guilty, he could be deported.

On Tuesday, Ber Mandelkorn, a 52-year-old Israeli, testified that Hazners beat him in early July 1941, while he was

being detained at the Riga police station.

In a related development Wednesday in New York City, the deportation hearing of Latvian emigre Boieslavs Maikovskis, described by Hazners as a "friend," was adjourned until Nov. 1, after Immigration Judge Francis J. Lyons served a subpoena on the 73-year-old suspected war criminal from Minnola, Long Island.

The subpoena, according to an Immigration Service spokesman, "lays a formal foundation" for the government to go to federal court to obtain an order compelling Maikovskis to answer the government's questions when the hear-

ing resumes.

Maikovskis refused repeatedly on Tuesday to answer any questions about his activities during World War II in Latvia.

Hazners' attorney, Ivars Berzins of Babylon, Long Island, repeatedly tried to link Mandelkorn to authorities in the Soviet Union and the Soviet secret police, the KGB. Last February, when Hazners was first served with the charges, Berzins claimed the allegations had "made in Moscow written all over them." In court Wednesday, Berzins questioned Mandelkorn on why he had left the Soviet Union for Israel in 1969, asked if he had cooperated with

Soviet officials in the preparation of a book about Latvian emigres, and asked if he had relations with the KGB. Immigration Service Attorney Ralph Smith of Boston questioned the relevancy of the latter question, and Immigration Service Judge Anthony DeGato agreed.

Berzins countered that he had "reason to believe" the question was relevant, although he failed to make the reason public.

When DeGato refused to allow Berzins to continue that line of questioning, Berzins exploded "this is the heart of the hearing. This man's relationship with the KGB is at the very heart of the hearing."

TIMES UNION

Capitaland's Newspaper

ALBANY, NEW YORK, 12201, FRIDAY, OCTOBER 28, 1977

Hazners called '41 Latvian cop

By FREDRIC U. DICKER

Alleged Nazi war criminal Vilis A. Hazners was accused Thursday of being a senior Latvian police official in charge of searching Jewish residents for food at a large ghetto in Riga in October, 1941.

Testifying on the third day of a U.S. Immigration and Naturalization Service deportation trial in Albany, Meir Loewenstein, 63, of Yafo Daled, Israel, who was flown to the U.S. for the hearing, said he was taken to the ghetto with his family from his Riga, Latvia, home in early August, 1941.

While returning to the ghetto from a forced labor detail in October, Loewenstein said, he was made to stand in line as guards searched the prisoners for hidden food.

While there, Loewenstein testified, he saw Hazners, 73, now living in the Washington County Town of Dresden, dressed in a Latvian military uniform, with a revolver at his side.

"It was just seconds but I succeeded in seeing him (Hazners) pushing and shaking the people," looking for food, Loewenstein said.

Loewenstein is the third Israeli citizen to testify against Hazners this week.

The other witnesses accused Hazners of personally beating Jewish Latvian prisoners and of forcing Jews into the burning Choral Synagogue in Riga, where as many as 1,000 Jews may have died.

Two witnesses Thursday identified Hazners in court as the same man responsible for persecuting Jews in Latvia.

Loewenstein, a bank worker, slowly pointed his finger at the balding, white-haired Hazners and said, "I see him. But he is considerably gray. His face was much rounder. Now he is thinner."

See HAZNERS, Page 3

Hazners called a top cop

Continued from Page 1

Earlier in the day, the second witness, Mendel Wulfowitz, 66, also identified Hazners. "I do see him. But he has changed. He has the same features but he is gray now."

On Tuesday, the first witness, Ber Mandelkorn, also identified Hazners in court.

But Immigration Service Judge Anthony DeGato indicated he gave little weight to the in-person identifications.

He told defense attorney Ivars Berzins of Babylon, L.I., that the identifications are of "no value," suggesting that a courtroom setting, where Hazners is easily identified, is not conducive to meaningful recognitions.

However, Immigration Service attorney Ralph Smith has offered evidence that the three witnesses identified Hazners from a group of photographs shown to them in Israel and Smith said further information on the identification process will be given the court later.

Berzins, as he has with the other two witnesses, attempted to link Loewenstein to Soviet Communist authorities and the Soviet secret police, the KGB.

He has claimed the charges against his client have "made in Moscow written all over them."

However, Judge DeGato, who will issue a decision in the case, has refused to allow Berzins to pursue that line of questioning.

Israeli testifies on war crimes

4th 29-8-77

By FREDRIC U. DICKER

The third Israeli witness testifying against accused Nazi war criminal Vilis A. Hazners broke down in tears Friday when asked to recall memorial services at a mass grave for murdered Latvian Jews.

The witness, Meir Loewenstein, 63, of Yafa Daled, Israel, had been asked by Hazners' attorney, Ivars Berzins of Babylon, L.I. if he had ever heard Hazners' name mentioned at memorial services at Rumbula, Latvia, the site of the mass killings.

As he began to answer, Loewenstein's face flushed red and his eyes welled with tears. When it became clear he could not go on, Immigration and Naturalization Service Judge Anthony DeGato briefly adjourned the session.

When the proceeding resumed, Berzins did not pursue the question.

Loewenstein had previously said that almost all of his family had been murdered in Latvia during World War II and that some of them were buried at Rumbula.

Hazners, 73, of the Washington County Town of Dresden, is charged by the Immigration Service with having entered the United States illegally from Hamburg, Germany, in 1956 by failing to reveal his alleged involvement in Nazi-sponsored war crimes.

If found guilty, Hazners, who is not a citizen but holds permanent resident alien status, could be deported.

Judge DeGato found himself the object of considerable scorn from several Jewish observers at the hearing Friday.

Loewenstein was having difficulty understanding a question from Berzins and asked several questions for clarification.

DeGato turned to Berzins and said, "Unfortunately with Jewish people they answer questions with questions. Living in New York City, I'm accustomed to that."

Several of the Jewish observers at the hearing said afterward that DeGato's remark was offensive. "That just isn't right. It is not true and the judge is supposed to be impartial. That is like an anti-Semitic remark," said one.

DeGato refused to discuss the remark.

"You've got to be kidding, you've got to be kidding. I'm not going to comment, I'm not going to comment," was all he would say when told of the reaction to his remark.

Loewenstein completed his testimony Friday without adding to the information he provided Thursday about Hazners.

He testified then that Hazners was a senior Latvian military official in charge of searching Jewish prisoners for food at a large ghetto outside Riga in October, 1941.

Those prisoners found with food, he said, were severely beaten.

The deportation proceeding will resume at 9 a.m. Monday, at the Post Office Building on Broadway, Albany, with the testimony of a fourth witness from Israel.

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TIMES
UNION
Albany
October 29, 1977

The Home News

Sunday

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NEW BRUNSWICK,
NEW JERSEY

ACCUSED OF WAR CRIMES

'Hero' faces deportation

By DAN LAZARE
Home News staff writer

Several times last week, two men, one stooped and gray-haired and the other young and erect, walked up the steps to Albany's new post office. Sometimes the younger man would pause in the brisk autumn air to talk to the television and newspaper reporters, but the old man never said anything. His hearing is poor, the younger man once explained, and, beside, he speaks little English.

The two men were Vilis Hazners, 73, and his son, Daumants, 40. The elder Hazners lives on a farm in Dresden, about 70 miles north of Albany, and is perhaps the best known figure in American's Latvian emigre community. He is a founder of Daugavas Vanagi, the world-wide Latvian war veteran's association, a former military officer and the last head of the New York-based, CIA-supported Committee for a Free Latvia. Many Latvians regard him as a hero of World War II.

His son is also a man of achievement. Daumants Hazners lives in East Brunswick, is an associate professor of civil engineering at Mercer County College and is active in politics. In 1975, he ran for state assembly from the 18th District on the Republican ticket, but lost. A few years before, President Richard M. Nixon had appointed him

to the National Highway Safety Advisory Committee.

The reason for their appearance each day at the Albany post office was an event Daumants recently described as "the climax" to his father's career, the capstone to nearly four decades spent fighting Communism with gun and with pen. "I personally have never felt so proud of my father as now," he said.

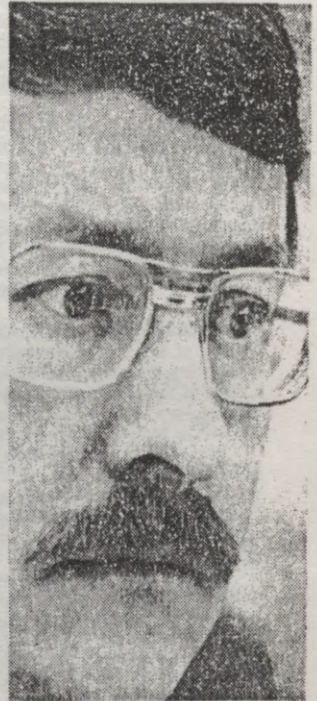
Others, however, see it differently. After all, Vilis Hazners was not at that post office to pick up an award.

He was there to stand trial, to plead innocent to the charge of participating in the mass murder of Jews during the Nazi occupation of Latvia from 1941 to 1943.

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Vilis Hazners is one of three men currently undergoing deportation hearings on charges of violating U.S. immigration laws by not reporting their participation in Nazi war crimes when they entered this country. The other two also are Latvians: Boleslaus Malokovskis, whose hearing is taking place in New York City, and Karlis Delavs, whose hearing is being held in Baltimore. In addition, deportation proceedings are also pending against a fourth man, a Hartford, Conn., resident, and denaturalization suits have been filed against five citizens of East European origin.

See HAZNERS, page B20



DAUMANTS HAZNERS
...father on trial

LOCAL

HAZNERS

Continued from page A1

The nine sets of charges represent the most concerted effort by the U.S. Immigration and Naturalization Service to settle the fate of residents of this country who have been accused of taking part in Nazi genocide campaigns. Another 200 or so resident aliens and naturalized citizens are currently under investigation and the INS promises that other charges will soon be forthcoming.

The charges have been widely denounced by East European ethnic leaders in this country as trumped-up and inspired by the Soviet Union. A major part of Vilis Hazners' defense revolves around this contention, according to his son.

As Vilis wrote in a Latvian newspaper on Feb. 19, shortly after being charged by immigration authorities: "There is no question in my opinion that these accusations are part of a political action that has been prepared in Riga and Moscow to discredit the Latvians and the United States and to pay me back for my lifelong anti-Communist work..."

Added his son: "Let me say right at the beginning that my father is absolutely innocent. The charges have been made up. They are absolutely false. They have been manufactured. There are no secrets in this world and sooner or later we'll find out exactly who's behind them."

Hazners is charged with violating immigration law by not reporting his involvement in five acts of persecution of Jews, all of them occurring while Latvia was under German occupations. The acts include selecting Jews for execution in the Pogulanka Woods, near Dwinsk, Latvia; taking part in an assault upon a Jew, Ber Mendelkorn in a Riga, Latvia jail; and the "participation and acquiescence" in a series of assaults on Jews living in ghettos in Dwinsk and Riga.

The most shocking charge, however, relates to the burning of the Choral Synagogue in Riga by mobs celebrating the arrival of German troops and the retreat of the Soviets in 1941. Hazners is accused of herding Jews into the flaming building where historians say as many as 1,000 people perished.

According to the eyewitness testimony last week of Ber Mendelkorn, an Israeli citizen, Hazners, armed with a revolver and dressed in a police uniform, "pushed the people inside. People went out and he yelled at them and pushed them back into the synagogue."

Three of the eight witnesses to be called by the prosecution testified last week and it is expected that the government will require another week before winding up its case. After that, Hazner's attorney, Ivars Berzins of Babylon, N.Y., will have an opportunity to present his defense. In his cross-examinations, Berzins has so far attempted to delve into the backgrounds of the witnesses, all of them recent Soviet emigrants to Israel, hinting at involvement with Soviet espionage and police agencies.

Immigration Service Judge Anthony DeGato, however, has cut short this line of questioning each time.

•••

During the first few days of the hearings, Vilis Hazners has sat still, understanding little because of his poor hearing and inadequate English. He is flanked by his attorney and by Daumants, who occasionally takes notes. About 30 people attend the hearings each day, including a number of Orthodox Jews, but there have been no emotional outbursts.

This was not so, however, on Feb. 14 when the first preliminary hearing into the case was held. On that occasion, there were a few hecklers, including one who shouted, "Why didn't you die in World War II?" Another woman yelled: "He should have died then! What about my dead mother and father?"

Security in the hearing room is tight, although there have been no reports of threats against either Hazners or any of the government witnesses.

"It's all been very cordial, very friendly, no problem at all," Daumants said Friday.

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What has been the effect of the charges on Vilis Hazners and his family?

Daumants said his father, who has suffered four heart attacks, has nonetheless held up well under the strain. It has been rougher on his mother, however. "She is taking it the hardest," Daumants said some months ago. "We've got to keep cheering her up continuously. She is the one who keeps crying all the time. She keeps worrying about my father's health. She is taking it very hard."

As for Hazners' two sons, Daumants and Vitauts, an electrical engineer living in Whippany, the case has not yet seriously disrupted their lives.

The two have only felt the effects of the case financially. The brothers are sharing the legal costs and, said Daumants, "financially it will be absolutely killing."

Daumants, however, does worry that publicity could harm all members of his family. "You know, the shadow has been cast on my brother and me — you are the son of a Nazi war criminal. That gets out in the papers, where everybody calls him a Nazi and people don't even know the difference between Germans and Latvians, it's all that part of the world..."

The two brothers have been unflinching in their defense of their father. Daumants speaks of his father in reverent tones as "one of the few heroes Latvia has left... My father is paying for his sins, simply for what he did to the Communists."

Vilis Hazners was an officer in the Latvian army before World War II. Following the 1939 Hitler-Stalin Nonaggression Pact, the Soviet Union seized Latvia and he was forced into hiding. He was arrested in 1941, however, and, according to his son, was tortured and sentenced to be shot. But, in June, Germany attacked the Soviet Union and, in the process, the German army marched into Latvia. Hazners found himself freed from jail.

Under the Nazi occupation, Hazners served as an officer in the Headquarters Staff of the Latvian Self-Government Military Units, as a police commissioner and as an officer in the Latvian Legion, a military force under German command. According to a deposition filed in the deportation proceedings, Hazners'

activities were entirely military and much of his time was spent combatting Soviet partisans in eastern Latvia.

According to his son, Hazners was a reluctant ally of the Nazis, a man who joined forces with the Third Reich only in the hope it would lead to a free and independent Latvia.

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The guilt or innocence of Vilis Hazners is up to the Immigration Service judge to decide. But in the meantime, a debate rages out of court with partisans lined up on both sides.

Federal immigration authorities only brought charges against nine alleged war criminals in this country only under the pressure of a prolonged, frustrating campaign waged by small groups of 'Nazi hunters.' Letters were composed, articles written, books authored and petitions signed, all in an effort to force the government to take action. The effort began in the late 1940s when streams of refugees from Eastern Europe flowed into this country, but has only begun to bear fruit in the last couple of years.

When charges against Hazners and others were lodged in February, many were jubilant. "Fantastic!" was the reaction of one woman, a Queens, N.Y. resident, who had devoted years of her life to exposing the activities of people she called war criminals.

The fight continues and the debate rages on. Much of the debate has to do with the individual cases of those nine who have been charged so far, but the debate also touches on larger, historical issues.

For example, many question whether Latvians who fought on the side of the Germans were actually reluctant patriots or active collaborators in the struggle for a New European Order. They point out that antisemitic measures were not first instituted in Latvia under the Germans, but had in fact begun in 1934 under the independent Latvian regime headed by Karlis Ulmanis.

And they also point out that when the Germans marched into Riga in July 1941, they were greeted by crowds who had decorated many buildings in the city with swastikas and Nazi flags. A pogrom was quickly launched against the Jews and according to Max Kaufman, a Jewish historian living in Riga at the time: "Serious were the synagogue burnings and catastrophic the practice of chasing Jews into houses of worship and then setting these on fire together with the people within and the Holy Scriptures."

According to another historian, Raul Hilberg, "Both in Kaunas (Lithuania) and in Riga, the Einsatzgruppen (Nazi execution squads) took photographs and made films of the 'self-cleansing actions' as evidence for later times of the severity of native treatment of the Jews."

Hilberg added in his book, "The Destruction of the European Jews," that a great percentage of Baltic Jews were killed by the Nazis because of the active collaboration of the populace.

Gertrude Schneider, who did her doctoral thesis at New York University on the history of the Riga Ghetto and who was herself a survivor of the ghetto, said recently that "the Latvians hate Jews." The Self-Government Military Units, of which Hazners was a member, she added, were used "to keep the population

in check and to get rid of undesirables" — mainly Jews and Communists.

"Hazners had to be pro-Nazi," Dr. Schneider added, in order to have been granted such responsibility. "It's so easy to fool Americans because here you don't have to belong to anything."



The Knickerbocker News

KN ★★ ★★ Monday, October 31, 1977 3A

Hazners hearing resumes

A deportation hearing entered its second week today as federal officials continued to try to prove 73-year-old Vilis Hazners of Dresden, Washington County, helped persecute Jews in his native Latvia during World War II.

The Immigration and Naturalization Service hearing is to decide if Hazners did, as officials allege, conceal collaboration with the Nazis when he immigrated to the United States in 1956.

Hazners was impassive and silent during the first four days of the proceeding, taking only occasional notes as three Israeli witnesses called by INS prosecutor Ralph Smith testified against him.

All three are residents of Israel and natives of Latvia.

The government has charged that Hazners advocated or assisted in "the persecution of a person or group of persons because of race, religion or national origin," then concealed the actions.

Hazner's attorney, Ivars Berzins, has attempted to examine the witnesses' backgrounds, and at times to establish a link between them and Soviet officials.

He has claimed his client was "framed." He also has said information on which the government based its case was part of Communist attempts to discredit Hazners, who is a known anti-Communist activist.

United Press International

Hazners hearing to resume today

By United Press International

A fourth government witness is expected to be called today as deportation proceedings against alleged Nazi collaborator Vilis Hazners enter their second week.

The Immigration and Naturalization Service is seeking to deport the 73-year-old Town of Dresden, Washington County, resident on the ground that when he entered the United States in 1956, he concealed his alleged cooperation with Nazis in Latvia during World War II.

The government claims Hazners, a Latvian native, concealed the fact that he advocated or assisted in "the persecution of a person or group of persons because of race, religion or national origin" during the war.

INS prosecutor Ralph Smith has presented three witness so far, all Israeli residents and Latvian natives. All three have presented testimony backing the government's claims.

Hazner's attorney, Ivars Berzins, has tried to examine the witnesses' backgrounds and, at times, establish links between them and Soviet Union officials.

Berzins has claimed his client has been "framed," and he has said the government's case is based on communist attempts to discredit Hazners, a known anti-communist activist.

Each time Berzins has tried to establish a Soviet link, INS Judge Anthony

De Gaeto has stopped the questioning, saying it was "irrelevant" to the hearing.

The rulings have led to several loud outbursts by Berzins, who has claimed the judge is depriving Hazners of a reasonable opportunity to defend himself.

The third witness in the case, Meir Loewenstein, 63, of Tel Aviv, Friday broke down and cried when cross-examination brought back memories of World War II terrors.

Loewenstein, who testified Hazners had been a guard at a Latvian camp for Jews where he was imprisoned, broke down when the name "Rambula" was mentioned. Later, he explained that his family had been "exterminated" at the site, a mass grave in Latvia where hundreds of Jews were reported killed by German soldiers.

The hearing is one of several scheduled to take place throughout the country. Some of the Israeli witnesses are expected to testify at more than one hearing.

In Chicago, hearings were scheduled to begin Thursday to revoke the citizenship of Frank Walus, who allegedly worked for the Gestapo and concealed that.

Proceedings originally set to begin today in Baltimore against Karlis Detlavs, a Latvian native, have been postponed until Nov. 7, because witnesses are testifying at other hearings.

TIMES UNION

Capitaland's Newspaper

ALBANY, NEW YORK, 12201, TUESDAY, NOVEMBER 1, 1977

Hazners gave commands, says 5th persecuted Jew

By FREDRIC U. DICKER

Twenty-four hours of terror in a Riga, Latvia, police station were described vividly Monday by the fifth Israeli witness to testify at the deportation proceedings for alleged Nazi war criminal Vilis A. Hazners, 73, of Dresden, Washington County.

The witness, Shabtai Dolgizer, 60, of Rishon Le'Zion, Israel, said he was arrested on July 14, 1941, in Riga and taken to the city's central police station, where he saw several elderly Jews seized because, in the Orthodox Jewish fashion, they wore long beards.

"Some of the Jews were taken out

who had beards and they started to pull out the beards," Dolgizer, an economist, said.

U.S. Immigration and Naturalization Service attorney William Stasser responded, "Who did that?"

"The Latvian guards," Dolgizer stated.

"Who did you see and hear give the orders to do that?" Stasser continued "I heard the orders given by Mr Hazners," Dolgizer replied.

Dolgizer also testified that several elderly Jews, found by the Latvian guards to be wearing fringed religious

See VICTIM, Page 4

"They (the Latvian guards) hit the people brutally, those who could not fall down and get up as they ordered," Dolgizer said.

Stasser asked, "Who gave the orders?"

"As I said," Dolgizer responded, "the person I mentioned, the person's name is Hazners."

In another instance, Dolgizer said several automobiles arrived at the police station "and some Jews were dragged out and we never saw them again I saw Hazners giving the orders."

The fourth Israeli to testify, Jacob Wagenheim, 59, of Herzlia, said Hazners in late September and October, 1941, was a senior official in charge of guards at a large Jewish ghetto in Riga.

Prisoners at the ghetto, Wagenheim, an architect, stated, "were beaten according to his (Hazners') orders and many disappeared. Those that were taken into the guard house (at Hazners' direction) had a very bad fate. Many of them never got out alive."

Wagenheim said he was shown in Israel a group of pictures of alleged Nazi war criminals and "immediately recognized" pictures of Hazners.

"He was the officer who stood at the gate (to the ghetto) and gave the orders," Wagenheim said.

Wagenheim appeared to be extremely nervous during his testimony and at one point said, looking at Hazners, "I'm still afraid of this man to this day."

During a recess, Wagenheim said he feared for his life and last week, in downtown Albany, thought a car waiting outside his hotel might attempt to run him over.

However, he said no such attempt was made.

Hazners is a nationally prominent Latvian emigre who once made broadcasts for the U.S. government sponsored Voice of America.

A permanent resident alien who never sought U.S. citizenship, Hazners is accused by the Immigration Service of entering the country illegally from Hamburg, Germany, in 1956 by failing to declare his alleged role in Nazi-sponsored war crimes.

Victim tells of Hazners, Riga terror

Continued from Page 1

garments, were forced to take the garments off "and step on them on the floor."

In one instance, he said, a Jewish man was found with a prayer book in his pocket. "They told him to rip it apart and to step on it on the floor," he said.

As several witnesses testified last week, Dolgizer said Hazners was a senior police official who gave direct orders for the persecution of Jewish Latvians.

Hazners, he said, told guards at the police station to "hit that one, hit this one" in retaliation against Jewish prisoners who were unable to keep up with a forced regime of military-like physical exercises.

Hazners deportation hearing stops for data

By FREDRIC U. DICKER

The deportation trial of alleged Nazi war criminal Vilis A. Hazners was abruptly halted Tuesday afternoon when the government was ordered to produce written documents which may be on file with Israeli police authorities.

U.S. Immigration and Naturalization Service Judge Anthony DeGato stopped the proceedings when government attorneys could not produce a copy of a statement given in 1974 to Israeli police by Shabtain Dolziger, 60, of Rishon Le'Zion, Israel, one of several witnesses to testify so far against Hazners.

The statement dealt with Dolziger's knowledge of suspected Nazi war criminals but did not, according to Immigration Service Attorney William Strasser, have anything to do with the charges against Hazners.

However, Hazners' attorney, Ivars Berzins, said he was "at a disadvantage, to put it mildly" by not having the statement and DeGato seemed to agree.

"I do think the government has been a little lax. They should have had the documents and had their case prepared," he said.

In addition to seeking Dolziger's statement, Berzins has also asked the government to produce a hand-written copy of a statement given to Israeli police by another witness, Jacob Wagenheim, 59, of Herzlia, Israel.

Martin Mendelsohn, another government attorney who joined the case Tuesday, told DeGato that Israeli police authorities had been contacted during the noon lunch break.

"We have requested that the Israeli police search their files. If this information is found we have requested that it be Telexed to this building," the U.S. Post Office building on Broadway in Albany, Mendelsohn said.

DeGato said he expected the material to be available when the trial resumes at 9 a.m. today.

Hazners was accused by the Immigration Service last January of entering the United States illegally from Hamburg, Germany, in 1956 by failing to disclose his alleged role, while a police official in Latvia, in Nazi-sponsored war crimes against Latvian Jews.

A permanent resident alien who never applied for United States citizenship, Hazners is 73 years of age and resides in the Washington County town of Dresden.

If convicted of the charge, he could be deported.

To date, the Immigration Service has produced five witnesses, all from Israel, who testified Hazners was the senior police official who participated in the beating and, in one case, the murder of dozens of Latvian Jews during the early days of World War II.

At least three more Israeli witnesses are expected to testify.



The Knickerbocker News

State Special

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Judge again blasts case against Hazners

By MAUREEN McTAGUE DANA

The federal government's case for deportation of Vilis A. Hazners of Dresden, Washington County, met with sharp criticism again Wednesday from Judge Anthony DeGaeto.

DeGaeto, a U.S. Immigration and Naturalization Service (INS) judge, adjourned the morning session in the Albany Post Office building early, after Hazners' attorney, Ivars Berzins of Babylon, L.I., complained that one of the witnesses was testifying about events not included in the INS' list of charges against Hazners.

INS attorneys William Strasser and Martin Mendelsohn added another charge to the government's original list of 10 allegations of illegal entry to the U.S. against Hazners to cover the testimony of the witness, Chawa Ljak, a Latvian native who emigrated to Israel in 1972.

Hazners, 73, a five-year resident of Dresden, located about 75 miles north of Albany, is accused by the INS of having entered the United States illegally in 1956 by failing to disclose his participation in Nazi war crimes in Latvia. If found guilty of the charges, he could be deported.

The INS attorneys drew criticism Wednesday because of their failure to provide a sufficiently broad time frame for testimony about alleged Nazi-sponsored activities in the Jewish ghetto at Dvinsk, Latvia.

One original allegation accused Hazners of persecuting Jews in the Dvinsk ghetto on or about June 1941, but Mrs. Ljak testified that she observed Hazners beating her sister-in-law in the ghetto in August 1941.

At the opening of the afternoon session, Strasser submitted an 11th allegation charging Hazners with the persecution of Jews at Dvinsk during the

summer of 1941, a period that would include Mrs. Ljak's testimony.

Although Berzins had the opportunity to request an adjournment in the case to give him time to prepare a defense against the additional allegation, he said he preferred to continue without a break.

"But I would like the record to show that the government has had a statement from the witness for 1 1/2 years and they haven't seen fit to get their house in order and get their allegations straightened out," he said.

Tuesday, DeGaeto accused government attorneys of being "a little lax" in their preparation of their case against Hazners, because they were not prepared to produce a statement one prosecution witness said he gave Israeli police in connection with a probe of Nazi war crimes.

Mrs. Ljak testified that she observed a man she later learned was Hazners striking her sister-in-law over the head with a club "because she didn't walk fast enough" to please him.

Her sister-in-law, who was carrying a small child, fell to the ground after she was hit, Mrs. Ljak said.

"She was all bloody," she said. "Her eyes were all bloody, her mouth was bloody, her whole face was bloody."

Mrs. Ljak said she was forced to go to work after she observed the beating, "and when I returned I never saw her again."

Three of Mrs. Ljak's children were killed before she escaped from the ghetto to White Russia in November 1941.

Although Mrs. Ljak pointed to Hazners in the courtroom and identified him as the man who beat her sister-in-law 36 years ago, she admitted later she was not positive of the identification.

"In 36 years, my vision may have changed," she said.

TIMES UNION

Capitaland's Newspaper

ALBANY, NEW YORK, 12201, FRIDAY, NOVEMBER 4, 1977

Deportation cases bungled

U.S. 'destroys' evidence: Judge

By FREDRIC U. DICKER

The U.S. Immigration and Naturalization Service attorney leading the prosecution of alleged Nazi war criminal Vilis A. Hazners was accused by the judge in the case Thursday of "destroying" the value of a key piece of the government's physical evidence

The judge, Anthony DeGaeto, said government attorney William Strasser had destroyed an "identification exhibit" — a group of photographs of alleged Nazi war criminals — by rearranging the group and adding to it after it had been accepted as a formal exhibit.

The photographs had already been presented, in the original order, to six Israeli witnesses who identified pictures of Hazners as the man they recalled committing atrocities against Jewish Latvians during World War II.

Key evidence 'destroyed,' hearing judge says

But Strasser rearranged and enlarged the set to present to a new witness, Jacob Noy, 55, of Jerusalem, an action which brought a strong reaction from DeGaeto.

"You had no right to move it (the exhibit,) the judge angrily said to Strasser

Although Strasser contended he could reconstruct the photographs to their original form, DeGaeto, who admitted he faced "a very bad dilemma," said "I warn the government that I may not give it (the reconstructed exhibit) a great deal of weight. I feel exhibit Number 5 has been destroyed but they (the government) will have to satisfy me that it has been rehabilitated."

Strasser clashed earlier with DeGaeto after the judge concluded that yet another charge brought Thursday against Hazners — an eleventh charge was added Wednesday — was improper

At one point, when Strasser challenged DeGaeto's finding, the judge asked, "Do you want me to terminate your case today?"

The new charge alleged Hazners violated immigration law by failing to turn over to the government a copy of his entry visa to the United States.

See KEY EVIDENCE, Page 7

Continued from Page 1

The government also added a thirteenth charge on Thursday, alleging Hazners, 73, a resident of the Washington County town of Dresden, participated in the "selection of numerous Jews within the ghettos located in Riga, Latvia, for execution in or around Riga, Latvia, between the years 1941 and 1943."

Testimony supporting the allegation came Thursday afternoon from Noy, who said he saw Hazners in December, 1941, and again in January and February, 1942, pointing out Jewish prisoners in a Riga ghetto to be taken away.

One time, he said, Hazners was wearing a hat bearing an insignia, a skull and cross-bones, once the sign of the Nazi SS guards who supervised German concentration camps.

"He (Hazners) pointed to people who were ordered to get out of a column of prisoners and go to a designated place. They were taken away in an 'autobus,'" Noy said.

Jews at the ghetto, he said, were forced to wear the Star of David on their clothing, a Jewish religious symbol.

Although the witness testified he saw several Jews executed by their

Latvian captors, he did not link Hazners directly to the killings.

Noy said last year in Israel he identified pictures of Hazners to police authorities as the same man he saw choosing persons at the ghetto.

In response to a question from Strasser, Noy identified Hazners in the courtroom, saying he "is very similar and older."

By FREDRIC U. DICKER

The U.S. Immigration and Naturalization Service's nationwide effort to deport suspected Nazi war criminals has been severely damaged by sloppy preparation of cases and those responsible for the breakdowns may be disciplined, *The Times-Union* has learned.

Among the endangered cases is the on-going deportation proceeding in Albany against alleged Nazi war criminal Vilis A. Hazners of Washington County. Attempts are now under way at the Immigration Service's Washington headquarters to correct the situation and disciplinary action may result against the lawyers, investigators, and administrators responsible, it was learned.

Martin Mendelsohn, 35, a lawyer in private practice, last month was appointed special chief prosecutor by David W. Crosland, the Immigration Service's general counsel, to spearhead the effort. The government has been preparing the cases for more than a year.

"I'm dismayed at what's been happening," Mendelsohn said Thursday from his Washington office.

Mendelsohn attended the Hazners proceeding earlier this week.

Crosland, reached late Thursday in Burlington, Vt., said he was unfamiliar with Mendelsohn's perception but would speak with him soon.

He conceded the Immigration Service had suffered from "defused responsibility" in the war crimes cases but

said he has taken several steps — including the appointment of Mendelsohn — to correct the problem.

An example of the government's problems surfaced Thursday in the Hazners case.

Immigration Service Judge Anthony DeGaeto charged government attorney William Strasser had "destroyed" the government's key piece of physical evidence — photographs of alleged war criminals shown to eight witnesses in Israel — by rearranging their order and adding additional pictures.

DeGaeto allowed the material to be

See SLOPPY, Page 7

'Sloppy' deportation case handling cited

to be brought can be salvaged, there is considerable concern about three current ones: Hazners, Boleslavs Maikovskis of Mincola, L.I., whose trial is now going on in New York City, and Karlis Detlavs, whose trial is scheduled to begin Monday in Baltimore.

All three are natives of Latvia accused of participating in Nazi-sponsored war crimes against Latvian Jews.

The problems with those cases have been compounded by the difficulty in bringing a large number of witnesses from Israel to testify against the three men.

The witnesses have been brought from Israel at considerable expense and most are quite old and have had their personal lives disrupted.

To repair the already damaged or poorly handled cases, the government would be required to recall many of the Israeli witnesses or keep them in the United States for a long period of time.

Such a move is not now on the government's agenda.

Continued from Page 1
reintroduced in "reconstructed" form but he told Strasser "I will warn the government that I may not give it a great deal of weight."

The government's principal problem is believed to be a lack of coordination of the various prosecutions, which may eventually number more than 20, and the incompetency of some, but not all, of the Immigration Service staff.

Until recently, war crimes prosecutions and investigations were handled separately by each of the Immigration Service's regional offices, and not coordinated in Washington.

That procedure led to long, sometimes unexplained, delays in some cases and a lack of accurate information for the Immigration Service's central staff.

The problem has now been corrected and all the cases are being supervised in Washington.

Although the government believes that many, if not most, of the cases still

U.S. files surprise charge in Hazners hearing

By FREDRIC U. DICKER

The U.S. Immigration and Naturalization Service, in a surprise move, lodged an eleventh charge against accused Nazi war criminal Vilis A. Hazners of Washington County Wednesday in an effort to permit an Israeli witness to testify that Hazners beat her sister-in-law with a club.

The new charge came in response to a finding by Immigration Service Judge Anthony DeGaeto that the 10 charges already levelled against Hazners, 73, did not permit introduction of some evidence by the witness, Mrs. Chawa Ljak, 71, of Petach Tikva, Israel.

Hazners, and his attorney, Ivars

Berzins of Babylon, Long Island were formally served with the new charge Wednesday afternoon and DeGaeto permitted Mrs. Ljak to testify.

Hazners was accused in the charge of participating and acquiescing in the "commission of assaults upon a group of Jews in the location known as the Dwinsk (Daugavpils) ghetto, in or about the summer of 1941."

A previous charge — number seven — accused Hazners of participating and acquiescing to assaults on Jews in the Dwinsk ghetto "in or about June, 1941."

Berzins, as he has done previously, denied Hazners was guilty of any of the charges.

Mrs. Ljak said Hazners was the man

she saw in August, 1941, while she was imprisoned at the Jewish ghetto in Daugavpils, Latvia, beat her sister-in-law who was attempting, with her young child in her arms, to flee the ghetto by climbing a small hill.

Her sister-in-law was "not walking as fast as he (Hazners) wanted her to. She was carrying her child and she was hit over the head with a club and she fell down. She was all bloody, her eyes were bloody, her face was bloody, she was all bloody," Mrs. Ljak stated.

Mrs. Ljak said she watched the incident from a window of a ghetto building — a former horse barracks — and was only about 20 feet away.

"The first time I saw him hit her and then I saw him drag her away with the child. I never saw her again," Mrs. Ljak, the first woman among the six Israeli witnesses to testify so far against Hazners, recalled.

Shortly afterwards, Mrs. Ljak broke into tears, saying her three children had been murdered by Latvians a short time after the incident.

During a recess, she looked at the defendant, who faces deportation, and said "I could kill Mr. Hazners."

In a related development, Immigration Service Attorney William Strasser told DeGaeto the government had just received a teletyped communication from Israel containing a statement giv-

en to Israeli police authorities in 1974 by Shabtai Dolgizer, 60, of Rishon Le'Zion, who testified against Hazners Monday.

The statement, which Strasser contends has no bearing on the Hazners case, was requested Tuesday by Berzins.

It was supplied to the government through the United States Embassy in Tel Aviv, which has been working closely with the Immigration Service in securing information about alleged Nazi war criminals living in the U.S.

In response to questions from Strasser, Mrs. Ljak said she was contacted by Israeli police authorities last

year and asked to come to the main police station in Tel Aviv to see if she could identify pictures of suspected war criminals.

She was shown about 10 pictures and identified three of them: Hazners, Boleslavs Maikovskis, a Latvian described by Hazners as a "friend" who is now undergoing a deportation proceeding in New York City, and Karlis Detlavs, also a Latvian who is expected to face a deportation proceeding in Baltimore, next week.

Berzins is also representing Detlavs.

A government attorney said Mrs. Ljak is serving as a witness against both Maikovskis and Detlavs, as well.

Hazners deportation trial put off at federal request

By FREDRIC U. DICKER

The deportation trial of alleged Nazi war criminal Vilis A. Hazners of Washington County was put off Friday until at least December after government attorneys abandoned their original plan and cut short the proceedings.

Although the last of eight Israeli witnesses brought to Albany for the trial still remained to be called to the stand, Immigration and Naturalization Service attorney William Strasser told Judge Anthony DeGaeto Friday afternoon that the government needed "a reasonable amount of time" to "present additional evidence."

When DeGaeto granted the time — telling government attorneys to inform him on Dec. 5 when they would be ready to proceed — Strasser conceded to the press that the government had planned to complete the case before the adjournment.

One reason the case was cut short is that another alleged war criminal, Karlis Detlavs, is scheduled to face deportation proceeding in Baltimore Monday.

Some of the Israeli witnesses to appear against Hazners will testify in that case too, and Hazners' attorney, Ivars Berzins of Babylon, L.I., is representing Detlavs.

There may be another reason as well.

The Times-Union disclosed Friday that the Immigration Service's nationwide effort to deport suspected Nazi war criminals has been severely damaged by the sloppy preparation of cases, a conclusion drawn by top Immigration Service personnel partly on the happenings in the Hazners case.

On Thursday, for instance, DeGaeto said Strasser had "destroyed" the value of a key piece of the government's physical evidence by adding to and rearranging a group of photographs which had been presented as an "identification exhibit."

Calling the Hazners trial to a halt will give the government a chance to review its actions, and perhaps make some changes in tactics.

The seventh Israeli to testify against the 73-year-old Hazners underwent sharp cross-examination Friday from Berzins, who sought repeatedly to challenge the witness' credibility.

The witness, Jacob Noy, 55, of Jerusalem, was a prisoner in a Jewish ghetto in Riga, Latvia, in late 1941 and early 1942, when Latvia was under the domination of the German Nazis.

Noy testified Thursday that he saw Hazners on three occasions, armed with

a revolver and wearing a hat bearing a skull and crossbones, the insignia of the Nazi SS, selecting Jews from work gangs for removal from the ghetto.

He indicated those selected were taken away to be killed.

After Berzins succeeded in having Noy swear a statement he gave Israeli police authorities last year was correct, he pointed out that Noy had stated at the time that he was in the ghetto as late as the summer of 1942.

Noy then admitted that part of the statement was wrong.

"Is your memory better today or in November 1976 (when the statement

was given)?" Berzins asked the witness.

"It depends in connection with what," Noy responded.

"I suspected that," Berzins shot back, only to have Judge DeGaeto warn him about making subjective observations.

Hazners is a prominent Latvian emigre who entered the United States from Hamburg, Germany, in 1956. He is accused of having lied on his entry application by failing to reveal participation in Nazi sponsored war crimes against Jewish Latvians.

If found guilty, Hazners, who is not a citizen, could be deported.

Top prosecutor joins Hazners hearing

ALBANY, N.Y. (AP) — The prosecution of Vilas A. Hazners and other alleged Nazi war criminals represents a deliberate effort to eliminate a "festering sore" at the Justice Department, according to the country's chief war crimes prosecutor.

Hazners' deportation hearing reopened Tuesday with tight security here. Spectators filed through metal detectors to enter the small hearing room where the Washington County resident sat quietly through the lengthy hearing which could lead to his deportation.

The hearing Tuesday centered on a minute examination by defense attorney Ivars Berzins of an Israeli police investigator concerning her interrogation of witnesses in the

Hazners case. The hearing was recessed until Wednesday for further questioning of Maria Radiwker.

The reopening of the hearing also marked the first appearance in the Hazners' case of Martin Mendelsohn, the Justice Department's chief war crimes prosecutor.

Mendelsohn entered the case after William Strasser asked to be removed.

"He felt uncomfortable with the case," Mendelsohn said of Strasser's withdrawal. Strasser had come under criticism for his handling of the prosecution.

One more prosecution witness will be called, Mendelsohn said, but he declined to identify the witness.

Mendelsohn said he assumed leadership of the

government's war crimes unit when a special team was put together in October to deal strictly with such cases. The 35-year-old Washington, D.C., lawyer said he left his private practice of 10 years because of a special request from the Justice Department.

"I assume they wanted me for my trial experience," the chief prosecutor said.

The special unit was set up because Attorney General Griffin Bell was upset with the "festering sore" represented by the long-open war crimes deportation cases, he said.

"We expect to have 20 or more of these cases at the hearing stage by the end of the year," Mendelsohn said. Currently,

the government is prosecuting "10 or 12" war crimes deportation cases, the prosecutor said.

The Immigration and Naturalization Service has charged that Hazners entered the country illegally in 1956. A Latvian native, he is accused of collaborating with the Nazis and concealing involvement in the beating and extermination of Jews in the Riga ghetto during World War II.

The hearing began in October but was postponed after nine days when the government asked for additional time to prepare its case.

Similar deportation cases are pending against Latvian immigrants in Baltimore and New York City.

Government rests Hazners case

After calling one of its own attorneys as the last witness, the government rested its case today in the deportation hearings for a Washington County man accused of being a World War II Nazi collaborator.

Immigration and Naturalization Service attorney Martin Mendelsohn called William Stasser, who had handled most of the case against Vilas Hazners before Mendelsohn took over.

The INS claims that Hazners, 73, beat Jews in Riga, Latvia, and selected them for execution, and that he hid his actions when he immigrated to the United States in 1956.

Hazners was absent today, the first time he has missed hearing testimony against him.

Mendelsohn's questioning of Stasser centered on photos the government has used as a main exhibit in its case.

Stasser had rearranged the order of the pictures during November proceedings and had been reprimanded by INS Judge Anthony De Gaeto.

De Gaeto today asked Strasser if he controlled the photos at all times. Strasser said either he or his predecessor on the case, attorney Ralph Smith, had control.

Pictures and their accuracy have been a major point in the hearings.

Ivars Berzins, Hazners' lawyer, did not cross-examine Strasser, saying he could not "bring myself to the point of subjecting another attorney to cross examination."

Berzins asked for dismissal of the charges, saying the government "has

not sustained the burden of proof." De Gaeto refused, saying that in deportation actions, the hearings "must be complete in every aspect."

Berzins said he was ready to go ahead with the defense case later today.

Throughout the proceedings, the government has based its case on a series of what it termed "accurate reproductions" of World War II-era photographs that Israeli investigators used when gathering witnesses to testify in the proceedings.

Berzins has said that the accusations against Hazners were prompted by the Soviet Union because Hazners has been known as an ardent anti-Communist.

United Press International

Photos at issue in 'Nazi' case

By FREDRIC U. DICKER

The U.S. Immigration and Naturalization Service (INS) Tuesday once again ran into trouble over a set of photographs as the second phase of a deportation proceeding against alleged Nazi war criminal Vilis A. Hazners, 73, got under way at the Leo W. O'Brien Federal Building, Albany.

An Israeli police investigator, Maria Radivker, 72, testified she had shown an "album" of 18 photographs of alleged Nazi war criminals to several Jewish survivors of Nazi-sponsored persecution in Latvia during World War II, including several of the witnesses who testified against Hazners during the first stage of the proceeding last fall.

But when INS attorney Martin Mendelsohn attempted to enter the album into evidence, he met repeated objections from the INS-appointed judge, Anthony DeGaeto.

DeGaeto demanded to know who took the photographs in the album, when they were taken and where they were taken, information Mendelsohn indicated was not available.

"I must admit to being perplexed by this," Mendelsohn told DeGaeto in response to the judge's requests.

Although Mendelsohn contended provisions of federal law allowed the admission into evidence of the photo album, DeGaeto did not agree.

Mendelsohn was more successful, however, with a photograph of Hazners

in the uniform of the Latvia SS Legion, which fought along side the Germans during the waning days of the war.

The photograph, which was provided to INS by representatives of the Soviet Union, was taken from a Soviet publication on Nazi war criminals and was admitted into evidence by DeGaeto as "a page from a book."

During a recess, however, Mendelsohn said he was now satisfied that "the essential photo is in."

The photograph was identified during a two-week long proceeding last fall by seven Israeli witnesses as that of the senior Latvian police official who, during the early days of the war, participated in a variety of crimes, including murdering, against Latvian Jews.



Hazners says, 'I was beaten'

By MAUREEN McTAGUE DANA
Similar testimony had been heard from the witness stand several times before during the deportation hearings of Vilis Hazners of Washington County:

"I was taken to the Riga police station.... I was beaten, and my head was shaven."

But this time the words were spoken by Hazners himself, a surprise witness for the defense this afternoon, the second day since the hearing recessed last November was resumed.

Hazners denied all of the charges

made by eight Israeli emigres last November that they saw him beat and kill Jews or order his subordinates to harm Jews in their native Latvia during World War II.

Hazners also testified under examination by defense attorney Ivars Berzins that he was arrested and beaten by the Russian army in 1941 and held at the Riga, Latvia police station for one day before being liberated by the invading German army.

Hazners testified that he was never a member or sympathizer of the Nazi

Party, and was never involved in the persecution of Jews.

The U.S. Immigration and Naturalization Service(INS) is attempting to deport Hazners on a charge that he illegally entered the United States in 1956 by denying involvement in Nazi-sponsored war crimes.

Hazners portrayed himself as a career soldier in the Latvian army, who took his orders from the German army after the Russians were displaced by the Germans in 1941.

Hazners said he never met the prose-

cution witnesses who testified against him, and that he never entered the Jewish Ghetto in Latvia where he was accused by one witness of directing the burning of a synagogue in which hundreds of Jews perished.

On the opening day in November, Berzins issued similar denials stating that Hazners was never involved in any Nazi sponsored war crimes.

The hearing was adjourned after Berzins completed his examination to give the INS an opportunity to prepare questions for its cross-examination Thursday.

ALBANY, NEW YORK 12201, THURSDAY, MARCH 9, 1978

Extradite Hazners, Bonn asked

By FREDRIC U. DICKER

The United States Government has asked West Germany to request the extradition of accused Nazi war criminal Vilis A. Hazners, an action which comes at a time when the government's own deportation proceeding against Hazners is in serious trouble.

A senior official of the U.S. Immigration and Naturalization Service from Washington told *The Times-Union* Wednesday that the on-going Hazners proceeding in Albany appears to be lost.

"It's too late now. We can only win it on appeal," the official said.

The comment came during a full day of Hazners-related activity at the downtown-Albany Federal Building. Hazners testified on his own behalf during the second day of the second round of deportation hearings, denying the allegations.

The immigration official contended the government was faced with a "biased" judge at the proceeding. An-

thony DeGaeto, himself an Immigration Service employee, and conceded there had been "incompetent" preparation and handling of the case, which has been under way for more than a year.

Representatives of the German Federal Republic, the official said, were

Hazners, on stand, denies war crimes.
Page 3

contacted by U.S. officials about two months ago and given information which could be used in a formal war crimes trial against Hazners.

"We asked them to consider seeking his extradition," the official said.

Germany is obliged by treaty to try accused non-German war criminals who are alleged to have committed their actions while in the service of the German military.

Extradition could be a far simpler process than deportation, which Immi-

gration Service officials say could be stalled in federal courts for years.

The U.S. and Germany have an extradition treaty and there is a precedent for such a move. In 1973 a naturalized U.S. citizen living on Long Island, Hermine Braunsteiner Ryan, was extradited as an alleged war criminal and she is now on trial in Germany.

Hazners, a native of Latvia who entered the U.S. from Hamburg, Germany, in 1956, served as a senior official in the Latvian police force and the Latvian SS Legion, a unit of the German Army's Waffen SS, during World War II.

He is accused by the Immigration Service of having entered the U.S. illegally by failing to declare his participation in six war crimes against Latvian Jews, including murder.

Seven witnesses from Israel accused Hazners, who never sought U.S. citizenship but holds permanent resident alien status, last fall of being an important

Latvian police official who participated in the assault and murder of Latvian Jews.

The senior Immigration Service official contended Wednesday that Judge DeGaeto's "entire demeanor appears to be biased against the government case. He has made improper judgments as far as we are concerned and he doesn't seem to know the law," the official charged.

During the proceeding Wednesday, DeGaeto clashed on several occasions with INS attorney Martin Mendelsohn, who is heading the Immigration Service's nationwide effort to deport alleged war criminals, and at one point accused Mendelsohn of not knowing an essential point of law.

"That is something you should have known when you went to law school," DeGaeto snapped at Mendelsohn.

See U.S., Page 3

U.S. asks Hazners' extradition

Continued from Page 1

Earlier, Mendelsohn chided DeGaeto on another legal point, asking, "Are the rules of evidence irrelevant to this proceeding?"

A further indication of the government's problems came when Mendelsohn called his last witness, government attorney William Strasser, who handled the Immigration Service's case against Hazners last fall.

Immediately, Hazners' attorney, Ivars Berzins, objected that a trial attorney could not also be a witness, an argument that won DeGaeto's support.

DeGaeto advised Mendelsohn to read sections of a federal Canon of Ethics for attorneys, saying they would prevent such an appearance.

Mendelsohn called Stasser in an effort to undue the damage caused in the fall when Strasser rearranged a critical piece of the government's evidence, a set of photographs which were shown to the Israeli witnesses.

At the time, DeGaeto accused Strasser of "destroying" evidence, although he later said he was satisfied the photographs had been returned to their original condition.

DeGaeto finally relented in the face of Mendelsohn's protests and instructed both Mendelsohn and Berzins to submit legal briefs on the propriety of the testimony.

Hazners denies charges he was Nazi collaborator

ALBANY, N.Y. (AP) — Willis A. Hazners, accused of being a Nazi collaborator and war criminal, quietly but firmly denied those charges Wednesday before a deportation hearing here.

"I was a soldier," the 73-year-old Washington County resident insisted when asked about his World War II activities in his native Latvia. He said he had never beaten Jews in or near the Riga ghetto or pointed them out for execution by the Nazis.

The government contends that Hazners lied when he told them in 1956 prior to his emigration that he had not participated in any war crimes.

The hearing was recessed Wednesday afternoon after the government's chief war crimes prosecutor, Martin Mendelsohn, said he needed time to prepare his cross examination.

Hazners' appearance as a witness surprised several observers at the hearing, being held amidst tight security in a small basement hearing room in a federal office building here.

Earlier testimony in the case placed Hazners in the Riga ghetto or near it and in the Riga central police station. Survivors of the ghetto, now living in Israel, testified to authorities that they recognized photos of a man purported to be Hazners as having beaten Jews at those locations.

Under examination by defense attorney, Ivars Berzins, however, Hazners said he had been in the Riga central police station only once. He said he was there "in 1923, for a few minutes."

Hazners also testified that the only time he had been near the Riga ghetto was in 1944 when he drove by with his army unit.

"I had many good friends — Jewish people," Hazners said at one point. That drew murmurs and laughter from some spectators at the hearing.

Dressed in a black suit, with a sweater over his shirt, Hazners appeared weary but answered the questions firmly.

The slightly balding, white-

haired man with a ruddy complexion rose politely as a young woman — a Latvian interpreter — took her place beside him at the witness stand. Despite the presence of the interpreter, Hazners answered questions quickly in halting English and accepted little assistance.

Hazners told hearing Judge Anthony DeGaeto that at the beginning of the war he was imprisoned by the Russians who had occupied Latvia and disbanded the country's army.

He said he had been a general staff officer in that army before his arrest. Hazners said the Russians beat him and

shaved his head in a Riga jail. He said he was freed by the Germans when they entered Riga several days later.

Following his release, Hazners said he served in units of the Latvian self-defense force and as a police commissioner. He said all that service was outside Riga, however.

Mendelsohn rested the government's case against Hazners Wednesday morning following technical testimony about photographs submitted as evidence. The morning session marked the first time Hazners had failed to appear at the hearing.

NIAGARA FALLS
Thursday,
March 9, 1978

THE POST-STAR

Home Newspaper of The Adirondack Region

GLENS FALLS, NEW YORK

'No Extradition' Set for Hazners

ALBANY (AP) — The prosecutor in the Vilis A. Hazners deportation hearing here said Thursday that the government is not seeking to have the alleged Nazi collaborator extradited to West Germany.

Martin Mendelsohn, the Justice Department's chief war crimes prosecutor, was questioned at the opening of Thursday's hearing by Judge Anthony DeGaeto concerning a published report quoting "a senior official of the U.S. Immigration and Naturalization Service from Washington."

That report said the government had asked West Germany to begin

extradition proceedings against the 73-year-old Washington County man accused of helping German occupation forces in Latvia in World War II.

Reportedly, that would be easier than the lengthy deportation proceedings. Under a treaty, West Germany is to try persons accused of committing war crimes while working for the German forces.

However, Mendelsohn said, "There is no procedure being sought by the government at this time."

The hearing was adjourned Thursday following Hazners' own testimony. No date was set for the reopening of the hearing.

The adjournment was granted to allow the defense to take depositions from elderly potential witnesses now living in Chicago, Sweden and Australia.

When reconvened, the hearing may resume in New York City, hearing officials said.

The exchange between Mendelsohn and DeGaeto marked the latest sparring match between the two. Several times in the past three days of the hearing the judge has chastised Mendelsohn on points of law and the government's presentation of the case.

(FRONT
PAGE)

Entrance of war criminals probed

By FREDRIC U. DICKER

It will still be many months, and perhaps even years, before the government completes its deportation action against Vilis A. Hazners, a 73-year-old Latvian emigre from Dresden, Washington County, who stands accused of participating in Nazi-sponsored war crimes against Jews during World War II.

But while the results of the action are awaited, the attention of many persons concerned with the question of alleged Nazi war criminals have been allowed to live untroubled in the United States for so long will shift to Washington, D. C., and to perhaps two dozen cities in America.

In Washington, the results of an intensive investigation into the question are expected to be made public in about one month.

The investigation was conducted by the General Accounting Office, Congress' investigative arm, at the behest of the House Subcommittee on Immigration.

Sources close to the investigation told *The Times-Union* last week that a preliminary draft of the GAO report concludes that "third agencies" played a crucial role in allowing suspected or known war criminals to enter and remain in the United States.

In other words, the GAO study is expected to conclude that agencies such as the Central Intelligence Agency, the Federal Bureau of Investigation, and the State Department intervened at varying times from the end of World War II until recently on behalf of suspected war criminals to allow them to remain in the country.

The primary reason for such actions, the report is expected to say, was "national security," the use of the accused, many of whom are from nations dominated by the Soviet Union, for anti-communist, cold war, activities and propaganda.

At present, Hazners is one of a dozen alleged war criminals facing deportation proceedings brought by the government.

That number is expected to double in about one year and hearings like the one being held in Albany will occur throughout the nation.

"So far what has been heard about has been the problem — having these people in the country — and some of the early cases. But there is about to be many more cases, and there will be a lot more attention focused on the whole issue," a source close to the investigation said last week.

Involvement of "third agency" official government security units in the effort to keep suspected war criminals in the United States is the principal theory now circulating explaining the presence of so many — perhaps more than 100 — suspected Nazi war criminals in the country.

Since the charges against many of the suspects were known before they entered the U.S., top level security agencies must have been involved in asserting "national security" reasons to allow them to remain, the theory contends.

For instance, in the Hazners case, *The Times-Union* disclosed last year that a 1949 article in a German language newspaper in New York City identified Hazners as "district chief of the Abrene-Latvia during the (German) occupation. Responsible for the mass killing in this district. Now CJO Latvian National Council in Hanau, Germany."

Hazners who entered the United States from Hamburg, Germany in 1936, took the stand in his own defense last week and admitted serving as the Abrene police chief.

However, he said he was never involved in the murder or mass killing of anyone.

Positive proof that top government agencies were aware of the charges against Hazners before he entered the country was provided, unexpectedly, by Hazners' own attorney, Ivars Berzins, when the deportation proceeding began in Albany last October.

On the first day of the proceeding, Berzins, in an unsuccessful effort to have the proceeding dismissed, informed the judge that he had filed a Freedom of Information

Act request with the Federal Bureau of Information for records on his client.

Among the documents he received, Berzins said, was a memorandum which read as follows: "Files of the Office of Security, U.S. State Department, noted that Vilis Hazners was accused in 1954 of murder and persecution."

The accusation, made two years before the U.S. Immigration and Naturalization Service allowed Hazners into the country, "is an incredible statement and the most significant proof I have seen of the involvement of the intelligence agencies in allowing these people into the country," according to Charles R. Allen Jr., a journalist and researcher whose 1963 publication, *Nazi War Criminals Among Us*, is considered the first major work on the subject in the country.

Allen, who is writing a book aimed at explaining presence of suspected war criminals in the United States said "the document appears to clearly indicate that a decision was made to allow Hazners into the country in spite of what the government is now trying to deport him for."

On the witness stand last week, Hazners revealed that agents of the Central Intelligence Agency had been among those who questioned him before he entered the United States, an unusual event.

According to a source close to the Immigration Service, "CIA operatives did not usually interview someone coming to this country. It had to be someone who was considered special."

Hazners has been prominent in the U.S. as a spokesman for emigre Latvians.

He has and still heads international associations of Latvian emigres, and was once a frequent broadcaster for Radio Liberty, at one time controlled by the CIA, and the Voice of America, an international "news" program provided by the U.S. Information Agency.

In addition, Hazners served for several years as a delegate to the Congress of Captive European Nations, recently identified by former CIA agent Philip Agee as a CIA-funded organization.

U.S. May Deport Alleged Ex-Nazi For Bonn to Try

Special to The New York Times

ALBANY, March 11—The Federal Government has made inquiries with West German authorities about the possible extradition of Vilis A. Hazners, a 73-year-old Latvian émigré, for trial as a war criminal.

The disclosure came at the end of three days of hearings here in the Government's deportation action against Mr. Hazners, who is accused of participating in Nazi-sponsored war crimes against Jews during World War II. The case will take months, possibly years, to complete.

Mr. Hazners, who lives in Dresden, N.Y., about 70 miles north of Albany, underwent intensive questioning last week at the Federal Building in Albany by a United States Immigration and Naturalization Service attorney, Martin Mendelsohn, who is heading the Government's nationwide prosecutorial effort against alleged war criminals.

Although Mr. Mendelsohn got only repeated denials from Mr. Hazners about the charges, he said at the end of the questioning that he was "satisfied the Government has made its case."

Last fall the Government brought seven Israeli citizens to Albany to testify in the case. They said that while they were residents of Latvia during the early days of World War II, they saw Mr. Hazners participate in the beating and murder of perhaps hundreds of Jews.

6 Specific Crimes Charged

The Government has accused Mr. Hazners of entering the United States illegally from Hamburg, Germany, in 1956 by failing to disclose his participation in six specific crimes against Jewish Latvians, including assault and murder.

During testimony in his own behalf last week, Mr. Hazners admitted serving as a captain in a Latvian "self-defense unit" just after the German takeover of Latvia in July 1941.

He said he later became Police Chief in the Abrene District near the Soviet border and, in 1943, was "mobilized" into



United Press International

Vilis A. Hazners waiting outside Albany court last week.

the Latvian SS Legion, where he became a decorated senior officer.

The legion, Mr. Hazners admitted, was attached to the German Army's élite Waffen SS.

However at no time, Mr. Hazners said in response to repeated questions from his attorney, Ivars Bervins of Babylon, L.I., did he participate in attacks on Latvian Jews.

The Immigration Service judge, Anthony DeGaeto, adjourned the proceeding indefinitely late last week to allow Mr. Bervins to obtain sworn statements from former colleagues of Mr. Hazners—men who he said were now living as far away as Australia and Sweden.

Mr. Mendelsohn said it would be "at least several months" before all the evidence in the case was presented.

Then Judge DeGaeto must write a decision, which is also expected to take several months.

Either side in the case may appeal the decision to a special board of immigration appeals.



basics

by Gus Hall
General Secretary,
Communist Party USA

After 30 years of protective procrastination, the U.S. Government is carrying out "deportation proceedings" against a Latvian Nazi, Vilis Hazners.

During World War II, Hazners was an admitted police chief of a district near the Soviet border, and a decorated senior officer in the Latvian SS Legion, a counterpart and affiliate of the German Army's Waffen SS.

He is now accused by a number of eyewitnesses of participating in the torture and murder of hundreds of Jews. Hazners' lawyer says that he denies participation in the attacks on Latvian Jews. Latvia was occupied by Germany.

Note this. Hazners doesn't deny that he participated in attacking and killing Soviet Jews. He just didn't participate in attacking and killing Latvian Jews. This is the line of defense. Apparently only attacks on Latvian Jews would have been a crime. Attacking and killing Soviet Jews was permissible. That is the basic essence of his defense. Hazners' reasoning is the ultimate in ethical and moral degeneracy — the product of a warped Nazi-fascist mentality.

But this butcher's legal defense raises some bothersome questions about the moral and ethical climate in the United States. On what basis did Hazners and his attorney come to the conclusion that by creating, by inference, the impression that he committed the crimes against the Soviet people, including Soviet Jews, he could develop a successful defense? The fact is that it would be a mistake to dismiss Hazners' reasoning as completely exceptional.

The roots of fascism

Fascism is an outgrowth of capitalism. In a less extreme form, Hazners' line of reasoning pervades our own society. Fascism does not invent a new ideology. It does not give birth to a new set of values or a new morality. It extends the ideology, values and morality that monopoly capital gives rise to.

To accept the practices of "last-to-be-hired" and the other barriers to skilled jobs as long as the discriminatory policies are limited to Blacks, Puerto Ricans, Chicanos, Indians, Filipinos and Asian Americans is to accept racism. Fascism takes this concept, rooted in the capitalist system, and extends it to acceptance of mass murder and genocide.

Let's take a few other examples.

The week in which this was written, in Houston, Texas, three killer cops were convicted for the second time of cold blooded murder. Each time a judge gave a one-year sentence — suspended. In the judge's book murder was not murder because the victim was of Mexican descent.

Aren't there landlords, storekeepers and others who feel that when they are dealing with Blacks, Puerto Ricans and other racially oppressed peoples they have a special license to rip them off? Somehow stealing from Blacks and Hispanic peoples isn't stealing. Just as, for Hazners, murdering Soviet Jews isn't murder.

Aren't there people who would get very upset at any manifestation of anti-Catholic or anti-Jewish prejudice, but who would look the other way when it comes to injustices to the Palestinian people? Somehow the suffering of Palestinians, thrown off their ancestral lands and living for decades in the misery of refugee camps, doesn't count.

Then there are the actions of the FBI and CIA. These agencies engage in illegal activities against Communists — harassment, dirty tricks, etc. But against Communists, illegal activities are permis-

sible. Was not the concept that Communists have no legal or constitutional rights the basic tactic of Hitler and McCarthy in getting the public to accept their general reactionary drives? Did not many liberals justify their support to McCarthy and his illegal activities as long as the drive was directed "only at Communists?" Is this not a shadow of the same kind of morality and ethics that Hazners and his attorney are using in their defense?



Vilis Hazners

UPI

A class question

Ultimately all these things flow from the class nature of our society, and from the needs of its ruling class. Our society is supposed to operate on the principle that "all men are equal." But nothing in our capitalist society really operates according to that principle.

The system of education is a class system. Great care is lavished on the education of an upper class elite. But if workers, Blacks, Chicanos, or Puerto Ricans don't learn how to read and write, what does it matter? What happens to them isn't important.

"Fascism is an outgrowth of capitalism . . . Fascism does not invent a new ideology. It does not give birth to a new set of values or a new morality. It extends the ideology, values and morality that monopoly capital gives rise to."

Capitalism's fascist mentality

The system of medical care is a class system. Tens of millions can't afford adequate medical care. But in our society the very fact that they can't afford medical care is supposed to be proof that it doesn't matter if they don't get it.

The judicial system is a class system. Big-shot criminals like Nixon and former CIA chief Richard Helms get pardoned or get away with a symbolic punishment, while people who are poor and oppressed and commit lesser crimes are sent to jails in which they are treated as less than human.

The attitudes that lie behind all this do not arise by themselves, any more than Hazners' attitude toward the Soviet Union and Jews arose by itself. Hazners' attitude was created by Nazi-fascism to serve its policy of aggression against the Soviet Union. Racist and anti-working class attitudes and practices, the view that if directed against Communists anything is permissible, are consciously promoted by monopoly capitalism because they are its main weapons of exploitation and rule.

A new approach

In a way, the U.S. ruling class operates more insidiously than Hitler's Germany did. Hitler was an avowed racist, militarist and aggressor. The U.S. Government talks about equality and freedom. It uses far more guile, cunning and demagoguery than Hitler did. U.S. monopoly capital in this period is more flexible, more willing to make concessions, to retreat when absolutely necessary. But still it supports racist South Africa, pushes the arms race, and conspires to overthrow regimes it doesn't like.

Just like Nazism, the U.S. ruling class is shooting poisons into society — poisons which spread immorality and rottenness, which promote hypocrisy and cynicism. The government can prattle about freedom, equality and human rights. The reality all around us is different, and people know it.

Paying the price

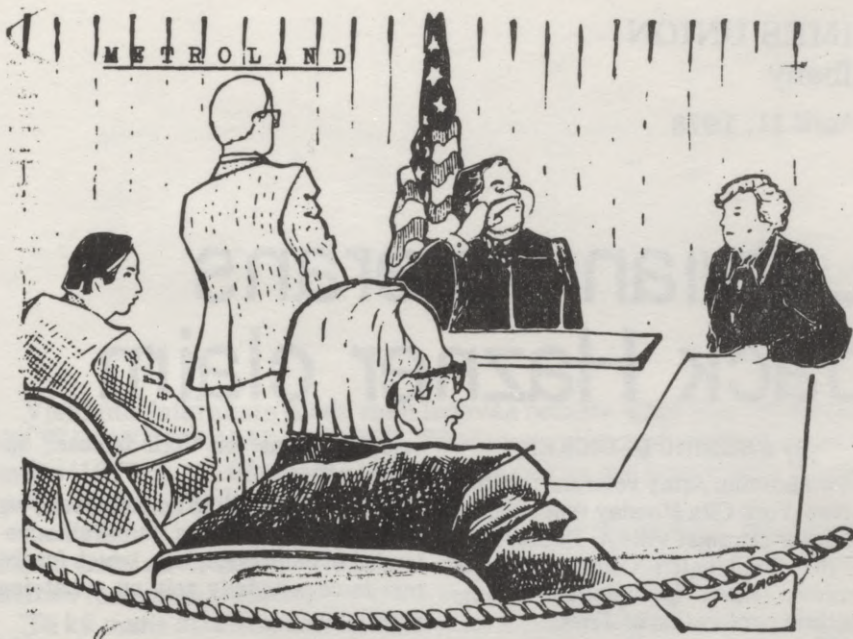
Just as with Nazi Germany, there are many today who go along with the perverted, immoral reasoning of monopoly capitalism because they do not feel themselves hurt or threatened by it. Nazi Germany provides a terrible lesson of what can happen when people do this. Repeatedly, the Soviet Union called for unity, for collective security, against the fascist menace while there was still time to prevent world catastrophe. The calls went unheeded and the world paid a disastrous price.

Those who do not feel themselves hurt or threatened by racism, by illegalities committed against Communists, are wrong. All, with the exception of the monopolies and their lackeys, are hurt and threatened.

Racism divides the working class and the people, and its cost in holding back the progress of the people is incalculable. And illegalities against Communists are just harbingers of illegalities against liberals, against all people who want peace and social progress.

The only sensible, as well as moral, position is to recognize that an injustice to one is an injustice to all.

The struggle for social progress, the struggle against monopoly capital, the struggle against the policies of nuclear war, the struggle for world peace, the struggle for the extension of democratic rights and the struggle for socialism, all demand that we raise to new levels the struggle against the influences of racism and the poisonous fog of cold war anti-communism.



DEPORTATION HEARING — Vilis Hazners of Whitehall, in the center foreground, listens to the testimony of Israeli investigator Maria Radiwker, right, during Hazners' deportation hearing in Albany in connection with alleged Nazi collaboration.

Defense counsel Ivars Berzins is standing, and government attorney Martin Mendelsohn is seated at left. U.S. Immigration and Naturalization Service Judge Anthony De Gaeto is seated, center background.

Hazners denies all charges of war crimes against Jews

By MAUREEN McTAGUE DANA

Similar testimony had been heard from the witness and several times before in the deportation hearing of Vilis Hazners of Washington County:

"I was taken to the Riga police station...I was beaten, and my head was shaven."

But this time the words were spoken by Hazners himself, a surprise witness for the defense Wednesday, the second day of hearings since they were resumed after being recessed last November.

Hazners, the first defense witness, denied all the charges made by eight Israeli emigres who testified last November they saw him beat and kill Jews or order his subordinates to harm Jews in their native Latvia during World War II.

Hazners also testified under examination by defense attorney Ivars Berzins that he was arrested and beaten by the Russian army in 1941 and held at the Riga, Latvia, police station for one day before being liberated by the invading German army.

Hazners testified that he was never a member or sympathizer of the Nazi Party, and was never involved in the persecution of Jews.

The U.S. Immigration and Naturalization Service is attempting to deport Hazners on a charge that he

illegally entered the United States in 1956 by denying involvement in Nazi-sponsored war crimes.

Hazners portrayed himself as a career soldier in the Latvian army, who took his orders from the German army after the Russians were displaced by the Germans in 1941.

Hazners said he never met the prosecution witnesses who testified against him, and that he never entered the Jewish Ghetto in Latvia, where he was accused by one witness of directing the burning of a synagogue in which hundreds of Jews perished.

On the opening day of the hearing in November, Berzins issued similar denials stating that Hazners was never involved in any Nazi-sponsored war crimes.

The hearing was adjourned after Berzins completed his examination to give the INS an opportunity to prepare questions for its cross-examination today.

Wednesday morning, the INS called one of its own attorneys to the stand as its final witness.

William Strasser, the attorney who has handled most of the case against Hazners, was called to the stand by INS attorney Martin Mendelsohn to testify about photos the government has been relying on as a primary exhibit in its case.

April 11, 1978

Latvian veterans back Hazner claim

By FREDRIC U. DICKER

Two Latvian Army veterans testified in New York City Monday that accused Nazi war criminal Vilis A. Hazners, 73, of the Washington County town of Dresden, never participated in the wartime persecution of Jews.

The two, who served with Hazners in the Latvian SS Legion fighting alongside the German Nazis, said they frequently saw Hazners in the summer of 1941, working at a desk job organizing police units in Riga, not participating in the beatings and murder of Jewish more Latvians.

Hazners is charged by the U.S. Immigration and Naturalization Service with having entered the country illegally in 1956 from Hamburg, Germany, by failing to disclose his participation as a senior military official in Nazi-sponsored war crimes.

Eriks Paruks, 70, now living in Bradenton, Fla., testified he was a friend of Hazners, before and after World War II.

"Hazners was a Latvian officer and Latvian officers never tell a lie. He never was involved in the persecution of Jews, not whatsoever," Paruks said.

Vilhelms Vuskalns, in his late 60s, of Port Washington, Long Island, said he had worked side by side with Hazners during the summer of 1941, just after the German occupation of Latvia, de-

veloping plans for "self-defense" internal police units.

"We had nothing to do with Jews, we had oversight of troops," Vuskalns contended in halting English, which forced him to occasionally rely on a Latvian translator.

Last fall, the government brought eight witnesses from Israel to Albany to testify that Hazners was a senior Latvian police official who personally participated in and directed the beatings and murder of Jews, principally in the summer and fall of 1941.

Hazners took the stand in his own defense last month, denying every charge.

The proceedings, which could lead to Hazners deportation, was moved to New York City Monday for the convenience of defense witnesses.

Hazners, who has had several heart attacks, was not present.

Three other witnesses testified that Hazners was arrested by agents of the NKVD, formerly the Soviet secret police, just days before the German invasion and taken to the central police station in Riga.

Hazners' attorney, Ivars Berzins of Babylon, Long Island, said his client's head must have been shaven while he was held prisoner, giving him an appearance which defies the one described by several of the Israeli witnesses.

Vienīgais laikraksts (kādu man izdevās redzēt), kurš bija objektīvs, bija THE WHITEHALL TIMES. Tikai vienu reizi viņš atstāstīja savās rindās (1977. g. 17. februārī) manas tiesas gaitas, pie kam minot vienīgi apvainojumus, kādi tika vērsti pret mani.

Laikraksta izdevēji bija tādos pat uzskatos kā vietējie Whitehall-ieši un mani tuvākie kaimiņi, ka tā ir tiesas lieta resp. notiesāt vai attaisnot (un nevis publikāciju vai vispāri „news media” lieta).

Tā kā mans attaisnošanas lēmums no Apelācijas tiesas nav paziņots vēl šodien, rakstot šo grāmatu, tad es atļāvos to darīt zināmu minētā laikraksta redakcijai, pie reizes izsakot arī pateicību saviem kaimiņiem par morālo atbalstu, kāds man tika sniegts visus garos tiesāšanas gadus.

Kaut gan arī THE WHITEHALL TIMES lasa visi apkārtējo pilsētu laikraksti (vismaz to redakcijām to piesūta) tomēr neviens, arī līdz šij dienai nav turējis par vajadzīgu pieminēt manu attaisnošanu, tā ļaujot mani terorizēt apkārtnes židu iedzīvotājiem. To gan nav darījis neviens no maniem tuvākiem kaimiņiem un man pat vietējie židu tautības iedzīvotāji ir vēl vairāk nekā draudzīgi.

Vai tā ir preses brīvība? Vai tā nav vairāk neobjektivitāte?

The Whitehall Times

20 CENTS

16 PAGES

WHITEHALL, N.Y. 12887

THURSDAY, FEBRUARY 17, 1977

VOL. CLXI — No. 50

Deportation Charge

Deportation hearings for Willis A. Hazners, 71, of Dresden, began in Albany Monday. He had been ordered Jan. 27 to show cause why he should not be deported.

He is charged with having illegally obtained entrance to the United States with a visa issued under the Refugee Relief Act of 1953.

Specific charges against Hazners state that he participated in the persecution of Jews in Latvia during World War II.

The hearing was adjourned until June 20. Lloyd Sherman, Immigration and Naturalization Service attorney, said witnesses for the government, most of them from

Israel, will have arrived in the United States by that time.

Judge Anthony DeGaeto, special inquiry officer for the INS, presided over a brief courtroom session in which Hazners' attorney, Ivars Berzins, denied all the allegations of wartime atrocities.

Later, outside the courtroom, Berzins charged the press with disseminating communist propaganda about his client. "These charges have 'Made in Moscow' stamped all over them," he said.

Hazners was accompanied by his sons and grandsons. One grandson graduated from Whitehall high school two years ago and another is now a student in the school.



IN DEPORTATION HEARING. Mr. and Mrs. Willis A. Hazners at their home in Dresden. Mr. Hazners appeared in Albany Monday at a deportation hearing, charged with illegal entrance to the United States.

Letters to the editor



Mr. Benjamin F. Carpenter,
Editor
The Whitehall Times, Inc.
Whitehall, N.Y. 12887

Dear Sir:

It is no secret that since May, 1976, I have been accused of "war crimes" and that this alligation had been made by the KGB of USSR. This hearing ended in September, 1980.

Also, it is a fact that on February 27, 1980, I was found innocent by the Immigration Judge of the U.S. Department of Justice, Immigration Court, Albany, N.Y., and on July 15, 1981, the Board of Immigration Appeals of the U.S. Department of Justice also found me innocent.

For almost five years The Whitehall Times has shown the greatest respect by not publishing derogatory articles about me in my behalf, but allowing the proper courts to complete their job.

During this time period the people of Whitehall, my neighbors in Clemons, as well as those in Vermont have given me the greatest

moral support by recognizing that I was accused because I have devoted my political life to fighting USSR oppression in my homeland, Latvia, since June, 1941.

I would like to express my most sincere gratitude to you, your staff and the people of Whitehall, Clemons and Vermont for the deep understanding and genuine moral support which have been exhibited during these years.

Sincerely yours,
Vilis A. Hazners,
Chairman,
Committee for a Free Latvia
RFD 1, Whitehall, N.Y.

Žīdu un latviešu attiecības

Kopš 1976. gada, kad ASV sākās t. s. „latviešu kuŗa noziedznieku vajāšanas” attiecības starp žīdiem un latviešiem ir zināmā mērā mainījušās, kaut gan vēsture mums stāsta, ka žīdi, gadu simteņus dzīvodami Latvijā, vienmēr starp latviešu tautas piederīgiem ir atraduši draugus, vēlāk — neatkarīgā Latvijas valstī guvuši izcilas minoritātes priekšrocības visās saimnieciskās un citās, ieskaitot politiskās darbības, jomās. Par šīm attiecībām arī liecina bij. Latvijas saeimas deputāta Jāņa Lejiņa sarakstītā brošūra, kuŗu 1975. gadā izdeva Pasaules brīvo latviešu apvienība kopā ar Latviešu nacionālo federāciju Kanādā, kuŗa saucas Latvian-Jewish Relations. Šajā brošūrā, atsaucoties uz vairākām citām publikācijām šajā jautājumā autors piemin arī krievu un vācu okupācijas neseno laikus un uzmanīgi norāda arī žīdu un latviešu attiecību veidošanos šajā laikā.

Un tieši vācu okupācijas laika nežēlīgā žīdu tautības Latvijas pilsoņu iznīcināšana ir tā, kas pēdējos, jau minētos gados, ir sabojājušas šīs attiecības.

Man arī jāpiemin šajā sakarībā tā bezkaunīgā un nedraudzīgā žīdu nostāja tieši iepretīm man. Mani sākot tiesāt par necilvēcīgo izturēšanos iepretīm žīdu tautai Latvijā nācās konstatēt, ka visa apsūdzība resp. nodotās liecības ir kaili meli. Par to jau ir rakstīts šīs grāmatas citās vietās. Kad uz to tika norādīts no man zināmu personu puses šīs apsūdzības galveniem atbalstītājiem un ierosinātājiem — Dr. Vīzentālam, Dr. Šneideri un deputātei Holtcmanei, tad pēdējie bija atbildējuši, ka mana tiesāšana varot mierīgi risināties tālāki, kaut arī es esot nevainīgs. Ja būšot nevainīgs, tad gan jau tiesa attaisnošot, bet tas būšot (tiesāšana) brīdinājums nākamām latviešu paaudzēm ar žīdiem necilvēcīgi neapieties. Vīzentāls bija vainojams par šīs lietas ievadišanu, Holtcmane par tās atbalstīšanu un t. s. Holtcmanes likuma radīšanu ASV kongresā, bet šķiet nevainīgākā bija Dr. Šneidere, jo tā bija vienīgi sadabūjusi čekas propagandas brošūras, kuŗās bija pārskaitīti visi latviešu „kuŗa noziedznieki”, viņa šīs brošūras bija piespēlējusi Vīzentālam, kuŗš savukārt tās izmantojis savam „Naci noziedznieku” meklēšanas darbam, liekot lietā arī ievadot apsūdzību iepretīm man. Dr. Šneidere pēc tam aplusa, jo izrādījās, ka viņa savam PHD disertācijas darbam bija izmantojusi bezatbildīgi Rīgā sadabūtās čekas propagandas brošūras un savu PHD gradu ieguvusi uz neatbildīgu avotu pamata. Jāpiezīmē, ka viņas disertācijas darbs bijis bāzets uz žīdu iznīcināšanas akciju Rīgā, kur viņa, kā Austrijas žīdu meitene 12 gadu vecumā dzīvojusi un kuŗai bija laimējies palikt dzīvai.

Stāstot augšminēto šīs nodaļas ievadā, gribu atzīmēt vēl citus notikumus žīdu-latviešu draudzības seno un pat vēl tagadējo dienu tecējumos.

Vēsture mums stāsta, ka šī gadu simteņa sākumā, noībinoties latviešu sociāldemokrātu partijai tā cieši sadarbojās ar līdzīgu žīdu partiju, šī sadarbība cieši turpinājās neatkarīgā Latvijas valstī, pirms tam krievu revolūcijas laikā un nav beigusies arī vēl šodien, kā to liecina latviešu un žīdu sociāldemokrātu ciešā sadarbība starp Latviešu SD partiju trimdā un žīdu SD partiju Izraēlā. Tā ir uzticības un draudzības pilna! Žīdu tautai un sevišķi tās vadībai būtu jāatceras Hitlera varmācīgā Austrijas, Čehoslovākijas un Polijas okupācija vēl pirms Otrā pasaules kara un kad katrs žīdu tautības iedzīvotājs, kurš bija spiests bēgt no nacistu „ideoloģijas” iepretīm viņu tautai, atrada draudzīgu patvērumu Latvijā. Pie mums tos visus uzņēma bez izņēmuma, palīdzēja iekārtoties dzīvē un katram, kas vien vēlējās palīdzēja izceļot uz ASV vai citām zemēm, kur vien tas vēlējās. Vai bija vēl otra tik draudzīga un palīdzīga valsts Eiropā?!

Tagad žīdi savā un citās valodās ir publicējuši daudz darbu, apsūdzdami visu latviešu tautu par viņu iznīcināšanu Latvijā. Atkāpjoties no tēmata, varu pieminēt, ka nevienā no tām nav pieminēts mans vārds kā „žīdu bendētāja vārds”. Tas vienīgi parādas komunistu izdotajās brošūrās un arī zināmu iemeslu pēc, — tāpēc ka esmu un vēl tagad darbojos pretkomūnisma laukā. Žīdi tajā pat laikā visur noklusē krievu okupācijas, sevišķi 1940./41. gada terroru Latvijā, kur arī viņiem bija sava loma un ne jau mazā. Arī tāpēc latviešu kabatās nedrīkst sabāst tos „akmeņus”, kas pieder Hitlera nacionālsociālistiem! Jājautā arī kāpēc 20.000 līdz 30.000 žīdu aizbēga līdz krieviem sākoties Otrajam pasaules karam? Vai tikai baidoties no nacistiem? Man pašam arī nākas apliecināt, ka komunistu 1940./41. gadā personīgi nācās sastapt daudz žīdu Latvijas okupācijas varas iestādēs, it sevišķi manā apcietināšanas laikā Rīgas čekā un Centrālcietumā.

Bet vai es jebkur esmu vainojis visu žīdu tautu? Tā kā tagad žīdi vaino visu latviešu tautu? Vai no tiem dažiem simtiem latviešu, kas piedalījās žīdu iznīcināšanā drīkst secināt visas mūsu tautas nostāju?

Man rakstot šo nodaļu gribētos pacelt dažus jautājumus:

- 1) Vai tie liecinieki pret mani tiesā vēl atceras savu dzīvi neatkarīgā Latvijā?
- 2) Vai viņi atceras to, ka krieviem okupējot Latviju 1940. gadā vissiltāki tos sagaidīja žīdu minoritāte?
- 3) Vai viņi atceras, ka gandrīz visus vadošos amatus krievu okupācijas laikā, it sevišķi jau pieminētā 1940./41. gadā, sevišķi čekā (NKVD), ieņēma žīdu tautības piederīgie?
- 4) Vai viņi atceras, ka 1941. gada masu deportācijas operācijas vadošo lomu spēlēja žīdu tautības čekisti?
- 5) Vai viņi nezina, ka vācu okupācijas gados simtiem žīdu tika paslēpti Latvijas pilsētās un laukos, lai tos pasargātu no vācu naci varmācības un vai latvieši nebija tie, kas tajā pat laikā

ar šo savu nostāju riskēja ar savām dzīvībām un ne reti pat tās zaudēja?

6) Vai viņi nezināja, ka sinagogas Latvijā dedzināja sevišķas vācu un latviešu SD komandas (t. s. Arāja komanda, kuŗas dalībnieki jau visi ir notiesāti kā Latvijas, tā Vācijas tiesās) un nevis latviešu tauta?

7) Vai židi Latvijā nekā neredzēja, kāda bija latviešu tautas nostāja iepretīm viņiem kā visvairāk vajātajai minoritātei?

Ir arī vēl daži citi jautājumi, tīri personīgas dabas:

a) Kāpēc mana apsūdzības lieta tika sagatavota Telavivā? Kāpēc to nesagatavoja ASV, kur no Latvijas pēdējos gados vai arī izkļuvuši agrāki ir simtiem vai pat tūkstošiem židu?

b) Kāpēc tiesā manam advokātam neļāva pieminēt tādus vārdus kā Vizontāls, Šneidere, KGB un vēl citas lietas?

Es gribu ņemt arī drosmi un pateikt, ka ar šo un citām apsūdzības lietām ir pilnīgi iznerroti ASV valdības advokāti un arī INS tiesneši. Tāpat iznerrota ir arī visa ASV sensaciju kārā „news media”!

Es nevaru pielaist domu, ka mana un citas lietas bija sagatavotas kā šīs tiesību zemes „tiesu izrādes” (kā tas notiek Krievijā un viņai pakļautās teritorijās).

Apvainojums, vērstais iepretīm man, manā vērtējumā ir kauna traips, kāds uzlikts visai mūsu tautai, tās pretkomunistiskiem darbiniekiem un visiem, kas mīl savu zemi, mīl brīvību un t a i s n ī b u .

Es esmu arī pārliecināts, ka nav pasaulē spēku, kas varētu visu vai daļu no šeit teiktā apšaubīt.

Es domāju, ka mums ir nepieciešami vēl uzrakstīt kādu plašāku darbu par židu un latviešu attiecībām, pie kam derētu plašāks vēsturisks pētījums, jo materiālu ir daudz, arī citās valodās. Vēsturnieku, kas varētu šādam darbam ķerties klāt mums pietiktu, arī starp židu tautas vēsturniekiem.

Šo nodaļu noslēdzot gribu vēl pieminēt, ka ne man personīgi, ne latviešiem vispāri nav ne mazākā naida attiecībā pret židu tautu. To liecina arī pēdējos gados daudzi notikumi trimdā un dzimtenē, kuŗos parādas uzticība un cienība iepretīm vienai tautai — žīdiem un latviešiem — pret otru.

Vienīgi jānožēlo, ka čekas kalpībā vai sadarbībā ar mūsu tautas apspiedējiem ir atradušies neatbildīgi naida cēlēji, pat no židu inteligences aprindām, kā to liecina arī daudzkārt šīs grāmatas saturs. Mums vienīgi paliek cerība, kā laika tecējumā šīs kļūdas izbeigsies, jo bez vainas savā laikā nav bijuši arī atsevišķi mūsu tautas dalībnieki. Bet par atsevišķu personu izdarībām mēs nedrīkstam vainot ne židu, ne latviešu tautu, kā to pareizi savā Austrālijas latviešu apmeklējumā ir teicis židu žurnālists Franks Gordons (1984. gada pavasarī).

Bet ļausim savu vārdu teikt vēl vēsturei . . .

Vai manā apsūdzības lietā bija arī vēl citi liecinieki?

Viens no manas apsūdzības uzturētājiem — valdības advokāts Štrassers savā 1977. gada 8. decembra vēstulē Immigrācijas tiesnesim Antonijam M. DeGaeto raksta, ka viņš sagādāšot papildus lieciniekus un arī papildus dokumentus no ārzemēm (sk. atsevišķu rakstu), pie kam tādi arī radās — Marija Radivkera no Tevavīvas un daži dokumenti un liecinājumu protokoli no Rīgas. Pēdējie visi nonāca arī mana advokāta resp. manās rokās. Šos dokumentus, vienīgi dažus, tiesas pēdējā dienā arī prezentēja advokāts Mendelsons, bet visu vairumu dokumentu un nevienu liecinieka protokolu nepieminēja. Pēdējie arī bija ļoti maznozīmīgi un to tulkojumi ļoti neprecīzi, pat nepilnīgi un tendenciōzi, arī uzkrītoši vienveidīgi savā saturā un nebija ne mazāko šaubu, ka tie visi ir sevišķi sagatavoti. To visu uzdevums bija pierādīt, ka es esmu strādājis Annas ielas štābā un bijis Aprinča priekšnieks Abrenē. Visi šie apgalvojumi jau sen bija iztīrāti tiesas gaitā un nevienā jautājumā nebiju šīs savas dienesta vietas noliedzis jau pirms ieceļošanas ASV.

Vienīgi mums uzkrīta dažu dokumentu sagatavošanas kārtība. Vairākos, taču ar nolūku, nebija minēti datumi, bija vairāki liecinieki „sameļojušies”, piem. ka es esot Legionā iestājie brīvprātīgi, kaut tiku mobilizēts, bija pieminēts, ka Annas ielas štābā bijuši tikai trīs virsnieki (kaut to bija ap 20, kas bija jau publicēts arī rietumos iznākušās grāmatās).

Bija arī uzkrītoša „speciālu” vārdu lietošana, kā fašists, okupācijas varas kalps un tt.

Tāpat uzkrīta, ka daži liecinieki (kopā bija kāds pusducis) šķīta melojam tīšām. Daži, ar kuŗiem biju ticies vairākkārt, pat mani „nepazīna”, kāds bija uzdevies par manu šoferi Abrenē, kaut tāds man nekad nebija, cits, kāds mana biroja Abrenē darbinieks, apgalvoja, ka mani redzējis tikai divas reizes, kaut birojā iegriezās katru dienu, kad vien nebiju izbraucis dienesta pienākumos. Bija arī vēl citas liecinieku aplamības. Tās tiesā netika paceltas un tā Rīga liecību sagatavošanā bija nostrādājusies velti. Tie pāris dokumenti, kuŗus tiesā man „cross-examination” laikā rādīja advokāts Mendelsons bija beznozīmīgi un ar savu neprecizitāti un tendenciōzo tulkojumu bija lieka laika tērēšana tiesas gaitā.

United States Department of Justice
Immigration and Naturalization Service

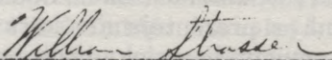
----- X
In the Matter of :
 :
Vilis A. Hazners, : File Number: A10 305 336
 :
Respondent :
----- X

To: Anthony M. DeGaeto, Immigration Judge

Please take notice that pursuant to your request of November 4, 1977 in the deportation proceedings of the above-mentioned respondent the government hereby wishes to advise you that efforts are presently being made to determine the availability of additional witnesses from abroad, as well as additional documentary evidence. As soon as more definite information concerning this is received by the government, it will advise you when it expects to be ready to continue the presentation of its case.

Date: December 8, 1977

Respectfully submitted,



Trial Attorney

cc : Ivars Berzins, Esq.
484 W. Montauk Highway
Babylon, New York

DEC 19 1977

Nekas tiesas gaitā netika pieminēts arī no dažu žīdu organizāciju kartotekās minētiem apvainojumiem, piem.

Society of Survivors of the Riga Ghetto, Inc. teksta:

Hazners, Vilis Arved, born July 23, 1905, Vircava, Latvia.

Allegation: Chief of Police of Admin. Section of Latvian Police. 1942 became Police Chief in Abrene District and committed atrocities by executing 300 civilians. Officer in 15th Latvian SS Division.

Arī Committee for Expulsion of Nazi Criminals (CENCO), kas mani apsūdzēja par slepkavībām Rēzeknē un ka es esot bijis paldots tieši Viktoram Arājam, tāpat Ņujorkā īsi pēc kara iznākušā

židu laikrakstā „Aufbau” minētā apsūdzība par slepkavībām Abrenes „distriktā” netika pat pieminētas.

Visi apvainojumi tā praktiski nāca vienīgi no Telavīvas lieciniekiem, kuŗus bija pratinājusi Marija Radivkera.

Tiesas gaitas dokumentācija

Savā tiesāšanas laikā man nācās iepazīties ar pamatīgumu, kāds man bija pavisam svešs. Tā bija tiesas gaitas dokumentācija.

Vispirms katru apsūdzētāja, aizstāvja, tiesneša, katra kas piedalījās tiesas gaitā, vārdu stenogrāfeja un pēc tam tūdaļ uzrakstīja protokolā. Tie palika nevien pie apsūdzētāja uzturētāja (prokurora vai valdības izraudzītā advokāta), tiesneša, bet to arī saņēma tajā pašā diena, kad notika tiesas sēde, aizstāvja advokāts. Tā tas notika katru tiesas dienu un uzrakstīto stenogrāfisko prāvas (hearing) lapu skaits ir uz 1376 lapām, kas beidzas 1979. gada 18. maijā.

Tajā neietilpst tie mani liecinieki (viņu liecības), kuŗus pratināja citur un arī neviens valdības vai mana advokāta dokuments un viņu dažādie rakstiskie iesniegumi vai „lietišķie pierādījumi”.

Tāpat nav šaubu, ka tiesas archīvā paliks arī visas stenogrammas.

Otrkārt visu liecinieku liecības jau bija iepriekš uzrakstītas. Tās manā gadījumā bija veiktas Telavīvā un šo liecību protokoli arī nonāca pie augstāki minētām personām. Tā kā viss vairums liecinieku bija pārpratināti vairākas reizes, tad arī šo protokolu lapas pušu skaits sanāca vairāki simti.

Ar augšā minētiem dokumentiem aizstāvja advokāts iepazīstināja (resp. deva pārlasīt) apsūdzēto vai svarīgākās daļas no tiem kopiju veidā nodeva savam aizstāvamam.

Treškārt — gandrīz visa sarakste tiesas gaitā — un tā nebija mazā — starp tiesnesi, apsūdzības uzturētājiem un aizstāvētāju advokātu, liekas pat sīkumos bija sagatavota tāpat, kā iepriekš minētie dokumenti vairākos eksemplāros. Daļu no tiem, vismaz apsūdzētāja aizstāvja advokāta, nonāca arī pie apsūdzētā.

Netrūka arī cita veida sarakstes, piem. ar iestādēm, kuŗas bija izsekojušas apsūdzētā dzīves gaitām (piem., CIA, FBI un vēl daudzām citām) bija neapraktami plašas. Arī ar to saturu aizstāvja advokāts iepazīstināja savu klientu.

Aizstāvja advokātam bija arī daudz sarakstes un līdz ar to sakopotī desmitiem vai pat vairāk dokumentu, kas skaitījās lielāko tiesu slepeni un nebija pieejami ne apsūdzības uzturētājam, ne tiesnesim, bet kuŗus aizstāvēšanas gaitā izmantoja aizstāvis — advokāts. Ar pēdējiem ļoti bieži pat netika iepazīstināts apsūdzētais, bet tos „galdā lika” apsūdzētā advokāts tiesas sēdēs.

Nevar tikt nepieņemti arī dažādie, desmitiem vai pat vairāk, lietišķo pierādījumu, ar kuriem operēja abas puses — gan apsūdzētā advokāts, gan apsūdzības uzturētājs resp. valdības advokāts vai prokurors. Abi bija rūpējušies, lai šie lietišķie pierādījumi būtu ar „savu spēku”, kas runātu vai nu par labu vai ļaunu apsūdzētam.

Visu šo dokumentāciju ir pat neiespējami apsūdzētam pārskaitīt, kaut daļēji pašam dažādi dokumenti bija savam advokātam jāpalīdz sagādāt vai jāzagādā, bet advokātam bija tiesības likumu robežās un likumības vārdā tos izprasīt no daudziem archīviem un iestādēm, kuŗas bieži nebija atsaucīgas un advokātam bija jāmeklē tiesas palīdzība.

Man sava mūžā bijusi izdevība iepazīties ar krievu (komunistiskās) sistēmas, naci Vācijas un ASV iestāžu „papīru kaŗu”, bet kaut ko līdzīgu, kā tas notiek tiesu iestādēs nekad nebiju sagaidījis vai paredzējis.

Rakstot šo grāmatas nodaļu esmu izmantojis apmēram vienu desmito daļu no tiem dokumentiem un c. „papīriem”, kādi bija manā rīcībā. Šķiet, ka materiālu pietiktu vēl vairākām līdzīgām saturā nodaļām, tajā pat laikā zinot, ka manam advokātam viņa archīvā manā lietā sakopoto materiālu ir cilvēka spēkiem nepanesamā daudzumā, jeb kā advokāts teica — divas lielas kastes. Saprotams, ka šo „kastu” daudzums tiesā ir vēl daudz, daudz lielāks, jo tur vēl pievienojami visi lietišķie materiāli.

Tā kā advokāts Ivars Bērziņš aizstāvēja vairākus citus „kaŗa noziedzniekus”, tad, saprotams līdzīgs tiesu dokumentu citu papīru daudzums būs katram.

Pagaidam visi šie tiesu lietu dokumentējumi atrodas advokāta glabāšanā, bet ir paredzēts, ka šīm „raganu medībām” beidzoties visi tie nonāks Patiesības fonda rīcībā resp. archīvā un tad tos varēs izmantot kāds šī apkaunojošā jautājuma latviešu tautai pētīšanai un ev. izmantošanai mūsu centrālām organizācijām (PBLA, ALAi vai citām), kuŗas tos varēs likt lietā tīri politiskā nozīmē, aizstāvot mūsu tautas skārtos apmelojumus un apvainojumus. Līdz šim mūsu centrālās iestādes, mums daudziem nesaprotamu iemēslu pēc, no palīdzības kā apsūdzētiem, tā viņu aizstāvim ir atturējušās.

Kļīst gan valodas, ka daži iesniegumi esot no viņu puses tikuši iesniegti, bet rezultāti izpalikuši. Drīzāk šķiet, ka nav bijusi vajadzīgā agresivitāte, kādu prasa ikviena politiska akcija. To varu liecināt pēc kādas sarunas ar ALAs valdes priekšsēdi Jāni Riekstiņu, kuŗš man atbildēja pavisam īsi: „Mēs jau rakstījām, bet mums neatbildēja!”

Arī no sava advokāta paskaidrojumiem sapratu, ka palīdzība nekāda nav bijusi un „mums pašiem jātiek galā”.

Un mēs tikām!

Beidzot!

Šīs grāmatas citās vietās ir vairākkārt pieminēts, ka mūsu centrālās organizācijas visu laiku ir atturējušās no jebkādas politiskas akcijas, lai izmantotu nejēdzīgās „kaŗa noziedznieku” medības un vajāšanas mūsu trimdas saimes un līdz ar to visas latviešu tautas labā. Minētie motīvi kāpēc tas netiek darīts bija šūti gauŗam vājiem diegiem.

Bija jāpaiet gandrīz 10 gadiem līdz beidzot mūsu trimdas saimes vadība ir nākusi pie atzinuma, ka kaut kas beidzot ir jādara, jo ASV sevišķās izmeklēšanas un tiesu iestādes par daudz sāk sadarboties ar krievu resp. komunistu iestāžu palīdzību, liekot lietā to melus, kā arī neatbildīgi izmantojot viltus lieciniekus, kuŗus dod Izraēla vai attiecīgās čekas (KGB) iestādes.

Izrādas, ka šīs „kaŗa noziedznieku” medības skar nevis mūsu tautu vien, bet arī citas etniskās grupas, kuŗas ASV meklējuŗas patvērumu no komūnisma despotijas un cīnas par brīvības atgūšanu savām zemēm. 1984. gada 4. un 5. februārī Vaŗingtonā risinājās pirmais kopējais šo apspiesto tautu seminārs, kuŗu rīkoja organizācija „Amerikāņi par tiesībām un taisnīgu tiesas procesu visiem”. Atreferējumu par šo sanāksmi laikraksta „Laiks” 7. marta nummurā ir devis Patiesības fonda valdes priekssēdis Olgerts Balodis, bet garāku rakstu laikrakstā „Latvija Amerikā” devis DV ASV un ALAs valdes loceklis Alfrēds Braunfelds.

Baloŗa rakstu ievietoju pilnā tekstā, bet Braunfelda rakstam tikai noslēgumu.

Šī kopējā akcija nevarēs palikt bez atbildes un krievu un ŷīdu sadarbības melu akcijas, cerams, iegūŗ patiesības un likumības uzvaru!

LAIKS

1984. g. 7. martā

Kā notiek izmeklēšanas kaŗa noziegumos ASV tieslietu ministrijas un padomju iestāžu sadarbība

Vašingtonā 4. un 5. februārī risinājās organizācijas „Amerikāņi par tiesībām un taisnīgu tiesas procesu visiem” seminārs. Tajā piedalījās sešu etnisko grupu — lietuviešu, latviešu, igauņu, ukraiņu, rumāņu un kroātu pārstāvji. Semināru ievadīja ukraiņu pārstāve Aleksandra Šveda (Shwed) no organizācijas „Amerikāņi pret neslavas celšanu ukraiņiem”. Viņa norādīja, ka, spiediena rezultātā, no ASV tieslietu ministrijas speciālā izmeklēšanas biroja vadītāja amata atteicies Alans Raiens un tagad raksta grāmatu par savu darbības posmu. Viņa vietā par Speciālā izmeklēšanas biroja (OSI) vadītāju iecelts Nīls Šērs (Neal Sher). Šveda atzīmēja, ka līdzšinējo izmeklēšanu laikā vairāki kaŗa noziegumos apsūdzētie ir jau miruši.

Runātāja tālāk uzsvēra, ka Padomju Savienībai tagad ir izstrādātas metodes, kā vajāt savus ienaidniekus, kas dzīvo ārzemēs. Viena no tādām ir šeit notiekošās tiesu prāvas. Tajās tā mēģina atbērties saviem pretiniekiem, apsūdzot tos par sadarbošanos ar vāciešiem 2. Pasaules kaŗa laikā. Šveda sevišķi uzsvēra, ka speciālais izmeklēšanas birojs ir pieņēmis kā pierādījumus video lentes, kas uzņemtas Padomju Savienībā, vienkārši akli uzticoties padomju iestādēm. Viņa piezīmēja, ka šis birojs liekas ir vienīgais visā pasaulē, kas tic padomju tiesu sistēmai. Padomju galvenais mērķis ir apklusināt politiskos pretiniekus padomju sistēmai, — uzsvēra runātāja. — Tamdēļ amerikāņu izmeklēšanas iestādēm nedrīkst ļaut pieņemt nepareizus, viltotus un padomju piegādātus dokumentus.

Lietuviešu advokāts Ernests Raskauskas apskatīja speciālā izmeklēšanas biroja rašanos un tā darbības metodes. Kā zināms, šis birojs sāka darboties prezidenta Kārtera valdības laikā. Tā uzdevums bija vērsties pret kaŗa noziedzniekiem un panākt to izraidīšanu no ASV. Šim nolūkam tika piešķirti līdzekļi vairāku miljonu dolaru apmērā gadā. Tā šis birojs sāka meklēt cilvēkus, kas, noslēpjot ziņas par sevi, pārkāpuši ASV ieceļošanas likumus, vai arī uz nepareizas informācijas pamata ieguvuši ASV pavalstniecību. Ja birojs pierāda, ka apsūdzētais kādā punktā melojis, ieceļošanas vīza atsaucama un sākams process pavalstniecības atņemšanai. Šis birojs savu darbību ar lielu advokātu štatu ir turpinājis līdz šai dienai.

Raskauskas tālāk norādīja uz nevienlīdzību līdzekļu ziņā šādos procesos, kur ASV valdība ir uzsākuši prāvu pret privātu personu. Kā zināms, liecinieki un dokumenti ir izkaisīti pa visu pasauli, kuŗiem ASV valdībai ir neierobežota pieeja, bet ne tās apsūdzētajam. Raskauskas, un tāpat arī kaŗa noziegumos apsūdzēto aizstāvji Dēvids Springers un Ivars Bērziņš, norādīja arī uz trūkumiem pavalstniecības atņemšanas

un deportācijas likumos. Tā piemēram, pašreizējā likuma ietvaros apsūdzētajam nav tiesības uz žūrijas tiesu. Tāpat nav arī tiesības uz juridisko palīdzību, respektīvi uz tiesas nozīmētu advokātu, apsūdzētā aizstāvēšanai, par ko maksātu valsts. Lietai nav arī noilguma klauzulas. Katrā citā lietā šāda noilguma klauzula ir paredzēta.

Savā laikā bijušā Tautas vietnieka nama locekle Elizabete Holcmane, izmantojot dažādus sešdesmitajos gados uzpeldējušus dokumentus, noskaņoja sabiedrisko domu savā labā, nākot klajā ar padomju sagādātiem dokumentiem un pierādījumiem par kara noziedzniekiem, kas atraduši patvērumu ASV. Kā zināms, Padomju Savienība kopš 2. Pasaules kara izveidojusi plašu propagandas aparātu, lai celtu neslavu etniskām grupām, kas rietumos strādā pret Padomju Savienību. Tā publicētu viltošus, sagrozītus dokumentus, vai arī tikai detaļas no dokumentiem, izmantojot tos ļoti iespaidīgā veidā. Bez tam tā atradusi arī, ka tas ir labs veids, kā apsūdzēt ASV, ka tā neievēro cilvēka tiesības un slēpj kara noziedzniekus.

Apsūdzēto aizstāvjiem nav pieejami arhīvi un dokumenti ārzemēs un tiem līdz ar to ir atņemta iespēja efektīvi aizstāvēt apsūdzētos. Tas ir pretēji ASV likumiem, kas paredz, ka abām pusēm tiesā ir vienādas tiesības uz pieeju informācijai un faktiem.

Advokāts S. Pauls Žumbakis vērtēja, ja kāds pēc 50 gadiem paņems OSI papīrus kara noziedzībās apsūdzēto lietās, tad viņš nešaubīgi nākot pie pārliecības, ka baltieši, kas iebrāukuši ASV ir bijuši nacisti, un daudzi no viņiem piedalījušies iznīcināšanas akcijās. Tagad Tieslietu ministrijas birojos notiekot vēstures pārrakstīšana pēc komunistu parauga. Turpretim par padomju akcijām baltiešu iznīcināšanai vai par baltiešu pretošanos tām un okupācijai neesot minēts nekas. Pēc Žumbakis sprieduma OSI darbojoties tā kā čekas filiāle, jo ja čeka nepiegādātu materiālus, tad OSI nevarētu operēt, jo pašiem nekādas informācijas neesot.

Šinī jautājumā daudz lietu, kas publikai nav zināmas vai zināmas nepilnīgi. Pēc Imanta Lešinska liecības viņš pats esot redīgējis propagandas brošūras „Kas ir Daugavas Vanagi?“, „Politiskie bēgļi bez maskas” u. c. Šo padomju melu propagandu vēlāk izmantoja kā informācijas avotu, ar ko uzsākt latviešu izmeklēšanas. Pēc I. Lešinska dezertēšanas no slepenā dienesta čekā, advokāts I. Bērziņš iztaujāja viņu kara noziedznieku apsūdzības jautājumos, jo KGB dienestā Lešinskis bijis nodarbināts šo lietu iedzīvināšanā. Tika iegūts maz jaunas informācijas, un dažos gadījumos CIA aģenti, kas pavadīja Lešinski, liedza Lešinskim atbildēt uz advokāta Bērziņa jautājumiem.

OSI darbības veidu raksturo arī nesenais gadījums ar Boļeslavu Bogdānovu, pret kuŗu 1983. g. 1. novembrī Federālā tiesa Hartfordā ievadīja apsūdzību sakarā ar kara noziegumiem, lai gan OSI bija jau iepriekš saņēmusi no Bogdānova ārsta liecību, ka viņš saņem chemoterapiju un ir neglābjami slims ar vēzi un nespējīgs piedalīties kādā tiesas procesā. Tagad Bogdānovs ir jau miris (š. g. 25. janv.), bet apsūdzība paliek kā ļauns rēgs piederīgiem, kam nekad nebūs iespēja apsūdzību atspēkot. Līdzīga OSI rīcība bija apsūdzētā Arnolda Truča, Filadelfijā,

lietā. Kad Trucis mira, OSI gribēja pārbaudīt viņa liķi, vai mirušais tiešām Trucis. Mācītājs Māris Ķirsons OSI prasību noraidīja, teikdams, ka OSI ierēdņus baznīcā neielaidīšot. Apsūdzību pret ukraiņiem rezultātā, ukraiņu bērnus Klīvlendē skolās saucot par nacistiem. V. Laipeņnieku, Kalifornijā, draud izraidīt par to, ka viņš cīnījies pret komunistiem. Šajā sakarībā, lai novērstu cilvēka tiesību pārkāpumus advokāts Springers ir nācis ar projektu (Denaturalization Procedures Reform Act of 1984) prasīt immigrācijas likuma maiņu.

Padomju ierosināto apsūdzību kampaņa sākās, kad ASV Kongresa locekļi Holcmane un Elsbergs, kā Kongresa tieslietu komisijas locekļi, aizbrauca uz Maskavu vest sarunas ar padomju iestādēm. Rezultātā radās likums, papildinot 1952. gada immigrācijas likumu, kas atņēma parastās demokrātiskās likuma tiesības apsūdzētajiem. Tad arī sākās ASV Tieslietu ministrijas vadības oficiālie ceļojumi uz Maskavu un padomju okupētām Baltijas valstīm.

Liecību vākšanas sesijās okupētajās Baltijas valstīs ASV Tieslietu ministrijas pārstāvji piedalās čekas organizētā procesā, kur pieaicināti liecinieki (kas dažkārt tiešām ir zināmi kaŗa noziedznieki) pret cilvēkiem ASV. Dažos gadījumos liecinieki atsakās liecināt. Kas ar tiem notiek, var tikai minēt.

Semināra debatēs Apvienotās baltiešu komitejas pārstāve Anita Bēdele uzsvēra, ka nebūtu apstrīdāmas Speciālā izmeklēšanas biroja izdarītās izmeklēšanas, bet gan veids, kādā tās tiek veiktas. Būtu jāgādā, lai izmeklēšanu veids tiktu mainīts. Viņa arī norādīja, — tā kā šis ir vēlēšanu gads, tad vajadzētu griezties pie demokrātu partijas un mēģināt dabūt tās uzskatus šo apsūdzību un izmeklēšanu metožu jautājumos. Tāpat būtu jāizdara spiedienu uz prezidenta Rēģena valdību, jo republikāņu partija domā, ka viņiem etnisko grupu balsis ir jau kabatā.

Judžīns Ivančiu, darbinieks senāta komisijā, ieteica šos tiesu procesus pacelt sabiedrībā plašākā plāksnē vispār, un ne tikai vai kāds ir vainīgs vai nevainīgs kādā atsevišķā prāvā. Jāpieprasa no Speciālā izmeklēšanas biroja specifiska informācija par šī biroja pielietoto procedūru pret apsūdzētajiem. To paredz informācijas brīvības likums. Tāpat ir jāgriežas pie cilvēka tiesību komisijas ar jautājumiem par to, ka pret apsūdzētiem tiek pārkāptas pilsoņu tiesības. Visos šajos jautājumos ir nepieciešama informācijas apmaiņa un sadarbība ar citām etniskām grupām, kas ieinteresētas immigrācijas likumos. Jāprotestē arī pret nevienlīdzību iecelšanas sistēmā. Kamēr nelegāliem iecelotājiem piešķir amnestiju, tikmēr tie, kas ieceltojuši legāli, tiek vajāti. Šajā jautājumā advokāts Dēvids Springers no Čikagas izklāstīja sagatavoto iesniegumu ASV Kongresam, lai tas mainītu dažus punktus likumā par pavalstniecības atņemšanu. Likumā ir jāparedz, ka apsūdzētajam, tāpat kā citos nodarījumos, ir tiesība uz žūriju tiesā, tāpat tiesas nozīmētu aizstāvi, valstij sedzot visus, vai vismaz daļu, šāda aizstāvja izdevumus. Tāpat apsūdzētajiem jābūt tiesībām uz pieeju pierādījumiem, kas iegūti ārpusē. Tādā gadījumā apsūdzētiem būtu tiesības izsaukt lieciniekus arī no Pad. Savienības.

Advokāts Ivars Bērziņš iztīrāja deportācijas likuma dažādos punk-

tus, uzsverot, ka apsūdzētam pēc pašreizējā likuma nav nekādu tiesību uz normālu tiesas prāvu. Notiek vienīgi nopratināšana un lēmumu pieņem tiesnesis viens pats. Viņš uzsvēra, ka OSI tagad ir kļuvusi par KGB „rokas puisī”, kuŗas darbība ir pilnīgi pretēja pieņemtiem ētiskiem un morāles principiem. Mūsu cilvēkiem tālab ir jāuzmanās „no vilkiem, kas nāk avju ādās”. Ar tiem nevajaga ielaisties nekādās sarunās, brīdina advokāts Bērziņš.

Seminārā pieskārs arī dažādiem fondiem, kas palīdz sagādāt līdzekļus apsūdzēto aizstāvēšanai. Šajā laukā katrai etniskai grupai ir sava pieeja. Igauniem tas notiek vienīgi privātas iniciatīvas ceļā, ukraiņiem ir vairākas grupas, kas to veic. Viņu līdzekļu iegūšana, galvenokārt, saistās ar baznīcām. Sava līdzekļu vākšanas grupa ir izveidota arī lietuviešiem. Par latviešu Patiesības fonda darbību referēja tā pārstāvis Oļģerts Balodis, norādot, ka fonds darbojas jau kopš 1976. gada, sniedzot ievērojamu atbalstu apsūdzētajiem.

Lietuviešu advokāts Pauls Žumbakis no Čikagas uzsvēra, ka mūsu rīcībā pret Speciālo izmeklēšanas biroju trūkst divu svarīgu lietu. Tās ir — informācija un līdzekļi apsūdzēto aizstāvēšanai tiesā. Speciālais izmeklēšanas birojs apgalvo, ka apsūdzētie gūst līdzekļus no plašām kampaņām. Žumbakis norādīja, ka etniskām grupām ir jauni cilvēki, kas ir gatavi iesaistīties šo problēmu risināšanā. Un viņš izteica nožēlu, ka etniskā prese nepiegrīž pietiekamu uzmanību šiem jautājumiem. Kā piemēru viņš minēja Čikagu, kur iznāk divi lietuviešu dienas laikraksti, bet kāda apsūdzētā lietuvieša prāvas laikā Čikagā tiesas zālē nav bijis neviena pārstāvja no šiem dienas laikrakstiem. Žumbakis uzsvēra, ka amerikāņu publikai ir jābūt pieejamai pareizai, patiesai informācijai par šīm kaŗa noziegumos apsūdzēto prāvām, lai tā redzētu uz kādu pierādījumu un liecību pamata Speciālais izmeklēšanas birojs grib panākt apsūdzēto izraidīšanu no ASV un pavalstniecības atņemšanu. Advokāts Žumbakis izteica nožēlu, ka tieslietu ministrijas speciālais izmeklēšanas birojs uz šo sanāksmi nebija sūtījis nevienu pārstāvi, kas varētu dot paskaidrojumus par šī biroja darbību un apsūdzības metodēm.

Semināra vakariņās runātājs bija liberālais žurnālists Varens Rodžers (Warren Rogers). Viņš ir galvenais redaktors Vašingtonas publikācijai — WHITE HOUSE WEEKLY. Viņa vērtējumā, apsūdzības var salīdzināt ar t. s. makkārtējisma (McCarthyism) izmeklēšanām. Tagad gan apsūdzības un „pierādījumi” nāk no komunistu zemēm, KGB, kas nav nekas cits kā meli. Runātājs ieteica nepagurt un cīnīties, visiem kopā — jo „Patiesība ir Jūsu pusē”. Līdzīgas domas ir izteicis žurnālists Patriks Bukanans (Patrick Buchanan). Viņa raksts šinī lietā ir parādījis daudzās ASV avīzēs.

Sanāksmē piedalījās vairāk nekā ducis latviešu, starp tiem vairāki jaunieši. Bija pārstāvētas šādas organizācijas — PBLA, ALA, ALJA, Apvienotā baltiešu komiteja, DV un Milvoku latviešu sabiedrība. Sanāksmes beigās klātesošie nosūtīja telegrammu prezidentam Rēgenam, izteicot neapmierinātību un sašutumu par OSI un tās darbības metodēm.

Arī turpmāko darbību koordinēs semināra rīkotāja organizācija — Amerikāņi par tiesībām uz taisnīgu tiesas procesu visiem (Americans for Due Process).

O. BALODIS

DV ASV valdes ideoloģiskās nozares un ārējās informācijas vadītājs Alfrēds Braunfelds (arī ALAs valdes loceklis) laikrakstā „Latvija Amērikā” 1984. gada 10. marta rakstu DĪVAINĪBAS KAĶA NOZIEDZNIEKU MEDĪBĀS nobeidz šādi:

Jau vairāk nekā 200 gadus pasaules grūtdieņu, apspiesto un vajāto acīs ASV ir bijusi sapņu zeme, miera osta, kur patverties un sākt jaunu dzīvi. Kremla verdzībai pakļautajām tautām ASV ir vienīgā cerība. Un kamēr šāda cerība dzīvo, Kremla valdnieki nejūtas droši. Tā jāiznīcina. Visiem tiem, kas 2. Pasaules karā pret komunistiem cīnījās ar ieročiem rokā un šodien cīņu par tautas brīvību turpina no Amerikas krastiem, jāparāda, ka šī cīņa ir bezcerīga, nemorāla un nosodāma, ka visi pretinieki agri vai vēlu tiks saukti pie atbildības. Drošības nav nekur. Čekas asiņainā roka sniedz arī ASV tiesas zālēs. Šoreiz ietērpta OSI baltajā cimdā.

Kā redzam, komunistu mērķi sāk piepildīties. OSI ar savām raganu medībām simtiem Austrumeiropas politisko bēgļu sapņus par Ameriku pārvērtusi drausmīgos murgos. KGB ar saviem „pierādījumiem” un apmācītajiem lieciniekiem, visiem brīvības cīnītājiem Sarkanajā imperijā sūta nepārtprotamus signālus:

Beidziet sapņot par brīvību! Cīņa ir bezcerīga!

Nacionālisms un iekāroto tautu brīvības alkas ir vienīgais spēks, kas nopietni apdraud Padomju imperiju. OSI ar KGB palīdzību šo spēku pamazām iznīcina. Gribot vai negribot uzmācas jautājums: kam īsti šī iestāde kalpo? Taisnības un patiesības interesēm? Žīdu atriebības interesēm vai komunistu interesēm?

Aterēsīmiēs 1975. g. pavasari. Tūkstošiem Vietnamas kara pretinieku, komunistu draugu un simpatizētāju pulcējās Ņujorkas pilsētas Centrālajā parkā, lai svinētu Vietnamas komunistu uzvaras svētkus. Viena no galvenajām runātājām šajos svētkos bija Elizabete Holcmane — tā pati dāma, kuņas galvā radās idejas par ASV emigrācijas likumu maiņu, OSI dibināšanu un KGB palīdzību „kara noziedznieku” medībās.

Līdz ar simtiem tūkstošiem Vietnamas „laivas cilvēkiem” — tiem, kas pazuda jūras dzelmē, un tiem, kas izglābās, jautāsim: kas ir Elizabetes Holcmanes īstie mērķi? Patiesība un taisnība? Atriebība, vienalga kam? Vai kredosids?

Paveiktie darbi pēdējos gados

Mani rakstu darbi

Manos vajāšanas gados nācu pie slēdziena, ka vienīgais spēks, kas nesagrauj netaisnības žņaugos fiziski un garīgi un palīdz visu vieglāki pārdzīvot ir **d a r b s**. Man vienmēr ir stāvējis prātā arī kāda krievu domātāja izteiciens: „Vislielākā laime dzīvē ir darbs.”

Nebija tā, ka man darbi būtu bijuši arī jāmeklē, tie paši pienāca klāt. Kā jau Varmācības torņos esmu pieminējis, tad viens no maniem lielākiem darbiem bija uzrakstīt Daugavas Vanagu organizācijas 25 gadu darbības vēsturi, pie kam šīs grāmatas manuskripts (patiesībā grāmata, jo tā iznāca trīs daļās) bija jau uzrakstīts, tās nosaukums bija LAIKS, TELPA, ĻAUDIS un pirmās divas daļas bija jau iznākušas 1974. un 1976. gadā, bet trešā daļa iznāca 1978. gadā, kad biju jau sācis staigāt pa tiesām. Grāmatas visas izdeva DV Centrālā valde un tās iespieda DV apgāds Toronto. Kad bija jau iznākusi pirmā grāmata, tad DV izdarīgs darbinieks (kuŗš palīdzēja arī pie šo grāmatu tapšanas ar manuskriptu un foto uzņēmumu sagādi) Fricis Kursietis Anglijā man bija izteicis jau gandarījumu, jo, ja es šo darbu paveikšot, tad arī es būšot uzcēlis diženu pieminekli Daugavas Vanagu organizācijai. To arī ir atzinis nu Latviešu Kultūras fonds, jo 1979. gada 18. novembrī par šo darbu man piešķīra PBLA KF GODA balvu. Tas bija nevien jauks un negaidīts šī darba novērtējums, bet arī liels pagodinājums DV organizācijai un man personīgi.

Šo notikumu pieminot man arī jāpiemin, ka DV centrālā valde patreiz sagatavo šīs grāmatas ceturto daļu un ir paredzējusi nākotnē ik pa desmit gadiem izdot šo grāmatu sēriju turpinājumu, lai tā DV organizācijas vēsturiskie darbības apraksti paliktu nākamām paaudzēm, kas vēl nāks.

Vienīgi ir jānožēlo, ka komunisti un žīdi, kas mēdz nesaudzīgi uzbrukt un apmēlot DV organizāciju nav turējuši par vajadzīgu iepazīties ar tās darbu resp. vēsturi. Tad tiem atkristu bezatbildīgā melu kampaņa...

Starplaikā jau biju kārtojis un sagatavojis manuskriptu savai atmiņu grāmatai Varmācības torņi, kuŗas sagatavošanas darbus daudzkārt veicu vienlaicīgi ar Laiks, Telpa, Ļaudis un šī mana atmiņu grāmata iznāca 1977. gadā, to izdeva apgāds „VAIDAVA”.

Daugavas Vanagu centrālā valde manīdama šos manus darbus bija nākusi pie atzinuma, ka varētu mani aicināt sagatavot arī nākamās izdevumus grāmatu sērijā Latviešu karavīrs Otrā pasaules kara laikā, jo iznākušas jau bija piecas grāmatas, pie kam ceturtā ar zināmām grūtībām, jo grāmatu galvenais redaktors Osvalds Freivalds bija jau miris un otrs redaktors kpt. Oskars Caunītis no darba atteicies un vienīgi pateicoties apgāda vadītāja Alfrēda Jāņa Bērziņa uzņēmībai bija izdevies nobeigt jau daļēji sagatavoto šīs grāmatas manuskriptu. Viegļāki bija gājis ar piekto grāmatu, jo tās rediģēšanu resp. sarakstīšanu bija uzņēmies pltn. Rūdolfs Kociņš, bet līdz ar to sameklējamo redaktoru skaits bija izsmelts un DV CV acis bija metusi uz mani. Man arī solījās izraudzīt palīgredaktoru, ja gadījumā es grāmatas nevarētu nobeigt, jo tajā laikā mans veselības stāvoklis nebija pārāk drošs un arī tiesu lietas varēja traucēt veikt šo darbu.

Man gan vēl arvienu stāvēja arī prātā, kaut ne sevišķi saistošs, dots solījums savam bij. pulka komandieriem plkv. Arvidam Krīpenam, ka es nobeigšu viņa pasāktos darbus (32. gren. p. vēsturi, kā arī Latvijas Kara skolas vēsturi), ja ar viņu „kas ļauns notiktu”. Tas jau nu bija noticis 1968. gadā, kad pulkvedis aizgāja Tā Kunga kalpībā, bet man bija jāgaida desmit gadus, kāmēr tiku pie viņa atstātiem materiāliem. Te jāpastāsta garāka vēsture kā tas notika. Īsi pēc pulkveža nāves es sazinājos gan ar viņu kundzi, gan meitu Austrālijā, bet tās nekādi nebija pierunājama atstātos manuskriptus man atsūtīt, vienmēr atrunādamās, ka tur nekā neesot, atskaitot dažas privātas vēstules un šķiet arī grāmatām nederīgas bildes. Un tā man atlika gaidīt līdz pavisam neparedzētam gadījumam. 1977. gadā Austrālijā dienesta braucienā no Kanādas bija mūsu pulka kolēģis, nu jau vēsturnieks, vln. Tadeušs Puisāns, viņš bija apciemojies arī Krīpena piederīgos un lūdzis atļauju papētīt pulkveža atstāto dažādo dokumentu kasti un bijis dziļi iepriecināts, ka starp „privātām vēstulēm” ir ļoti daudz vēsturiska satura materiālu. Puisānam gan nebija izdevies visus materiālus pievākt, jo man redzot šos krājumus 1967. gadā to likās daudz vairāk. Arī foto uzņēmumu klāsts bija lielāks.

Bet man tomēr, visu pārskatot, pietika, lai ķertos pie pulkvedim dotā solījuma. Bez tam mani iepriecināja tas, ka ļoti daudz materiālu derēja tieši Latviešu karavīrs Otrā pasaules kara laikā 6., daļēji arī nākamām grāmatām. Tas man deva dūšu pieņemt DV CV aicinājumu sagatavot 6. un ev. tālākās grāmatas. Un tā jau 1977. gadā ķēros pie darba. Biju izplānojis divas grāmatas, vēlāk DV CV izlēma izdot arī trešo un tā kļuva par redaktoru šīs sērijas sestai, septītai un astotai grāmatai. Man tika izraudzīti palīgos, kā otrie redaktori — sestai un septītai grāmatai Alfrēds Jānis Bērziņš un astotai — Indulis Kažociņš. Saprotams, ka nodarbošanās ar viņiem bija samērā komplicēta, jo viens dzīvoja Vācijā un otrs Anglijā, bet senā draudzība bija daudzkārt palīdzīga sadarbībā, kaut tā prasīja daudz laika.

Un tā LKOPKL 6. grāmata iznāca 1978. gadā apgādā Ziemeļblāzma Zviedrijā un 7. un 8. grāmata apgāda Vaidava ASV. Septītā 1979. gadā un astotā — 1982. gadā.

Starplaikā dabūju vēl piestrādāt pie divām citām grāmatām.

1979. gadā tuvojās Latvijas Kara skolas 60. gada svētki. Es tās bijušam priekšniekam plkv. Arvidam Krīpenam biju solījis izdot mūsu šīs nozīmīgās virsnieku sagatavošanas iestādes vēsturi un labāks vai piemērotāks laiks taču nebija, kā to izdarīt uz skolas lielo jubilejas dienu. Te gan bija dažas grūtības. Ja aiz Daugavas Vanagi publikācijām stāvēja organizācijas kase, tad Kara skolai tādas nebija un viss bija jābalsta uz Latviešu virsnieku apvienības atsaucību. Tā netrūka. Daudz palīdzēja tā laika globālā šīs apvienības prezidija priekšsēži — Vilis Ļucis ar palīdzību sameklēt materiālus un Ervīns Ziplāns ar naudas aizdevumu grāmatas izdošanai. Arī Kadeta redaktors Elmārs Sproģis neatteicās no otrā redaktora pienākumiem un tā divu gadu laikā manuskripts bija gatavs. To vēl caurskatīja LVA globālais prezidijs, kas tolaik bija Kanādā, un „zaļās ugunis” grāmatai bija dotas! Tā iznāca 1979. gadā, Vaidavas apgādā Linkolnā.

Pēc tam 32. gren. pulka vēstures materiālu archīvu nodevu pulka kolēģim Tadeušam Puisānam, jo viņš bija gatavs pulka vēsturiskos materiālus kādreiz izmantot literāram darbam, jo vēsturei derīgie tepat vai visi tika iestrādāti Latviešu karavīrs Otrā pasaules kara laikā sērijas grāmatās. Savukārt Kara skolas grāmatas archīva materiāli tika nodoti glabāšanā Kadeta redaktoram Elmāram Sproģim, jo arī tie var vēl kādreiz tikt izmantoti publikācijām minētā žurnālā.

Bet mana tiesāšana un nervu bojāšana vēl nebija galā. Arvienu pastāvēja prasība pēc kādas aizraušanās darbos.

Un tāds gadījums nāca pavisam negaidīts.

1978. gada pavasarī saņēmu vēstuli no Dr. agr. Jura Zuševica, kas man iepazīstinājās kā Mežotnes lauksaimniecības vidusskolas absolvents, tā tad mans skolas biedrs. Zuševics man bija pilnīgi svešs, jo skolu bija beidzis 18 gadus vēlāku par mani, kaut skolas beidzēju brālība pastāvēja kopš tās darbības sākumiem. Zuševics, kuŗš tajā laikā strādāja Venecuēlā zinātnisku darbu (bija agro-ķīmiķis), man rakstīja, ka daži skolas absolventi esot iecerējuši sagatavot mūsu skolas vēstures grāmatu (tai 1983. gadā pagāja 75 gadi kopš tā bija uzsākusi darboties Jelgavā un šķiet ir viena no retajām Latvijas skolām, kuŗa vēl šodien, cauri kuŗu un režīmu maiņu vētrām nav pārstājusi darboties) un vai viņi nevarētu izmantot manu atmiņu rakstu par skolu, kas bija ievietots manos Varmācības torņos. Saprotams, ka devu piekrietošu atbildi, vēl solidamies šo atmiņu stāstījumu papildināt. Tā arī sākās mūsu sarakstīšanās ar Zuševicu Venecuēlā, līdz tā noveda pie aicinājuma man uzņemties visas grāmatas galvenā redaktora pienākumus. Zuševics solījās pats būt par otro redaktoru. Viņš jau bija arī apzinājis dažus palīgus un savu atmiņu rakstītājus, ar laiku izveidojām lielāku redakcijas komisiju, izraugoties katrā kontinentā pa pārstāvim, tie apzināja visus iespējami sameklējamus skolas biedrus un mēs ķeramies pie darba. Lūdzām katru apzināto uzrakstīt atmiņas par savu skolas laiku, tāpat lūdzām bijušos skolotājus, kuŗu bija pavisam maz, mums talkā un trīs gadu laikā grāmata bija gatava! Manuskriptu uzrakstīju resp. rediģēju es, to pārlasīja Zuševics, pat atbraucis pie manis, lai visu sakārtotu kopē-

jiem spēkiem, vēl lūdzām manuskriptu pārlasīt agr. Valdim Zantam un viņa kundzei — valodniecei Elzai izlabot mūsu ne pārāki augstvērtīgo latviešu valodu, pie kam Zants mums palīdzēja ar saviem padomiem grāmatas satura veidošanai un tā lielā mērā viņam pienākas pateicība par šo darbu. Atsaucība no skolas biedriem — puisiem un meitām — bija negaidīti dzīva un lielāko grūtību — grāmatas izdošanas financēšanu varējām atrisināt sevišķi viegli, jo tā bija gandrīz pilnīgi jau „izpirkta” pirms iespiešanas!

Grāmatas sagatavošanas laikā divas reizes sarīkojām arī skolas ļaužu satikšanos — pēdējos dziesmu svētkos Kanādā un ASV. Pēdējā Milvōkos notika tad, kad grāmata jau bija iznākusi un visu atsauksmes bija ļoti patīkamas.

Ilgāku laiku bija cīņiņš ap grāmatas nosaukumu, bija vairāki projekti, līdz beidzot uzvarēja mans ieteikums, dot tai vārdu Tēvzemes arāju cilts. (1981. gadā, Vaidavas apgāds Linkolnā).

Tā šajā pēdējā sava mūža trīspadsmitgadē biju sagatavojis 9 grāmatas. Un nu patreiz rakstās — šī desmitā.

Tas vien neaizpilda manu „rakstu darbu” klāstu.

Jāpiemin arī šīnī trīspadsmitgadē veiktie redaktora darbi:

- 1) Daugavas Vanagu mēnešrakstu rediģēju līdz 1976. gadam iesk., kopš tā dibināšanas 1951. gadā, pavisam manā redakcijā iznākot 170 nummuriem. To izdeva DV CV un iespieda vispirms A. Ozoliņa apgāds Vācijā, pēc tam DV apgāds Kanādā.

Citi izdevumi, kur pildīju redaktora pienākumus ir jau pieminēti izdotajos Varmācības torņos.

- 2) Visus gadus esmu pastāvīgs līdzstrādnieks PBLA izdotai gada grāmatai Latvija šodien (kopš 1972. gada), laikrakstam „LAIKS” un „LATVIJA AMĒRIKĀ” (pirmajam kopš 1957. gada, otrajam kopš 1951. gada).

Šajā trīspadsmitgadē (divus gadus no 1975. līdz 1977. gadā) biju arī līdzstrādnieks raidītājam Brīvība (Radio Liberty), bet pirms tam vēl rindai citu izdevumu (dažādās valodās), kas arī pieminēts Varmācības torņos.

Sevišķi devīgs ar rakstiem esmu bijis tieši šajos pēdējos gados laikrakstiem „Laiks”, „Latvija Amērikā”, gada grāmatai „Latvija šodien” un DV mēnešrakstam.

Gribas vēl pieminēt, ka Latvija šodien divus ievietotos rakstus iespieda arī tulkojumā vācu valodā gada grāmata ACTA BALTICA, (kas iznāk Vācijā Dr. A. Namsona redakcijā) 1982. gadā, vēlāku tos izdodot arī brošūru veidā zem nosaukuma Der baltische Militärbezirk un Ideologische un politische Erziehung der Jugend in Lettland.

Un tā, noslēdzot savu pēdējo(?) mūža darba trīspadsmitgadi varu savā publikāciju kontā (autors un redaktors) ieskaitīt desmit grāmatas, piecas brošūras un vairāku izdevumu redaktoru darbus un simtiem publicētu rakstu, tepat vai vienīgi pretkomunistiskos vai ideoloģiskos jautājumos.

Un es nedomāju, ka šis žurnālista vai „rakstu darbu” klāsts jau ir beidzies, jo vēl šīs grāmatas tapšanas laikā 1984. gadā, tā tad šķiet dzi-

ves pēdējās trīspadsmitgados noslēgumā, jau lasītāji ir varējuši ieskatīties laikrakstu „Laiks”, „Latvija Amērikā” un DV mēnešraksta slejās samērā garos manos rakstos, kuŗi aptver man tik raksturīgos tēmatos.

Polītiskais un sabiedriskais darbs

Mans polītiskais un sabiedriskais darbs šajā trīspadsmitgadē ir jau iegājis savā noslēguma fāzē. Vecums, slimības un citas jau dažkārt pieminētās ķibeles ir lielā mērā mani izslēgušas no cik necik aktīvāka darba.

Lielāko triecienu piedzīvoju 1977. gada rudenī, kad Tā Kunga priekšā stājās mans pēdējais kolēģis Komitejā Latvijas brīvībai Alfrēds Bērziņš. Mēs abi bijām izlēmuši komiteju nelikvidēt, tās darbu turpināt kaut simboliski, cik nu mūsu abu spēkos tas stāvētu, ko arī cītīgi un rūpīgi darijām ar vienu otru ceļojumu, runām un galvenais rakstiem. Bet nu es biju palicis viens. Komiteja netika likvidēta, bet man nācās piedzīvot un redzēt kā mirst kāds ražīga darba iestādījums. Mirst. Un tas ir gaužam smags un daudz ko izšķirošs vārds.

Palicis viens, kaut būdams priekšsēža amatā, vairs neesmu ne priekšsēdis, ne komiteja. Pirms tam jau bijām savā darbā ar sasiētām rokām, tikpat kā tas ir jau kopš 1972. gada Apsiesto Eiropas tautu asamblejā, kuŗa gan mēģināja savu darbu pārkārtot ar statūtu maiņu, bet tomēr palika vienīgi kā diskusiju kopa, bez aktīvas darbības iespējām. Tomēr asambleja, kaut simboliski, vēl pastāv, bet Komiteja Latvijas brīvībai ir vienkārši izmirusi, gan neatstājot tukšumu aiz sevis. Tās vietā ļoti aktīvi un iespaidīgi darbojas Pasaules brīvo latviešu apvienība un citas brīvās pasaules latviešu centrālās organizācijas. Starp tām arī Daugavas Vanagi, viena no stiprākām un bagātām mūsu polītiskā un nacionālā spēka uzturētājām. Bet arī tajā, tāpat kā PBLA, esmu palicis maz ievērots un bieži pat neuzklausīts. To liecināja arī pēdējā DV centrālās valdes sēde, kas notika 1983. gada vasarā dziesmu svētku laikā Milvōkos. Tā bija arī pēdējā, kuŗā tiku aicināts piedalīties, bet kur manu balsi vairs lāgā negribēja uzklausīt, jo arī DV sabiedrībā nu jau valda jauni uzskati, cita darba jēga, kaut pozitīvā nozīmē, bet jau citās pasaules uzskatu jomās.

Toties daudz gandarijumu saņēmu negaidītas uzmanības parādīšanā manam darbam pagājušos gados:

1982. gada 24. aprīlī beidzās nobalsošana visās DV darbības zemēs, mani vienprātīgi ievēlot par DV organizācijas goda priekšnieku.



DV ASV priekšnieks A. Spārniņš pasniedz DV goda priekšnieka diplomu V. Hāzneram.



DV centrālās valdes sēdes dalībnieki 1983. gadā.
Sēd no kreisās: J. A. Bērziņš, J. Utināns, Ž. Butkus, J. Frišvalds,
V. Hāzners, A. Liepina, A. Silgailis un J. Lācis.
Stāv no kreisās: A. Spārmiņš, A. Puķīte, R. Čaks, J. Platais,
A. Tauriņš, E. Peniķis, A. Kalupnieks un V. Muižnieks.

1982. gada maijā, tāpat vienprātīgi mani ievēlot par goda biedri Latviešu Dzelzskrusta kavalieru savienībā un 1983. gada februārī, arī vienprātīgi, mani ievēlot par goda biedri Latviešu virsnieku apvienībā Kanādā.

Tie ir tādi godinājumu, uz kuŗiem var būt lepns katrs bij. kaŗavīrs, politisks un sabiedrisks darbinieks!

Tas ir patikams noslēgums manai garo gadu darbu virknei, par kuŗu stāsta arī Varmācības torņu pirmā un nu šī otrā grāmata.

Visvairāk tomēr man personīgi iepriecināja apliecinājumi saņemtie no dzimtenes, gan personīgi, kā arī tie, kas parādījušies turienes publikācijās (komunistiskās un viņu propagandas) kā es tieku uzskatīts tur gan par nacionālu varoni, gan tautas ienaidnieku Nr. 1. To sevišķi liecināja Rīgā sagatavotie materiāli manā apsūdzības lietā par „kaŗa noziegumiem”. Paldies par to abām „frontēm”, kaut pašam liekas, ka nez' vai šajos slavinājumos un nišanā nav pardaudz pārspilējumu . . .

1981. gadā Vācijā iznāca Hans Stöber'a grāmata Die lettischen Divisionen un 1982. gadā ASV Hugh Page Taylor'a redakcijā grāmata Uniforms, Organization and History of the Waffen-SS Vol. 5, kuŗas abas aprakstīja latviešu kaŗavīru gaitas Otrā pasaules kaŗā, pie kam abas grāmatas bija objektīvākās, kādas līdz šim laikam bija iznākušas svešvalodās par latviešu kaŗavīru cīņas jēgu. Abas bija pieminējušas arī manu vārdu. Hans Stöber's savā grāmatā, ievietojot 15. latviešu divīzijas komandieŗa v. Obwurzer'a 1944. gada 27. jūlija pavēli, man bija veltījis šādus vārdus: „Der Heldenkampf dieses Teiles des Rgts. (runa ir par 32. gren. pulka jūlija cīņām 1944. gadā uz Latvijas robežām, VH), von dem nurmehr Sturmbannführer H a z n e r s mit 10 Unterführern und Männer wiederkehrte, wird nicht nur in die Geschichte Lettlands eingehen, er wird auch einstmal im Ehrenbuch der Kämpfe um Europas Bestand und Freiheit aufgezeichnet sein” (102. lp.).

Arī tas liekas ir par stipru teikts.

Vienīgi te varu vēl piezīmēt, ka arī mani tiesājot par „kaŗa noziegumiem” apsūdzības uzturētājs Martins Mendelsons (Martin Mendelsohn), kas visu „pulvēri bija izšāvis” par žīdu iznīcināšanas jautājumiem, vienīgi tiesas gaitā man „piesējās” par kaŗošānu kopā ar vāciešiem, pie kam bija sameklējis no dažādiem Vācijas un ASV militāriem arhīviem vairākus apliecinājumus par manu varonīgo cīnīšanos kopā ar vāciešiem, kādu pats līdz tam laikam nebiju zinājis vai redzējis uzrakstītus uz papīra.

Tas tā: šīs nodaļas noslēgumam.

*

Šajā trīspadsmitgadē iestājos par pilntiesīgu locekli Latvijas brīvības fondā un kļuvu par mūŗa biedri Amērikas latviešu apvienībā (biedru karti man uzdāvināja mani dēli) un Daugavas Vanagu organizācijā.

Notikumi ģimenē pēdējos gados

Pārmaiņas dēlu ģimenēs, izskaņa

Mūsu ģimenes saites, kā liecina šī grāmata, ir bijušas vienmēr ļoti tuvas. Par savu dēlu dzīves gaitām vienmēr esam dziļi priecājušies. To karjeras darba gaitās vienmēr ir gājušas uz augšu. Nevien darbā, bet arī latviešu sabiedrībā.

Daumanta ģimenes dzīve starplaikā mainījās. Laulību viņš noslēdza 1978. gada 7. janvārī, kāzas svinēdams Čikagā, kur dzīvoja Anita Utināne, kuŗa tajā laikā bija Daugavas Vanadžu priekšniece ASV. Viņu iepazīšanās bija notikusi Patiesības fonda darbības sākumos, kad Daumants bija fonda uzticības persona un Anita fonda valdes vicepriekšēde. Viņa bija Daugavas Vanagu ilggadējā darbinieka, vēl kopš mana drauga tajā laikā, kad Zedelgemā kopā cieši sadarbojamies iniciatoru grupā un bieži sēdējām kopā dažādās organizācijas veidošanas komisijās — Jāzepa Utināna jaunākā meita, dzimusi Vācijā 1945. gada 15. oktobrī. Ar Jāzepu Utinānu visus šos DV darbības gadus bija iznācis sadarboties gandrīz nepārtraukti un tā izveidot uzskatu brālību un ciešu uzticību vienam pret otru, lai arī kādos amatos nebūtu bijuši. Anitu, kā ņipru meiteni jau bija saticis vēl skolnieces kleitā piecdesmito gadu beigās Čikagā, kad Utinānu dzīvoklī notika viena no DV ASV valdes sēdēm. Pēc tam viņu jau kā jaunu un aktīvu dāmu satīku globālās DV dienās Toronto 1971. gadā un tajā pat rudenī arī Garezerā, kur notika dziesmu dienas. Anitu pazina arī tā laika DV ASV vanadžu priekšniece Anna Tīdemane, kuŗa viņu 1972. gadā pieaicināja kā referenti ASV vanadžu nozarē. Kā Anita man stāstīja, tad sākumā par šo piedāvājumu viņa bijusi domīga, bet izšķiršanās šos pienākumus uzņemt ir iespējojis viņas 1971. gada Rīgas apciemojums. Redzējama mūsu tautas nedienas krievu jūgā, viņa sapratusi kā vienīgā palīdzība, kas ietekmīgi nāktu tautai par labu būtu darbošanās kādā aktīvā organizācijā trimdā un tā kā runa jau bijusi par darbu DV organizācijā, tad „jā” vārdu bijis viegli dot. Par saskaņu laulības dzīvē liecina patikams ģimenes pieaugums: 1979. gada 7. oktobrī piedzima meita Audra, 1980. gada 2. septembrī meita Dauma, un 1983. gada 20. janvārī dēls Laris.

Vitauta dzīvē resp. ģimenē arī notika zināmas pārmaiņas. Viņa dēli — Dainis beidza studijas Viskonsinas universitātē, iegūdam M.F.A. gradu mākslās un literatūrā, Māris — studijas Ročesteras universitātē, iegūdam B.S. gradu archeoloģijā, audzudēls Kristofers arī Ročesteras

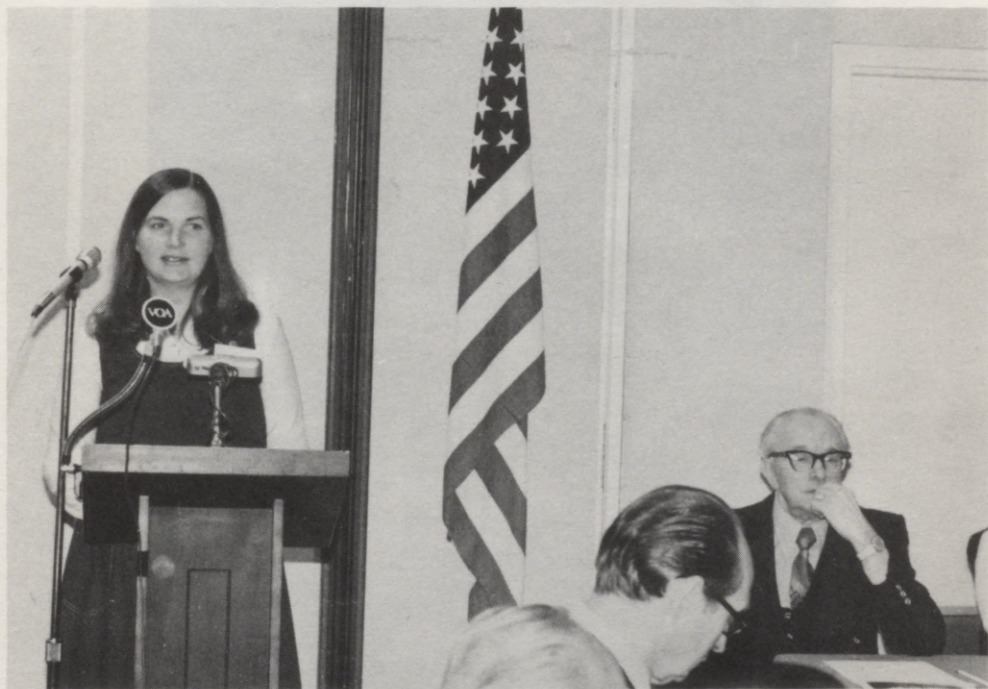
universitātē 1983. gadā ieguva B.S. gradu ķīmijas inženieru zinātnēs un otrs audzudēls Dāvids turpina studēt turpat Ročesterā. Dainis un Māris abi studijas beidza 1982. gadā. Nu Vitauta dēli visi jau prom no mājām un tā viņam ar savu dzīves biedri atliek mazāk rūpju par ģimeni, vairāk atļaujoties abiem iesaistīties sabiedriskos darbos.

Tajā pat laikā mēs abi ar sievu arvienu vēl dzīvojam savā lauku īpašumā. 1979. gadā iegādājamijs kapu vietas Katskiļos, Rotas kapos, kur tajā laikā korporācija Lettgallia saviem krāsu brāļiem nopirka vienu kapu nodalījumu.

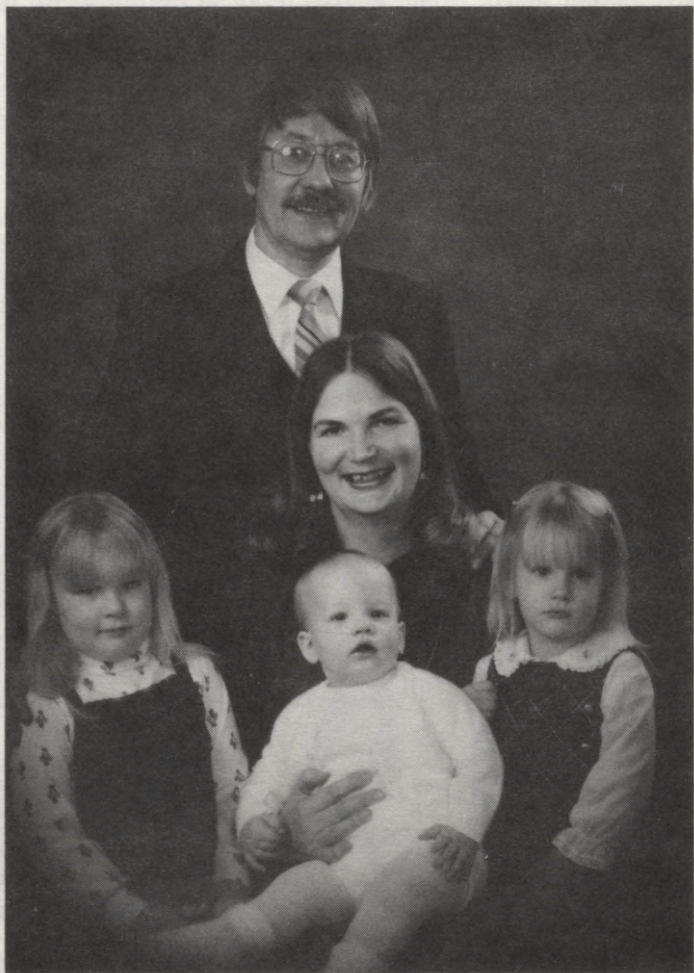
Ar to varētu savas dzīves izskaņu nobeigt, ja nebūtu jāatzīmē nozīmīgs notikums 1983. gada noslēgumā. 30. decembrī pagāja mums 50 laulībā kopā pavadīti gadi, jo 1933. g. šajā pat dienā tā bija sākusies ar garnizona mācītāja Gustava Kņess-Kņezinska svētību un 7. Siguldas kājnieku pulka komandiera pulkveža Frickausa pamācības un vēlējumu vārdiem sekmīgai laulības dzīvei.

Mūsu dēli bija sagādājuši mums patīkamu pārsteigumu, sarīkojot šo reto jubileju kādā restorānā Whithall'ā, ielūdzot arī citus piederīgos un draugus. Nelielajam viesu pulkam vakars sagādāja daudz patīkamu stundu. Sevišķi mums jubilāriem. Samērā daudzie rakstiskie apsveikumi liecina ka dzīvē vienmēr ir draugi, kuŗi šādas dienas kaut kur reģistrē un vajadzīgā laikā atceras. Patīkams un negaidīts apsveikums bija no ASV pirmās lēdijas un Valsts prezidenta Ronalda Rēgena. Jāpieņem, ka viņš taču zināja kam šo apsveikumu sūta un tas pielika punktu manai galīgai rehabilitācijai zināmā apsūdzības lietā. Un tas manā dzīves izskaņas novērtējumā bija ļoti daudz.

Tā trīspadsmitgade, kuŗš beidzās ar 1983. gadu bija noslēgta, kaut pavadīta daudzos darbos, atzinībā un cīņās patiesības labā.



Daugavas Vanadžu ASV priekšniece Anita Hāznere 1980. gada aprīlī.



Daumanta ģimene 1983. gada novembrī.
Anitai pa labi Audra, pa kreisi Dauma, klēpī Laris.



foto K. TRUŠE
GULBENĒ

Savas militārās karjeras sākuma gados — 7. Siguldas
kājnieku pulka leitnants 1932. gadā.



Tādas uniformas Latvijas armijā bija virsnieku
vietniekiem, gan tikai vienu — 1927./28. gadu.



Mana tēva ģimene 1931. gadā, kad atvadījās no skaistās Jelgavas, kur
biju nodzīvojis savas bērnības un jaunības dienas.

No kreisās sēd tēvs un māte, vidū stāv māsas Almas meita Ausma,
otrā rindā svainis Jēkabs, māsa Alma, māsa Meta un es.



V. Hāznars Rotas kapos Katskiļos 1982. gadā.



Mūsu 50 gadu laulības jubilejas dienā, 1983. gada 30. decembrī.



Администрация...

Учреждение...

Pēcvārdi

Šī grāmata, kuŗu esmu nosaucis par VARMĀCĪBAS TORŅI II (ar apakšvirsrakstu „Kaŗa noziedznieka” stāsts) ir pirmās grāmatas, kuŗa iznāca 1977. gadā, tiešs turpinājums. Viņas saturs beidzas ar 1983. gadu un tā tad aptver septiņus gadus. Pieci gadi no tiem pagāja tiesājoties ar trim pasaules lielvarām — Padomju Savienību, Izraēlu un Amerikas Savienotām Valstīm vai pareizāki sakot ar šo valstu tiesu iestādēm, aiz kuŗām stāvēja taču valsts vara.

Vienīgi tas, kas pats visu to ir piedzīvojis, varētu saprast šo gadu nejēdzību, melus, terroru un citas negēlības, kādas man ir nācies pārdzīvot. Lāga pat nepalīdzēja mani „striķa nervi” un visas latviešu sabiedrības, kā trimdā, tā dzimtenē, morālais un, sevišķi Patiesības fonda, materiālais atbalsts. Vienīgi, dzīvojot taisnības un patiesības zemē un ticībā tam, ka patiesība uzvarēs, bija lielākais spēks, kas palīdzēja visu minēto pārdzīvot. Uzvarēju nevien es, bet arī Annas ielas stābs, mūsu pirmie bataljoni un Latviešu lēģions. Ar vienu vārdu sakot — latviešu kaŗavīrs! Un tas bija daudz, pārāki daudz!

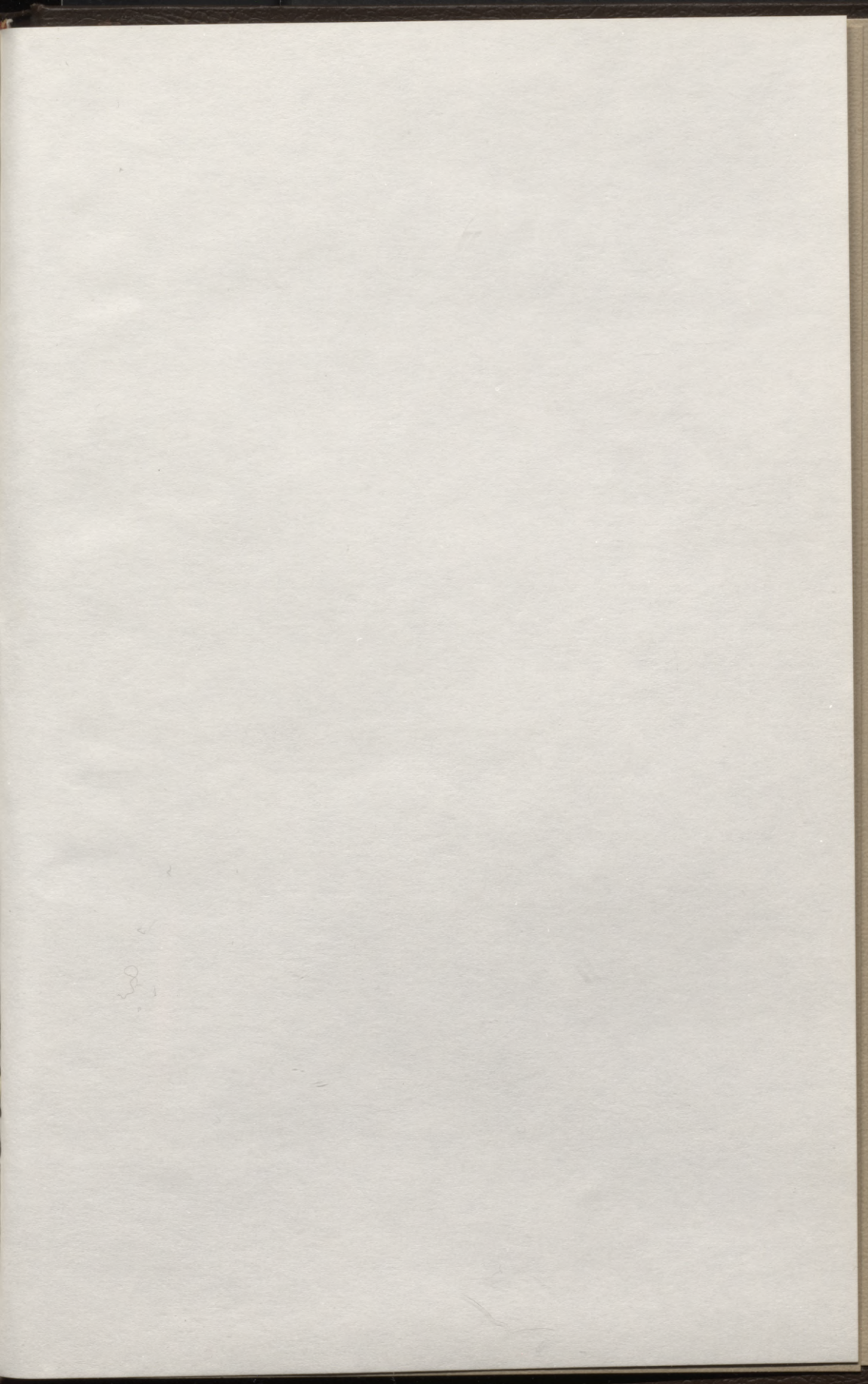
Galvenā šī grāmatas daļa arī veltīta visas šīs nejēdzības aprakstiem. Arī jāpiemin, ka, ja nebūtu daudzo draugu izcilais atbalsts, lieliskais advokāts, tad uz uzvaru cerības būtu bijušas daudz mazākas... Paldies v i s i e m par to!

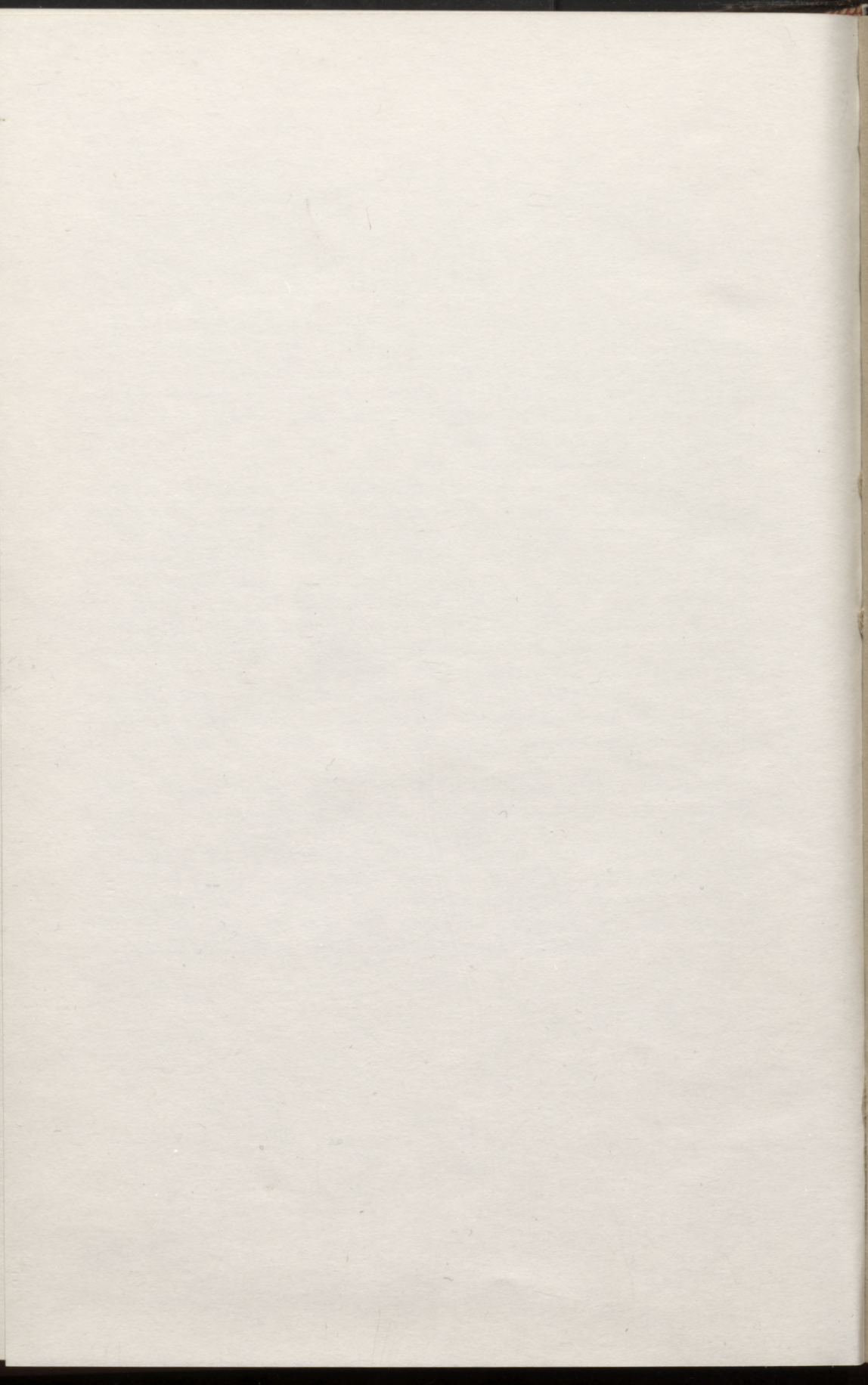
Šie dzīves septiņi gadi ir pavadīti arī darbos. Arī tie pieminēti šajā grāmatā. Dzīve ir gājusi uz priekšu nevien visā pasaulē, bet arī manā ģimenē, kuŗas notikumi arī īsumā pieminēti. Mana ģimene — sieva, dēli, visi piederīgie ir nesuši bezgala nozīmīgus upurus, lai stāvētu kopā ar mani. Paldies arī vedeklām un mazbērniem par morālisko devumu.

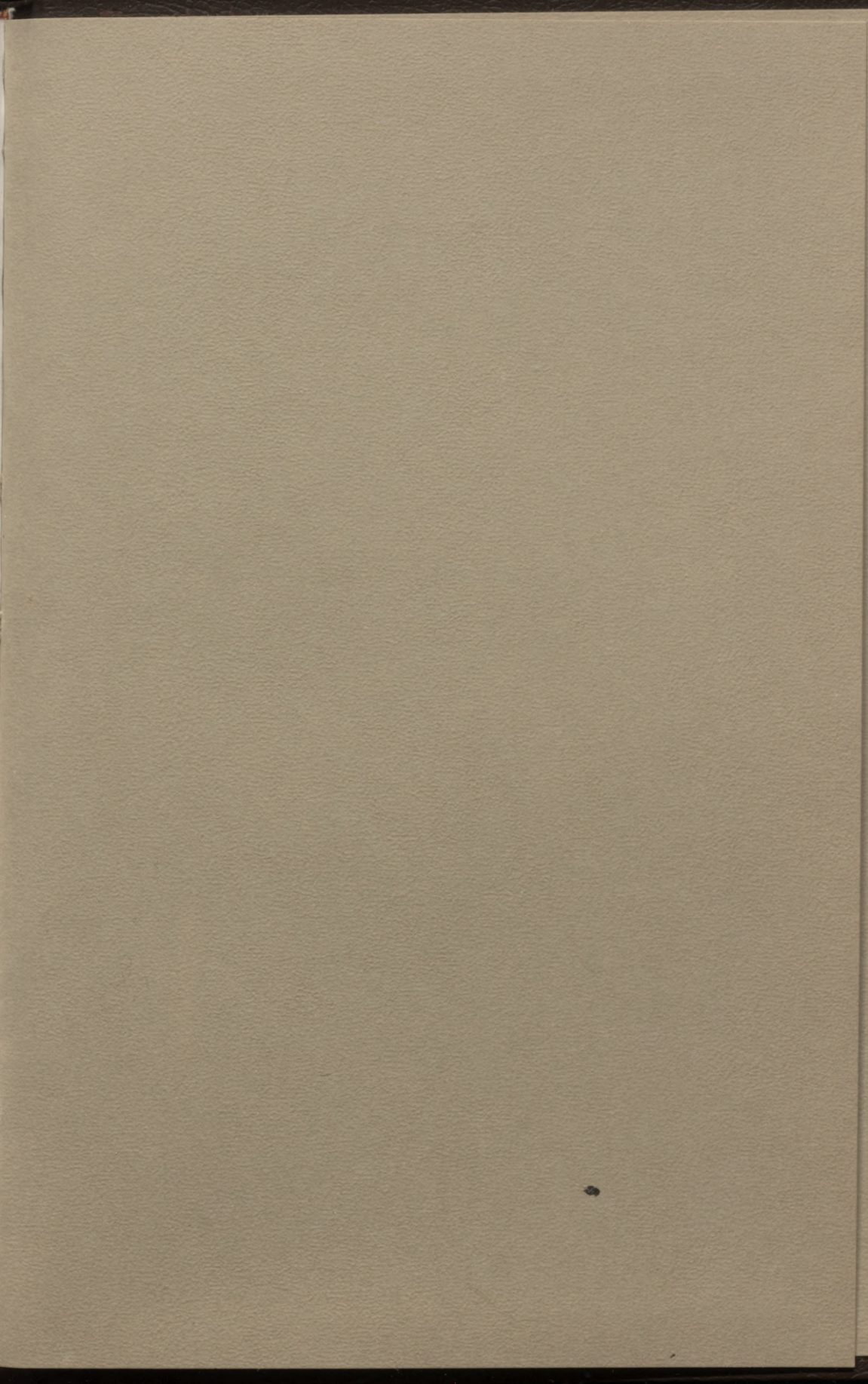
Ar šo grāmatu noslēdzas manas dzīves sestā trīspadsmitgade. Ir sākusēs jau jauna — septītā pēc kārtas. Šķiet gan, ka par to vairs rakstīt nevajadzēs. Pēdējā jūdze diezgan raibajā dzīves gaitā ir jau iesākta iet.

Vilis Hāzners

1984. gada rudenī.

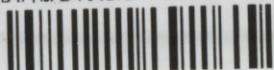






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