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WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☒ I - INCOMINGDate Correspondence Received (YY/MM/DD) 90,03,06Name of Correspondent: James A. Traficant, Jr.☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Further info. on John Demjanjuk, Sr. case in the Israeli Supreme Court - Allegations of erroneous behavior & accusations.

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>Cuotc</u>		ORIGINATOR	<u>90,03,07</u>			<u>90,03,19</u>
<u>Cuat14</u>		Referral Note:	<u>CBG signature</u>			
		<u>D</u>	<u>90,03,08</u>	<u>CBG</u>	<u>A</u>	<u>90,03,19</u>
		Referral Note:	<u>Letter to Cong Traficant</u>			
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ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet
to be used as Enclosure

I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:

A - Answered
B - Non-Special Referral
C - Completed
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Code	Date	Comment	Form
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SIGNATURE CODES:

- CPn** - Presidential Correspondence
 - n - 0 - Unknown
 - n - 1 - George Herbert Walker Bush
 - n - 2 - George Bush
 - n - 3 - George
- CLn** - First Lady's Correspondence
 - n - 1 - Barbara Bush
 - n - 2 - Barbara
 - n - 3 - Bar
 - n - 4 - Mrs. Barbara Bush
- CBn** - Presidential & First Lady's Correspondence
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- V** - Telephone
- X** - Miscellaneous
- Y** - Study

THE WHITE HOUSE

WASHINGTON

March 16, 1990

Dear Congressman Traficant:

Thank you for the materials you sent me concerning the John Demjanjuk, Sr. case. This is not a matter that falls within my responsibilities as Counsel to the President. I am confident, however, that the Attorney General and the Secretary of State will give full consideration to the points raised in your letters to them.

Sincerely,



C. Boyden Gray

The Honorable James A. Traficant, Jr.
United States House of Representatives
Washington, D. C. 20515-3517

THE WHITE HOUSE

WASHINGTON

March 13, 1990

MEMORANDUM FOR C. BOYDEN GRAY

FROM:

STEPHEN RADEMAKER *SR*

SUBJECT:

Letter from Congressman Traficant Concerning the
John Demjanjuk, Sr. Case

Attached for your review and signature is a response to the captioned matter. Traficant's letter to you amounts to little more than a transmittal of more detailed letters that he sent to the Attorney General and the Secretary of State. The only seemingly novel claim set forth in those letters -- that one of the government's key witnesses perjured himself at Demjanjuk's denaturalization trial -- is not persuasively supported by the materials attached to the letters. The other claims appear to involve matters of public record. Accordingly, I think the best course for you is to defer to the Departments of Justice and State.

Attachment

Tab I Proposed Letter to Congressman Traficant

JAMES A. TRAFICANT, JR.
17TH DISTRICT, OHIO

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION

AVIATION
WATER RESOURCES
SURFACE TRANSPORTATION

COMMITTEE ON SCIENCE,
SPACE, AND TECHNOLOGY

SCIENCE, SPACE AND APPLICATIONS
ENERGY RESEARCH AND DEVELOPMENT

SELECT COMMITTEE ON NARCOTICS
ABUSE AND CONTROL

Congress of the United States
House of Representatives
Washington, DC 20515

1 21383 cu
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WASHINGTON, DC 20515
(202) 225-5261

11 OVERHILL ROAD
YOUNGSTOWN, OH 44512
(216) 788-2414

391 MAHONING AVENUE
WARREN, OH 44483
(216) 399-3513

February 28, 1990

COUNSEL'S OFFICE
RECEIVED

MAR 6 1990

C. Boyden Gray
The White House
Legal Council to the President
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Mr. Gray,

Enclosed please find a copy of each letter I have sent to Attorney General, Richard Thornburgh and Secretary of State, James A. Baker, III, regarding the John Demjanjuk, Sr. case.

Please read the enclosed letters and examine the attached documents. I hope that you find this extraordinary information informative. I also hope that this thought provoking information inspires you to take a closer look at this case.

I will appreciate any and all input you may have into this matter and I look forward to hearing from you. If you are so inclined, please feel free to contact me in my Washington office at 225-5261 or send relevant correspondence to the special attention of my Washington staff director, H. West Richards.

Respectfully,

James A. Traficant, Jr.
Member of Congress

J.A.T./hwr

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Congress of the United States
House of Representatives
Washington, DC 20515

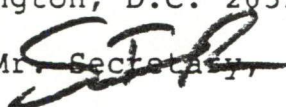
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391 MAHONING AVENUE
WARREN, OH 44483
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February 27, 1990

The Honorable James A. Baker, III
U.S. Secretary of State
Department of State - 2201 C. Street, NW
Washington, D.C. 20520

Dear Mr.  Secretary,

I am writing regarding the matter of John Demjanjuk, Sr. who is presently on death row in Israel. Mr. Demjanjuk's case will be appealed in the Israeli Supreme Court in May, 1990. Mr. Demjanjuk was convicted as being the infamous "Ivan the Terrible" of the Treblinka death camp.

Original investigative reports of the Office of Special Investigation (O.S.I.), which were discarded in a McDonald's dumpster near K Street in Washington, D.C., by officers Gerand and Daugherty (see enclosure, 1. Garand document 2. Daugherty document 3. Otto Horn testimony) raise substantive questions concerning the investigatory methods employed by the O.S.I. These documents clearly evidence that former Nazi guard Otto Horn perjured his testimony at the denaturalization trial of Mr. Demjanjuk. In addition, O.S.I. prosecutor Norman Moscowitz, who was present at the original interview of Mr. Horn in 1979 in Berlin, endorsed the suppression of this crucial information.

Additional information made public by CBS television's 60 Minutes revealed new findings that includes the statements of Maria Dudek. Dudek, a lifetime resident of a village near the Treblinka death camp, has stated off-camera that she knew Ivan "Grozny" ("Ivan the Terrible" in Polish). Dudek also said that Ivan "Grozny" would come to the village and buy sexual favors and Vodka with the gold that he had taken from Jewish prisoners. She then identified Ivan "Grozny" as Ivan Marczenko, not Ivan Demjanjuk.

More alarming is the fact that the O.S.I. has known since 1979 that John Demjanjuk's name was not listed in any World War II record associating him with the Treblinka death camp. The Polish War Crimes Commission notified the O.S.I. that they had absolutely no knowledge, data, or listing of an individual by the name of John Demjanjuk at Treblinka. (see enclosure, 4. cover page 5. p.154) However, they said that there were approximately 100 Ukranian guards at Treblinka, of which 43 were known. Of the 43 names, Ivan Marczenko is listed, not Ivan Demjanjuk. Such deception assaults the spirit of the Constitution.

Unquestionably, this matter stinks! The O.S.I. mandate of investigating crimes against humanity is certainly praiseworthy and needed. However, the O.S.I. should not extend beyond the parameters of justice or be so zealous in pursuance of its goal that it violates the law as well as individual rights.

page 2

letter to Hon. James A. Baker, III

I cannot believe that the United States government can turn a deaf ear to Mr. Demjanjuk's plight. It is incumbent upon the U.S. government to rectify the wrong it committed in suppressing crucial evidence. This is a better alternative than to have Mr. Demjanjuk die of old age in an Israeli prison while this deception continues. I respectfully request that the Department of State review any and all options available to impress upon the Israeli government the dynamics that are developing in this particular case. I urge the Department of State to open opportunities in Europe for the John Demjanjuk Defense team to have access to archival documents. I would also appreciate any assistance in investigating the feasibility of a stay of appeal in this matter. Justice will not be served until Mr. Demjanjuk is returned home. I would greatly appreciate an expeditious response.

Respectfully,

James A. Traficant, Jr.
Member of Congress

Enclosure

cc: The Honorable Bruce A. Morrison
Chairman, Subcommittee on Immigration, Refugees, and International Law

The Honorable C. Boyden Gray
Legal Council to the President

The Honorable Jack Brooks
Chairman of the Judiciary Committee

The Honorable Dante B. Fascell
Chairman of the Foreign Affairs Committee

The Honorable Michael Shaheen
Office of Professional Responsibility

Attorney John Broadley
The Demjanjuk Defense League

Edward Nishnic
The Demjanjuk Defense League

THE WHITE HOUSE
WASHINGTON
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Comments:

JAMES A. TRAFICANT, JR.
17TH DISTRICT, OHIO

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AND TRANSPORTATION

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COMMITTEE ON SCIENCE,
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SELECT COMMITTEE ON NARCOTICS
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February 27, 1990

The Honorable Richard Thornburgh
United States Attorney General
U.S. Department of Justice
Washington, D.C. 20530

Re: John Demjanjuk, Sr./ O.S.I.

Dear Sir:

I respectfully request an investigation into the Office of Special Investigation (O.S.I.) regarding the conduct of Norman Moscowitz and others. The investigation stems from the apparent perjured testimony of Nazi Guard Otto Horn at the denaturalization trial of Cleveland auto worker John Demjanjuk. Mr. Demjanjuk's case is presently awaiting appeal by the Israeli Supreme Court. Earlier, Mr. Demjanjuk was convicted as being the infamous "Ivan the Terrible" of the Treblinka death camp.

The Justice Department has repeatedly stonewalled me. In fact, the F.B.I. is investigating the individuals who found the original investigative reports of officers Garand and Daugherty, which were discarded in a McDonald's dumpster near K Street in Washington, D.C. (see enclosed items, 1. Garand document 2. Daugherty document 3. Otto Horn testimony). It is evident that the Justice Department is more concerned with how the "trash" fell into the hands of the defense rather than the substance of the explosive reports found therein. These documents contain revelations regarding Otto Horn's perjured testimony.

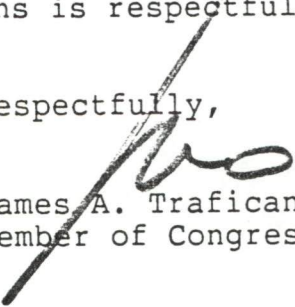
Additional data made public by CBS television's 60 Minutes revealed new information that now includes the statements of Maria Dudek. Dudek, a lifetime resident of a village near the Treblinka death camp, has stated off-camera that she knew Ivan "Grozny" ("Ivan the Terrible" in Polish). Dudek also said that Ivan "Grozny" would come to the village and buy sexual favors and Vodka with the gold that he had taken from Jewish prisoners. She then identified (off camera) Ivan "Grozny" as Ivan Marczenko, not Ivan Demjanjuk.

Puzzling to legal observers and scholars is the fact that in 1979 the Polish War Crimes Commission notified the Office of Special Investigation that they had absolutely no knowledge, data, or listing of an individual by the name of John Demjanjuk at Treblinka. However, they said that there were approximately 100 Ukranian guards at Treblinka, of which 43 were known. Of the 43 names, Ivan Marczenko is listed, not Ivan Demjanjuk. (enclosed find copies from Polish War Crimes Commission, items: 4. cover page 5. p. 154)

I will be stonewalled no longer. I want to know the status of this investigation. If Congress will not act on this, I will ask for a grand jury proceeding to investigate Mr. Moscowitz, Mr. Sher, former director Alan Ryan, Michael Wolf, and Bruce Einhorn.

The Constitution speaks of an individual's right to procedural and substantive due process. The OSI denied John Demjanjuk his constitutional rights. Undoubtedly, the OSI's mandate is meritorious; however, its work must be conducted within the letter of the law. An immediate reply addressing my concerns is respectfully requested.

Respectfully,



James A. Traficant, Jr.
Member of Congress

Enclosure

cc: The Honorable Bruce A. Morrison
Chairman, Subcommittee on Immigration, Refugees, and International Law

The Honorable C. Boyden Gray
Legal Council to the President

The Honorable Jack Brooks
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The Honorable Michael Shaheen
Office of Professional Responsibility

Attorney John Broadley
The Demjanjuk Defense League

Edward Nishnic
The Demjanjuk Defense League

George W. Garand, Historian		DATE OF DOCUMENT 15 Nov 79	SUSPENSE DATE
TO Arthur Sinai	DATE RECEIVED 27 Nov 79	CONTROL NUMBER 313	
DESCRIPTION Horn, Otto - Report of interview. REF: OSI #42 - Iwan Demjanjuk.	REFERRED TO OSI File 42	DATE 12/3/79	
REMARKS	PREPARE REPLY FOR SIGNATURE OF		

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SPECIAL INVESTIGATIONS

Moscowitz,
Criminal
OSI inter-
sidence lo-
interview began

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6-18-75

cated at 66 Yorkstrasse, w... shortly after 0900 and ended shortly before 1000. Mr. Dougherty and the undersigned translated during the interview which was conducted in German since HORN is conversant only in that language.

HORN is 76 years old and lives in a small one-bedroom apartment by himself. His place of residence was meticulously clean and despite his advanced years he conveys the impression of being stable with an excellent recall of events during the time he was stationed at Treblinka. Shown a sketch of the death camp at the beginning of the interview he identified various buildings within the camp without hesitation. He was assigned to the camp for approximately one year, from September 1942 to September 1943, and specifically to the upper part of the camp which housed the gas chambers. The old, smaller one remained in use until a larger new one went into operation in early 1943, at which time the old one was torn down. In connection with the layout and operation of the camp HORN mentioned that the installation was surrounded by guard towers manned by about 25 Ukrainian guards at varying shifts. In addition, these Ukrainians who were armed with rifles and wore some type of uniform the color of which the interviewee no longer remembered would await the arrival of trains at the unloading platform at which time the new arrivals were herded along a narrow walk to a shed where they were forced to take off their clothing. Thereupon, again following a narrow footpath which was fenced on both sides to block the view of the new arrivals from what was ahead, the victims were rushed to the gas chamber on the upper level. When the chamber was full the doors were slammed shut and a German named SCHMIDT or SCHMITT would supervise the actual gassing. Two Ukrainians worked directly under Schmidt. One of these operated the machinery that funneled the lethal gas into the chamber while the other supervised the inmate work detail that removed the bodies from the chamber and dumped them into two very large pits that had been dug nearby. While the Ukrainians at the train unloading platform rotated between there and the

DEPARTMENT OF JUSTICE

TO : Arthur Sinai, Deputy Director, OSI

FROM : George W. Garand, Historian

SUBJECT: HORN, Otto - Report of Interview

REF : OSI #42 - DEMJANJUK, Iwan

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NOV 27 1979

OFFICE OF
SPECIAL INVESTIGATIONS

On the morning of 14 November 1979 Norman Moscovitz, Staff Attorney, OSI, Bernard J. Dougherty, Jr., Criminal Investigator, and George W. Garand, Historian, OSI interviewed the German national Otto HORN at his residence located at 66 Yorkstrasse, West Berlin. The interview began shortly after 0900 and ended shortly before 1000. Mr. Dougherty and the undersigned translated during the interview which was conducted in German since HORN is conversant only in that language.

HORN is 76 years old and lives in a small one-bedroom apartment by himself. His place of residence was meticulously clean and despite his advanced years he conveys the impression of being stable with an excellent recall of events during the time he was stationed at Treblinka. Shown a sketch of the death camp at the beginning of the interview he identified various buildings within the camp without hesitation. He was assigned to the camp for approximately one year, from September 1942 to September 1943, and specifically to the upper part of the camp which housed the gas chambers. The old, smaller one remained in use until a larger new one went into operation in early 1943, at which time the old one was torn down. In connection with the layout and operation of the camp HORN mentioned that the installation was surrounded by guard towers manned by about 25 Ukrainian guards at varying shifts. In addition, these Ukrainians who were armed with rifles and wore some type of uniform the color of which the interviewee no longer remembered would await the arrival of trains at the unloading platform at which time the new arrivals were herded along a narrow walk to a shed where they were forced to take off their clothing. Thereupon, again following a narrow footpath which was fenced on both sides to block the view of the new arrivals from what was ahead, the victims were rushed to the gas chamber on the upper level. When the chamber was full the doors were slammed shut and a German named SCHMIDT or SCHMITT would supervise the actual gassing. Two Ukrainians worked directly under Schmidt. One of these operated the machinery that funneled the lethal gas into the chamber while the other supervised the inmate work detail that removed the bodies from the chamber and dumped them into two very large pits that had been dug nearby. While the Ukrainians at the train unloading platform rotated between there and the

guard towers the two Ukrainians assigned to the gas chamber itself were invariably present at each gassing. He no longer recalled the name of the Ukrainian responsible for overseeing the removal of the bodies, but had a good recall of the one responsible for operating the death machinery. That man's first name was Iwan, a tall heavy set individual approximately in his mid-twenties at the time with shortly cropped hair and full facial features. He never knew Iwan's family name since such names were in any case very difficult to pronounce and the Ukrainians were invariably addressed only by their first names. Iwan took great pride in his position as assistant to SCHMIDT and felt that this status placed him a few rungs above the other Ukrainians who acted merely as guards. Iwan would appear on the scene only after a trainload of victims had arrived and would leave the premises as soon as he had accomplished his assigned task., leaving the removal of bodies to the second Ukrainian and his crew. HORN commented that he never did trust the Ukrainians who spent most of their time carousing in the nearby Polish villages from where they would return drunk late at night, shouting and carrying on and firing their weapons. In contrast to the other Ukrainians who were without exception armed with rifles, IWAN was armed with a pistol of unknown make. He was never observed as making use of this weapon.

HORN's opinion of the Ukrainians was generally unfavorable. Not only did they fall asleep at their assigned guard posts, but they also tended to show disrespect towards the lower ranking Germans assigned to the camp. At the same time he questioned their political reliability, since later in the war, during 1943, a number of them deserted to the Russian partisans. In one instance, when the Treblinka camp was closed down in late 1943 and the Ukrainians were being transferred to Sobibor, escorted by a German officer, the Ukrainians murdered their escort and joined the partisans.

Initially shown a series of eight photographs of Caucasian males, HORN carefully viewed each photograph that depicted an individual wearing dark clothing. Each one of the photographs showed a frontal view of the individual down to a few inches below the neck. Hair styles of these individuals varies, as did length of hair, physical stature and age that varied from the low twenties into the forties. One of the photographs depicted IWAN DEMJANJUK as he appeared in the early 1940s. After studying each of the photographs at length HORN initially could not make positive identification of any of the individuals though on one or two occasions he felt that one or two of the individuals shown looked vaguely familiar to him, though he could not recall where and under what circumstances he had met them. At this point the first group of photographs was gathered up and placed on one end of the table with the one depicting DEMJANJUK left facing upward on top of the pile. Mr. Dougherty thereupon presented a second series of eight photographs to the interviewee, each showing

a second group of male Caucasians clothed in what would normally be considered closer to civilian attire than the clothing worn by most members of the first group. One of the photographs in the second group was that of IWAN DEMJANJUK, taken in the early 1950s and depicted DEMJANJUK with a fuller and more rounded face and a more receding hairline. HORN studied this photograph intensively and then, looking at the earlier photograph of DEMJANJUK, identified that individual on both. Nevertheless, he noted some minor differences, such as Iwan having had somewhat more hair at the time he knew him.

Towards the conclusion of the interview HORN expressed his willingness to be re-interviewed more formally provided there was no publicity. Throughout the interview HORN displayed an alert mind and with regard to the events at Treblinka during the period he was assigned there, his recall is excellent. All questions put to him were answered in a forthright manner and in the mind of the undersigned there is no doubt as to the man's honesty and integrity. It would appear that this man, at age 76, has had ample time to take stock of his life, and in the opinion of the undersigned, helping our investigation is one way in which in the twilight of his life this man is trying to make amends for the things that happened at Treblinka and elsewhere during World War II.

15 November 1979

James M. Dickson
Historian, OSI

11/21/79

TO: (Name, office symbol, room number, building, Agency/Post)		Initials	Date
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2.			
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"Iwan" was already working there. HORN added that "Iwan", Schmidt, and the other unidentified Ukrainian were the only three individuals who actually worked at the gas chamber, that is, in the operation of the engine. HORN stated that for the period September 1942-September 1943, when he was at Treblinka, "Iwan" worked at the gas chamber every day. HORN pointed out that "Iwan" looked upon the other Ukrainians in the camp, which he roughly estimated at 30-40, with disdain, because he was working with Schmidt. During the evenings, "Iwan" and some of the others would travel into nearby Polish towns and become drunk and boisterous.

DATE RECEIVED	CONTROL NUMBER
20 Nov 79	271
REFERRED TO	DATE

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story comments, HORN : Treblinka, Poland. Hea were pointed out lfy each of them. Of 1 of the new gas chamber, of the questioning er, HORN voluntarily who was one of two tual operation of the ambers. HORN was unable describing him as tall oximately 22-23 years wo Ukrainians were n only as "Schmidt."

tocky build, black hair- no distinguishing marks ad some technical ability, engine and was known by : (apparently somewhat me). HORN indicated that , 1942 and stated that

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DEPARTMENT OF JUSTICE

NOV 20 1979

OFFICE OF

SPECIAL INVESTIGATIONS

TO: Arthur Sinai, Deputy Director, OSI

FROM: Bernard J. Dougherty Jr. Criminal Investigator

SUBJ: HORN, Otto - Report of Interview

REF: OSI #42- DEMJANJUK, Iwan

On November 14, 1979, Otto Horn, German national and citizen of West Berlin, was interviewed at his residence, Yorck-Strasse 66, Berlin, Germany, by Norman Moscovitz, Staff Attorney-OSI, and by the reporting officer. Due to the fact that HORN neither spoke nor understood English, the entire interview was conducted in his native German language, with George Garand-OSI and the reporting officer translating. The interview began at 9:04 a.m.

After initial greetings and introductory comments, HORN was shown a site plan of the death camp at Treblinka, Poland. Various buildings within the death camp area were pointed out to HORN and he was able to properly identify each of them. Of specific importance was the exact location of the new gas chamber, which HORN described. During the course of the questioning concerning the operation of the gas chamber, HORN voluntarily mentioned one "Iwan" (last name unknown), who was one of two Ukrainians who were responsible for the actual operation of the engines which provided the gas for the chambers. HORN was unable to recall the name of the other Ukrainian, describing him as tall and thin, with blond hair, and being approximately 22-23 years of age. HORN further recalled that the two Ukrainians were immediately subordinate to a German, known only as "Schmidt."

HORN described "Iwan" as being of stocky build, black hair-cut short, full rounded face, tall, with no distinguishing marks on his face. HORN remarked that "Iwan" had some technical ability, since he repaired and maintained the gas engine and was known by HORN as being able to drive an automobile (apparently somewhat of a rare among the Ukrainians at that time). HORN indicated that he arrived at Treblinka during September, 1942 and stated that "Iwan" was already working there. HORN added that "Iwan", Schmidt, and the other unidentified Ukrainian were the only three individuals who actually worked at the gas chamber, that is, in the operation of the engine. HORN stated that for the period September 1942-September 1943, when he was at Treblinka, "Iwan" worked at the gas chamber every day. HORN pointed out that "Iwan" looked upon the other Ukrainians in the camp, which he roughly estimated at 30-40, with disdain, because he was working with Schmidt. During the evenings, "Iwan" and some of the others would travel into nearby Polish towns and become drunk and boisterous.

HORN stated that he never witnessed "Iwan" beating, shooting, otherwise abusing any of the prisoners. His sole task was work at the gas chamber.

At this point, the reporting officer advised HORN that there were a series of 8 photographs of caucasian males, which he was requested to review carefully and individually. Each of the photographs depicted an individual in dark clothing. Prior to the interview, care was taken to minimize the amount of uniforms which would be readily discernable in each photograph. Nevertheless on a few photos, a portion of a uniform could be seen. Each picture showed the bust of the subject. The individuals possessed hair of different length, varying physical builds, and a variety of ages, ranging from the early twenties to the forties. One of the photographs was that of Iwan DEMJANJUK, taken during the early 1940s. HORN studied each of the photographs at length but was unable to positively identify any of the pictures, although he believed that he recognized one of them (not DEMJANJUK) but was not able to indicate where he had met this person or provide his name.

The first series of photographs was then gathered and placed in a stack, off to the side of the table- with that of DEMJANJUK lying face up on the top of the pile, facing HORN. The reporting officer then presented another series of 8 photographs, each depicting the bust of a male caucasian. These photographs showed the individuals in clothing more similar to that normally worn by civilians. Among the 8 pictures was one of Iwan DEMJANJUK, which had been taken during the early 1950's. This photograph was much better in quality than that presented to HORN in the first series, and depicted DEMJANJUK as having a much fuller and more rounded face. HORN studied this photograph at length, and upon glancing at the earlier picture of DEMJANJUK, identified them as being the same person. As he continued to study the picture from the second set, HORN indicated that it certainly resembled the man that he had known as "Iwan", although he stated that "Iwan" had had somewhat more hair. He further mentioned that the second picture, depicting the fuller face, was much more like that of "Iwan" than the person shown in the first series. After a few more moments of careful study, HORN positively identified the photographs(of Iwan DEMJANJUK as being the "Iwan" that he knew at the gas chamber in Treblinka.

After the identification was completed, HORN was asked if he would be willing to be re-interviewed on a formal basis in the near future, and he agreed, with the stipulation that it be "confidential", that is, there was to be no press or other publicity. Mr. Moscowitz agreed to this condition, and was interview was terminated at 0955 a.m.

It was the impression of Moscowitz, Garand, and the reporting officer that HORN was honest, sincere and forthright in all of his

responses, and was fully cooperative throughout the interview. Due to his age (76) and his request for absolutely no publicity, it is not believed that he would agree to travel to the United States to testify nor would he be favorable to video-taping an interview (as he would probably believe that it was actually a TV news camera). Prior to the formal re-interview, with defense counsel present (who would undoubtedly cross-examine and quite possibly upset HORN) it is highly advisable that he be informally briefed on what to expect, immediately prior to this interview. Furthermore, in view of his advanced age, it is requested that any follow-up business which may involve HORN be conducted on a priority basis. Finally, in the event that HORN must be telephonically contacted, his number is (030)7852465.

1
2 Feodoranko, and the objections are not well
3 taken and certainly not well taken at this
4 point.

5 Overruled.

6 Again, I think, essentially, what we are
7 talking about is the weight of this particu-
8 lar evidence, taking into consideration the
9 manner of conducting the spread and identi-
10 fication.

11 MR. GONAKIS: If I might say, -your
12 Honor, that it does go to the weight, but what
13 we are asking for is a per se exclusion at the
14 same time.

15 THE COURT: Well, that's denied.
16 It is relevant. I will determine the weight
17 of it at the appropriate time. And again,
18 the objection is overruled.

19 Proceed.

20 MR. MOSCOWITZ: Thank you, your
21 Honor.

22 - - - - -
23 (The videotape deposition proceeded as
24 follows:)

25 "Q Would you describe, in your own words, how these

"photos were shown to you and what, if anything, happened when you looked at them?

"A First I was shown these larger pictures.

Q Approximately how many of those were there?

A Eight, I should say.

Q And what happened when you were shown -- what, if anything, happened when you were shown these pictures?

A I was asked if I knew anybody among these, of these.

Q And did you look at these photographs?

A Yes.

Q When you were looking at them, was anyone holding them?

A No.

Q Where were the photographs?

A They were on my table in front of me.

Q Who laid them out in front of you on your table?

A A gentleman -- a gentleman of them.

Q At the time you had the photo, you were looking at the photographs, were you in control of them?

A Yes.

Q Did anyone suggest to you that you pick out a particular photograph in any way?

"MR. MOSCOWITZ: Wait.

"(Pause).

"MR. MOSCOWITZ: Let me ask: Who from your side is going to be doing the objections and handling this examination?

"MR. GONAKIS: Well if you don't want both of us to do it, Mr. Martin will.

"MR. MOSCOWITZ: Okay.

"What was --?

"INTERPRETER: He wants to hear --

"MR. MOSCOWITZ: Would you read back the last question please?

"(Read by reporter.)

"MR. MOSCOWITZ: Let me restate that question.

"Q At the time that you were looking at these photographs now in front of you, Government Exhibit 3, were you looking at the other set of photographs?

A No.

Q Were those photographs anywhere in your view?

A No. They went back into an envelope and away.

55C Doughton p 2 T 3 - GARDNER p 2 T 3
Q Mr. Horn, you stated previously that this Ivan was present at the gas chamber.

A. Given to Defendant
"Discovery" ✓

MINISTRY OF JUSTICE
MAIN COMMISSION
INVESTIGATING NAZI CRIMES
IN POLAND

L.dz. Zh. III/LH10/85/78

WARSAW, August 31, 1979
Aleje Ujazdowskie 11.

Mr. Martin Mendelsohn
US. Department of Justice
Office of Special Investigations
Criminal Division
1375 K Street, N.W., 2nd Floor
P.O. Box 28603
WASHINGTON, D.C. 20005

Dear Sir:

Enclosed we are forwarding to you information concerning Trawniki - it is a copy of an article from the "Hitler Camps on the Polish Soil 1939-1945", Warsaw 1979, p.523 - as well as the XXVI-th volume of the Bulletin of the Main Commission Investigating Nazi Crimes in Poland, Warsaw, 1975, with the article about Treblinka by Stanislaw Wojtczak.

Respectfully

(b)(7)(C) []

B
MINISTRY OF JUSTICE
MAIN COMMISSION
INVESTIGATING NAZI CRIMES
IN POLAND

L.dz. Zh. III/4410/85/78

WARSAW, August 31, 1979
Alaję Ujazdowskie 11.

Mr. Martin Mendelsohn
U.S. Department of Justice
Office of Special Investigations
Criminal Division
1375 K Street, N.W., 2nd Floor
P.O. Box 28603
WASHINGTON, D.C. 20005

Dear Sir!

With reference to your letter of July 27, 1979, 146-2-17, the Main Commission Investigating Nazi Crimes in Poland wishes to inform you that we do not have any data concerning Iwan Domagala, Liudas Kairys and Vladas Zajanckauskas.

Enclosed we are forwarding to you information concerning Treblinka - it is a copy of an article from the "Hitler Camps on the Polish Soil 1939-1945", Warsaw 1979, p. 723 - as well as the XXVth volume of the Bulletin of the Main Commission Investigating Nazi Crimes in Poland, Warsaw, 1977, with the article about Treblinka by Stanislaw Mojzyczka.

Respectfully

Director

Professor Dr. Czesław Pilichowski

8011167

until the middle of August, 1943, came to Treblinka from Sobibor, where from the spring of 1942 he built a similar center within the framework of "Action Reinhardt" and was its first commandant; previously he had taken part in the so-called Euthanasieaktion in the camp in Hartheim, Austria, where he murdered Germans who were psychiatrically ill; under his direction the extermination center in Treblinka was expanded and about 750,000 victims were murdered there. Stangl himself murdered prisoners. For his activity and the results achieved in the framework of "Action Reinhardt" he was awarded the military cross of first class merit, and on 12 February, 1943 H. Himmler promoted him to Polizeihauptmann and SS-Hauptsturmfuehrer. He was sentenced in 1970 by the National Court in Dusseldorf to life imprisonment, died in prison.

It is necessary to count further among the evil-doers the following Nazis: Suchomel Franz, SS-Unterscharfuehrer, responsible for the looting of gold and valuables, directing prisoners to the gas chambers, sentenced in 1965 to 6 years imprisonment; Tajdel Kurt, SS-Unterscharfuehrer, supervisor of road construction.

The guards, who were mostly recruited from Ukrainian nationalist, played a criminal role as well. All were volunteers and attended special training in the so-called Ausbildungslager in Iwanki.

The following names are among those known from the approximate 100 guards: Andrejew, Binben, Bondare Peter, Bondarenko Mikolaj, Dositrenko Piotr, Duszanko Flodor, Fedorenko Mikolaj, Genczural Mikolaj, Jeger Sasza, Jelentschuk Wasil, Kolaszniukow, Kostenko, Kowalenko, Loch, Marcsenko Iwan, Martoszenko Holzej, Melnik Teodozy, Mikoda, Nidoerelow Mikolaj, Onoprijenko-Daniel, Osyczanski Mikolaj, Pilzan, Polakov Leon, Rittich Aleksander, Rogoz, Rogow, Ruber Grigorij, Rudenko Wasyl, Safonow, Scheffal Mikolaj, Schischajew Wasil, Schwidkin Iwan, Sanykow Mikolaj, Skudowa, Strebel, Strojbar, Szulc, Tscherniawski, Wladimir, Urnau Jakub, Wasilenko Iwan, Woloszyn Wasyl, Worenkow.

INFORMATION FROM 60 MINUTES PROGRAM OF FEBRUARY 25th
RE: JOHN DEMJANJUK

NARRATION

JOHN DEMJANJUK JR.

Back in Cleveland, John Demjanjuk Jr. and his mother continued to hope that they might find new witnesses that would clear Demjanjuk. Those witnesses, they believe, are in Poland -- but his defense lawyers have been denied entry visas.

JOHN DEMJANJUK JR.

JOHN JR.

All we want to do is get into Poland, find the witnesses, people that are still living near Treblinka that were there at the time, yet we are unable to do so.

POLISH VILLAGE

NARRATION

We went to this small village about a mile from Treblinka that has changed little over the last forty years.

ED BRADLEY

BRADLEY

It was here that the Ukrainian guards came to get away from the camp. They bought vodka at a house over here from the Dudek family. The man known even to villagers here as Ivan Grozny -- Ivan the Terrible -- was a regular customer. He brought gold with him, gold he had taken from Jews at Treblinka, to pay for his vodka, and for the privilege of sleeping with Dudek's wife.

MARIA

NARRATION

Dudek's wife, Maria, still lives in the same house. She was afraid to talk to the camera, but told us she remembers those evenings with Ivan the Terrible, and she remembers his real name -- Ivan Marzcenko.

POLISH WAR BULLETIN
LIST

JOHN DEMJANJUK, SR.

JOHN DEMJANJUK IN
COURT

NARRATION

We found Ivan Marzcenko's name in the Polish War Crimes Commission in Warsaw, on a list of Ukrainian guards who were at Treblinka. And Ivan Demjanjuk? His name was not there.

DEMJANJUK

"I'm innocent, innocent, innocent. And God is my witness."

NARRATION

But the fundamental weakness of Demjanjuk's attempts to establish that innocence was his alibi... That POW camp where he claimed to have been all this time, was a transit camp where no prisoner stayed for longer than a few weeks.

EUROPA TRAVEL

/27/90

11:40

216 531 1703

*Excise*EMBASSY OF THE
UNITED STATES OF AMERICA

Poland

September 24, 1979

JO121

Mr. Martin Mendelsohn
U.S. Department of Justice
Office of Special Investigation
Criminal Division

1375 K St., N.W. 2nd Floor
P.O. Box 28603
Washington, D.C. 20005

Dear Mr. Mendelsohn:

Attached please find a letter from [] along with (b)(7)(D)
the informal translation, an information sheet concerning the
and a Biuletin issued by the []

Sincerely,

Gilbert E. Kindelan
Gilbert E. Kindelan

Second Secretary of the Embassy

RECEIVED

OCT 9 1979 mm

OFFICE OF
SPECIAL INVESTIGATIONS

288

548	Attached	71	71	Item 1. Deleted language consists of information gathered for attorney's use in preparing for <u>Damjanjuk</u> proceedings. ATYP Item 2. Name of non-witness third party of investigative interest withheld.	(b) (5) (b) (6) (7) (C)	RI RI
6 6	(continued)			Item 3. Name of third party not of investigative interest withheld. (Note: All deletions on first page of Item 548.)	(b) (6) (7) (C)	RI

Frank Walus

continued from page 23

also secured further documentation verifying Walus' claims.

Nixon submitted the material to Hoffman twice, asking for a new trial. Both times his plea was rejected. The same information was presented to the U.S. Court of Appeals, however, and on February 13, 1960, the higher court said the evidence "would almost certainly compel a different result in the event of a new trial." The court then called for a new trial.

The panel also took Hoffman—the colorful judge of "Chicago Seven" fame—to task for his "disturbing" rulings and behavior during Walus' trial. (Hoffman died on July 1, 1983.)

During the appeal period, the government's interests had been overseen by the U.S. attorney's office in Chicago; the trial had been handled by assistant U.S. attorneys William Conlon and John Gubbins.

Between the time the appeal was argued and the decision was handed down, however, the Office of Special Investigations had been established within the Justice Department. Its purpose was to handle the prosecution of all alleged war criminals in the country. The Walus case was consequently turned over to Special Investigations and its director, Allan Ryan.

"When the decision [on the appeal] came down," Ryan says, "I recall I had one very strong reaction: If this guy was guilty, we did not have a very persuasive case, and if he was not guilty, we did not have any business being in court at all."

He ordered a complete review of the evidence. All witnesses were re-interviewed. The authenticity of the documents and photographs introduced as evidence by Walus' lawyers was verified. Hundreds of people who should have known Walus if he had been in Kielce and Czestochowa were contacted. "To make a long story short, we tried to find out everything we could about what Frank Walus had done during the war and afterward," he says.

Ryan consulted the archives of a Polish government commission that had prosecuted war criminals. Its work was considered thorough and impartial, its records voluminous. What he found surprised him: There were no allegations against Walus or against anybody for whom Walus could have been mistaken, Ryan says. "That, by itself, is significant," he says. "It's like the old cliché of the watchdog that didn't bark. If a person had been involved in the SS or the Gestapo, there certainly would have been some mention of him."

On November 26, 1990, Ryan and then-U.S. Attorney Thomas Sullivan announced they were dropping all charges.

Even so, prosecutors still maintain they were correct in filing the charges in the first place. "I thought we had a solid basis to proceed with the case," says Conlon.

Says Gubbins: "If you had seven people come in and say he killed my father or he killed my friend, you're going to go with the case."

"As it wound up," Gubbins adds, "the trial was based on eyewitness testimony. But the memories were 35 years old. If anything, the Walus case showed that eyewitness testimony that old and related to that kind of conduct is not something that works well in our system of justice."

"I think the [prosecution witnesses] were honest people," Ryan says. "I have no reason to think they were perjuring themselves, perjury meaning, of course, intentionally lying. I think they probably did have somebody in mind. But Mr. Walus was not the person."

Walus figures he spent \$120,000 defending himself and says he is still more than \$40,000 in debt. He believes he should

be fully reimbursed for his expenses. The federal government, however, is barred by law from paying a defendant's attorneys' fees, even in a case like Walus' in which charges are dropped.

He still bristles, too, over the language of the government's final official statement on the case. In it, Ryan and Sullivan summed up the findings of the reinvestigation and concluded that a "striking absence" of evidence for the prosecution and "the undeniable weight of evidence" supporting Walus "compels the conclusion that we could not responsibly go forward with a retrial."

Then, noting that the government's evidence must be clear and convincing to revoke the citizenship of the accused, they went on: "In this case, the evidence plainly falls short of that standard. Under the circumstances, the choice is clear. The prosecution is over."

Walus insists, "They should have said I am innocent."

Why didn't they?

Ryan thinks they did. "I did not mean to imply that Walus is guilty and we just can't prove it. We did not want to leave that impression and we're sorry if Mr. Walus or anyone else thinks that is what we said."

"We made a mistake, okay?" Sullivan says. "But it was done in good faith; it wasn't done maliciously."

"It is one of the risks of life in the United States," he adds, "that if you are charged [by the government] with doing something you didn't do, you have to go through great expense to defend yourself. When it's all over, and you've been able to prove your innocence, nobody is going to pay you back. And nobody can compensate you for what you may have gone through. That is the way the system works."

"I have a pain, a really hard pain," Frank Walus says. "How can a government do such a thing? Before I came to United States and in the beginning, I thought there never be a better country than United States, honest country, good country, strong country. I was believing in