

General says OSI is unconstitutional

by Leo Scanlon

General John Bruce Medaris, U.S.A. (ret.), speaking at a July 23 Washington press conference called by the Coalition for Constitutional Justice and Security, accused the Justice Department Office of Special Investigations (OSI) of carrying out a campaign of persecution against leading American scientists, and called upon Congress to conduct an oversight review of the agency's activities. General Medaris warned that the tactics used by the OSI in the persecution of NASA scientist Dr. Arthur Rudolph, have "created a second class citizenship for naturalized citizens."

The Coalition for Constitutional Justice and Security (CCJS), an organization formed to defend the constitutional rights of U.S. citizens from the abuses of the OSI, called on Sen. Strom Thurmond to exercise his authority as chairman of the Senate Judiciary Committee, and conduct a review of the OSI's actions.

The CCJS pointed to the over-broad and vague language in the 1978 "Holtzman Amendment" to the Immigration and Naturalization Act, as the key to the current unconstitutional legal actions of the OSI.

The Rudolph case

The CCJS spokesmen documented the case of Dr. Arthur Rudolph, a German-American scientist who pioneered the American space effort, who has been chased from the country and is now residing in Germany, without any citizenship, as a result of threats made by the OSI.

The OSI alleged that Dr. Rudolph had withheld information about his alleged "participation in the slave labor system of Nazi Germany." The cited accusations were contained in a deposition conducted in the Soviet Union, by the KGB, of a former inmate in a camp associated with the Mittelwerk missile production facility.

Dr. Rudolph's accuser has never been allowed to leave the Soviet Union to testify in a U.S. court of law, and no American lawyer has been allowed to cross-examine him—yet the OSI considers this farce as sufficient proof that Dr. Rudolph had "concealed" information about his past. Dr. Rudolph has never been and is not now accused by any government, of committing any crime, at any time in his life!

"What the OSI is doing," Medaris continued, "depends on this issue of 'collaboration,' and what their argument

amounts to is this: ' . . . Dr. Rudolph did not commit suicide and have himself executed by the SS—therefore he is guilty!' . . . I have . . . testimony of witnesses, that Dr. Rudolph was threatened with execution by the SS if he did not stop his efforts to secure humane treatment for the laborers in the production facilities, and it has been long established that the SS, not the engineers, ran the labor camps.

"I am concerned about this issue not only because Dr. Rudolph is a great personal friend of mine," said Medaris, "but because there are fundamental constitutional issues at stake here. . . . These procedures arbitrarily deny constitutional rights to naturalized citizens . . . and it is important to note that naturalized citizens maintain and carry forward the cutting edge of our technology. . . . Most of the Nobel Prize winners from America have been naturalized citizens! We have not been able to create the educational conditions which duplicate this ability . . . so this is an issue which affects not only the SDI, not only our vital national defense, but all of our science and thus our way of life."

"I have been committed to the American concept of fairness and justice through my entire life, first as an officer of the United States Armed Forces, and now as a clergyman," stated Medaris, "and if there is any group of people we owe fairness to, it is this group of scientists suffering persecution at the hands of the OSI."

The OSI, it should be noted, is not really looking for war criminals. The violation they prosecute is, "concealing information about participation in religious, political or racial persecution. . ." on immigration questionnaires. These vague terms are the "Holtzman Amendment," violation of which carries a penalty, upon conviction, of loss of citizenship. The charge can only be leveled against a naturalized citizen.

In a civil trial, the accused has no right to a jury, and no right to a public defender. He is thus confronted with the worst possible circumstances: His costs will be enormous, he will have little likelihood of appeal, and if he successfully defends himself, he cannot recover his expenses. The Rudolph family concluded that the 80-year-old scientist, a victim of two heart attacks, would emerge from such an ordeal "both broke and dead." They convinced him to plead "nolo contendere," and "return to Germany, a man without a country."

To illustrate his point that the OSI activities are not confined to kangaroo-court judicial proceedings, Medaris produced a letter, written by the OSI, which stipulated the conditions under which an open hearing on this case would be held before the Senate. The letter demanded that "all of Dr. Rudolph's colleagues who had signed a letter in his defense would agree to testify with *no Fifth Amendment* guarantees against self incrimination . . . and that the U.S. government will disclose the contents of all files, *public and non public*, involving Dr. Rudolph and his colleagues."

Unfortunately, General Medaris reported that he has received no response to his personal letters to President Reagan and Senator Thurmond on this matter.