

# Office of Special Investigations: a profile of an American Gestapo

by Joseph Brewda

The Office of Special Investigations (OSI) is an investigative unit within the criminal division of the U.S. Department of Justice, which was created in 1979, purportedly to track down, denaturalize, and deport Nazi war criminals who had illegally entered and acquired citizenship in the United States. The unit had been created after a propaganda campaign beginning in 1972, and overseen by then-National Security Adviser Henry Kissinger, in coordination with the Anti-Defamation League of B'nai B'rith (ADL), the World Jewish Congress, the *New York Times*, and the Communist Party, U.S.A.; as well as the Soviet, British, East German, and Israeli governments. It is the only known prosecutorial unit whose staff is larger than its total highest-estimated case-load.

The public relations pretext used to form the OSI was the claim that the U.S. government had harbored Nazis, especially in the CIA and military establishment. Among the key propagandists of this claim was then-Congressman (now Brooklyn District Attorney) Elizabeth Holtzman, who had begun a high-profile campaign on this issue shortly after her election to Congress in 1972. Holtzman claimed that the Justice Department's Immigration and Naturalization Service (INS), under whose jurisdiction the deportation of any Nazi war criminal would then proceed, had failed to investigate and prosecute a hit-list of Nazi war criminals who had acquired U.S. citizenship.

The list that Holtzman claimed had not been investigated, had not been generated by the INS or other government agency. It had been given to the INS by Edgar Bronfman's World Jewish Congress in 1973, which joined with Holtzman and the Anti-Defamation League in calling for a new unit. But even the WJC did not originally concoct the list. Its author was Charles R. Allen, Jr., a former U.S. Naval Intelligence officer, who was also a U.S. Communist Party-linked propagandist and activist in the U.S.-East German Friendship Society. Allen became a de facto founder of OSI, and remains one of its key strategists to this day.

Allen's first known propaganda writings for such circles go back to 1952, when he authored a series of articles later published as a pamphlet under the title, "Concentration Camps U.S.A." Allen wrote that the imprisonment of communists under the McCarran Act was comparable to the Nazi death camp system. Allen later became the public relations director of the Communist Party-run United Electrical Workers.

In 1962-63, Allen wrote two pieces which prepared the way for the creation of the OSI. The first, "Nazi War Criminals in America," published by the Communist Party-linked magazine *Jewish Currents* and the Yiddish socialist paper *Morning Freiheit*, asserted that some 30 U.S. citizens had been Nazi war criminals, and that these criminals were being protected by U.S. agencies. Allen's main target was Dr. Hubert Stughold, then-director of Space Medicine at Brooks Air Force Base. It was this *Jewish Currents* hit-list, prepared by Allen, which was given to the INS, via the World Jewish Congress.

The second piece, "Heusinger and the Fourth Reich," libeled a West German military officer who had just been appointed director of NATO's military committee. Allen maintained that NATO was the reconstitution of the Fourth Reich, charged with fulfilling the Nazi ambition of enslaving eastern Europe. Allen was aided in this campaign by the World Jewish Congress. The claims against Heusinger originated with Moscow, which was then demanding the NATO commander's extradition to Moscow for war crimes trials.

By the mid-1960s, Allen, by then editor of *The Nation*, had been transformed into America's foremost Nazi-hunter, at least in Communist Party circles; Allen was, for such reasons, cited seven times in House Committee on Internal Security hearings. This, however, did not stop him from aiding Elizabeth Holtzman in founding OSI.

## Henry Kissinger's role

While Holtzman and Allen were spewing out their propaganda, Kissinger, operating on a much higher level of the establishment, was laying the diplomatic and legal groundwork for OSI's formation. This involved sensitive negotiations with Moscow.

As part of the diplomatic negotiations of the détente period, Kissinger ordered a team of U.S. federal prosecutors and attorneys to begin regular meetings with their counterparts in the Soviet Procurator General's office in 1971. The pretext for the contact was ostensibly concern over these Soviet prosecutors' treatment of Soviet Jews. These meetings created the channel later used to conduit Soviet "evidence" into U.S. courts.

The leader of the Kissinger team was Gen. Telford Taylor (ret.), the former U.S. prosecutor at Nuremberg. Taylor knew Soviet Procurator General Rudenko, who had led the Soviet

delegation to the same war crimes trials. Taylor was assisted in this mission by Walter Rockler, one of Kissinger's personal attorneys, who had also served at Nuremberg. Rockler later became the first director of OSI. They were aided by Alan Dershowitz, a Harvard law professor who is still a leading figure in the U.S. Zionist lobby.

Rudenko's role as an intermediary on such issues is ironic. He had helped oversee Stalin's murder of some 5 million Ukrainians through forced starvation in 1932-33. As a Soviet prosecutor, Rudenko also played a major role in prosecuting Stalin's show trials of the 1930s. Rudenko's Procurator General's office has supplied the OSI with almost all of its data.

From 1971, through Kissinger's meeting with Soviet Foreign Minister Andrei Gromyko in 1974, Taylor and his associates traveled on several occasions to Moscow to meet with Rudenko, nominally to lobby for Soviet Jewish interests which were one of the formal issues of the Kissinger-Gromyko talks. Simultaneously, and as part of a parallel back channel, Kissinger authorized Holtzman and her associates to make frequent trips to Moscow, to meet with the same Soviet Procurator General's office, to gather dossiers—especially dossiers against U.S. citizens. These trips continued even after the Kissinger-Gromyko talks ended.

In their propagandizing for the need to create the OSI, Holtzman and Allen claimed that the refusal of the U.S. government to cooperate with Soviet legal authorities, such as



*Henry Kissinger: He created the channel to Moscow that was used to conduit Soviet "evidence" into U.S. courts.*

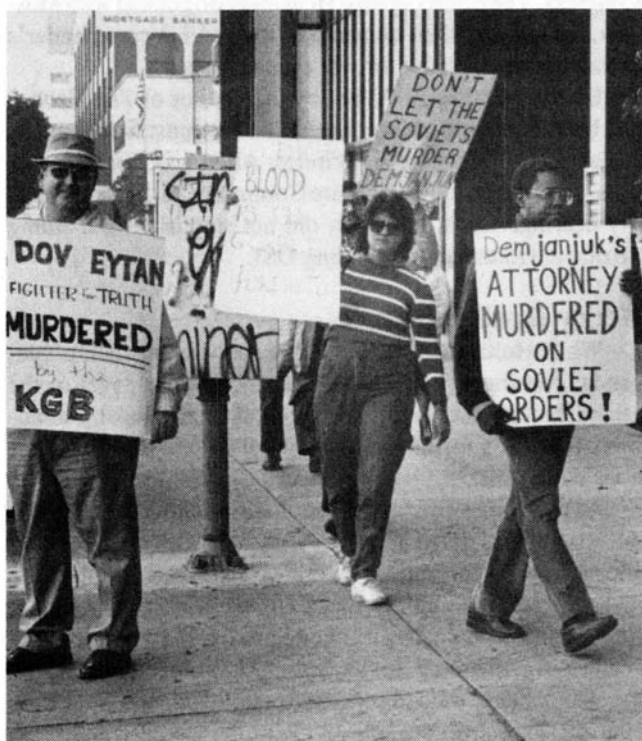
the Procurator General's office, against U.S. citizens, was as serious as INS malfeasance. Holtzman and Allen demanded that the necessary diplomatic and legal arrangements be made allowing Soviet witnesses to testify against the Americans on the Allen target list.

This demand for cooperation with Soviet legal authorities created opposition, even in the State Department. For example, Linwood Holton, then a State Department officer, objected, "Our only recourse would be to request the Soviet Ministry of Foreign Affairs to locate alleged eye witnesses . . . but we would have no way to verify the credibility." These objections were overridden.

This was the period of Watergate, and Holtzman was then also playing a prominent role in House Judiciary Committee hearings on the scandal. Two weeks after Richard Nixon resigned as President in 1974 and was replaced by Gerald Ford, Ford met with Kissinger—who by that time was secretary of state. Ford agreed to Kissinger's demand that the State Department approach the Kremlin on joint investigation of the WJC-Allen hit-list. Later, on Jan. 6, 1976, Ford approved a Kissinger memorandum authorizing U.S. agencies, for the first time, to work with the Soviets in investigating U.S. citizens. Simultaneously, Attorney General Edward Levi issued a ruling upon White House request, authorizing the Justice Department to introduce Soviet evidence in U.S. courts.

Having forced through these agreements, Kissinger had created all the necessary preconditions for establishing OSI. The project moved into the implementation phase.

To this end, Holtzman's sidekick Howard Blum wrote a rehash of Allen's 1962 book, entitled *Wanted! The Search for Nazi War Criminals in America*. The 1977 book, published



*Supporters of the Commission to Investigate Human Rights Violations demonstrate in Los Angeles following the 1988 murder of John Demjanjuk's lawyer, Dov Eytan.*

by the *New York Times*, was widely distributed in cheap paperback form to build mass support for the project. One of its main targets was Tscherim Soobzokov, a former Russian-Circassian national who was then a U.S. citizen and resident in New Jersey. Holtzman and her aides had been meeting with Soviet authorities on Soobzokov since their first trips to Moscow in 1973. One of the apparent reasons Soobzokov was chosen as a main target, was that he had been employed by the CIA in Jordan after the war, and had later, reportedly, been a back channel with the Palestine Liberation Organization. Soobzokov, they said, had been an important Nazi collaborator in eastern Europe, and slaughtered many Jews.

The Soobzokov case became the *cause célèbre* used to justify the creation of the OSI. In congressional hearings, press statements, interviews, and articles, Holtzman, Blum, and their collaborators repeatedly denounced the INS for its failure to denaturalize and deport Soobzokov. They cited this failure as a reason for forming a new unit charged with deporting Nazis.

Under such pressure, the INS created the Special Litigation Unit, specially charged to deal with Nazis. Its director, Martin Mendelsohn, later became one of the first heads of the OSI. Still later, the OSI was formed under the same pretext, outside of INS oversight entirely. For such reasons, deporting Soobzokov was one of the OSI's first goals. Then-Attorney General Benjamin Civiletti, newly appointed OSI director Walter Rockler, and Allan Ryan, who would succeed Rockler, flew to Moscow to meet Soviet Procurator General Rudenko in 1979-80 to gather evidence. Among the "evidence" they compiled was that against Soobzokov.

Unfortunately for the OSI, the case against Soobzokov was a fraud. It was so fraudulent that Soobzokov not only won the cases against him, but also successfully sued Blum and the *New York Times* for libel, winning several million dollars in judgment. Unfortunately for Soobzokov, he was assassinated in 1985, by a bomb planted at his New Jersey home, following demonstrations against him by the FBI-protected Jewish Defense League. Soobzokov had been repeatedly denied FBI protection, despite multiple death threats.

## Political targets

Who are the targets, what are the objectives?

Given such a history, it is hardly surprising that the OSI's cases—two dozen since 1979—have little to do with law enforcement, but rather with political objectives. Among the peculiar features of the OSI is that it has always been overseen by the Assistant Attorney General charged with maintaining liaison with the National Security Council.

For example, there was the OSI targeting of Dr. Arthur Rudolph, who was driven out of the United States in 1984 on the basis of Soviet charges conduited to the OSI. Rudolph, a top NASA scientist, was then advising the Strategic Defense Initiative research program, a source of considerable tension in U.S.-Soviet relations, and disruptive of the super-



*Elizabeth Holtzman: As a congressman in the 1970s, she spearheaded the effort to found the "Nazi-hunting" OSI.*

power condominium policy formulated by Kissinger (see page 34).

Austrian President Kurt Waldheim was another victim, barred from entry to the U.S. in 1986, although a head of state, solely based on a one-page memo prepared by the Soviet NKVD, the predecessor of the KGB, which the OSI had "discovered." The action against Waldheim occurred during the same period that the United States was successfully attempting to stop Austria from granting emigrating Soviet Jews international refugee status, thereby allowing them to emigrate to the United States. By closing down the Austrian route, which was the main route at the time, and simultaneously imposing a harsh quota on Soviet Jews entering the United States, the U.S. government forced these Jews to emigrate to Israel. The reported case-officer for the operation against Waldheim was not an OSI official at all, but was then-Deputy National Security Adviser Gen. Colin Powell.

Yet another major OSI case was that against Karl Linnas. Linnas died, supposedly of a heart attack, in his Russian cell in 1986, after being deported for war crimes he allegedly committed in wartime Latvia. Latvia had been seized by the Soviet Union in 1940 as part of the Hitler-Stalin Pact that divided up eastern Europe, and the United States had never formally recognized this conquest. But by deporting Linnas to the Soviet Union, for crimes allegedly committed in Latvia, the United States recognized Soviet jurisdiction over Latvia, thereby extending de facto approval to Moscow's seizure of the Baltic states. For similar reasons, the Bush administration later attempted to prevent the Baltic states from winning independence from the Soviet Union.

Then there is the case of Cleveland auto worker John

Demjanjuk, who was deported to Israel in 1986 for war crimes in Poland. One reason for the case was to extend de facto U.S. recognition of Israel's claim to legal jurisdiction over all Jews internationally. Hence, Demjanjuk, who had never set foot in Israel, was deported there for crimes he allegedly committed in Poland, before the Israeli state had even come into existence.

### **Undermining the rule of law**

In addition to meeting such political objectives, the OSI has also been used to introduce Nazi-like legal practices into the U.S. court system.

One important achievement was to undermine traditional rules of evidence by allowing the introduction of testimony of witnesses taken from Soviet trials, and the documents of Soviet prosecutorial and intelligence agencies. Moreover, the frequent inability of defense attorneys to question these witnesses, because of Soviet unwillingness or because of the death of the individual, allowed the Justice Department to eliminate the fundamental right of a defendant to confront his accusers.

Even where witnesses have been produced on U.S. soil, the effects have been no less devastating to U.S. law. In most OSI cases, the only witnesses offered in the United States against its victims, have been over-wrought, elderly, former concentration camp inmates, testifying on events that happened at least 35 years earlier, during wartime. In many instances these witnesses had been "discovered" through the aid of special World Jewish Congress and ADL "Nazi-hunting units" that had been established to aid the OSI. In all instances, the OSI cases are surrounded by massive, sensationalist press coverage, of the sort typifying the 1950s McCarthy period.

Moreover, since OSI cases are technically only of a civil nature, dealing formally with denaturalization and deportation, civil rules of evidence apply. Unlike criminal trials, U.S. civil procedures allow the admissibility of hearsay evidence. Yet a person who is convicted in this civil procedure does not suffer merely a fine, but deportation to Russia or Israel, and a long prison term or death. This cynical use of the letter of the law, in violation of its intent, is not the least of the abuses pioneered by the OSI.

Additionally—and this has been one of its main purposes—OSI operations have attempted to criminalize whole generations of Germans and Austrians, as well as many eastern Europeans who lived through World War II. If having merely been a 20-year-old German Army lieutenant, as Waldheim was, can be considered evidence of complicity in Nazi war crimes, then the sky is the limit. Ironically, the refusal of the Nuremberg war crimes tribunal to try the American and British financiers who put Hitler in power, and their exoneration of such central figures as Nazi Economics Minister Hjalmar Schacht, makes a mockery of any pretense of putting the final nail in the Nazi coffin.

## **OSI targets science: the Rudolph case**

by Marsha Freeman

Even before the Office of Special Investigations (OSI) came into existence, a major target of the U.S.-Soviet apparatus that created it has been the scientific and military capability of this nation. The targeting of the German scientists who came here voluntarily under Operation Paperclip at the end of World War II with Wernher von Braun, has had the purpose, not of prosecuting Nazi war criminals, but frightening the scientists, attacking the National Aeronautics and Space Administration and the entire space program, and destabilizing the Strategic Defense Initiative (SDI).

Dr. Rudolph, who was intimidated and blackmailed into leaving the United States and relinquishing his American citizenship in 1984, was not personally targeted because his alleged crimes during the war were particularly heinous. He was singled out because he was 77 years old and in frail health, living in California, isolated from the rest of the German rocket team, 2,000 miles away in Huntsville, Alabama.

The effort to tar the German scientists with a Nazi brush by the East German intelligence agency, the Stasi, started soon after the war, with the conduiting of forged documents by East German agent Julius Mader to the West. These documents consisted of supposed witness testimony alleging Nazi war crimes by various members of the von Braun team. In the 1960s, there were efforts to bring von Braun himself to trial, but these went nowhere, as the nation was in the midst of the Apollo program to land a man on the Moon, for which von Braun was not only a key scientist, but a popular spokesman.

By the early 1980s, however, with von Braun gone, many of the scientists in their later years, and the increasing push from Lyndon LaRouche and advisers to the Reagan White house to develop a "beam weapon" strategic defense against ballistic missiles, the OSI offensive against the German rocket scientists accelerated.

In 1984, the book *Arming the Heavens*, by Jack Manno, made the case quite clearly, by stating that the horrible weapons being developed as part of President Reagan's SDI were initially thought of in the 1940s by "Hitler's Nazi rocket scientists."

In September 1982, Arthur Rudolph received a letter from the OSI asking him to meet with investigators to answer questions about his activities from 1939 through 1945. Though the letter said he could bring a lawyer, Rudolph, believing he had done nothing warranting such treatment, went alone, carrying a bundle of 40-year-old documents. A