

DOJ: 'Hang Demjanjuk even if he's innocent'

by Jeffrey Steinberg

The U.S. Department of Justice has once again been caught in bed with the dope lobby's Anti-Defamation League (ADL). This time, the DOJ has filed a viciously worded attack against the U.S. Sixth Circuit Court of Appeals in Cincinnati, Ohio for daring to intercede in the department's Office of Special Investigations' (OSI) judicial lynching of John Demjanjuk.

Between 1986-88, Demjanjuk, a Ukrainian-born naturalized American, was stripped of his U.S. citizenship, extradited to Israel, tried, and convicted on fraudulent charges that he was the World War II Treblinka concentration camp guard known as "Ivan the Terrible."

One critical piece of evidence used in the frameup of Demjanjuk was a forged World War II identification card that was provided to the OSI by the Soviet KGB. Department of Justice (DOJ) attorneys relied heavily on the KGB-manufactured document in pressing their case for Demjanjuk's denaturalization and eventual extradition to Israel, a country he had never even visited. Collusion with the KGB and private agencies, like the staunchly Zionist organized crime-linked ADL, has been a hallmark of the OSI since its establishment by an act of Congress in 1979.

In 1988, an Israeli court sentenced John Demjanjuk to death by hanging. He has been sitting in an Israeli maximum security prison ever since. In early June, Demjanjuk's Israeli attorney completed his appeal argument before the Israeli Supreme Court

Also in June, the Sixth Circuit Court of Appeals reopened the Demjanjuk case on the grounds that massive amounts of new evidence had been uncovered by Demjanjuk's attorneys and family showing that the DOJ had withheld critical documents proving Demjanjuk's innocence. Some of those documents were in the DOJ's files since 1978, i.e., before the OSI moved to strip the retired Cleveland auto worker of his

citizenship and extradite him to Israel.

The Sixth Circuit took the extraordinary step of reopening the case on June 3, after senior DOJ officials, led by Assistant Attorney General John Mueller III, stonewalled for six months in answering the court's simple requests for a status report on the DOJ's internal probe of the case.

On June 5, the court issued an order which stated in part that the DOJ "on or before July 15, 1992, shall file with the court a brief describing any items of evidence of any kind of which it has knowledge, tending to show that the petitioner-appellant, Demjanjuk, is not the 'Ivan the Terrible' who committed war crimes at the Treblinka death camp . . . together with a statement of approximately when agents of the United States first learned of each such item of evidence."

The Justice Department document submitted to the court on July 15 is a telling indictment of the Nazi-like doctrine of law practiced by the Bush administration, in league with outfits like the ADL, which has played a prominent role in every facet of the Demjanjuk frameup.

The basic thrust of the DOJ response was that the court had no business interfering in the case since Demjanjuk had been stripped of his U.S. citizenship back in 1986 and, therefore, he had no standing before an American court: "Because Demjanjuk is in Israeli custody and is no longer a United States citizen, it is the government's position that this court lacks jurisdiction to reconsider the validity of the extradition warrant, to reopen the extradition proceedings, or to enforce the rule of specialty."

The argument that Demjanjuk was technically ineligible for a day in court regardless of the substantive evidence of his innocence, is Nazi law. The idea that technicalities take precedence over the truth has become a battle cry of prosecutors in the United States. Virginia State Attorney General Mary Sue Terry used the same argument to insist that Roger

Keith Coleman be executed for a murder that he may not have committed, because his attorneys were one day late in filing a notice of appeal. Coleman died in the electric chair in May.

For good measure, the DOJ added that even if the court rejected its argument that it had no business interfering in the case on the basis of the “procedural” logic stated above, the court should not reverse its decision, since the OSI only had to show probable cause to ship Demjanjuk off to Israel stripped of his citizenship.

Nowhere in the 63-page legal brief or the 700-plus pages of appended documents did the DOJ provide the court with the exculpatory evidence it was ordered to produce.

Hard-line defense

The Demjanjuk defense was to present a brief before the court on July 25, itemizing the documentation in its possession that proves that Demjanjuk was not the Treblinka guard known as “Ivan the Terrible.” Affidavits by 21 Treblinka guards given at the close of World War II identified another man, Ivan Marchenko, as the mass murderer at Treblinka.

One of the key witnesses at the Demjanjuk show trial in Israel, Treblinka survivor Elijah Rosenberg, had signed a sworn affidavit in the late 1940s, identifying Marchenko as “Ivan” and claiming that he and another inmate had killed Marchenko before the liberation of the camp. Rosenberg recanted that testimony 40 years later and helped secure the frameup conviction of Demjanjuk. The DOJ brief to the Sixth Circuit, while citing Rosenberg as one of the OSI’s prime witnesses, failed to even mention the postwar affidavit, even though it was exculpatory.

DOJ brief echoes ADL line

On July 6, Elliot Welles, the director of the ADL Task Force on Nazi War Criminals, in a letter to the editor of the *Washington Post*, demanded that the appeals court refrain from even reconsidering Demjanjuk’s extradition. Welles, who formerly ran the ADL office in Israel, is the ADL’s liaison to the OSI. The ADL has been a pivotal ally of the OSI attorneys, often providing the Justice Department with “witnesses” and even occasionally with so-called documents. The ADL also played an important role in building the links between the OSI and Soviet bloc secret police agencies. Top ADL official Edgar Bronfman, an heir to the Prohibition-era gangster fortune, was an important contact point to the now defunct communist regime in East Germany. It was East Germany’s Stasi (state security service) which surfaced the original list of “Nazi war criminals” who have been targeted by the OSI since the 1970s.

The ADL has a big stake in defending the OSI. That vested interest was evident in Welles’s letter to the *Washington Post*. Ignoring the new evidence presented before the Israeli Supreme Court, Welles ranted:

“Regardless of the final outcome of the Demjanjuk case, there is little doubt [sic] that John Demjanjuk engaged in the

persecution of Jews while serving as a concentration camp guard during World War II. There is also little doubt that he lied about his wartime activities when he entered the United States and that evidence of his deception warranted his denaturalization and deportation. . . . Therefore, under no circumstances should he be allowed to return to Cleveland.”

On the same day of Welles’s letter, OSI officials delivered the same warning in a feature story in the *New York Times*.

Neal Sher, the current director of the OSI, arrogantly told *New York Times* reporter Tamar Lewin: “There’s never been a case in which we had the wrong person, Demjanjuk included.”

Eli Rosenbaum, a long-time ADL ally and the current vice director of the OSI, sounded more like a Nazi than a Nazi-hunter when he told the *New York Times*: “Our biggest accomplishment is probably changing the perception in what we might call the community of Nazi criminals who have found refuge here. A decade ago, to a man, they thought they had gotten away with it, and were looking forward to a peaceful retirement. That’s not true now. They all live in fear of receiving word from our office that we are on to them. They fear the knock on the door.”

But Elan Steinberg, the executive director of Edgar Bronfman’s World Jewish Congress, betrayed the fear now beginning to surface in ADL ranks that the Demjanjuk case could expose the criminal misconduct of the Department of Justice and the Zionist lobby. He told Lewin: “Anybody who has said Demjanjuk should be released at this point is being reckless and irresponsible. We are talking about someone that both documentation and eyewitnesses placed at death camps, places where Jews were taken solely to be killed. There has been a widespread campaign to put a stop to the prosecution of Nazis by the nuts who say there was no Holocaust and by the emigré groups. A central concern of mine is that some individuals are seizing on this case to try to shut down the OSI.”

Indeed, Steinberg has good reason to fear that the OSI’s days may be numbered. Already, two members of Congress, Reps. James Traficant (D-Ohio) and Mary Rose O’Kear (D-Ohio), have called for the House Judiciary Committee to open a full investigation of the OSI. Traficant has called for Neal Sher and former OSI director Alan Ryan to be jailed for their criminal conduct in the frameup of Demjanjuk. And sources close to the Demjanjuk defense team say that there are many prominent attorneys preparing to file *amicus curiae* briefs against the government with the Sixth Circuit. Even *New Republic* magazine, a bulkwark of Zionist lobby political influence, recently featured a prominent advertisement for a new Harvard University Press book, *Identifying Ivan*, which tears apart the government’s evidence against Demjanjuk.

On Aug. 11, the Sixth Circuit will hear oral arguments on whether to grant a *habeas corpus* motion to reverse John Demjanjuk’s extradition.