

RECORD COPY

OLL 85-0546/1
19 March 1985*WTR
Criminal*MEMORANDUM FOR THE RECORD *f*

Subject: Hearing Before the Subcommittee on Juvenile Justice, Senate Committee on the Judiciary, on the Search for Dr. Josef Mengele, Nazi War Criminal

1. The second hearing on the above-captioned subject (see MFR dated 19 February 1985, OLL 85-0546), was held at 10:00 a.m. today in Room 226 Dirksen Senate Office Building. The following Members were present:

Arlen Specter (R., PA), Chairman
Alfonse M. D'Amato (R., NY) (invited Member)
Paul Simon (D., IL)
Mitch McConnell (R., KY)
Howard M. Metzenbaum (D., OH)

2. The first three Members listed each made opening statements but only Senator D'Amato's was printed and distributed. The latter two Members arrived during the hearings and did not make statements. A copy of the Witness List is attached along with the prepared statements read by each of them.

3. The first witness, Congressman James J. Florio (D., NJ), read his statement into the record. At the conclusion of Mr. Florio's statement, Senator Specter asked whether he believed Dr. Mengele is still alive today. Mr. Florio responded that even if Dr. Mengele is not alive, and he believes he is, the hearings have a validity for the purpose of legislative oversight to see how the agencies have interacted in the past. Mr. Florio politely attempted to dissuade Senator Specter from proceeding with legislation he proposes that would allow (the U.S. Government) to move into a country and take by force terrorists located in that country, with or without consent of that government, if legal extradition is not possible. Mr. Florio cautioned that it could be a double-edged sword.

4. The second witness, Stephen S. Trott, Assistant Attorney General, Criminal Division, Department of Justice (DOJ), gave a brief report on the role of the U.S. Government in its efforts to capture Dr. Mengele. In response to Senator D'Amato's question, Mr. Trott said that his office is being

given cooperation at the highest levels by other government agencies. Senator Simon questioned Mr. Trott on the attachment to his prepared statement which listed expulsions of Nazi war criminals from the United States, ongoing investigations, and decisions in ongoing litigations, and asked what happened to these Nazis following their expulsions and what might happen to Mengele after he is captured and deported to some other country.

Mr. Trott replied that there is no law in this country to cover this; the U.S. cannot prosecute people located under this program (to locate and deport war criminals). We can only deport them because they lied to get into this country.

5. Mr. Trott went on to explain that both West Germany and Israel have warrants out for Mengele and those countries would attempt to get him extradited there.

6. Senator Metzenbaum questioned Mr. Trott at length, first in asking him the degree of cooperation Justice has received from the CIA, and then repeatedly asking Mr. Trott what DOJ (or anyone else) was doing about Paraguay and what was the extent of the Drug Enforcement Agency's involvement in the investigation. Mr. Trott responded that CIA cooperation has been good and believes he will continue to get good cooperation from the CIA. Several times he politely declined to go into any details regarding Mengele being involved in drug trafficking and cited the need for confidentiality on what Justice, Office of Special Investigations (OSI), is doing in Paraguay.

7. This was followed by a lengthy exchange between Senator Metzenbaum and Mr. Trott on the competency of the U.S. Marshal's being used to assist in the investigation (Mr. Trott noted that Marshal candidates are sponsored by U.S. Senators, but went on to defend their competency, at least since 1981.)

8. In response to Senator Specter's query about some 800 former enemies brought in between 1945 and 1955 to work on projects like Overcast, then Paperclip, Mr. Trott commented that he did not have enough personal information on that subject, but that belonging to Paperclip did not make anyone immune from OSI's investigation.

9. Senator D'Amato did not ask Mr. Trott any questions, but wanted it stated for the record that "Mr. Casey--a nice fellow--assured me personally of his full cooperation in this investigation" and that Secretary Shultz also indicated to him that this investigation is a priority matter for State in terms of cooperation, and the same for Secretary of the Army John Marsh.

10. The next witness, Mr. Gerald L. Posner, read his prepared statement into the record and then asked the Committee to:

- a) direct the appropriate U.S. government agency to make an official request to the International Red Cross for its file on Josef Mengele; and
- b) direct an investigation to determine the extent of possible U.S. Government postwar involvement with Dr. Mengele, especially in light of allegations that a Major Frederick Schwend, also a Nazi war criminal, aided Dr. Mengele to escape to Italy--with the approval of U.S. intelligence agencies.

Both Senators D'Amato and Specter urged Mr. Posner to work closely with the Office of Special Investigations, since it was apparent Mr. Posner has enough information to tie Schwend with the Counter-Intelligence Corps (CIC).

11. The last two witnesses appeared together: Rabbi Morton M. Rosenthal and Elliot Welles, both of the Anti-Defamation League (ADL) of B'nai B'rith, New York. Only Rabbi Rosenthal had a prepared statement. Rabbi Rosenthal cited the case of Walter Kutschmann whom the ADL is convinced is living now in Argentina under the pseudonym "Pedro Ricardo Olmo." He said the ADL had brought this to the attention of Argentina's Foreign Minister, but Kutschmann remains free. Senator Specter said he would press the State Department on this case.

12. Mr. Welles commented that the U.S. Government should push with all countries which have information and request they pursue all leads, and that U.S. intelligence agencies should identify all known Nazis and have action taken to apprehend them. He then mentioned the case of war criminal Otto Bruner, whom he knows is living in Damascus, Syria, under the name of George Fisher. In conclusion he stated that , OSI, asked him to turn over to him all documentation and OSI will follow up on the ADL's leads.

STAT

13. The hearing ended about 12:00 Noon.

STAT

Office of Legislative Liaison
Liaison Division

Attachments

Distribution:

- ✓Original - OLL Record w/atts
 - 1 - OLL Chrono w/o atts
 - 1 - D/OLL w/o atts
 - 1 - DD/OLL w/o atts
 - 1 - DDO/IMS/[redacted] w/atts
 - 1 - OGC [redacted]) w/atts
 - 1 - LD/OLL [redacted] w/o atts
 - 1 - C/LEG/OLL w/atts
- LD/OLL: [redacted] gg (26 March 1985)

STAT
STAT
STAT
STAT

A Hearing
To Consider Issues Relating to the Search
for Dr. Josef Mengele

Before the
Subcommittee on Juvenile Justice
Committee on the Judiciary

United States Senate

March 19, 1985

10:00 a.m.

226 Dirksen Senate Office Building

Witness List

1. The Honorable James J. Florio, Congressman from the State of New Jersey, United States House of Representatives.
2. Stephen S. Trott, Assistant Attorney General, Criminal Division, Department of Justice, Washington, D.C.
3. Gerald Posner, Esquire, New York.
4. Rabbi Morton M. Rosenthal, Director, Latin American Affairs Department, and Elliot Welles, Director, Task Force on Nazi War Criminals, Anti-Defamation League of B'nai B'rith, New York.

U.S. Senator Al D'Amato

of New York

newsnewsnewsnewsnews

19 MAR 85

SENATOR ALFONSE D'AMATO
OPENING STATEMENT
SUBCOMMITTEE ON JUVENILE JUSTICE
HEARING ON DR. JOSEF MENGELE

MR. CHAIRMAN:

I AM PLEASED TO BE HERE TODAY TO JOIN IN THIS SUBCOMMITTEE'S REVIEW OF EFFORTS TO LOCATE DR. JOSEF MENGELE, THE MOST INFAMOUS SURVIVING NAZI WAR CRIMINAL. AS I AM NOT A MEMBER OF THIS COMMITTEE, I ESPECIALLY WANT TO THANK THE CHAIRMAN FOR HIS COURTESY IN ALLOWING ME TO JOIN HIM AND THE OTHER DISTINGUISHED MEMBERS OF THE JUVENILE JUSTICE SUBCOMMITTEE FOR THIS MORNING'S HEARING.

THE ROLE OF THE UNITED STATES SENATE IS NOT TO CATCH MENGELE. OUR ROLE IS ONE OF OVERSIGHT -- WE ARE HERE TO MAKE CERTAIN THAT THOSE WHO ARE CHARGED WITH THE RESPONSIBILITY AND PROVIDED WITH THE AUTHORITY AND THE RESOURCES TO LOCATE AND APPREHEND MENGELE ARE DOING A GOOD JOB.

MY QUESTIONS THIS MORNING WILL FOCUS ON HOW SERIOUSLY WE ARE PURSUING THIS GOAL AND WHETHER WE CAN DO BETTER. FROM WHAT I UNDERSTAND ABOUT THE RESULTS OF THE ATTORNEY GENERAL'S DECISION TO SEARCH FOR AND APPREHEND MENGELE, I AM FAVORABLY IMPRESSED. I BELIEVE, HOWEVER, THAT THIS SUBCOMMITTEE AND THE AMERICAN PEOPLE NEED TO KNOW MORE.

IT IS NOT NECESSARY FOR US TO INQUIRE INTO THE INVESTIGATIVE LEADS THE DEPARTMENT OF JUSTICE IS FOLLOWING. NAZIS READ THE NEW YORK TIMES TOO, AND IT DOES NOT HELP US ACHIEVE THE ULTIMATE GOAL -- CAPTURING MENGELE -- IF WE DISCUSS IN PUBLIC MATTERS DIRECTLY RELATING TO THE CURRENT INVESTIGATION. HOWEVER, THERE ARE MATTERS WHICH CAN AND SHOULD BE DISCUSSED AND RELATE DIRECTLY TO THE PROPER EXERCISE OF OUR OVERSIGHT FUNCTION.

United States Senate / Washington, D.C. 20510 / (202) 224-6498

Regional Offices: New York (212) 947-7390 / Albany (518) 463-2244 / Syracuse (315) 423-5471 / Buffalo (716) 846-4111 / Rochester (716) 263-5866

I AM CONFIDENT WE HAVE A REAL CHANCE TO CAPTURE MENGELE, BUT THIS CHANCE MAY BE WASTED IF THE UNITED STATES GOVERNMENT DOES NOT PULL TOGETHER AND FOCUS ITS CONSIDERABLE RESOURCES ON THIS ISSUE.

AT THE BEGINNING OF THIS EFFORT, I WROTE TO THE PRESIDENT'S NATIONAL SECURITY ADVISOR, THE DIRECTOR OF CENTRAL INTELLIGENCE, AND THE SECRETARY OF THE ARMY REGARDING THE NEED FOR A UNIFIED EFFORT TO LOCATE AND APPREHEND MENGELE. I HAVE SINCE SPOKEN TO THE SECRETARY OF STATE ON THIS MATTER.

I WANT TO KNOW WHAT IS GOING ON TO PULL TOGETHER THE GREAT RESOURCES OF THE FEDERAL GOVERNMENT IN SUPPORT OF THIS EFFORT. I HAVE EVERY RESPECT FOR THE EXPERTISE AND ABILITIES OF THE OFFICE OF SPECIAL INVESTIGATIONS IN THE JUSTICE DEPARTMENT. HOWEVER, THEY HAVE, IN THE PAST, BEEN TARGETED ON NAZIS IN THIS COUNTRY. THEY DO NOT HAVE EXPERIENCE SEEKING WAR CRIMINALS IN FOREIGN COUNTRIES.

ALSO, OSI DOES NOT HAVE THE PERSONNEL, ON ITS OWN, TO STAGE A MASSIVE INTERNATIONAL SEARCH FOR MENGELE. SUCH A SEARCH WILL REQUIRE THE INVOLVEMENT OF THOSE U.S. AGENCIES WHO NORMALLY OPERATE IN THE INTERNATIONAL ARENA, HAVE CONTACTS AND PERSONNEL THERE, AND WHO, IF THEY ARE SO MOTIVATED, CAN ACTUALLY TRACK DOWN MENGELE.

I RECOGNIZE THAT, FOR THIS EFFORT TO BE A SUCCESS, MANY ASPECTS OF THE EFFORT WILL HAVE TO REMAIN CONFIDENTIAL UNTIL IT IS OVER. HOWEVER, THAT DOES NOT PREVENT ME FROM ASKING THE KEY QUESTIONS AND DEMANDING ANSWERS. IF THE INFORMATION IS TOO SENSITIVE FOR PUBLIC DISCUSSION, IT DOES NOT MEAN THAT IT CAN NOT BE PROVIDED TO THE SUBCOMMITTEE IN PRIVILEGED FORM. WHERE IT INVOLVES FOREIGN POLICY OR NATIONAL SECURITY MATTERS, IT MAY EVEN BE CLASSIFIED. BUT I WILL NOT STAND BY AND ACCEPT VAGUE ASSURANCES THAT ALL IS GOING WELL, THUS ABDICATING MY RESPONSIBILITY TO MAKE CERTAIN THAT SUCH STATEMENTS ARE SUPPORTED BY FACTS.

THE CENTRAL ISSUES HERE, AS I SEE THEM, ARE THE FOLLOWING:

- THE ESTABLISHMENT OF A COORDINATED UNITED STATES EFFORT TO LOCATE AND APPREHEND MENGELE;

-- THE CREATION OF A COORDINATED INTERNATIONAL EFFORT AMONG THOSE STATES SEEKING HIS ARREST AND TRIAL, AND

-- THE PROVISION, BY THE SENATE AND HOUSE, OF BOTH ADEQUATE RESOURCES IN PERSONNEL AND FUNDS AND OF NECESSARY STATUTORY AUTHORITY TO SUCCESSFULLY CONDUCT THE COORDINATED SEARCH FOR MENGELE.

THESE ARE THE MATTERS I INTEND TO PURSUE HERE. WHILE I WILL NOT PRESS THE JUSTICE DEPARTMENT TO ANSWER IN OPEN SESSION QUESTIONS ABOUT SENSITIVE MATTERS WHICH MAY JEOPARDIZE THE INVESTIGATION, I DO WANT COMPLETE ANSWERS ON THESE ISSUES. IF THEY MUST BE PROVIDED FOR THE RECORD, I WILL ACCEPT AND I BELIEVE MY COLLEAGUES WILL ACCEPT SUCH RESPONSES, BECAUSE WE ALL SHARE THE SAME OBJECTIVE -- CATCHING THIS BLOODY-HANDED MASS MURDERER AND BRINGING HIM TO JUSTICE.

THERE ARE OTHER ISSUES OF IMPORTANCE ASSOCIATED WITH THIS CASE -- SUCH AS U.S. KNOWLEDGE OF, AND POSSIBLE INVOLVEMENT WITH, MENGELE AFTER WORLD WAR II IN GERMANY. WE MUST HAVE ANSWERS TO THESE QUESTIONS AS WELL. BUT OUR SEARCH FOR HISTORICAL TRUTH MUST NOT BE ALLOWED TO IMPEDE OUR SEARCH FOR THE LIVING MENGELE.

MENGELE MUST BE FOUND, HE MUST BE CAPTURED, HE MUST BE TRIED, AND, IF CONVICTED, HE MUST BE PUNISHED FOR HIS CRIMES.

THANK YOU, MR. CHAIRMAN.

PREPARED STATEMENT OF
HON. JAMES J. FLORIO (D--NJ)
U. S. HOUSE OF REPRESENTATIVES
BEFORE THE SUBCOMMITTEE ON JUVENILE JUSTICE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
MARCH 19, 1985

Mr. Chairman, I would like to thank you for holding this hearing today and for giving me the opportunity to testify in support of efforts to investigate the whereabouts and activities of Dr. Josef Mengele.

The Holocaust was one of the most tragic chapters in the history of mankind. The senseless execution of more than ten million innocent people by the Nazis during World War II was a tragedy that affected not only the Jewish people, but all of humanity. As a Member of Congress concerned about the horrors of the Holocaust, I am disturbed by recent reports that Dr. Josef Mengele, the most notorious Nazi war criminal still at large, has been living in freedom for forty years.

Dr. Mengele, known as the "Angel of Death" of the Auschwitz concentration camp, committed heinous crimes against humanity in an effort to create Hitler's "master Aryan race." This evil fiend, whom Anne Frank called the "Angel of Extermination," determined with a flick of the wrist who would die outright in the gas chambers and who would be "spared" to die a slow death of torment and mutilation in his laboratory. He would use the ones he "spared" as human guinea pigs. Often, they were twins or young children. If one of the twins died during the experiment, the other would then be killed since Mengele would have no further use for the child.

Mengele would inject chemicals in the brown eyes of his victims to change their color to blue. He tossed live babies in ovens and wired victims with electrodes to test their threshold for electric shock. He once promised a special milk porridge for expectant mothers who were gassed once they had gathered together. He was known to have sent a barracks of 700 Gypsies to the gas chambers simply because of a report that their barracks was infected by lice.

Many of the survivors of Mengele's cruelties are living today with their memories of Hell and horror. We owe it to the victims of the Holocaust to investigate every credible lead on Mengele. We do not seek vengeance; we seek justice.

For this reason, I introduced H. Con. Res. 82 on March 7, 1985, with the support of 37 of my colleagues. My resolution puts the Congress on record for supporting efforts to investigate Dr. Mengele and his activities. It is vital that we send a signal to the international community that we must never forget the horrors of the Holocaust nor those responsible for them. We must forever fix the horror in the minds of men, remind them of this evil and, hopefully, prevent any repeat.

My resolution urges that an international task force be established with the help of the West Germans and the Israelis to supplement the efforts of our Office of

Florio testimony

Page two

Special Investigations (OSI). This would enable a concentrated effort to find Mengele and bring him to justice. Furthermore, H. Con. Res. 82 calls on all the appropriate U.S. agencies to cooperate and share their files. Reports have said that the U.S. Army twice had Mengele in custody only to release him because the Army did not have the information our State Department possessed.

Lastly, my resolution urges that the United States officially request the governments of countries that may have hosted Mengele (Paraguay, Brazil, Argentina, Bolivia and Uruguay) to launch internal investigations and share their archives with the United States. The cooperation of these nations is vital to this effort.

The investigation recently launched by the OSI and efforts such as this hearing are to be commended. In the interest of justice and human rights, we must continue our efforts with renewed fervor and leave no stone unturned. We owe it to the victims of the Holocaust and to those that still endure its horrors. By prosecuting Josef Mengele and by recalling this tragedy, we can hope to ensure that such a calamity will never again be repeated in the history of mankind. Only when we begin to study, to analyze, to question and to remember, can we honestly say, "Never Again!"



Department of Justice

STATEMENT

OF

STEPHEN S. TROTT
ASSISTANT ATTORNEY GENERAL
CRIMINAL DIVISION

BEFORE

THE

COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON JUVENILE JUSTICE
UNITED STATES SENATE

CONCERNING

INVESTIGATION OF JOSEF MENGELE

ON

MARCH 19, 1985

On February 6, 1985, Attorney General William French Smith directed the Criminal Division to conduct a thorough and complete investigation into matters involving Josef Mengele, the notorious "Angel of Death" at the Auschwitz Concentration Camp. The scope of the inquiry directed by the Attorney General is intentionally broad and all encompassing. It is designed to allow us to determine what if any contacts this government had with Mengele following the end of the War, whether he ever entered the United States, and if so, under what circumstances, how Mengele left Europe and made his way to South America, and finally, to locate him and bring him to justice.

Within the Criminal Division, the Office of Special Investigations is ideally suited to play a pivotal role in conducting much of this inquiry. This Office has a remarkable track record in identifying Nazi war criminals living in the United States and taking legal action to strip them of citizenship and deport them from this country. Moreover, they have developed a unique expertise when it comes to understanding events immediately following World War II, including escape routes utilized by Nazis fleeing from the Allies. A detailed listing of the accomplishments of the Office of Special Investigations during this last year is attached.

To complement the Office of Special Investigations' efforts and compensate for their lack of specialized investigative personnel to focus on ascertaining Mengele's current whereabouts, the Department of Justice has directed that the Marshals Service

- 2 -

work with the Office of Special Investigations and assume principal responsibility for that aspect of the inquiry designed to locate Mengele.

In connection with all aspects of this inquiry, both OSI and the Marshals Service will receive necessary assistance from the Federal Bureau of Investigation, the intelligence community, the Department of Defense, the State Department, and other agencies. The Department of Justice also wishes to acknowledge gratefully the efforts of the Department of Defense, and particularly the Secretary of the Army John O. Marsh, Jr., who has organized a large and capable task force to assist in the location of archival documents on Mengele.

The Department of Justice respectfully suggests that we not publicly go into any further details of the pending investigation or its methodology. We strongly believe that the public disclosure of information, documents, potential witnesses, and potential leads to be pursued, will seriously impede our investigation. This suggestion is made not out of a wish to keep anyone in the dark, but only because, like any other fugitive inquiry, confidentiality is necessary to preserve the effectiveness and integrity of the investigation.

That concludes my prepared remarks. Thank you very much.



Washington, D.C. 20530

1984 Highlights
Office of Special Investigations
Criminal Division

I. EXPULSIONS FROM THE UNITED STATES

In 1984 five people were deported or otherwise permanently removed from the United States on account of their involvement in persecution during World War II:

(1) Trifa, Viorel: Culminating over nine years of intense litigation, Viorel Trifa was deported to Portugal in August, 1984. Trifa had been ordered deported in October 1982 after he conceded that his role in the infamous Iron Guard in Romania, and his concealment thereof from U.S. authorities, rendered him deportable. Fearing possible deportation to Israel (which had been reviewing the evidence) or Romania (which would have been eligible to receive him in October 1984), Trifa secured a visa to Portugal. It is my understanding that the Portugese have refused to grant Trifa permanent residence. While his fate remains uncertain, he will never be allowed to re-enter this country.

(2) Rudolph, Arthur: The case of Arthur Rudolph, who gained notoriety in this country because of his work on the Saturn V rocket project, received considerable media attention. Pursuant to an agreement entered into with OSI, Rudolph permanently departed the U.S. in March and formally renounced his U.S. citizenship in June. Rudolph conceded that he would have been subject to denaturalization and deportation because of his wartime service as the Operations Director of the Nazi's Mittelwerke underground rocket assembly site in the Harz mountains. The dreaded V-2 rockets, which bombed London, were built at Mittlewerke by slave laborers from the Dora concentration camp complex. The inmates worked under inhumane conditions;

- 2 -

thousands died from overwork, malnutrition, disease, unsanitary conditions as well as physical abuse and murder by the Nazis.

As Operations Director, Rudolph was responsible for all phases of the production, and in the agreement he acknowledged that he could not contest his role in the utilization of the slave laborers and the conditions under which they were forced to work. It should be emphasized that through this agreement, we received all the relief (loss of citizenship and permanent removal from the U.S.) to which we would have been entitled had we gone through years of litigation. Rudolph is now in West Germany.

(3) Avdzej, John: Pursuant to an agreement similar to the one entered into with Rudolph, John Avdzej permanently departed the United States in February 1984 and renounced his citizenship in March. Avdzej had been a collaborationist Regional Mayor in Byelorussia during the war, a fact which he hid when he immigrated to the U.S. During his reign as mayor, all of the Jews and many Poles in his region were murdered. Avdzej conceded that he could not dispute our allegations that he had participated in the persecution of Jews and Poles. Avdzej is in West Germany.

(4) Hrusitzky, Anatoly: In August 1983 OSI commenced denaturalization litigation against Hrusitzky, claiming that he had served as a Ukrainian policeman during the war and in that capacity had participated in the persecution and murder of Jews.

In August 1984, Hrusitzky returned to Venezuela (where he had lived for many years after the war) and formally renounced his U.S. citizenship. Hrusitzky is forever barred from entering this country. In this case as well, we secured all the relief provided by law.

(5) Fedorenko, Feodor: On December 21, 1984, Fedorenko was deported to the U.S.S.R., thus ending seven years of litigation. This case was decided by the U.S. Supreme Court in 1981 in a ruling that concentration camp guards, such as Fedorenko who served at Treblinka, were guilty of persecution and were therefore not eligible to immigrate to the U.S. Fedorenko was subsequently ordered deported by an immigration court; that order was affirmed on appeal by the Board of Immigration Appeals. Fedorenko then withdrew his appeal to the U.S. Court of Appeals, thereby finalizing the order of deportation. Eleventh hour efforts by Fedorenko's attorney were unsuccessful, as Supreme Court Justices Brennan and Stevens each denied applications to block deportation. Fedorenko thus became the first war criminal to be deported by the U.S. to the U.S.S.R.

- 3 -

II. NEW FILINGS

In 1984 we instituted the following actions:

(1) Artukovic, Andrija: In February, OSI reinstated deportation proceedings against Artukovic in an effort to effectuate the long-standing order of deportation. That case is still pending and is scheduled to be heard before an immigration judge early in 1985.

In November the case took a dramatic turn when the U.S. government arrested Artukovic pursuant to an extradition request from the Yugoslavian government. Artukovic is being held in custody and his requests for bail have been rejected. The extradition hearing is scheduled for mid-January in Los Angeles.

Members of the Lithuanian Schutzmannschaft

OSI has been investigating the activities of a notorious Lithuanian schutzmannschaft battalion, whose members allegedly were responsible for the murder of thousands of Jews and other "enemies of the Third Reich" in Byelorussia. In 1981 we filed a denaturalization action against Jurgis Juodis, who was an officer in that unit. In 1984, we brought charges against five other members of that battalion:

(1) Katin, Matthew: Denaturalization action filed in Massachusetts in November;

(2) Gudauskas, Vytautas: Denaturalization action filed in Massachusetts in June;

(3) Klimavicius, Jonas: Denaturalization action filed in Maine in May;

(4) Benkuskas, Henrikas: Deportation action filed in Chicago in March;

(5) Kisielaitis, Joseph: Deportation action filed in Boston in May.

III. ONGOING INVESTIGATIONS AND RESEARCH

As reflected in the filings against the five members of the Lithuanian punitive battalion, we have been pursuing several major investigations and research projects designed to uncover alleged Nazi persecutors in our midst. We have

- 4 -

placed considerable emphasis on this effort, and the project has been pursued aggressively. Thus far, the results have been very encouraging, and we expect to file several new cases within the next few months.

IV. DECISIONS IN ONGOING LITIGATION

Artishenko, Basil: In October, Artishenko entered into an agreement with OSI in which he agreed to the entry of an order revoking his citizenship on the grounds that he lied about his service in a collaborationist police force in Byelorussia.

Kairys, Liudas: On December 28, U.S. District Judge James Moran, sitting in Chicago, issued an opinion stripping Kairys of citizenship because of his service at the Treblinka slave labor camp. The case had been tried in July 1982. This decision is very significant because Kairy's attorneys centered their defense on allegations that the government's case was predicated upon false evidence from the U.S.S.R. Indeed, a significant portion of the pre-trial proceedings, as well as the trial itself, focused upon the defense contentions that our evidence was unreliable. Judge Moran squarely rejected those assertions and ruled that the wartime documents from the U.S.S.R. were authentic and admissible under U.S. law and procedure. In addition, he admitted into evidence and credited deposition testimony taken in Latvia.

Kowalchuk, Sergei: In July 1983, the U.S. District Court in Philadelphia stripped Kowalchuk of citizenship on account of his wartime service as a Ukrainian policeman. It had been alleged that in such capacity Kowalchuk had engaged in the persecution of Jewish civilians. In September a divided three judge panel of the U.S. Court of Appeals reversed the order of denaturalization. We immediately requested an en banc review by the full Court of Appeals. That request has been granted and the decision reversing the denaturalization has been vacated pending resolution by the full court. We are awaiting the scheduling of oral argument.

Koziy, Bogdan: Koziy had been stripped of U.S. citizenship in March 1982 after the District Court found that he had single handedly murdered a young Jewish girl and had participated in the murder of other Jews while serving as a Ukrainian policeman. On February 27, 1984, the U.S. Court of Appeals for the Eleventh Circuit affirmed that decision. A deportation action was filed, and we are hopeful for a trial date early in 1985.

Palciauskas, Kazys: In March 1983, the District Court in Florida stripped Palciauskas of citizenship, finding that he had lied about his tenure as Mayor of Kaunas, Lithuania, during the war. In that position he assisted in the persecution

- 5 -

of Jews by ordering their internment in a ghetto, where they were forced to exist under inhumane conditions. Palciauskas ordered the Jews to wear the yellow Star of David and was responsible for the confiscation of their property.

In June 1984, the Court of Appeals for the Eleventh Circuit affirmed in all respects the denaturalization decision. We have since initiated deportation proceedings.

Theodorovich, George: In January 1984, the U.S. District Court for the District of Columbia revoked Theodorovich's citizenship after he failed to appear for his deposition as ordered by the Court. Prior to the commencement of the suit, Theodorovich admitted under oath that he had been a member of the Ukrainian Police in Lvov and had written and signed reports accounting for ammunition expended in actions against Jews. Theodorovich had originally claimed that these documents were "KGB forgeries"; later, after he and his lawyer reviewed the documentation, he acknowledged that the documents were indeed authentic.

A deportation trial is scheduled to commence in Baltimore in early March.

Demjanjuk, John: In May 1984, the Immigration Court in Cleveland ordered Demjanjuk deported to the Soviet Union; he has appealed to the Board of Immigration Appeals.

Demjanjuk had previously been stripped of U.S. citizenship after Chief Judge Battisti found that he had been a brutal guard at the Treblinka death camp in Poland; that decision was affirmed by the Court of Appeals and was left undisturbed by the U.S. Supreme Court.

On a separate track, we are proceeding with the request to extradite Demjanjuk to Israel, where he has been charged with murder. We expect a hearing to be held early in 1985.

Lehmann, Alexander: On February 27, 1984, the Immigration Court in Cleveland entered a final order of deportation against Lehmann, who had been charged with participating in the persecution of Jews while serving as a Ukrainian policeman. This order was entered after Lehmann signed an agreement with OSI in which he conceded deportability because of his wartime activities. Lehmann filed an application to postpone deportation because of ill health. After an independent medical examination, the I.N.S. District Director agreed to postpone deportation. We are monitoring Lehmann's health and a further examination will be scheduled soon.

- 6 -

Linna, Karl: In August, the Board of Immigration Appeals upheld the order of deportation entered against Linna, who had been stripped of U.S. citizenship in 1981 because of his persecution of Jews while he served as the head of a concentration camp in Tartu, Estonia. The BIA remanded the case to the Immigration Judge with instructions to consider the propriety of deporting Linna to the U.S.S.R. in light of the U.S. government's refusal to recognize the Soviet incorporation of the three Baltic states. This issue was discussed at the highest levels at the State Department, which has the responsibility for determining and interpreting Baltic policy. State has agreed with OSI's position and has rendered an opinion that Linna can, in fact, be deported to the Soviet Union under the provision of the immigration law which permits deportation to any country willing to accept the deportee; a formal pleading to that effect has been filed with the Immigration Court in New York City.

This was a significant victory. To have taken a contrary position would have been tantamount to this government giving safe haven to one who had been adjudged by our courts to have been actively involved in persecution. Clearly, it was never the intent of our Baltic policy to protect Nazi persecutors.

Kulle, Rheinhold: In November 1984, an Immigration Judge in Chicago ordered Kulle deported to West Germany. Kulle had served as guard leader and SS instructor with the S.S. Death's Head Battalion at the Gross Rosen concentration camp. Kulle has filed an appeal with the BIA.

Maikovskis, Boleslavs: In August 1984, the BIA reversed an earlier ruling by Immigration Judge Francis Lyons in New York and ordered Maikovskis deported. During the war Maikovskis served as Chief of Police in Rezekne, Latvia. The BIA found that he participated in the destruction of the town of Audrini and the murder of its inhabitants.

Schellong, Heinrich: In July 1984, Schellong was ordered deported to West Germany after the Immigration Court in Chicago found that he had engaged in the persecution of innocent civilians while serving with the S.S. Death's Head Division at the Sachsenburg and Dachau concentration camps. In 1982 Schellong was denaturalized by the U.S. District Court in Chicago; in 1983 the U.S. Court of Appeals affirmed that decision.

TESTIMONY BEFORE THE U.S. SENATE
JUDICIARY SUBCOMMITTEE ON JUVENILE JUSTICE

March 19, 1985

Mr. Chairman, my name is Rabbi Morton M. Rosenthal, and I am the Director of the Latin American Affairs Department of the Anti-Defamation League of B'nai B'rith. I am joined today by my colleague Elliot Welles, the Director of ADL's Task Force on Nazi War Criminals.

It is a distinct honor for us to speak to this Committee today on behalf of the Anti-Defamation League, and we would like to take this opportunity to express our appreciation for the important work you are doing.

The apprehension of Josef Mengele is vitally important for a number of reasons. This year we reach the 40th anniversary of the conclusion of World War II, an occasion which will be marked with ceremonies throughout the world. It is a political, moral and legal outrage that Josef Mengele, the "Angel of Death," should still be at liberty when these ceremonies take place. He personifies the brutality, the horror, and the inhumanity of the Nazis. As the most notorious Nazi war criminal still at large, his continuing freedom is an affront to the memory of the six million Jews who perished in the Holocaust.

Josef Mengele's role in the Holocaust is a matter of public record. In recent weeks at a gathering in Israel, survivors of Auschwitz have relived and retold many painful memories of his grotesque experiments, his vicious perversions, his monumental cruelty. We now know that Mengele often sent people -- Jews -- to the death house, as one editorial recently put it, "with a slight

- 2 -

gesture of his hand, a soft smile upon his lips." That editorial asked "Why insist on bringing Mengele to justice now?" It answered "lest we forget." His arrest would be a powerful lesson to those who wish to conceal or forget the Holocaust or those who do not know about it.

Since ADL's Task Force on Nazi War Criminals was founded in 1978, we have devoted a significant amount of time and energy to the international campaign to bring Nazi war criminals to justice. Last year, we were invited to go to Paraguay to look for Josef Mengele. We declined, because we knew that such an expedition would be futile. Instead, we met with key officials in the National Security Council and the Department of State to urge that the President of the United States put the powers of his office behind a concerted effort to locate Mengele. We remain convinced that with its vast resources, our government can help locate Mengele and assist in bringing him to justice.

We are understandably very pleased that the capture of Mengele has become a national priority. The Administration's decision to wage an intense investigation into the whereabouts of Mengele, announced by then-Attorney General William French Smith on February 6, 1985 was heartening. We are also encouraged by assurances we have received from the Justice Department's Office of Special Investigations (OSI). We have worked and are continuing to work closely with OSI, and we understand that they have now been assured the full cooperation of all branches of the United States intelligence community. The work of this Committee is another indication that our nation has united in an effort to locate the "Angel of Death." We are pleased to offer you our full cooperation.

- 3 -

We think it important that consideration be given to two basic reasons. Mengele has been a free man these many years. The first is that he has been protected by individuals and governments, and the second is that the world has been indifferent to him. Because of these factors, Mengele has lived openly, using his own name for many years.

When Mengele arrived in Buenos Aires in 1949 with Passport #100501 issued the International Committee for the Red Cross, his passport bore the name Helmut Gregor. Emboldened by the protection offered in Argentina and the indifference of the rest of the world, Mengele decided to cast aside his false identity. In November 1956, he went to Argentine authorities with a copy of his birth certificate to request that his Argentine Identity Card #3940484, be changed to read Josef Mengele, born March 16, 1911 in Guenzberg, Germany. The Argentine Federal Police issued him a revised card, with the same number.

When he subsequently moved to Paraguay, Mengele again used his own name in securing Paraguayan citizenship. Mengele's Paraguayan Naturalization papers, copies of which are in ADL files, bear the name Jose Mengele. The document, No. 809, dated November 27, 1959, says that the fact of his becoming a naturalized citizen of Paraguay is to be placed on the public record and a copy of the document is to be sent to the Executive Branch.

American intelligence officers in Argentina, Paraguay and other Latin American countries did not report to Washington on Mengele, because they were never directed to report on Mengele or any other Nazis. Therefore, even if an intelligence officer did have information on a Nazi war criminal, it was simply not forwarded to Washington, because headquarters was not interested. Presumably that is still the situation, except for Mengele.

- 4 -

We ask, why so narrow a mandate? Why only Mengele? As we mark the 40th anniversary of the liberation of the concentration camps, we call upon our government to broaden the scope of its hunt for Nazi war criminals.

The United States is the leader of the free world, and as such our country has a moral mandate to combat Nazism by identifying Nazi war criminals and, with the cooperation of other governments, bringing them to justice.

The notorious Josef Mengele is an elusive target, but he is not the only Nazi living unhindered by retributive justice. Unlike Mengele, we know exactly where some of these others are and we hold that the United States of America should persuade reluctant nations to rid themselves of the Nazi war criminals whom they have harbored for so long.

A case in point is Walter Kutschmann, an SS officer who assassinated twenty Polish Jewish academics and eighteen of their family members in 1941. After the Ukrainian workers dug their graves in the city of Lemberg they, too, were shot at Kutschmann's order. Kutschmann was also responsible for the death of 1,500 Jews in Bezazany and a large number of Jews in Podhayce, both in Poland.

Today, the Anti-Defamation League is convinced that Walter Kutschmann is living safely in Argentina under the pseudonym "Pedro Ricardo Olmo." One year ago, an ADL delegation led by National Director Nathan Perlmutter shared this conviction with Argentina's Foreign Minister and Interior Minister at a meeting in Buenos Aires, but Kutschmann remains at liberty.

At that time ADL provided Argentine authorities with a means of positively establishing that Olmo is Kutschmann. Our proof, including the attached SS document in his own hand, relates to a thigh wound which Kutschmann suffered

- 5 -

during the war and a tattoo on the underside of his left arm. Nevertheless, Argentina's only action to date was a perfunctory 8-minute hearing in November 1983 during which a local judge, Judge Enrique Carlos Schlegel, asked Olmo if he was Kutschmann. Olmo denied it, and Judge Schlegel accepted Olmo's denial without considering any evidence. We do not feel this proceeding was an adequate response by the Argentine government.

Argentine's President, Raul Alfonsin, is visiting Washington this week. We would therefore like to take this opportunity to urge President Reagan and members of Congress to ask President Alfonsin to take whatever measures are necessary to bring Kutschmann to justice. We also hope our leaders will urge the government of the Federal Republic of Germany officially to request Kutschmann's arrest and extradition there.

On this occasion we ask President Reagan, President Alfonsin and the leaders of all democratic governments to join in a great moral crusade to bring Nazi war criminals to justice. The hour may be late, but the moral demand for justice is unceasing.

Let no Nazi war criminal anywhere go to bed tonight without worrying that he may be brought to justice tomorrow.

#

Curriculum Vitae of Walter Kutschmann

[Submitted by Walter Kutschmann, in his own handwriting, for use by the SS personnel office]

(Translated from German)

I was born on May 24, 1914, the first child of the family named on the reverse side. [Kutschmann].

After attending public school for four years, I went to the gymnasium in Blankenburg/Harz. My special interests were foreign languages and Germanic studies.

I joined the Hitler Youth in 1929 and became active in the National Socialist party. As leader of the Blankenburg Hitler Youth I was instrumental in starting several groups in the Blankenburg area. I took an active part in all election struggles and participated in all marches of the organization. Consequently, at an early age, I became familiar with the dogma of the organization and was brought up in the tenets of their philosophy.

I was awarded the golden honor badge of the Hitler Youth, as well as the honor decorations of Braunschweig, in 1931.

Because of my father's death and the resulting financial situation of my family, I was forced to leave school. I enlisted as a volunteer in the army, where I served with artillery regiment 4 in Hallenstadt. In 1934 I volunteered for the Air Force and went to aviation school in Ludwigslust and from there joined the fighter squadron 153, in Nuremberg. While in the service I prepared myself, on my own, privately, for matriculation. When I

- 2 -

finished my time in the service (I was discharged as a sergeant), I went for three months to the gymnasium in Halberstadt and graduated in February, 1938.

Following this, I went to Spain and participated with Franco's Morocco legion in the war there. I was discharged after receiving two bullet wounds in the upper thigh. After this, I was attached to the Consulate in Salamana (German Consulate) as secretary in Cadiz. Through my employment as interpreter there, I came into contact with the Gestapo in Spain. I applied from there to serve in the Gestapo and was appointed as "Viriminalvommissar", on March 1, 1939, to the Gestapo in Leipzig. At the time, I took part in a course at the leadership school of the security police.

I am active in light athletics, have a certificate for swimming and I am trained in horseback riding. My 23-year-old brother is a lieutenant and a company commander in the field. My 27-year-old sister is a physical education teacher and is active as im BDM.

Kutschmann

Page Denied

STATEMENT OF GERALD L. POSNER

1. BACKGROUND OF RESEARCH

I have been researching Josef Mengele's post-war life for the past four years. During that time, I have travelled to four continents, interviewed scores of people related to the Mengele case, and gathered what I believe is the largest Mengele file in existence, nearly 25,000 pages, chronicling his life since 1945 in substantial and credible detail. Many of the facts I have uncovered have never before been disclosed or discussed.

During the course of my research I have had unprecedented access to the some of the intelligence and police files of Argentina, Brazil and Paraguay.

During November and December of 1984 I spent two months in South America researching the Mengele case. During that time I met with many friends of Dr. Mengele, including ranking military and business people in several countries. I also spent nearly three weeks with Colonel Alejandro Von Eckstein in Paraguay.

Colonel Von Eckstein is a ranking member of Paraguay's intelligence service and a close personal friend of President Stroessner, to whom he introduced me. Moreover, Colonel Von Eckstein was one of the co-sponsors for Josef Mengele's citizenship papers in 1959, and is Mengele's admitted friend and defender (Mengele's other co-sponsor for

citizenship, Werner Jung, former chief of the Nazi party in Paraguay, died over a year ago in Bilbao, Spain.) During the course of our three weeks together, Colonel Von Eckstein introduced me to many friends of Dr. Mengele throughout Paraguay, and for the first time ever he spoke openly and freely about Dr. Mengele's past movements in the 1960's and 1970's. Subsequent research has confirmed most of the Colonel's stories and he has filled in important gaps in Mengele's existence for nearly two decades.

I am currently completing a historical manuscript of Mengele's post-war existence, as far as one can be documented and factually supported.

Today I will limit my testimony to four issues related to subjects that have been raised before this Senate Committee.

2. POSSIBILITY OF U.S. INTELLIGENCE INVOLVEMENT WITH MENGELE

On September 1, 1983, pursuant to a Freedom of Information Request to the archives of Ft. Meade, Maryland, I was provided with copies of the April, 1947 correspondence from Counter Intelligence agent Gorby indicating that Mengele may have been captured in Vienna. Those same documents were obtained by the Simon Wiesenthal Documentation Center in November, 1984, and subsequently released to the press.

During the nearly 20 months I have had those documents I have researched the question of possible American involvement. To this date conclusive evidence does not exist

to incriminate or absolve U.S. forces, however important questions must be answered by the American Intelligence forces: The questions which must be answered are:

a) Two American Counter Intelligence index cards, one dated 1960, and the other undated, indicate Mengele resided in Autenried, a village approximately 12 kilometers away from Gunzburg, Mengele's hometown.

Actually, Dieter Mengele, Josef's nephew, has said that the Mengele family sought refuge in Autenried during the Allied bombing of Gunzburg. Autenried was never bombed.

In addition, several residents have said that Irene and Rolf, Mengele's first wife and natural son, resided in Autenried from 1945 to 1947. Another villager told Hans Eberhard-Klien, the German Prosecutor in charge of the Mengele case, that Mengele resided in the town together with his family from 1945 to 1949.

Information that I received from a retired member of British Intelligence is that a chateau/castle in Autenried served as a post-war safe house as part of a Nazi escape route. The chateau was allegedly frequented by former SS officers under the direction of Colonel Hans Ulrich Rudel, Hitler's most decorated pilot during the war, and the post war director of an escape organization known as the Kameradenwerk.

According to the British intelligence source, Mengele

stayed in the Autenried safe house during April and part of May, 1949, while his travel documents were prepared for his exit from Europe. After the International Red Cross issued his travel identity passport in May, 1949, Mengele was escorted through Austria into Italy from where he later departed from Genoa.

In Autenried there is a large three story chateau - it is almost directly behind the small farmhouse where villagers state Mengele and/or his family resided for part of the post war years.

One of the important questions regarding Autenried is at what time did American Intelligence know Mengele was there? If intelligence knew between 1945 and 1949 they could have arrested him. The second important Autenried question is whether the Autenried chateau was indeed a Kameradenwerk safe house and if so did the Americans know about its operation and allow it to exist nevertheless?

b) Another important question which has not yet been asked is why American intelligence never sent anyone to Gunzburg to inquire about Mengele. Several town residents have told me that Mengele resided openly in Gunzburg from mid 1945 to mid 1949. During that time the Americans certainly knew that Mengele had been involved in possible crimes against humanity. For instance:

First, Mr. Gorby, the Counter Intelligence special agent, states in his April, 1947 letter that he knew Mengele was one

of the chief doctors in the "Auschwitz Extermination Camp". Moreover, Rudolf Hoess, the former commandant of the camp, who was hung in 1947 for his crimes, testified at his post war trial that "Medical experiments were carried out in several camps. For instance, in Auschwitz there were...experiments on twins by SS medical officer Dr. Mengele." The Americans were familiar with this testimony.

Armed with this information one would expect the Americans to attempt to find Mengele. After the war the Americans captured, intact, millions of NSDAP (Nazi party) membership files. The one on Josef Mengele clearly lists place of birth as "Gunzburg" a Bavarian town within the American sector after the war. Yet, Dieter Mengele states unequivocally that no American troops ever came to inquire about Josef after the war.

Moreover, residents in Autenreid claim that no American troops even passed through their village after the war.

If only one intelligence officer had bothered to check Mengele's Party membership file he might have been in custody before 1950.

Moreover, the Mengele family maintained a successful farm machinery manufacturing firm - farm equipment could be seen throughout Germany stamped with the name "Mengele". Yet no American intelligence officer ever bothered to question the corporate giant to determine if any connection to the

Auschwitz doctor existed. Actually, for most of the time Josef Mengele was in Gunsburg after the war he worked for the family business.

c) A final question which American authorities should answer is why Mengele was never indicted for crimes under the Allied jurisdiction. Until 1955 only the Allied powers could technically indict for war crimes. Although Mengele's crimes were known to the Americans no indictment was ever issued.

It was not until June of 1959 that Judge Muller issued an arrest warrant on behalf of the Federal Republic of Germany. If the Americans had indicted Mengele earlier his relatively easy life in Argentina might have been made considerably more difficult.

3. INTERNATIONAL RED CROSS INVOLVEMENT WITH MENGELE

Mengele left Europe in late August, 1949, and checked into the Federal Police in Buenos Aires on September 17, 1949. He travelled on an International Red Cross Passport, issued from the Italian Committee of the International Red Cross in Genoa, Number 10251. It was made out to the alias "Helmut Gregor" and the picture on the passport was actually of Mengele's younger brother Alois. However, Mengele himself did sign the name "Helmut Gregor" across the I.D. picture.

The International Red Cross file on Mengele, which is maintained in Geneva at the International Red Cross

headquarters is probably one of the most important files still undisclosed regarding him. If properly maintained it will disclose important information about Mengele's exit from Europe, which may finally prove or dispel the alleged American connections to him.

If intact, the Red Cross file should have copies of the the travel papers created at each country through which Mengele passed on his way into Italy. The file should also have Mengele's original refugee questionnaire as well as the name of the Italian refugee organization that sponsored Mengele's exit from Europe. In essence, the Red Cross file could provide final answers to many lingering Mengele questions.

In 1947, Vincent La Vista, a State Department official, in a top secret report to the State Department commented that "practically all illegal emigration" in post-war Italy was "clear[ed] through or came in contact with the International Red Cross." La Vista noted that the International Red Cross had a practice of sending off all its records to its headquarters in Geneva, where they were maintained closed and in privacy. La Vista concluded "It is the opinion of this writer, however, that an examination of the records in Geneva of all passports issued by the International Red Cross would reveal startling and unbelievable facts."

Nearly 40 years after the La Vista report the International Red Cross still shrouds those files in secrecy

and refuses to open the Mengele file for examination.

In June, 1984, I requested that the International Red Cross make the Mengele/Gregor file publicly available. I received a written response on July 3, 1984, from Françoise Perret, Director of the International Red Cross Department of Principles and Law in Geneva. Mrs. Perret informed me that although the Red Cross had "received a lot of inquiries about this [the Mengele case], its "sole purpose...is to assist victims of conflicts, and it has a hard-and-fast rule not to give third parties personal information in its possession."

However, Mrs. Perret said that in the case of war criminals the International Red Cross had decided "in principle" to turn relevant documents over to a government "provided those authorities asked for them with the clearly stated intention of establishing the truth or to conduct an inquiry into war crimes or for the purpose of taking legal proceedings against war criminals."

I subsequently asked Mrs. Perret if any nation had made such a request and she sent me the following response on August 5, 1984:

"[a]fter checking in our archives, we have found that no state or judicial authority has to this day addressed a request to the ICRC about Mengele; we have therefore never released any papers about him to anyone."

The International Red Cross file should have been requested by an appropriate government years ago. It is long overdue that an official request be made of the the Geneva based organization - important information is sitting in its archives. I respectfully request that the United States Senate direct the appropriate U. S. government agency to process the necessary request as rapidly as possible, and that the information contained in that file be made public upon its receipt.

4. U.S. INTELLIGENCE CONTACTS WITH OTHER RANKING NAZIS

Although I understand that this Senate Committee is specifically focusing upon possible American involvement with Josef Mengele, I have uncovered documentation which indicates U.S. intelligence involvement with another high-ranking Nazi, who after the war became a close personal friend of Josef Mengele in South America. I believe it is as significant a disclosure of American involvement with Nazis as the Barbie disclosures or those regarding Nazi rocket scientists. Only by ordering a thorough investigation can the U.S. properly determine whether U.S. assistance in the case I have uncovered may have a relation to the Mengele case.

The Nazi in question is Major Frederick Schwend, Hitler's counterfeiter and mastermind of "Operation Bernhard" the Nazi proposal to flood the international currency markets with billions of counterfeit English pound notes, thereby crashing

the British economy. Schwend was also the purchasing agent for the SS, the Wehrmacht and the Security Police. In that role he dealt with hundreds of millions of dollars of currency, diamonds, gold, stolen art treasures and booty from the death camps.

After the war, one arm of American intelligence searched for him in order to arrest him. In a confidential six-page memorandum, dated August 13, 1946, the Meranno subsection of the Counter Intelligence Corps. stated "[Schwend] was an important figure to the Nazi War Effort...persistent rumors...that the Subject had more power and authority than an SS General [he answered directly to Kaltenbrunner and Himmler]; that he used large sums of money to buy his freedom from the Allies....This agent recommends that Subject be apprehended since he appears to be too important an individual of the German War Effort to be left free."

While one part of American Intelligence looked for Schwend another used him as an agent. A confidential U.S. Army Security Disposition form, dated August 24, 1959, and signed by legal officer Captain Alfred B. Jefferson, concludes that "In 1945 [Schwend] was used by Intelligence agencies in the Austria, Tirol and Meranno, Italy areas as an informant. He was also carried as a war criminal".

In 1959, Schwend wrote a letter from Lima to both German Interpol as well as the Consul General of the United

States in Munich. In the letter Schwend alleges that several Counter Intelligence officers stole hundreds of thousands of dollars from him after the war. Schwend provides names of the alleged perpetrators as well as witnesses. In addition he states that he worked for U.S. Intelligence after the war for "11 months...beyond the Iron Curtain". In addition, Schwend states that he emigrated to South America with the consent of American intelligence.

The Schwend case is important on its own. It is an example of U.S. intelligence using a high ranking Nazi for its own purposes. But the Schwend case is also important in relation to the Mengele case for several reasons:

a) Schwend ran a Nazi escape organization, under the cover of a Jewish relief organization after the war. The organization was headquartered in the Rametz castle located on the Brenner Pass, one of the main routes for Nazi fugitives from Austria into Italy. It is believed to be the route Mengele may have been taken on his way into Italy. If Mengele was assisted by Schwend and his cronies (most of them Aryanized Jews) then a direct link to U.S. intelligence may be established - it is unlikely that the Schwend escape route could have operated without the benign approval of U.S. intelligence;

b) The Schwend case appears to show that some elements of American intelligence may have been susceptible to selling freedom to Nazis for large sums of money. This is

of interest in the Mengele case because money is the only negotiating point Mengele could have offered Allied intelligence officers for their assistance. While Mengele had no intelligence value, he certainly had access to large sums of money due to the wealth of his family. The Schwend case could provide a possible motive to American involvement with Mengele, if that involvement can be conclusively proven:

c) It is well established that Mengele and Schwend were good friends in post-war South America. Schwend, Barbie and Mengele were all considered murder suspects during a 1972 Peruvian police investigation into the murder of a prominent Lima businessman, Luis Banchemo Rossi. None of them were ever tried in the case - only Schwend could be found and apprehended. If Schwend and Mengele started their friendship in post-war Europe additional credence could be given to the possible American ties to Mengele.

Many of the documents I have received pursuant to Freedom of Information Requests are blacked out. I respectfully request that this Senate Committee order a full investigation into American intelligence assistance to SS Major Frederick Schwend to determine (a) whether U.S. Intelligence might have sponsored Schwend's Nazi escape organization and (b) to determine whether Mengele was assisted by that escape organization.

5. MENGELE FAMILY BUSINESS INVOLVEMENT IN THE U.S.

Dieter Mengele, Josef's nephew, claims that the Mengele family, used to have an ownership interest in KMN International Farm Machinery, Inc. of Westwood, New Jersey, but sold its interest in 1976 and never had any further contact with the company.

Dieter's claim would seem to be partially contradicted by documentary evidence. First, I am in possession of a June 25, 1981 Dun & Bradstreet report in which Karl Mengele and Sons is clearly listed as one of the three owners, at least through September 26, 1980. Why is Dun & Bradstreet reporting a Mengele family interest four years after Dieter claims it stopped.

Moreover, KMN was a Delaware corporation registered to do business in New Jersey with the Secretary of State. KMN was not withdrawn from New Jersey until December 31, 1984, and during the entire time the company was registered in that state, Dieter Mengele, Josef's nephew and an executive of Karl Mengele and Sons, was listed with the Department of Corporations for the State of New Jersey as the person upon whom legal process should be served in case of a lawsuit. If, as Dieter claims, the family had no connection with KMN after 1976, why was he still listed as the service of process agent eight years after he claims the connection ceased?

Finally, it should be noted that KMN Modern Farm Equipment

Inc., which incorporated in Delaware in 1973, is still an active corporation in good standing. Additionally, RMN is registered to do business in at least two other states of which I am aware: Arkansas and Wisconsin. In both of those states RMN registered in 1979 and is currently active and in good standing.

Can Dieter Mengele prove that notwithstanding his New Jersey affiliation through 1984 that he indeed has no business association with the Delaware corporation and/or the Arkansas or Wisconsin branches?

CONCLUSION

I have presented the above information in the hope that it might assist this Senate Committee in further directing an investigation to determine the extent, if any, of possible U.S. post-war involvement with Dr. Josef Mengele. I hope that further investigations into both the International Red Cross file and the Schwend case may produce fruitful information relating to Mengele.

If I can be of assistance in the future to any inquiry before this Committee I shall certainly endeavor to provide whatever useful information I have.

NEW YORK, NEW YORK
MARCH 19, 1985

GERALD L. POSNER

CHRONO

OLL 85-0546/1
19 March 1985MEMORANDUM FOR THE RECORD *f*

Subject: Hearing Before the Subcommittee on Juvenile Justice, Senate Committee on the Judiciary, on the Search for Dr. Josef Mengele, Nazi War Criminal

1. The second hearing on the above-captioned subject (see MFR dated 19 February 1985, OLL 85-0546), was held at 10:00 a.m. today in Room 226 Dirksen Senate Office Building. The following Members were present:

Arlen Specter (R., PA), Chairman
Alfonse M. D'Amato (R., NY) (invited Member)
Paul Simon (D., IL)
Mitch McConnell (R., KY)
Howard M. Metzenbaum (D., OH)

2. The first three Members listed each made opening statements but only Senator D'Amato's was printed and distributed. The latter two Members arrived during the hearings and did not make statements. A copy of the Witness List is attached along with the prepared statements read by each of them.

3. The first witness, Congressman James J. Florio (D., NJ), read his statement into the record. At the conclusion of Mr. Florio's statement, Senator Specter asked whether he believed Dr. Mengele is still alive today. Mr. Florio responded that even if Dr. Mengele is not alive, and he believes he is, the hearings have a validity for the purpose of legislative oversight to see how the agencies have interacted in the past. Mr. Florio politely attempted to dissuade Senator Specter from proceeding with legislation he proposes that would allow (the U.S. Government) to move into a country and take by force terrorists located in that country, with or without consent of that government, if legal extradition is not possible. Mr. Florio cautioned that it could be a double-edged sword.

4. The second witness, Stephen S. Trott, Assistant Attorney General, Criminal Division, Department of Justice (DOJ), gave a brief report on the role of the U.S. Government in its efforts to capture Dr. Mengele. In response to Senator D'Amato's question, Mr. Trott said that his office is being

given cooperation at the highest levels by other government agencies. Senator Simon questioned Mr. Trott on the attachment to his prepared statement which listed expulsions of Nazi war criminals from the United States, ongoing investigations, and decisions in ongoing litigations, and asked what happened to these Nazis following their expulsions and what might happen to Mengele after he is captured and deported to some other country.

Mr. Trott replied that there is no law in this country to cover this; the U.S. cannot prosecute people located under this program (to locate and deport war criminals). We can only deport them because they lied to get into this country.

5. Mr. Trott went on to explain that both West German and Israel have warrants out for Mengele and those countries would attempt to get him extradited there.

6. Senator Metzenbaum questioned Mr. Trott at length, first in asking him the degree of cooperation Justice has received from the CIA, and then repeatedly asking Mr. Trott what DOJ (or anyone else) was doing about Paraguay and what was the extent of the Drug Enforcement Agency's involvement in the investigation. Mr. Trott responded that CIA cooperation has been good and believes he will continue to get good cooperation from the CIA. Several times he politely declined to go into any details regarding Mengele being involved in drug trafficking and cited the need for confidentiality on what Justice, Office of Special Investigations (OSI), is doing in Paraguay.

7. This was followed by a lengthy exchange between Senator Metzenbaum and Mr. Trott on the competency of the U.S. Marshal's being used to assist in the investigation (Mr. Trott noted that Marshal candidates are sponsored by U.S. Senators, but went on to defend their competency, at least since 1981.)

8. In response to Senator Specter's query about some 800 former enemies brought in between 1945 and 1955 to work on projects like Overcast, then Paperclip, Mr. Trott commented that he did not have enough personal information on that subject, but that belonging to Paperclip did not make anyone immune from OSI's investigation.

9. Senator D'Amato did not ask Mr. Trott any questions, but wanted it stated for the record that "Mr. Casey--a nice fellow--assured me personally of his full cooperation in this investigation" and that Secretary Shultz also indicated to him that this investigation is a priority matter for State in terms of cooperation, and the same for Secretary of the Army John Marsh.

10. The next witness, Mr. Gerald L. Posner, read his prepared statement into the record and then asked the Committee to:

- a) direct the appropriate U.S. government agency to make an official request to the International Red Cross for its file on Josef Mengele; and
- b) direct an investigation to determine the extent of possible U.S. Government postwar involvement with Dr. Mengele, especially in light of allegations that a Major Frederick Schwend, also a Nazi war criminal, aided Dr. Mengele to escape to Italy--with the approval of U.S. intelligence agencies.

Both Senators D'Amato and Specter urged Mr. Posner to work closely with the Office of Special Investigations, since it was apparent Mr. Posner has enough information to tie Schwend with the Counter-Intelligence Corps (CIC).

11. The last two witnesses appeared together: Rabbi Morton M. Rosenthal and Elliot Welles, both of the Anti-Defamation League (ADL) of B'nai B'rith, New York. Only Rabbi Rosenthal had a prepared statement. Rabbi Rosenthal cited the case of Walter Kutschmann whom the ADL is convinced is living now in Argentina under the pseudonym "Pedro Ricardo Olmo." He said the ADL had brought this to the attention of Argentina's Foreign Minister, but Kutschmann remains free. Senator Specter said he would press the State Department on this case.

12. Mr. Welles commented that the U.S. Government should push with all countries which have information and request they pursue all leads, and that U.S. intelligence agencies should identify all known Nazis and have action taken to apprehend them. He then mentioned the case of war criminal Otto Bruner, whom he knows is living in Damascus, Syria, under the name of George Fisher. In conclusion he stated that [redacted] OSI, asked him to turn over to him all documentation and OSI will follow up on the ADL's leads.

STAT

13. The hearing ended about 12:00 Noon.

STAT

[redacted]
Office of Legislative Liaison
Liaison Division

Attachments

Distribution:

- Original - OLL Record w/atts
- ✓ 1 - OLL Chrono w/o atts
- 1 - D/OLL w/o atts
- 1 - DD/OLL w/o atts
- 1 - DDO/IMS/[redacted] w/atts
- 1 - OGC [redacted] w/atts
- 1 - LD/OLL [redacted] w/o atts
- 1 - C/LEG/OLL w/atts

LD/OLL: [redacted] gg (26 March 1985)

STAT
STAT
STAT
STAT