

# Demjanjuk frame-up flounders as new evidence of KGB fraud emerges

by Joseph Brewda

The Israeli trial of accused Nazi war criminal John Demjanjuk was disrupted at the end of January, by shocking new revelations which show, once again, that the accusations against the retired Cleveland autoworker are outright lies. In the middle of the prosecution's summation to the court, Demjanjuk's defense counsel produced a 66-page page affidavit handwritten by the chief prosecution witness Eliyahu Rosenberg in Poland in 1945. Rosenberg—who now swears that Demjanjuk is the dreaded Treblinka concentration camp guard "Ivan the Terrible"—wrote in that earlier document that he had personally *assisted in killing "Ivan."*

Demjanjuk has steadfastly insisted that he is the victim of mistaken identity, KGB forgeries, and perjured testimony. He was deported to Israel as a result of a frame-up orchestrated by the U.S. Justice Department, with never a trial in a U.S. court on the criminal charges against him.

In response to the latest revelations, Israeli Judge Dov Levine has reopened defense cross-examination of Rosenberg, and it is expected that the government will now seek a technical acquittal as a way out of its embarrassment.

The exposure of the fact that the Israeli government's chief witness is a perjurer, is simply the latest twist in a 10-year campaign against Demjanjuk, and against U.S. law. Far from representing "pursuit of justice," as sanctimonious Israeli officials claim, the case against Demjanjuk is a transparent frame-up that is the result of cynical deals between the Soviet Union, a faction of the Israeli government, and a Soviet-linked nest in the U.S. Justice Department's Office of Special Investigations (OSI).

The only other "evidence" against Demjanjuk, outside of Rosenberg's lies, and the testimony of a handful of other hysterical "witnesses," is a patently forged ID card of Demjanjuk. The ID card, formerly held at the Soviet military archives in Kiev, was brought to Israel by none other than Soviet agent Armand Hammer.

In his 1945 affidavit, Rosenberg swore that during a 1943 Treblinka camp uprising, "We went to the engine room where Ivan was sleeping and Gustav [another prisoner] hit him with a shovel on the head. And there he remained, lying for eternity." When defense attorney Paul Chumak confronted Rosenberg with this written statement in the Jerusalem court, the

witness continued to insist, incredibly, that the living Demjanjuk is nevertheless the dead "Ivan the Terrible."

Apparently for Rosenberg, "eternity" means something less than 50 years.

Rosenberg had previously repeatedly insisted that he had never drafted the affidavit, during the recent months that defense attorneys were attempting to retrieve the rumored document from Poland. Presented with the original, Rosenberg could no longer deny his authorship.

Reached for comment on these new revelations, OSI director Neil Sher, a key player in the drama, absurdly claimed that he had not heard of the latest developments in the case, and therefore had no statement. Yet Sher had earlier used Rosenberg to justify deporting Demjanjuk from the United States. The OSI's conspiracy to prevent Demjanjuk's defense attorneys from acquiring documentation that would prove the former U.S. national innocent, and to aid the Soviet-Israeli frameup, is glaringly obvious in an OSI interdepartmental confidential memo made available to *EIR* and published below.

## Communist frame-up

Even before the latest developments, the fraudulent nature of the charges against Demjanjuk was apparent.

Demjanjuk was first accused of being a war criminal in 1975, when Michael Hanusiak, publisher of the Communist Party U.S.A.'s *News from the Ukraine*, made a pilgrimage to the Ukraine. Being a hardworking investigative journalist, Hanusiak was "somehow" given access to Soviet military intelligence archives on Ukrainian "Hitlerites," "nationalists," and other "riff-raff." Upon his return to the United States, Hanusiak slandered Demjanjuk as a former "war criminal" at the Sobibor concentration camp in Poland. Ever ready to follow such leads, the U.S. Justice Department began an investigation and then deportation proceedings against the autoworker, solely based on the Soviet military intelligence claims dutifully relayed by the CPUSA.

The trouble with the Justice Department's case, was that it was not able to show that Demjanjuk was ever at the Sobibor camp, and so the prosecution argument began to fall apart. But suddenly Rosenberg and a handful of other Israeli

“witnesses” came to the rescue, having “recognized” Demjanjuk as “Ivan the Terrible” of Treblinka, after seeing Demjanjuk’s photograph published with articles on the Cleveland case. As a result, the Justice Department amended charges against Demjanjuk, now alleging that he was also at Treblinka.

During this same period, the U.S.S.R. foreign ministry forked over what purported to be an ID card of Demjanjuk, identifying him as having attended the SS Trawniki training camp. The crudity of the Soviet forgery astonished observers: It was missing a date of issue, a place of issue, and an obligatory officer’s signature. Despite this obvious fraud, Judge Frank Battisti, then a central character in a federal grand jury investigation into judicial corruption, agreed that the Justice Department evidence was compelling enough, that he just had to order Demjanjuk denaturalized. He was subsequently deported to Israel, a country where he had never been, in 1983.

### **Hammer’s operation**

Since there can be no possible evidentiary justification for the case against Demjanjuk—and the same goes for virtually all other OSI “Nazi hunting” cases—the reason for the prosecution must be sought outside the law. That explanation can be found by examining some of the activities of Armand Hammer, the Soviet agent who functions as a back channel among the governments of Israel, the Soviet Union, and the United States.

As the accompanying text of a letter from Hammer to Israeli Foreign Minister Shimon Peres shows, it was Hammer who personally delivered the forged ID card to the Israeli government for use in prosecuting Demjanjuk. The ID is the only evidence against the former American except for the Rosenberg “witnesses.”

As the reader can read for himself, Hammer acquired the ID card during a December 1986 mission to Moscow which centered on discussing arms control agreements with the Soviet high command. One year later, Hammer succeeded in arranging the Reykjavik summit, shortly after he secured the swap of then imprisoned U.S. reporter Nicholas Daniloff for Soviet spy Gennadi Zakharov. Reagan’s capitulation to the INF sell-out at the 1987 Pearl Harbor Day summit is in large part the work of Hammer, Reagan’s personal back channel to Gorbachov.

However, Hammer did not act alone.

Among the key networks assisting Hammer’s duping of the Reagan White House was the Israeli Mossad. In fact, former Assistant Secretary of Defense Richard Perle first proposed the “zero option” deal for withdrawing nuclear missiles from Europe, for the Reykjavik summit. Perle had been caught red-handed passing U.S. classified information to the Israeli embassy in 1971, and later worked for one of Israel’s largest weapons manufacturers, before joining the Reagan administration’s defense department.

The arrangements Hammer negotiated between Israel and Moscow are, in brief, as follows. Israel provides Moscow classified U.S. intelligence through its agents in the U.S. government, for example, the case of Jonathan Pollard, and induces the United States to accept arms control deals; Moscow in turn provides Israel with emigrating Soviet Jews. Both states have found it in their interests to depict the United States as chock-full of fugitive Nazis, as in the Demjanjuk case and other OSI cases. Both states are interested in manipulating the Israeli population through hysterical show trials. Both sides have a policy of slandering West Germany and Austria as dominated by Nazis, the intent of the OSI charges against Austrian President Kurt Waldheim.

A detailed analysis of how this three-way deal among Soviet, Israeli, and U.S. intelligence networks has functioned is presented in *EIR*’s newest Special Report, *Global Showdown Escalates: The Zero Option and the Berlin Crisis of 1987*. New revelations will be presented in an upcoming *EIR* Special Report, which will present the real story behind the case of the recently captured Israeli-Soviet spy Shabtai Kalmanowich.

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## **Documentation**

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### **Hammer’s mission to Moscow**

*The following letter from Armand Hammer was sent to Israeli Foreign Minister Shimon Peres, accompanying a forged Nazi ID card purporting to identify Demjanjuk. Hammer’s linkage of the case against Demjanjuk to multilateral and bilateral issues (e.g., disarmament, Soviet Jewish emigration) should be clear to the discerning reader.*

December 11, 1986  
His Excellency Shimon Peres, Minister of Foreign Affairs,  
Prime Minister Alternate, State of Israel

Dear Mr. Minister,

I just returned from the Soviet Union where I had extensive meetings with Prime Minister Ryzhkov, Foreign Minister Shevardnadze, and Secretary Dobrynin. We discussed a wide range of issues. While I remain optimistic, much work is to be done to assure a stable relationship, particularly in the arms control field. At my request, I was provided with the enclosed original document, which is the original identification card of Nazi war criminal Ivan Demjanjuk, #1393, given at the SS training camp Trawniki, attached. I hope this helps in the impending trial of Mr. Demjanjuk. The Soviet

government asks that this document be returned by me when you have finished with it.

With warmest regards,  
Sincerely,  
Armand

## OSI cover-up

*The following OSI interoffice memo was written to formulate a response to Freedom of Information Act requests for information on the Demjanjuk deportation, which is formally closed from the standpoint of U.S. law. Note the conspiracy against the Demjanjuk defense, and the OSI intention to deport Demjanjuk to Moscow if he is cleared in Jerusalem.*

## MEMORANDUM

SUBJECT: FOIA requests: John Demjanjuk  
DATE: June 3, 1986  
TO: Neal M. Sher, Director  
FROM: Martin H. Sachs, Trial Attorney

ISSUE: Whether or not to reveal our aid to Israel and protect these files or release the documents and conceal our aid.

### INTRODUCTION:

I have been notified by the FOA/PA office that they are not ready to start processing all of the material we have on John Demjanjuk pursuant to several pending FOIA requests.

I have discussed this with Mike and he suggested that I prepare a memo to you briefly setting forth his concern at releasing this material.<sup>1</sup>

### DISCUSSION:

Mike—for a very good, but not publicized, reason—does not want all the files sent over.<sup>2</sup> The bind this puts us in is that, for all outward purposes, our involvement in this case is over and the FOIA office is therefore entitled to the files. To prevent release of them, we must give them a valid reason. This presents no problem—obviously, we can tell them what the situation is with respect to the case. What does present a problem is that the FOIA office must then notify the various requestors as to why the requested material cannot be released. The notifications must compact to one or more of the specific statutory exceptions.

Unfortunately, there are no exceptions that would cover all of our files in their present, apparently closed status. Stated in the converse, the statutory exceptions which would provide sufficiently broad coverage to deny release here would only apply to active cases—the very opposite of the image that office is publicly seeking to portray.

Where does this leave us? First, we cannot ignore the requests, or we will surely be sued. Second, to assert (directly or by inference) that the case is closed means we must rely upon exemptions that do not afford adequate or relevant

coverage, leaving the file vulnerable to significant portions having to be released.

I have researched this issue and there are really only two avenues to follow: 1) protect the documents by admitting our help to the foreign government (this allows us to rely on active case exemption), or 2) release the documents and thereby conceal our help.<sup>3</sup> In all fairness, the decision should also be based upon input from Israel.

RECOMMENDATION: The important thing here is protection of the documents, not our aid to Israel (which is probably assumed by anyone following this matter anyway, or the fact that we might acquire custody of Demjanjuk again at some point in the future (which would obviously generate immense publicity if it happens, and for which we would need all the files—free of public invasion.) Accordingly, I recommend that we advise Israel of the situation, and, upon concurrence, advise the FOIA office that this is still an active case, based on aid to a foreign government, and thus be able to protect our files under relevant exemptions.

Because FOIA wants this material now, would you please advise me at your earliest convenience what I should tell the FOIA office.

<sup>1</sup> Requests have been received from Warren Rechie (860278), Denys Blaheway (860296), Saulius Simoliunas (860419), a Mr. or Ms. Kingston (9320), (who appears to have withdrawn Ms. request) and Alcron beacon Journal/Funk (no FOIA number assigned as of this date).

<sup>2</sup> I refer here specifically to our office's aid to Israel as well as the possibility of Demjanjuk's possible subsequent deportation to the Soviet Union should he not be convicted in Israel and then returned to the United States.

<sup>3</sup> This presupposes that there is no record in the file memorializing a request for, or offer of, our help.

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