

The OSI Is Still Targetting Demjanjuk

One further indication of the fact that the corrupt Department of Justice (DOJ)-FBI police-state apparatus will not give up without an all-out public fight, is seen in the just-concluded trial in Federal court in Cleveland, Ohio, of John Demjanjuk, the 83-year-old Ukrainian-American retired auto worker, who was falsely accused, by the Department of Justice's "Nazi-hunting" Office of Special Investigations, of being the Treblinka, Poland concentration camp mass murderer "Ivan the Terrible" in 1978. Following a 16-year ordeal, that saw Demjanjuk stripped of his citizenship, deported to Israel, tried and convicted of war crimes, and sentenced to death, evidence *in the files of the OSI* came to light, showing that the DOJ knew all along that Demjanjuk was not "Ivan the Terrible." The Israeli Supreme Court reversed his conviction, and Demjanjuk was later released and allowed to return to the United States.

The Sixth Circuit Court of Appeals, in Cincinnati, Ohio, was outraged at the OSI's handling of the Demjanjuk case. It ordered highly unusual hearings, and appointed a Special Master to determine whether the DOJ had committed fraud upon the court.

'Fraud on the Court'

The Sixth Circuit concluded on Nov. 17, 1993, that "the OSI attorneys acted with reckless disregard for the truth and for the government's obligation to take no steps that prevent an adversary from presenting his case fully and fairly. This was fraud on the court in the circumstances of this case where, by recklessly assuming Demjanjuk's guilt, they failed to observe their obligation to produce

exculpatory materials requested by Demjanjuk."

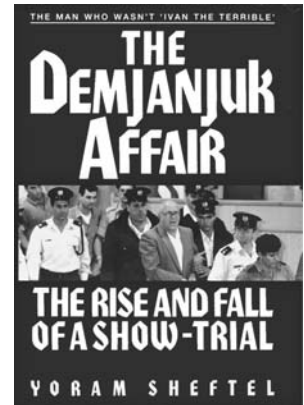
The Sixth Circuit ruling named some of the names of the senior DOJ officials, whose abuse of power had led to Demjanjuk's ordeal, including Deputy Assistant Attorney General for the Criminal Division Mark Richard and Criminal Division head Robert Mueller. (Mueller's name is currently under consideration as a possible replacement for Louis Freeh as FBI Director, when Freeh steps down later this Summer.)

Despite the actions of the Sixth Circuit, last year the DOJ again accused Demjanjuk of having illegally entered the United States, at the close of World War II, by lying about his Nazi past. This time, the OSI charged him with having served at two other Nazi concentration camps.

Demjanjuk went on trail on the immigration violation charges on May 29, 2001, before U.S. District Court Judge Paul Matia. Judge Matia, at the start of the trial, denied defense attorney Michael Tigar's motion for a 30-day delay, so he could review new documents that the DOJ had just turned over, including hand-written documents in foreign languages. Tigar also recently obtained documents from the Ukrainian government, including interviews with relatives of a man named "Ivan Demjanjuk," who may have been the actual guard at the other camps.

The case was heard by Judge Matia, without a jury, and at the conclusion of the trial, he announced he would not be issuing his ruling until late this Summer.

—Jeffrey Steinberg



jury trials, cases are taken to the floor for evidence. And in 1986, I joined the defense team of John Demjanjuk. Two years later, when the appeal proceedings started, I was left alone in this case. For five years, I was conducting the entire appeal proceedings of John Demjanjuk in the state of Israel, and I was also involved—although not appearing in court—in all the proceedings which took place in the U.S.A. from 1987 onwards. As the result of this, on July 29, 1993, Demjanjuk was found unanimously not guilty by the Israeli Supreme Court. And, about two and a half months later, the U.S. Federal Court of Appeals for the 6th Circuit decided that the extradition of Demjanjuk to the state of Israel was a product of fraud upon the courts in the U.S. . . .

"The Demjanjuk affair became one of the worst cases of

cover-up in modern history. This was due to the enormous, unprecedented misconduct of the U.S. Department of Justice, and, most specifically, its Office of Special Investigations.

"The lawsuit to revoke Demjanuk's American citizenship was brought to the Cleveland Federal court, in September 1977. . . . Less than a year after this indictment was presented . . . the OSI received . . . hundreds of pages of documents [which] also contained information about the real identity of Ivan the Terrible. . . . That is to say, on the 12th of August 1978, the OSI is in possession of a picture of the real Ivan the Terrible; a picture which has no similarity whatsoever to Demjanjuk. . . .

"What did the OSI do with this material? It didn't reveal it, not to Demjanjuk's lawyers, and not to the courts which