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OSI

THE WHITE HOUSE

WASHINGTON

January 29, 1987

MEMORANDUM FOR EDWIN MEESE, ATTORNEY GENERAL

FROM: PAT BUCHANAN, ASSISTANT TO THE PRESIDENT 

SUBJECT: Deportations of Denaturalized Citizens to Communist Countries

Over the past six months I have received nearly 15,000 cards, letters and phone calls from a diverse cross section of American citizens concerning the issue of the denaturalizations, deportation and prosecution of suspected war criminals. (Several representative letters are attached. The others have been forwarded to your office of Community Relations for appropriate action.) These citizens fully support the uncovering, prosecution and punishment of war criminals. However, they have serious concerns with current procedure. Their concerns can be summarized as follows:

1. The United States should not grant the Soviet Union or other communist governments the moral authority to try people for atrocities committed during World War II. The Soviet Government is itself guilty of massive war crimes, and it was the Soviet/Nazi Pact that allowed Hitler to pursue his own atrocities.
2. Suspected war criminals should be tried in the United States, Western Europe or Israel. U.S. accession to the Genocide Treaty should grant it the authority to try these persons even though the crimes were not committed on U.S. soil.
3. Currently, persons accused of war crimes are tried in U.S. courts under civil procedure which denies to them the right of trial by jury and court appointed counsel.
4. Deportation of Baltic nationals to the Soviet Union violates U.S. policy of non-recognition of Soviet authority over the Baltic States. Though the Department of State has determined that such deportations are consistent with the current statute, logic and common sense argue that the statute does not comply with U.S. policy.

I would like to point out that this mail and these calls come from a broad cross section of American people, including clergy,

professionals and human rights activists, including former Soviet political prisoners and Helsinki Monitors.

Of course, this issue affects Americans of East European heritage most. Thus, I strongly recommend that you meet in the very near future with representatives of responsible East European American organizations to discuss this matter. My staff is available to assist you in making the necessary arrangements.

cc: Gilbert G. Pompa, Director,  
Community Relations Service  
Department of Justice

051

Jay Mathews

# An American Trial for Karl Linnas

*Let a jury decide his case before he's shipped off to the Soviet Union.*

LOS ANGELES—Some horrific issues become so old and stale, so discolored and encrusted by waves of public outrage, that wiser public officials put them aside, hoping the stink will disappear in time. Such is the reaction to the latest controversy over accused Nazi war criminals hiding in the United States, a stiffened corpse brought by to life by the heat of the American distaste for Soviet "justice."

If Karl Linnas, a white-bearded 67-year-old land surveyor sitting in a New York jail, had spent World War II in Denmark or Belgium or Greece or any of the other little democracies that survived the Nazi ravages, his wartime experiences might have been long forgotten. The accusations against him—running a small concentration camp, rounding up Jewish children for slaughter, personally firing into one of the massacre pits—might have been tried in court and his guilt or innocence determined to general satisfaction.

But Linnas was an Estonian. The chilly Baltic seaside nation where he spent the war is now little more than an appendage of the Soviet Union. A Soviet court sentenced him to death in 1962. There was so little official doubt about his guilt that one Soviet publication inadvertently reported the verdict three weeks before the trial was held. Such is the Soviet commitment to judicial efficiency, and that is precisely the problem.

Even if Linnas was a monster—and he has not done much to dispel that notion—could Americans who fought Hitler's view of civil liberties ship him off to such a system without a second thought? Unfortunately, there seemed little alternative. History has left the American legal system unequipped to try

international war criminals. The West Germans avoid handling atrocities not committed on their own soil. There are no Israeli witnesses against Linnas, and that country would prefer not to become a dumping ground for every last accused Nazi on Earth.

The U.S. government has pursued the only practical course under current law—revoke Linnas' citizenship and deport him to the Soviet Union, the only place willing to take him. It was a task the routines of the immigration courts were never designed for. To deport Linnas, the government only had to prove he had lied when he told immigration officials he was a student, and not a concentration camp official, during World War II. Murder and atrocity were not at issue, and neither was the fate that awaited Linnas in Moscow. He had no right to a jury. Estonian witnesses against him provided depositions videotaped in the Soviet Union; there was no way to tell whether they had been coached or threatened, as one State Department official has suggested they might have been. A New York acquaintance, the only important witness out of Soviet reach, said Linnas had once admitted working as a camp guard, but said nothing about atrocities.

Linnas declined to testify at any hearing and his attorney did not attend the Soviet hearings, a strategy that did him little good. American judges said they believed the Soviet evidence, denaturalized him and ordered his deportation. Only the U.S. Supreme Court or a possible Reagan administration policy reversal can save him now.

If the history of the Nazi Holocaust were not so fundamentally depressing and numbing, Linnas' plight might be the subject of

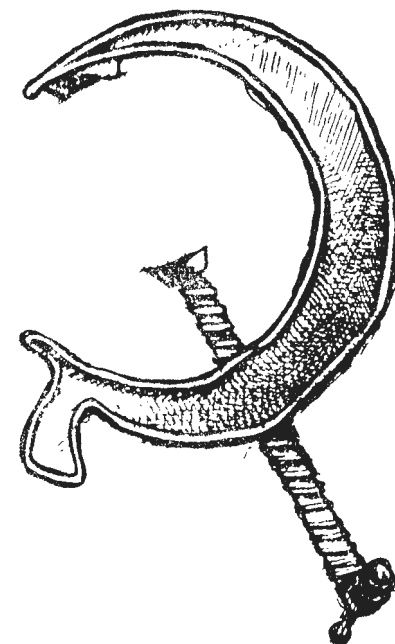
lively philosophical and political debate. Should a man seemingly guilty of the most heinous violations of human rights be accorded their full measure of protection? Can an outspoken anticommunist president bear to ship a U.S. resident off to Soviet hands? Few seem to have any interest anymore in this discussion, but a decision will be necessary soon, because the Soviets are growing impatient.

A Soviet Embassy official complained to the Justice Department twice in July about hints of White House hostility to their designs on Linnas. An internal Justice Department draft memo, made available by Americans of Eastern European descent who want to save Linnas, said that Soviet official Vadim Kuznetsov summoned Justice attorney Michael Wolf to the embassy and announced that Linnas' deportation would be the "crowning achievement" of their cooperative efforts.

By some estimates, about two dozen other U.S. residents have been targeted for possible deportation to the Soviet Union. To send them to a Soviet prison or firing squad would leave a bad taste in many mouths; even Amnesty International opposes the Linnas deportation. But to grant Linnas safe haven would cruelly waste millions of dollars and man-hours expended by the Justice Department's Office of Special Investigations. Few other federal agencies have been truer to the dictates of the American conscience.

The one remaining solution has no lobbyists, but for those committed both to American civil liberties and anticommunism, is there any other way but to have an American trial?

An international tribunal, a war-crimes tri-



BY REAY

al, call it what you wish, bipartisan standards of justice accepted long ago require some forum before independent judges or jury in which all witnesses—including the Soviet Estonians—may appear and be cross-examined. Bills now before Congress to fold the anti-genocide treaty into American law fortuitously provide the proper tools. Those who want Linnas deported, such as World Jewish Congress general counsel Eli Rosenbaum, would agree to an American hearing. Linnas' family and friends prefer it to deportation.

Have a trial and be done with it. It will not wipe out memories of what happened in Europe in the war, but at least some of the odor on this side of the Atlantic may fade.

*The writer is a national correspondent for The Post.*



Nathan Perlmutter  
National Director  
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OSJ

August 25, 1986

The Honorable Edwin Meese, III  
Attorney General of the United States  
Department of Justice  
10th and Constitution Avenue, N.W.  
Washington, D.C. 20530

Dear General Meese:

As you know, the U.S. Court of Appeals for the Second Circuit recently ruled on the deportation of Karl Linnas, former chief of Tartu concentration camp, affirming an immigration court decision to deport him to the Soviet Union.

Linnas was ordered deported under Section 241(a) of the Immigration and Nationality Act because of misrepresenting his active participation in the Nazi persecution of Estonian Jews during World War II. Following Linnas' unsuccessful appeal to the Second Circuit, we expect he will attempt to seek Supreme Court review of his case. As he thus exhausts all administrative and judicial avenues, some are turning to your office to stay his deportation in the name of "due process."

But, Linnas has had due process. Both the immigration court and the Second Circuit found "clear and convincing" evidence that Linnas was a concentration camp chief in Tartu, Estonia, during the War, and that he unlawfully entered this country because of the willful misrepresentations he made about his war time activity.

The Second Circuit found the "horrific facts" of Linnas' past to exemplify the:

"clearest case of involvement in persecution: one in which 'an individual, often while employed at a concentration camp, has personally arrested, or fired upon detained citizens, or has ordered others to do so.'"

Following determination of Linnas' deportability, he, as all deportees, had the opportunity to designate any country of his choosing. Linnas chose Estonia -- territory currently under control of the Soviet Union. Moreover, the Soviet Union is the only country which has agreed to accept him.

August 25, 1986

Neither is this case unique. Where there have been willful violations of U.S. immigration law -- misrepresentations concerning complicity in murder and persecution of civilian populations -- the Justice Department has sustained deportation to the Soviet Union.

Feodor Federenko, for example, who was an armed guard at a concentration camp, and who like Karl Linnas, misrepresented his involvement in atrocities was ultimately deported to the Soviet Union. ADL harbors no illusions about the Soviet Union -- evidence our recent condemnation of the American Bar Association's link with the Association of Soviet Lawyers. That is not to say, however, that the Soviet Union is without jurisdiction to review crimes committed to their citizenry during a period when they suffered millions of dead.

Linnas ought not be allowed to remain in the United States. As the Second Circuit noted in this case, deportation protects our citizens "from persons harmful to the public good" -- our communities must not be shared "with persons who ordered the wholesale extermination of innocent men, women and children."

Sincerely,



Nathan Perlmutter  
National Director

NP:lg

OFFICE OF SPECIAL INVESTIGATIONS

U.S. DEPARTMENT OF JUSTICE

CRIMINAL DIVISION

Neal M. Sher, Director

## OFFICE OF SPECIAL INVESTIGATIONS

The Office of Special Investigations (OSI) was established in the Department of Justice in 1979. Its sole mission is to investigate and take legal action against Nazi war criminals in the United States. It has a full-time staff of 50 persons, including 20 attorneys, four criminal investigators, seven professional historians and a support staff which includes translators and historical researchers.

Nazi war criminals are defined under the law as those persons who, in collaboration with the Nazi regimes of Europe from 1933-1945, assisted, incited, or took part in, persecution of any person based on race, religion, or political beliefs. Because the United States has no present jurisdiction to try Nazi war criminals for their substantive crimes (which took place outside the United States and did not involve United States citizens), the Office of Special Investigations enforces the immigration and naturalization laws against Nazi war criminals. Under these laws, it was illegal for those who took part in persecution to enter the United States or to become citizens. Nazi war criminals now in the United States generally procured their entry and naturalization by concealing and misrepresenting their activities with the Nazis. They are subject to loss of citizenship and deportation from the United States if this deception is proven at trial, and this is the focus of OSI's activities.



## OFFICE OF SPECIAL INVESTIGATIONS

In 1978, Congress enacted P.L. 95-549 which renders deportable any alien in the United States who took part in persecution of individuals, in collaboration with the Nazi regimes of Europe from 1933 to 1945. The Office of Special Investigations was established in May 1979 and was charged with the sole mission of investigating and prosecuting Nazi war criminals living in the United States. The legal framework within which the Office operates is the Immigration and Nationality Act, which sets forth specific provisions for dealing with persons involved in war crimes.

Some of the specific accomplishments of the Office of Special Investigations during 1985 include the following:

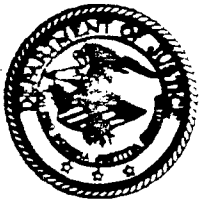
° Identification of war criminals. The Office of Special Investigations (OSI) began actively to gather 9,400 names of potential war criminals discovered by archival research and to compare them to immigration files to determine if they had entered the United States. The Immigration and Naturalization Service (INS) found over 3,500 possible matches and OSI has opened 65 cases to date.

In addition, OSI submitted to Immigration and Naturalization Service 9,900 names of individuals who were rejected under Section 13 of the Displaced Persons Act for a determination as to whether any of these individuals subsequently entered the United States. OSI is currently screening these 700 individuals to identify those against whom legal action should be initiated.

° Investigation of allegations. Thirty-nine investigations were closed in FY 1985 because: 1) allegations could not be substantiated and/or corroborated, 2) the suspect died; or 3) on five occasions, the subject agreed to depart the United States to avoid prosecution. Of special significance this year was the first deportation of an individual to the Soviet Union.

° Denaturalization and deportation of war criminals. Four new cases were filed in 1985, two denaturalizations and two deportations. Ten cases are currently on appeal including seven appeals that were brought by the defendants after Government victories. Two denaturalization cases were successfully closed, as were two deportation cases. In both of the latter cases, the respondents fled the country. Eight war criminals have departed the United States to date, and one was awaiting effectuation of his Order of Deportment at the conclusion of 1985.

° Solicitation of cooperation from foreign governments. The Director and his representatives have met personally this year with diplomatic and judicial officials of the Federal Republic of Germany, the USSR, Poland, Yugoslavia, Israel, Brazil, Italy and France. Representatives of the Canadian Deschenes Commission have traveled to Washington twice this year to meet with the staff of OSI and exchange valuable information useful to both parties in the search and prosecution of war criminals.



# Department of Justice

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ADDRESS

OF

THE HONORABLE EDWIN MEESE III  
ATTORNEY GENERAL OF THE UNITED STATES

BEFORE

THE KNIGHTS OF COLUMBUS

WEDNESDAY, AUGUST 7, 1985  
WASHINGTON, D.C.

I commend Knights of Columbus for their long record of civic responsibility. The public service of private groups of religious citizens such as yours was what DeTocqueville saw a century and a half ago as the keystone of American society. In our own day this is exactly what President Reagan is calling for in a renewal of the private sector to meet the needs of our people. I might add that that's why the President has insisted that the tax exempt status of fraternal charitable groups is an essential feature of the tax code and not a loophole that could be closed.

I would like to preface my remarks by recognizing something very important about our American democracy. We should never expect any religious group or any charitable group either, to be in 100 percent agreement with any political movement or any political party.

But we can share important principles between the few who are called to serve in government and the many who stand as the foundation of that government. I think it is important to talk about the principles that we do share.

I know that you and the Knights of Columbus share many of the vital first principles that form the foundation of what we are trying to accomplish in the Justice Department and in the Reagan Administration.

1. Our first principle is to protect and expand the liberties of all Americans. Ronald Reagan has been doing this by defending us effectively from hostile threats abroad, by preserving peace overseas and

tranquility at home, and by recognizing that the American people themselves, and not government, is the engine of progress today as it has always been throughout our history.

2. In protecting the rights of all Americans, we believe that it is essential to protect the right of each person to be safe from crime, from assault against his person and his property. During the Reagan Administration, the crime rate has dropped sharply for the first time in years. This has happened not one year, not two years, but three years in succession. While a number of factors have contributed to this trend, I believe that our firm stand against criminal activity, and especially the President's clear concern that freedom from crime be recognized as a right and responsibility of government, is a crucial factor.
3. An integral part of our fight on crime is the war against drugs. Drug use contributes significantly to other forms of criminal behavior. It not only undermines the safety of each citizen from violent crime, but also undermines the ability of parents to raise families in a supportive community. I have just returned earlier this week from kicking off a nationwide effort to eradicate the growing of marijuana. We have had tremendous success in this effort, and we are encouraging other countries to continue their eradication efforts as well.

You, yourselves can help us in our effort to tell young people across our land that drugs are destructive, that those who use them are giving their money to support a vicious and brutal trade, and that those who profiteer from this trade will not be tolerated by the law enforcement authorities of this country.

4. Another priority that flows from our first principles is our resolve to resist and combat terrorism.
5. I would also like to call attention to President Reagan's commitment, which I know you share, to mobilize private sector resources for those in need. Whether we are talking about missing and exploited children, orphans and other victims of the breakup of the family, unwed mothers and their children, or those with other needs, your efforts and those of private charitable groups throughout our country have been essential in meeting the needs of people in ways far more effective than government has been able to devise.
6. I also know that Virgil Dechant was among the concerned citizen leaders who attended the first briefing for President Reagan on the problems of pornography. Since that time three years ago, we have passed a law to impose severe sanctions and close every loophole against child pornographers. We have already brought more indictments under that new 1984 Child Protection Act than were brought against child pornographers in all the years since the passage of the earlier 1978 Child

Pornography Act. In addition, I have set up a new commission, at the President's request, to study the effects of pornography on our society and to make recommendations for further action. We have already stepped up our efforts, and we are open to all effective means of combatting this problem within the limits set by our constitution to protect non-obscene speech.

In all six areas, as we follow out the principles that we share, we should not expect government to provide the sole answer. It is citizens working through groups such as yours that provide the real energy and dynamism to accomplish what we all seek to further. With respect to many problems, government is most effective when it facilitates private sector solutions.

Today I would like in particular to talk to you about a matter that concerns not only the Knights of Columbus but Americans generally. It's a matter that too often is not articulated, particularly in a clear and effective way where we look into its history and look at what really we have as a resource to deal with it.

Indeed, it is an issue that has concerned Americans ever since Christopher Columbus first arrived in this hemisphere. It was one of the motivating forces for many of the people to come to this land. It is the issue that has been the reason so many Americans immigrated over the course of the past five centuries, from England, Scotland, and Ireland; from all parts of Europe and



the Middle East; from Africa, Asia, and from our own hemisphere. Rarely has an hour passed, I would suppose, that this issue has failed to engage some American, somewhere, in some way. And in recent years this issue has attracted more rather than less attention.

The subject of my remarks today is religious freedom.

Religious freedom is understood in a most personal way by those of you who are engaged in its exercise. Since 1882 Knights of Columbus, through their religious commitment, have helped countless Americans, and the nation is the better for it.

I have two main points to convey this afternoon. The first is that America's novel experiment in behalf of religious freedom has proved to be a tremendous success. This is a happy point. Unfortunately my second point is perhaps less so. It is that there are ideas which have gained influence in some parts of our society, particularly in some important and sophisticated circles, ideas that are opposed to religious freedom and indeed to freedom in general. In some areas there are some people that have espoused a hostility to religion that must be recognized for what it is, and expressly countered. There is a hostility to certain basic values of the American people that must be clearly described, and equally clearly opposed.

I believe that only by speaking candidly, as did my colleague Secretary Bennett in his remarks to you today, that will we have clarity as to the nature of the battle of ideas that is taking place in our culture. And only by speaking candidly and forthrightly can we hope to prevail.

As I said, America's novel experiment in behalf of religious freedom has been a tremendous success. What was this experiment, and why did the Founders of our Republic undertake it?

Basically, the Founding generation decided that America should not have a national church, that government should neither establish a religion nor prefer one religious group over another.

This decision distinguished the early United States from the Old World. It had long been the custom in Europe for church and state to be yoked together. Some of the colonies even in this new land and later some of the states supported particular religions; and in doing so they often clearly preferred one religion over another. Just as in the Old World, even in the New World such preferences sometimes precipitated even armed conflicts between the adherents of different religions. And clearly, it was early recognized that it was an unfair burden for people of one religion to have to bear by their taxes the cost of another religion to which they did not personally subscribe.

It was for this reason that the Founding Fathers two hundred years ago, in the development of the Constitution, decided to break from the old pattern of establishing a church as an instrument of official or governmental policy. This was what was new about the Constitution of the United States. Written in 1787, an event that we will celebrate in barely two years, it provided that a religious test for office was forbidden. When several states asked to make explicit in Constitutional language what was implicit in the theory behind the text, an amendment was

proposed as a part of the Bill of Rights. And this amendment, the First Amendment, deals with several matters including this matter of freedom of religion. The two religious clauses in this Amendment constitute our fundamental legal charter on the issue of religious liberty. And those clauses say--and it's important that we remember the precise words of the First Amendment--

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

This language represented what Thomas Jefferson termed a great "experiment," which would test the proposition that the religious benefits and beliefs of the American people would flourish without state coercion.

It is important for us to be clear and to make clear that while the Founding Fathers sought to avoid the establishment of a particular religion in America, in doing so they were not hostile or indifferent to religion in general. What Jefferson rightly called a great experiment was done with confidence that the religious beliefs of the American people would flourish even in the absence of any state coercion.

The Founders wanted religious belief and practice to flow from the hearts of individuals and their churches, not because of the heavy hand of government either as a tax collector to support the churches or to inflict any particular religious test or to require any religious practices. In addition, they wanted

religion to thrive for reasons that to religious people may seem secondary, but to them, as political scientists, were very important. The Founders devised a political system to secure liberty; it was a system that included the principles of representation, representative government, separation of powers, and federalism. It was a system that specified rights that individuals held to life, liberty, and property. And yet the Founders recognized that there was a limit to what they could do by the installation of this political system. They understood that without a fair degree of virtue in the people, without a sense of public and societal morality, democracy might not endure. And most of them believed that religion was an important source of that morality and that virtue. We only have to go back to Washington's Farewell Address as he was leaving the presidency to hear him as he said,

"Of all the dispositions and habits which lead to political prosperity, Religion and Morality are indispensable supports...."

And again he said,

Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that National morality can prevail in exclusion of religious principle."

So it was that the Founders of our Republic broke from the past with an experiment that they hoped would eliminate the conflicts of religion while still providing the conditions in which religion itself might exist and flourish. In evaluating the success of this experiment, it may prove useful to note in more detail the terms of the experiment. As I said earlier, the First Amendment forbade the establishment of a particular religion or a particular church. It also precluded the federal government from favoring one church or religious group over another.

That is what the First Amendment did. But it did not go further.

It did not preclude federal aid to religious groups so long as that assistance furthered a public purpose and so long as it did not discriminate in favor of one religious group against another.

These, then, were the terms of the novel experiment with church and state, according to each their rightful place in this New Land of ours. And in retrospect, as I said earlier, some two hundred and some odd years later, it is clear that this experiment has proved a tremendous success.

There never has been and hopefully never will be an official Church of United States. But at the same time we have to recognize that Congresses from the First Congress on have aided religion on a non-discriminatory basis. It was, for example, our First Congress that established a congressional chaplaincy and authorized the President to create a military chaplaincy; the

Second Congress created a separate chaplaincy for the Army; and the Third Congress that created another separate chaplaincy for the Navy.

Congress also ratified with Indian tribes treaties which, respectively, provided for the building of a church on an Indian reservation at government expense, and provided a priest and church, both at government cost, for the religious education of the Indians. It is interesting that a century later Congress decided that that was not such a good idea and so they changed the law to end such grants. But the important thing is that non-discriminatory religious aid coming from the Congress was not at all deemed in the First and subsequent Congresses a violation of the constitutional prohibition against the establishment of religion.

Congress has continued to legislate in these areas. However one views the policy choices it has made--sometimes we would agree and sometimes disagree--I think it's important that it was Congress who did this, because the Constitution quite clearly left this very sensitive policy area to the American people, to be determined through their representatives in the House and the Senate. Appropriately, down through the years, the actions of Congress have I think accurately reflected the sense of the American people on church-state relations.

In the absence of state coercion, religion in America has indeed thrived. The few early denominations in North America still claim substantial memberships. But now the Statistical Abstract of the United States reports that there are some 87

different religious denominations in this country, each claiming 50,000 or more adherents. And all religions are treated equally under our Constitution.

Furthermore, few can doubt that the religious beliefs of the American people have proved a constant source of individual virtue and community values. Indeed what de Tocqueville, who himself was a Frenchman and a Catholic, observed in 1835, remains true today. Religion has enabled Americans to use liberty and to preserve it. Clearly, we would be a much different America were it not for the influence of religious faith. The American political tradition reflects our religious traditions and more importantly our traditional religious values. We living today owe the Founding Fathers a debt of enduring gratitude for their novel -- and successful -- experiment with church and state.

But at the same time that we recognize the success of the novel experiment, at the same time that we express our debt to the Founding Fathers, we have to recognize that some ideas that have become increasingly influential in recent years are ideas that threaten religious freedom. Some people would interpret the First Amendment in a way that "is extremely hurtful to the cause of religion." In its application, the principle of neutrality toward all religions has often been transformed by some into hostility toward anything religious.

In order to protect the religious liberty of the American people, this administration has argued in behalf of principles that reflect the text of and intent behind the First Amendment. We have argued, for example, that government programs can benefit

both the religious and the nonreligious; that public school facilities can be made available equally to all student groups, religious and nonreligious alike; that government should be able to distribute tax benefits to parents regardless of where they send their children to school, whether they be church-related, or other private, or public schools. And we have contended that government must be able to extend financial assistance to all eligible persons, whether they intend to use the aid for a religious or a secular vocation.

Furthermore, this administration has argued for accommodation by government of the religious beliefs and conduct of our citizens. As the founding generation recognized, religious convictions properly flow from individuals and private associations of people and churches. But this does not mean that government must be indifferent, let alone hostile, to the convictions held by a large number of our people.

This position keeps faith with our written Constitution, and is particularly important today. For as government grows, the application of strict neutrality to the public sphere has had the practical effect of forcing the exercise of religious faith into smaller and smaller private spheres. The danger is that religion could lose its social and historical -- indeed, its public character. There are nations, we should remind ourselves, where religion has just this status, where the cause of religion, and the expression had been reduced to something which people could only do behind locked doors.



And there is a further danger that I would suggest to you that we must be constantly aware of. And that is by gradually removing from public education and public discourse all references to traditional religion and substituting instead the jargon and ritual and morality of the cult of self, we run the risk of subordinating all other religions to a new secular religion which is a far cry from the traditional values which have been successful and which have nurtured the morality and the values which underlie the American people. As the Lutheran writer Richard Neuhaus has observed, there is no such thing as a "naked public square." As religion is pushed out of that square, other value systems will rush in to occupy it. The American Constitution makes no guarantee that the public square should be Protestant, Catholic, or Jewish; Muslim or Buddhist; or religious or non-religious for that matter. But it does provide that the American people should be able, within the limits of the First Amendment, to determine the values of the public square. And it begs credulity to argue that the value system most reflecting the beliefs and sentiments of the American people has to be primarily secular and cannot be religious in nature.

One example, of course, is that today the morality of the American people has not been allowed to prevail on one of the most important issues of the day -- the issue of abortion. Thus, to restore public values into the open debate of the legislative halls of this country, the Department of Justice has submitted a

brief to the Supreme Court arguing that the abortion decision of 1973 wrongly pre-empted the policy choices of the people in each state and should be reversed.

Now I hope that you won't feel that I have taken you through too long an excursion into the Constitutional history of the United States. But I felt it was important to do so so that we can speak out forthrightly and clearly on a very important doctrine in the Constitution that too often is neglected on the editorial pages of our newspapers and too often is forgotten by some people in positions of public trust. I feel it is important that this topic be brought up in groups such as yours and in public groups all over the country. Not everyone will agree with these sentiments, but at least the issue of religious liberty deserves to be debated and deserves to be in the forefront of the American policy debate today.

As you meet in your conference here, I suggest that it is imperative that you and other liberty-loving Americans speak out for their religious freedom. The Knights of Columbus has a long and noble history of religious commitment. You have contributed greatly to the cause of religious liberty in America today.

And therefore I ask you to join this Administration in its efforts to protect religious freedom. The First Amendment also contains guarantees for freedom of speech. That freedom deserves to be exercised energetically and courageously, in defense of all of our freedoms, including our religious liberties. Our Founding Fathers' novel and successful experiment in church and state

relations can be sustained and carried on to our children and their children -- but only if together we rise to meet that challenge.

God help us all to fulfill our responsibilities in this regard.

Thank you.

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# NEW YORK POST

011

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## Leave the Demjanjuk case for Israel's courts to decide

High government officials rarely write bylined articles — and with good reason. Even if attended by disclaimers, such articles are usually read as reflecting the position of the administration in power — and indeed, of the U.S. government as a whole. The knowledge that someone high-up had to approve publication — and, frequently, the importance of the individual writer — combine to make the appearance of such pieces newsworthy events.

For these reasons, it was distressing to see, in the *Washington Post* last week, an article by White House Communications Director Patrick J. Buchanan arguing the innocence of an accused Nazi war criminal — John Demjanjuk.

Now in custody in Israel, Demjanjuk is charged with having helped herd Jews into the gas chambers at Treblinka, the Nazi death camp where the inhabitants of the Warsaw Ghetto were murdered.

A Ukrainian national, Demjanjuk emigrated to the U.S. in 1952 and settled in Cleveland. In 1981, he was stripped of his American citizenship for lying to U.S. immigration authorities about his wartime activities.

Extradited to Israel earlier this year — after a five year legal effort to prove he was a victim of mistaken identity — Demjanjuk's trial will likely get underway early next year.

Before he returned to government service, Buchanan — then a widely syndicated newspaper columnist — championed Demjanjuk's cause. Embracing the mistaken-identity thesis, Buchanan argued that the Cleveland auto worker was *not* the man known in Treblinka as "Ivan the Terrible."

That, of course, was an undertaking

in no way inappropriate. Buchanan was a journalist and a private citizen. And the case itself was in the hands of the American judicial system.

Now, however, things are quite different. Buchanan is a high White House official. And the Demjanjuk matter rests with the criminal justice system of a foreign country — a country that's a friend and ally of the U.S., as well as a democracy.

The Israeli judiciary is widely recognized for its fairness and independence. And Mark O'Connor, the American lawyer representing Demjanjuk, has said that he fully expects his client to get a fair trial. (O'Connor received permission to appear before an Israeli court with no difficulty whatever — an unusual demonstration of flexibility, by any standard).

For Buchanan to press forward with his miscarriage of justice argument — *before the trial has even begun* — is, to say the least, an insult to an ally and friend.

Unless Buchanan has reason to fear that the trial will be stacked against Demjanjuk — reason to believe that the truth will not out — there's no cause for him to issue this pre-trial assessment from his lofty White House perch.

Lest there be any doubt about how the *Washington Post* piece is likely to be perceived, it should be pointed out that O'Connor has already appeared on the court house steps in Jerusalem to tell reporters that Buchanan's article demonstrates that "the *Reagan administration* has serious doubts about the case against Demjanjuk."

Let's hope that now this trial in a foreign country will be allowed to move forward — without the benefit of further commentary from White House officials.