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WITHDRAWAL SHEET

Ronald Reagan Library

Collection: ROBERTS, JOHN G.: Files

Archivist: kdb/srj

File Folder: Immigration & Naturalization [11] OAI2662
92060

Date: 2/12/98

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. memo	Roberts to Maurice Inman re: immigration problem with citizens being detained in the Philippines. 1p., partial	5/14/84	P6 B6
2. letter	Roberts to citizen re: same subject as item 1. 1p., partial	5/14/84	P6 B6
3. tracking worksheet	correspondence tracking worksheet re: same subject as item 1. 1p.	n.d.	P6 B6
4. tracking worksheet	cabinet affairs tracking worksheet re: same subject as item 1. 1p.	4/16/84	P6 B6
5. letter	to David Fischer re: same subject as item 1. 1p.	4/16/84	P6 B6
6. letter	U.S. State Dept. to Fischer re: same subject as item 1. 1p.	12/29/83	P6 B6
7. memo	Roberts to Fielding re: Ward Quaal and ^{someone's} INS problem. 1p.	10/15/84	P5, P6 B6
8. letter	Fielding to Ward Quaal re: same subject as item 7. 1p., partial.	10/24/84	P6 B6
9. letter	duplicate of item 8, w/out signature notation. 1p., partial.	10/24/84	P6 B6
10. letter	Fielding to Quaal re: same subject as item 7. 1p., partial.	10/15/84	P6 B6
11. tracking worksheet	correspondence tracking worksheet re: same subject as item 7. 1p.	n.d.	P6 B6
12. letter	Quaal to Fielding re: same subject as item 7. 1p.	10/01/84	P6 B6

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P-1 National security classified information [(a)(1) of the PRA].
- P-2 Relating to appointment to Federal office [(a)(2) of the PRA].
- P-3 Release would violate a Federal statute [(a)(3) of the PRA].
- P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA].
- P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA].
- P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA].
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- F-1 National security classified information [(b)(1) of the FOIA].
- F-2 Release could disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA].
- F-3 Release would violate a Federal statute [(b)(3) of the FOIA].
- F-4 Release would disclose trade secrets or confidential commercial or financial information [(b)(4) of the FOIA].
- F-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA].
- F-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].
- F-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA].
- F-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].

DB 12/14/00

WITHDRAWAL SHEET

Ronald Reagan Library

Collection: ROBERTS, JOHN G.: Files

Archivist: kdb/srj

File Folder: Immigration & Naturalization [11] OA12662

Date: 2/12/98

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
13. letter	Percy re: same subject as item 7. 1p., partial.	09/21/84	P6 B6
14. letter	Marvin Ely to Percy re: same subject as item 7. 1p., partial.	09/18/84	P6 B6
15. background note	re: same subject as item 7. 2p.	n.d.	P6 B6
16. background note	re: same subject as item 7. 1p.	n.d.	P6 B6
17. letter	INS re: same subject as item 7. 1p.	05/08/84	P6 B6
18. form letter	INS re: same as item 7. 2p.	09/14/84	P6 B6
19. form	INS form 1-94, departure record. 1p.	09/14/84	P6 B6
20. letter	Quaal to Fuller re: same subject as item 7. 2p.	10/01/84	P6 B6
21. letter	Quaal to Reagan re: same subject as item 7. 3p.	10/01/84	P6 B6

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P-1 National security classified information [(a)(1) of the PRA].
- P-2 Relating to appointment to Federal office [(a)(2) of the PRA].
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- P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA].
- P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA].

C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

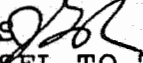
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- F-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].

THE WHITE HOUSE

WASHINGTON

May 14, 1984

MEMORANDUM FOR MAURICE INMAN
GENERAL COUNSEL
IMMIGRATION AND NATURALIZATION SERVICE
U.S. DEPARTMENT OF JUSTICE

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence From | | | | | | | | | |
Concerning Immigration Problem With
His Wife and Children Who are American
Citizens Being Detained in the Philippines

The attached letter from | | | | | | | | | | together with a
copy of my reply, is submitted for whatever action you deem
appropriate. Needless to say, the correspondence is submitted
without recommendation, and we have no continuing interest
in this matter.

Many thanks.

THE WHITE HOUSE

WASHINGTON

May 14, 1984

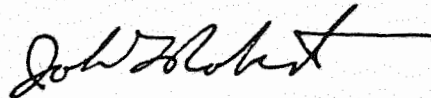
Dear Mr. [REDACTED]

This is written in reply to your letter of April 16, 1984 to Special Assistant to the President David C. Fischer. That letter concerned immigration questions involving your wife and children.

I must advise you that the White House adheres to a policy of not intervening on behalf of private parties with respect to particular matters those parties have pending before agencies with adjudicative functions. The purpose of this policy is to preserve public confidence in the impartial administration of our laws. Accordingly, neither Mr. Fischer nor any other member of the White House staff may become involved in your family's immigration case. ∴

I have, however, taken the liberty of referring your letter to the Immigration and Naturalization Service, for whatever action that agency considers appropriate. Any further correspondence on this subject should be directed to that agency.

Sincerely,



John G. Roberts
Associate Counsel to the President

[REDACTED]

cc: David C. Fischer
Special Assistant to the President

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THIS FORM MARKS THE FILE LOCATION OF ITEM NUMBER 3-6 LISTED ON THE
WITHDRAWAL SHEET AT THE FRONT OF THIS FOLDER.

THE WHITE HOUSE

WASHINGTON

September 6, 1984

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: DOJ Draft Report on H.R. 5118, a Bill
to Permit Nonimmigrant Alien Crewmen
on Fishing Vessels to Stop Temporarily
at Ports in Guam

Counsel's Office has reviewed the above-referenced draft report. In this report the Department of Justice suggests that instead of a "piecemeal approach" excepting Guam from particular provisions of the Immigration and Nationality Act, Congress consider simply amending the definition of "United States" in Section 101(a) (38) to remove Guam. Justice's suggested approach would, of course, exclude Guam from all the provisions of the Act, a result that I doubt was intended. I do not suppose that it would be desirable to have no immigration policy or restrictions whatever with respect to Guam. Unless this is in fact the desired result, the draft report should be revised.

I would also note that the citation to the codification of Section 101(a) (38) in the second paragraph on page 2 is incorrect. The correct cite is "8 U.S.C. 1101(a) (38)."

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

IM
JR - dmit

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) 1/1

Name of Correspondent: James Murr

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: DOJ Draft report on H.R. 5118, a bill to permit nonimmigrant alien crewmen on fishing vessels to stop temporarily at ports in Guam

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u>White</u>	<u>ORIGINAL FOR</u>	<u>84 08 121</u>		<u>1 1</u>
<u>WAT18</u>	<u>R</u>	<u>84 10 27</u>		<u>84 09 07</u>
		<u>1 1</u>		<u>1 1</u>
		<u>1 1</u>		<u>1 1</u>
		<u>1 1</u>		<u>1 1</u>

ACTION CODES:

- A - Appropriate Action
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- R - Direct Reply w/Copy
- D - Draft Response
- S - For Signature
- F - Furnish Fact Sheet to be used as Enclosure
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- C - Completed
- B - Non-Special Referral
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: _____

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

August 21, 1984

LEGISLATIVE REFERRAL MEMORANDUM

253223 Ca

TO: LEGISLATIVE LIAISON OFFICER

Department of State
National Security Council
Department of Transportation
Department of the Interior

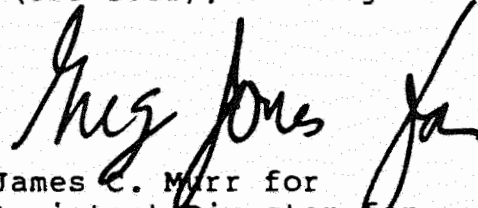
SUBJECT: DOJ draft report on H.R. 5118, a bill to permit nonimmigrant alien crewmen on fishing vessels to stop temporarily at ports in Guam

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please provide us with your views no later than

Tuesday, September 11, 1984.

Direct your questions to Branden Blum (395-3802), the legislative attorney in this office.


James C. Murr for
Assistant Director for
Legislative Reference

Enclosure

cc: T. Treacy
S. Galebach

✓
F. Fielding
S. Gates

J. Cooney



Office of the Assistant Attorney General

Washington, D.C. 20530

Honorable Peter W. Rodino, Jr.
Chairman
Committee on the Judiciary
House of Representatives
Washington, DC 20515

Re: H.R. 5118

Dear Mr. Chairman:

You have requested our views on House Bill H.R. 5118, which would amend the Immigration and Nationality Act to except Guam from the prohibition on the temporary landing of alien crewmen serving on U.S. based or homeported fishing vessels of Section 101(a)(15)(D) of the Immigration and Nationality Act. 8 U.S.C. 1101(a)(15)(D). For the reasons set forth below, the Department has no operational objections to the Bill. Nevertheless, we believe the same result could be achieved without creating a special exception for Guam under the Act.

The present version of Section 101(a)(15)(D) prohibits alien crewmen serving on fishing vessels having a home port or operating base in the United States from landing temporarily in the United States as non-immigrants. Guam is defined as a part of the United States by Section 101(a)(38) of the Act. H. R. 5118 would amend (15)(D) by the addition of a new clause, which would permit alien crewmen serving on U. S. fishing vessels to land temporarily on Guam.

The legislative history of Section 101(a)(15)(D) indicates that the prohibition was enacted to prevent large U. S. based fishing fleets from hiring alien crewmen who thereby would be enabled to circumvent the immigrant priority system and make their homes in the United States. S. Rep. 1137, 82d Cong., 2nd Sess., p. 20; H. Rep. 1365, 82nd Cong., 2nd Sess., p. 43. However, there may be exigent reasons to make an exception to this rule for Guam which are not apparent to the Department. For this reason, the Department expresses no operational objection to the evident purpose of this amendment.

We would note that Section 101(a)(15)(D) as presently drafted requires the alien crewman to depart "within the vessel or aircraft on which he arrived or some other vessel or aircraft." Emphasis added. This latter phrase permits flight crews to depart on other aircraft, crewmen to fly in and depart by ship, hospitalized crew depart on different vessels, as well as other such ad hoc arrangements. The phrase is missing from the conclusion of H.R. 5118. We would recommend its reinsertion.

Recently, there have been a number of legislative and administrative proposals concerning immigration enforcement on Guam. The crux of each proposal has been that Guam is a part of the United States yet has unique problems requiring exceptional treatment under the Act or implementing regulations. Such a piecemeal approach strikes at the viability of the entire Act by creating a pattern of exceptions. If Guam may assume responsibility for visa waivers, why not Alaska; if Guam may set its own adverse wage rates or H-2 visa purposes, why not Virginia?

An alternative to exceptional legislation would be to remove Guam from the definition of the term "United States" in Section 101(a)(38). 8 U.S.C. 101(a)(38). This solution would obviate the necessity to amend (15)(D) by removing Guam from the parenthetical prohibition. It also would avoid the creation of piecemeal exceptions to the Act.

In conclusion, the Department does not foresee any serious operational difficulties with this legislation, but we would not recommend the approach taken in this Bill.

The Office of Management and Budget has advised this Department that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

Robert A. McConnell
Assistant Attorney General

THE WHITE HOUSE

WASHINGTON

October 24, 1984

MEMORANDUM FOR ROGER CLEGG

ASSOCIATE DEPUTY ATTORNEY GENERAL
U.S. DEPARTMENT OF JUSTICE

FROM:

JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT:

Correspondence Concerning Apparent Violation
or Misrepresentation of Section 312 of the
INN Act of 1952, in the Local Southern
Arizona INN Office

The attached correspondence to White House Chief of Staff James A. Baker, III, together with a copy of my interim reply, is referred to the Department of Justice for direct response and whatever other action you consider appropriate. The writer raises allegations of violations of our immigration laws, and requests appropriate action by the Attorney General.

Many thanks.

Attachment

THE WHITE HOUSE

WASHINGTON

October 24, 1984

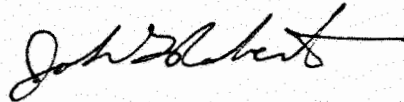
Dear Mrs. Gilbert:

Thank you for your letter of September 24 to White House Chief of Staff James A. Baker, III. Along with that letter you enclosed a copy of a letter from you to the Attorney General. In both letters you raised various concerns about immigration policy and the enforcement of our immigration laws.

Please be advised that I have referred your correspondence to the Department of Justice. As you know, that Department is charged with enforcing the immigration laws.

Thank you for sharing your views with us. You should receive a substantive reply from the Department of Justice in the near future.

Sincerely,



John G. Roberts
Associate Counsel to the President

Mrs. Stanley Gilbert
4691 N. Via Madre
Tucson, Arizona 85749

JV

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

IM

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: Peggy B. Gilbert

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Apparent violation or misinterpretations of Section 312 of the INN Act 1952, in the local Southern Arizona INN office

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response Code	Completion Date YY/MM/DD
<u>CW Holland</u>	<u>ORIGINATOR</u>	<u>84/10/23</u>		<u>1 1</u>
<u>WAT18</u>	<u>R</u>	<u>84/10/23</u>	<u>S</u>	<u>84/11/03</u>
		<u>1 1</u>		<u>1 1</u>
		<u>1 1</u>		<u>1 1</u>
		<u>1 1</u>		<u>1 1</u>

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Comments: _____

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 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

Mr. James Baker
Executive Office of the President
The White House Office
1600 Pennsylvania Avenue, N. W.
Washington, D. C. 20500

267407 cu

Dear Mr. Baker:

The enclosed letter to the Attorney General deals with apparent violations or misinterpretations of Section 312 of the INN Act, 1952, here in the local Southern Arizona INN office. The following is my personal belief and I hope you will bear with me, and

At the risk of sounding intolerant, I feel that anyone living in the United States should know English. This is an English speaking country and, thank goodness, we are not as yet a polylingual nation to a significant degree. Immigrants, even from the Western Hemisphere countries, should be subjected to very limited quotas. Further, immigrants who wish to become permanent residents should be required to have a working knowledge of the English language within a designated period, for example, two years. The United States is not as it was when we had a whole continent to explore and develop and were able to absorb large influxes of immigrants. The United States should not assume, or be expected to assume, the burden of people who merely come into this country to take advantage of the so-called "good life" and are not able to support themselves. We must take a good hard look at what we can and cannot do and act accordingly.

Thank you for bearing with me, and I sincerely hope this situation will be rectified.

Very truly yours,



Peggy B. Gilbert

Mrs. Stanley Gilbert
4691 N. Via Madre
Tucson, Arizona 85749

September 24, 1984

COPY

The Honorable William French Smith
Attorney General
Department of Justice
Constitution Avenue between
9th and 10th Streets, N. W.
Washington, D. C. 20530

Dear Sir:

When I heard a representative of one of the local Hispanic groups in Southern Arizona say that her organization objected to the Simpson-Mazzoli immigration bill because it required immigrants to learn English and that one did not even have to know English to become a naturalized citizen of the United States, I was completely astonished. That statement was contrary to what I had learned about naturalization. I looked up the Immigration and Naturalization laws in my Encyclopedia Britannica and found affirmation of what I had thought was the law governing naturalization, i.e., the requirement, among others, of an understanding of the English language including the ability to read, write and speak words in ordinary usage. Upon calling the local United States Immigration and Naturalization office, I was informed that not only is the naturalization test given either orally or in writing, at the discretion of the examiner, but also in either the applicant's native language or English. This practice is in violation of the precise language of Section 312 of the INN Law of 1952, as I read it. (A copy of which is enclosed.) Said Section specifically requires "an understanding of the English language", and there is no mention of the alternative of the native language of an applicant. Section 310 (d) of the Act proscribes any variation from the requirements set forth.

The Immigration and Naturalizations laws should be enforced and their enforcement should be uniform as provided in Section 332 (a) of said Act. It appears that in Southern Arizona some aspects of the law are either being misinterpreted, ignored or not given proper supervision. Indeed, I was informed by the local INN office that according to Section 312 of the INN Act, 1952, if an alien has lived in the United States for 20 years and is 50 years old, he could become a naturalized citizen without any apparent prerequisites. However, as I read said section, this interpretation is wrong. As I understand the section, it was applicable only to those who were so qualified at the time the law became effective and is now virtually a moot provision.

COPY

The Honorable William French Smith
Page No. 2

Is this another example of a lack of uniformity in the enforcement of laws governing naturalization and is this typical of the misinformation disseminated by the INN offices?

I also was informed that the tests were based on a third grade literacy level. What of the requirement of knowing something of the Constitution and the form of our government? With only a third grade literacy level and not necessarily in English, how is an applicant going to be able to take a test on such required subjects, not become a financial burden, live above the poverty line, stay off welfare, food stamps, etc., and become a productive person in general?

I firmly believe that if President Reagan were aware of just how bad the situation really is, he would require that it be remedied. I trust you, as Attorney General, will do whatever you can.

Sincerely,

~~A~~

Peggy B. Gilbert

Mrs. Stanley Gilbert
4691 N. Via Madre
Tucson, Arizona 85749

September 22, 1984

ENC.

which the United States exercises
of Guam on April 11, 1899, includ-
the island on that date, who were
ate continued to reside in Guam or
ed States exercises sovereignty, and
ps to preserve or acquire foreign

d of Guam who resided in Guam on
porarily absent from the island on
tinued to reside in Guam or other
States exercises sovereignty, and
ps to preserve or acquire foreign

nd of Guam on or after April 11,
st 1, 1950) subject to the jurisdic-
by declared to be citizens of the
he case of any person born before
mative steps to preserve or acquire

ribed who is a citizen or national of
es and desires to retain his present
or to August 1, 1952, a declaration
ration to be in form and executed
ions. From and after the making
n shall be held not to be a national
Act.

THE UNITED STATES AT BIRTH

led in section 301 of this title, the
citizens of the United States at

possession of the United States
tion of such possession;
ited States and its outlying possi-
re nationals, but not citizens, of
residence in the United States, or
to the birth of such person; and
re found in an outlying possession
e age of five years, until shown
enty-one years, not to have been

OUT OF WEDLOCK

Paragraphs (3), (4), (5), and (7)
(2) of section 308, of this title
a child born out of wedlock on
if the paternity of such child is
the age of twenty-one years by

in section 405, the provisions of
child born out of wedlock on or
e effective date of this Act, as of
such child is established before
and while such child is under
ation.

of subsection (a) of this section,
e date of this Act, outside the

United States and out of wedlock shall be held to have acquired at birth the nationality status of his mother, if the mother had the nationality of the United States at the time of such person's birth, and if the mother had previously been physically present in the United States or one of its outlying possessions for a continuous period of one year.

CHAPTER 2—NATIONALITY THROUGH NATURALIZATION

JURISDICTION TO NATURALIZE

Sec. 310. (a) Exclusive jurisdiction to naturalize persons as citizens of the United States is hereby conferred upon the following specified courts: District courts of the United States now existing, or which may hereafter be established by Congress in any State, District Courts of the United States for the Territories of Hawaii and Alaska, and for the District of Columbia and for Puerto Rico, the District Court of the Virgin Islands of the United States, and the District Court of Guam; also all courts of record in any State or Territory now existing, or which may hereafter be created, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited. The jurisdiction of all the courts herein specified to naturalize persons shall extend only to such persons resident within the respective jurisdiction of such courts, except as otherwise specifically provided in this title.

(b) A person who petitions for naturalization in any State court having naturalization jurisdiction may petition within the State judicial district or State judicial circuit in which he resides, whether or not he resides within the county in which the petition for naturalization is filed.

(c) The courts herein specified, upon request of the clerks of such courts, shall be furnished from time to time by the Attorney General with such blank forms as may be required in naturalization proceedings.

(d) A person may be naturalized as a citizen of the United States in the manner and under the conditions prescribed in this title, and not otherwise.

ELIGIBILITY FOR NATURALIZATION

Sec. 311. The right of a person to become a naturalized citizen of the United States shall not be denied or abridged because of race or sex or because such person is married. Notwithstanding section 405 (b), this section shall apply to any person whose petition for naturalization shall hereafter be filed, or shall have been pending on the effective date of this Act.

REQUIREMENTS AS TO UNDERSTANDING THE ENGLISH LANGUAGE, HISTORY, PRINCIPLES, AND FORM OF GOVERNMENT OF THE UNITED STATES

Sec. 312. No person except as otherwise provided in this title shall hereafter be naturalized as a citizen of the United States upon his own petition who cannot demonstrate—

(1) an understanding of the English language, including an ability to read, write, and speak words in ordinary usage in the English language: *Provided*, That this requirement shall not apply to any person physically unable to comply therewith, if otherwise qualified to be naturalized, or to any person who, on the effective date of this Act, is over fifty years of age and has been living in the United States for periods totaling at least twenty years: *Provided further*, That the requirements of this section relating

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WITHDRAWAL SHEET AT THE FRONT OF THIS FOLDER.

THE WHITE HOUSE

WASHINGTON

October 24, 1984

Dear Mr. Quaal:

Thank you for your letter of October 1, 1984, concerning Mr. [REDACTED] and the Immigration and Naturalization Service proceedings involving members of his family. Your letters to the President and Craig Fuller of the same date have also been referred to this office for consideration and direct response.

I regret to advise you that established policy approved by the President precludes White House intervention on behalf of private parties in pending Immigration and Naturalization Service cases. This policy is designed to preserve public confidence in the impartial administration of our immigration laws.

I am sorry we cannot be more responsive to your request for assistance in this particular matter. I trust, however, that you will understand the reasons for this policy and our adherence to it.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Mr. Ward L. Quaal
401 North Michigan Avenue
Suite 3140
Chicago, Illinois 60611

FFF:JGR:aea 10/24/84
bcc: FFFfielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 24, 1984

Dear Mr. Quaal:

Thank you for your letter of October 1, 1984, concerning Mr. [REDACTED] and the Immigration and Naturalization Service proceedings involving members of his family. Your letters to the President and Craig Fuller of the same date have also been referred to this office for consideration and direct response.

I regret to advise you that established policy approved by the President precludes White House intervention on behalf of private parties in pending Immigration and Naturalization Service cases. This policy is designed to preserve public confidence in the impartial administration of our immigration laws.

I am sorry we cannot be more responsive to your request for assistance in this particular matter. I trust, however, that you will understand the reasons for this policy and our adherence to it.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Ward L. Quaal
401 North Michigan Avenue
Suite 3140
Chicago, Illinois 60611

FFF:JGR:aea 10/24/84
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

October 15, 1984

Dear Mr. Quaal:

Thank you for your letter of October 1, 1984, concerning Mr. [REDACTED] and the Immigration and Naturalization Service proceedings involving members of his family. Your letters to the President and Craig Fuller of the same date have also been referred to this office for consideration and direct response.

I must advise you that established policy precludes White House intervention on behalf of private parties in pending Immigration and Naturalization Service cases. This policy is designed to preserve public confidence in the impartial administration of our immigration laws.

I am sorry we cannot be more responsive to your request for assistance in this matter. I trust, however, that you will understand the reasons for our policy.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Ward L. Quaal
401 North Michigan Avenue
Suite 3140
Chicago, Illinois 60611

FFF:JGR:aea 10/15/84
cc: FFFielding/JGRoberts/Subj/Chron

RONALD W. REAGAN LIBRARY


THIS FORM MARKS THE FILE LOCATION OF ITEM NUMBER 11 LISTED ON THE
WITHDRAWAL SHEET AT THE FRONT OF THIS FOLDER.

RONALD W. REAGAN LIBRARY

THIS FORM MARKS THE FILE LOCATION OF ITEM NUMBER 12 LISTED ON THE
WITHDRAWAL SHEET AT THE FRONT OF THIS FOLDER.

United States Senate

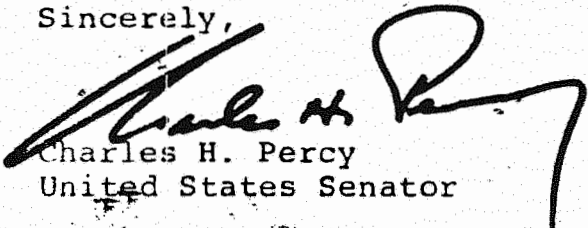
September 21, 1984

Dear Mr. 

Enclosed please find an interim response I have received from the U.S. Department of Justice in Washington, D.C.

As soon as I receive further information, I will be back in touch with you.

Sincerely,


Charles H. Percy
United States SenatorCHP/eg
Enclosure



Immigration and Naturalization Service

Office of the Commissioner

425 Eye Street N.W.
Washington, D.C. 20536

CO 703.933

18 SEP 1984

Honorable Charles H. Percy
United States Senator
230 South Dearborn Street
Room 3892
Chicago, Illinois 60604

Dear Senator Percy:

This acknowledges receipt of your letter dated August 30, 1984, with the attached enclosures concerning the application for permanent resident status filed by [REDACTED]

The District Director of this Service at Washington, DC, has been requested to submit information in this matter. Upon receipt of the information, you will be further informed.

Sincerely,

FOR THE COMMISSIONER

Marvin J. Ely

for Greg Leo
Director, Congressional
and Public Affairs

Enclosures

RONALD W. REAGAN LIBRARY

THIS FORM MARKS THE FILE LOCATION OF ITEM NUMBER 15-71 LISTED ON THE
WITHDRAWAL SHEET AT THE FRONT OF THIS FOLDER.

INS file

December 20, 1984

MEMORANDUM: Ken Khachigian, Esquire

FROM: Milton C. Gelenian, Attorney at Law

One Farragut Square South
Suite 900
Washington, D.C. 20006

RE: Deportation/Exile to Iraq from I.N.S. Detention

Abraham SARKISS(IAN) Dob: 7-1-63, Iraq
A24 583 821

Razmik MOURAD(IAN) Dob: 7-1-64, Iraq
A24 583 822

Abraham SARKIS and Razmik MOURAD are two Iraqi-Armenian Christians who arrived in the United States on June 17, 1982. Although their flight was destined for Mexico, it stopped en route in Boston. There, the two men deplaned and immediately requested political asylum from an I.N.S. Inspections Officer at the airport.

At that time, they held valid Iraqi passports. However, as a consequence of not having entry visas, and pursuant to a newly published "Interim Rule" for the parole and detention of inadmissible aliens, they have been detained in an I.N.S. detention center, for more than two and one-half years.

An habeas corpus petition reviewing I.N.S. denial of asylum and order of deportation to Iraq was made to the U.S. District Court in Brooklyn, and denied on December 12, 1984. No further appeal has been taken.

This latest decision, in the opinion of those who have reviewed it, would withstand any further appeals. Therefore, no more appeals are being contemplated.

The remaining issue is where these boys should go.

I.N.S. insists on returning them to Iraq, where we maintain they will face every danger and death after three years absence and political asylum claims openly criticizing the present regime. They are also of draft age and have effectively evaded the military for which there is a penalty of death, as admitted in the record by the Board of Immigration Appeals.

Every effort is being made to find a third country in which to relocate these boys. The Armenian Church is actively seeking the help of community leaders in Venezuela and Canada. The U.N. High Commissioner for Refugees, Joachim Henkel, in the Washington D.C. liaison office is aware of this case and very much involved in trying to relocate the boys so they will not be deported to Iraq.

The I.N.S. has informally agreed to a final 10 days stay of deportation, which expires at 5 PM Wednesday, December 26, 1984. After that, I.N.S. intends to deport them to Iraq.

Since every effort is being made to find someplace to relocate them it would be purely punitive to disallow them to remain here until we find such a country.

Many attempts have been made, without success, for the intercession of congressional help and State Department help. We have gone as high as Ed Derwinski, Counsellor, State Department, and Maurice Inman, General Counsel, I.N.S. who remain adamant.

In conclusion, it seems nothing short of a White House call to I.N.S. Commissioner Alan Nelson asking him to hold off any deportation is going to be effective. We must have the time necessary to find another country willing to accept them, or better yet a decision for humanitarian parole, now that we have been beaten on the question of asylum.

THE WHITE HOUSE

WASHINGTON

December 19, 1984

Fred -

The following information was called in to my office regarding a deportation matter:

Name: Feodir ~~Federenko~~ - from Philadelphia

unemployed - charged with visa misrepresentation

held in Salem Township County, N. J.

Scheduled to be deported today. Decision was rendered 12/18/84 at 4:00pm.

Only way to stop action would be through President or Attorney General. Steven Trott of OSI is handling.

This is the first person to ever be deported to the Soviet Union.

This information was given to my office by phone by Myron Wasyluk, 638-0988.

Faith

Faith Ryan Whittlesey



U.S. Department of Justice
Office of
The Deputy Attorney General

Washington, D.C. 20530

December 11, 1984

TO: John Roberts

FROM: Roger Clegg

FYI. (I may have talked to
Rusthoven about this case, too).

Attachment

DEPARTMENT OF JUSTICE
DDAG EXECUTIVE SECRETARIAT CONTROL DATA

From: TROTT, STEPHEN S., CRM

To: AG.

Date Received: 12-05-84 Date Due: 12-11-84 Control #: 4120516148

Subject & Date:

12-04 ACTION MEMORANDUM CONCERNING THE UPCOMING
DEPORTATION OF KARL LINNAS AND FEODOR FEORENKO TO
THE U.S.S.R.

Referred To:	Date:	Referred To:	Date:	File:
(1) AAG; JENSEN	12-05-84	(5)		
(2) DAG; DINKINS	12-07-84	(6)		
(3)		(7)		Prty:
(4)		(8)		1
Interim By:		Date:		Opr:
Sig. For: OAG		Date Released:		MLN

Remarks:

(1)FOR CONCURRENCE (2)FOR CONCURRENCE - CONCURRED BY AAG
12-06-84.

Other Remarks:

12/7/84-2

Memorandum

ATTORNEY GENERAL/DEPUTY ATTORNEY GENERAL ACTION



Subject

Upcoming Deportation of Karl Linnas and Feodor Fedorenko to the U.S.S.R.

Date

DEC 4 1984

To

William French Smith
Attorney General

From

SK Stephen S. Trott
Assistant Attorney General
Criminal Division

Action Required: None

Final Action By:

Due Date: _____

Attorney General

Deputy Attorney General

Previous Background Provided:

Summary:

RECEIVED
OFFICE OF THE
ATTORNEY GENERAL
DEC 5 10 05 AM '84
EXECUTIVE SECRETARIAT
DEPT. OF JUSTICE
CRIMINAL DIVISION

Comments: For information of the Attorney General.

Concurrences: *A*DAG AAG OLC OLP OLA PAO JMD

Initials	<i>RS</i>	<i>W</i>	x	x	x	x	x				
Date	<i>12-9-84</i>	<i>12-6-84</i>	x	x	x	x	x				

See Reverse For Instruction

Memorandum



Subject

Upcoming Deportation of Karl Linnas and
Feodor Fedorenko to the U.S.S.R.

Date

DEC 4 1954

To

William French Smith
Attorney General

From

SST Stephen S. Trott
Assistant Attorney General
Criminal Division

Attached hereto for your information is a memorandum concerning a recent meeting with representatives of the National Security Council concerning the proposed deportations of Karl Linnas and Feodor Fedorenko to the U.S.S.R. as a result of their wartime activities in collaboration with the Nazis. Linnas was the commandant of the concentration camp at Tartu, Estonia, while Fedorenko was a guard at Treblinka concentration camp.

We have been successful in denaturalizing Linnas and Fedorenko and are now in the process of moving to deport them. The Board of Immigration Appeals has affirmed the finding of deportation in the case of Linnas but has asked the Immigration Judge to determine whether deportation to the U.S.S.R. would be inconsistent with our Baltic policy of nonrecognition of the Soviet incorporation of the Baltic countries into the U.S.S.R. As reflected in the attached memorandum, the State Department is of the view that it would not violate our Baltic policy.

Fedorenko has withdrawn his appeal in his deportation case and has designated the U.S.S.R. as the place he wishes to go to if deported. Based on discussions that Messrs. Richard and Sher had with the Soviets in July in Moscow they have concluded that the Soviets will most likely place Linnas on trial once he is deported to the U.S.S.R. It is problematical whether they will impose the death penalty upon conviction. In this regard it is their understanding that the Soviets recently executed a former Nazi collaborator who had returned to the Soviet Union after living for many years in Western Europe. With regard to Fedorenko it is less certain what action the Russians will take against him once he returns.

The Linnas deportation proceedings will still take approximately 18 months to conclude assuming we are successful and he pursues all of his appellate options. In contrast,

deportation action against Fedorenko has proceeded to the point where we can deport him to the Soviet Union in a matter of days if the State Department gives the green light. The deportation of Fedorenko does not involve any Baltic policy issue as Fedorenko is from the Ukraine.

Attachment

Memorandum



Subject

Deportation to the U.S.S.R.

Date

November 16, 1984

MMR:NMSher:nlw

146-2-47-P.4

To

Stephen S. Trott
Assistant Attorney General
Criminal Division

From

MMR Mark M Richard
Deputy Assistant Attorney General

Neal M. Sher, Director *NMS*
Office of Special Investigations
Criminal Division

This afternoon, at the request of the staff of the National Security Council, Mark Richard and Neal Sher met with the following individuals to discuss the issue of deporting OSI defendants to the U.S.S.R.:

State Department

Dale Herspring - European Affairs
Geoffrey Levitt - Legal Advisor's Office
Gary Matthews - Humanitarian Affairs
Daniel McGovern - Acting Legal Advisor
Ronald Neitzke - Counsel's Office
Mark Palmer - European Affairs
Carol Schwab - Legal Advisor's Office
Thomas Simons - European/Soviet Affairs
John Zerolis - European Affairs

White House

Marshall Breger
Linas Kojelis

National Security Council

Jack Matlock
Paula Dobriansky
Walt Raymond

The meeting was chaired by Mr. Matlock.

Mark Richard began by briefing the attendees on the background of OSI, its mandate, the nature of OSI's caseload and the Fedorenko and Linnas cases. Copies of the attached background material were distributed.

Richard explained that Fedorenko, who has been ordered deported because of his service at the Treblinka Death Camp, had designated

11/16/84
146-2-47-P.4

the Soviet Union as the country of deportation; since he is Ukrainian, Baltic policy is not in issue. Attached is a copy of an earlier memo which provides additional information on the Fedorenko case.

As to Linnas, Richard explained that the Soviet Union is in all likelihood the only country willing to accept him. Should he not be deported there, the United States would be in the embarrassing position of giving sanctuary to someone adjudged by our courts to have been engaged in persecution. The recent decision of the Board of Immigration Appeals requires the government to address the issue of whether Linnas' deportation to the U.S.S.R. would violate our government's long-standing policy of not recognizing the Soviet annexation of the Baltic states.

Dan McGovern stated that the Department of State had concluded that the deportation of Linnas to the U.S.S.R. would not violate our Baltic policy. Such deportation would be effectuated under 8 U.S.C. §1253(a)(7), which allows deportation to any country which is willing to accept the deportee.

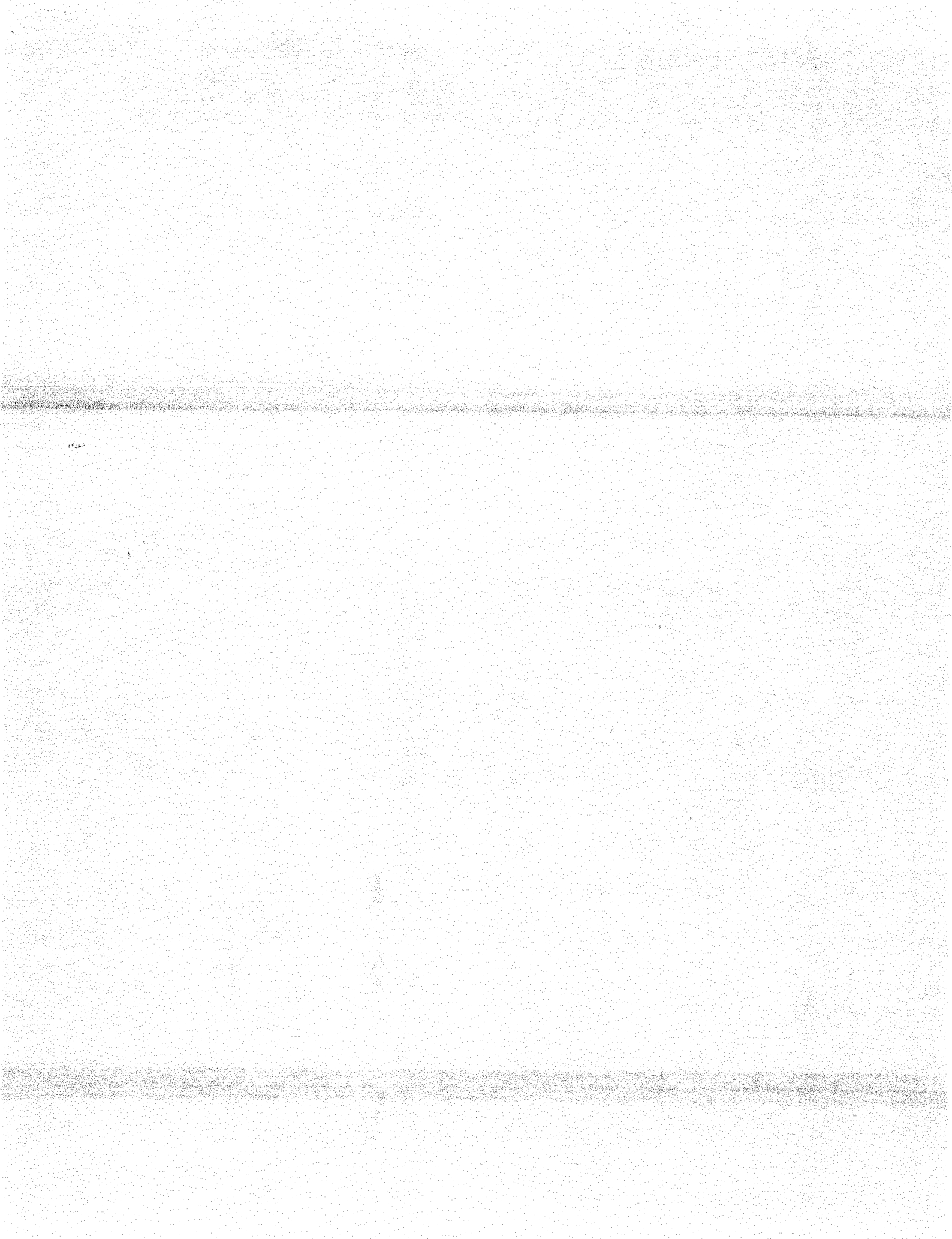
Jack Matlock stated that Fedorenko's deportation to the U.S.S.R. presented no problems whatsoever. Regarding Linnas, after canvassing the room for dissenting views, Matlock said he saw no problems in proceeding with deporting Linnas to the U.S.S.R. under the above-referenced provision of the immigration law. It is understood that we will work with the State Department in articulating the government's position so as to make clear that Baltic policy will not be adversely affected or violated by deporting Linnas to the U.S.S.R.

Attachments

A. STATISTICAL ANALYSIS OF OSI CASES

B. SUMMARY OF DENATURALIZATION/DEPORTATION
LEGAL PROCEDURES

C. SUMMARIES OF SELECTED OSI CASES INVOLVING
THE SOVIET UNION AND/OR EASTERN EUROPE



Statistical Analysis of OSI Cases

1. Total number of cases filed in court - 51:
 - (a) Denaturalization - 29
 - (b) Deportation - 22 (9 of these were first denaturalized)

(Total number of defendants: 42)
2. Cases currently in various stages of litigation - 29
 - (a) Denaturalization :
 - (1) Trial - 7
 - (2) Appeal - 5

Total: 12 (all involve Soviet evidence)
 - (b) Deportation:
 - (1) Trial - 10
 - (2) Appeal - 5
 - (3) Awaiting Effectuation of Order of Deport - 2

Total: 17 (13 involve Soviet evidence)
3. Cases which have been closed - 22
 - (a) Denaturalization - 17
 - 11 wins (9 using Soviet evidence)
 - 4 died during litigation
 - 2 dismissed; government elected not to appeal or re-try defendants
 - (b) Deportation - 5
 - 2 deported (1-Portugal, 1-West Germany)
 - 1 died during litigation
 - 2 dismissed
 - (c) Departures Prior to Formal Deportation Procedures: 3
 - (1) Hrusitzky - permanently left the U.S. and renounced his citizenship after a complaint had been filed against him in the U.S. District Court. He went to Venezuela.
 - (2) Rudolph - permanently left the U.S. and renounced his citizenship in accordance with an agreement with OSI. He is now in West Germany.

(3) Avdzij - permanently left the U.S. and renounced his citizenship in accordance with an agreement with OSI. He is currently in West Germany.

There have been 781 subjects investigated by OSI. Out of these, 488 have been closed for one of the following reasons:

- (1) Insufficient evidence to prosecute;
- (2) Death of subject;
- (3) Settlement prior to filing.

The following chart reflects the above information:

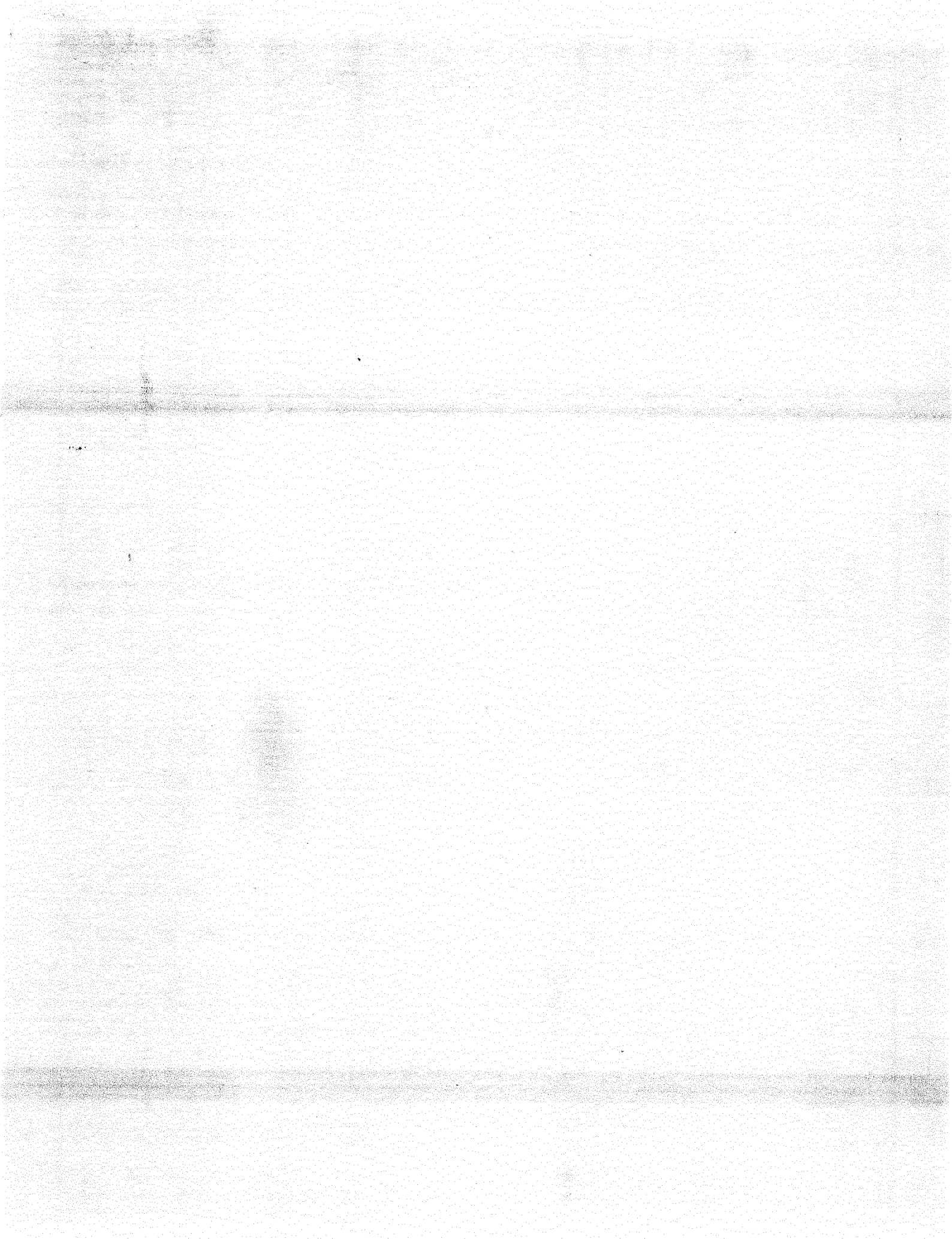
Type of Action	Opened	Closed	Total	Pending Trial Court	Appeal	Awaiting Effectuation of Order	Departed U.S.	Nondeportable
Investigation	781	488	293	////////	////////	//////////	////////	//////////
Denaturalization	29	17*†	12	7	5	//////////	(1**)	//////////
Deportation	22***	5*	17	10	5	2	(2)	(2)

* Four defendants died during the denaturalization phase of litigation; one died during the deportation proceeding.

** Defendant departed before denaturalization action went to trial.

*** Nine of these were first denaturalized.

† One judgment revoking the citizenship of the defendant was vacated and remanded by the Court of Appeals in 1980. The department elected not to retry the case. Another case was voluntarily withdrawn by the Department prior to trial.



DENATURALIZATION/DEPORTATION LEGAL PROCEDURES

I. DENATURALIZATION

- A. Trial - denaturalization actions are non-jury trials before a federal judge sitting in the district where the defendant resides. The grounds for denaturalization in cases brought by OSI usually include one or more of the following:
1. misrepresentation on immigration application.
 2. misrepresentation on naturalization application.
 3. assistance to Nazi Germany in the persecution of civilians during World War II.
 4. voluntary assistance to the enemy forces during World War II.
 5. membership in an organization deemed hostile to the allies during World War II.
- B. Appeal - the defendant or the government may appeal an adverse decision to the United States Circuit Court of Appeals with jurisdiction over the defendant's residence.
- C. Request for Supreme Court Review - the defendant or the government may request the Supreme Court to review a decision by the United States Court of Appeals. It is not mandatory that the Supreme Court grant such review and, in most cases, the Court denies review (i.e., denial of certiorari).

In the case of United States v. Fedorenko, the Supreme Court agreed to consider the government's request for review and then decided that Fedorenko, as a concentration camp guard, had assisted Nazi Germany in the persecution of civilians and therefore was subject to denaturalization.

II. DEPORTATION

- A. Trial - deportation of an alien is tried before an immigration judge employed by the Immigration and Naturalization Service. Such proceeding is commenced by the filing of an Order to Show Cause by the government,

in which the allegations against the alien are set forth. The most common grounds for deportation in cases brought by OSI include all of the ones listed above under denaturalization and, in addition, under the provisions of the so-called Holtzman Amendment to the Immigration and Nationality Act. This provision requires the deportation of all persons who assisted the government of Nazi Germany in the persecution of persons because of race, religion, national origin or political opinion.

- B. Appeal to Board of Immigration Appeals - the alien or the government may appeal an adverse decision by an immigration judge to the Board of Immigration Appeals, which usually sits in panels of three persons.
- C. Appeal to the Circuit Court of Appeals - an alien (but not the government) may appeal an adverse decision of the Board of Immigration Appeals to the United States Circuit Court of Appeals with jurisdiction over the defendant's residence.
- D. Review by the Supreme Court - the alien or the Supreme Court may request review of an adverse decision under the certiorari procedure. It is not mandatory that the Supreme Court grant review and, in most cases, it does not grant review.

III. EFFECTUATION OF DEPORTATION

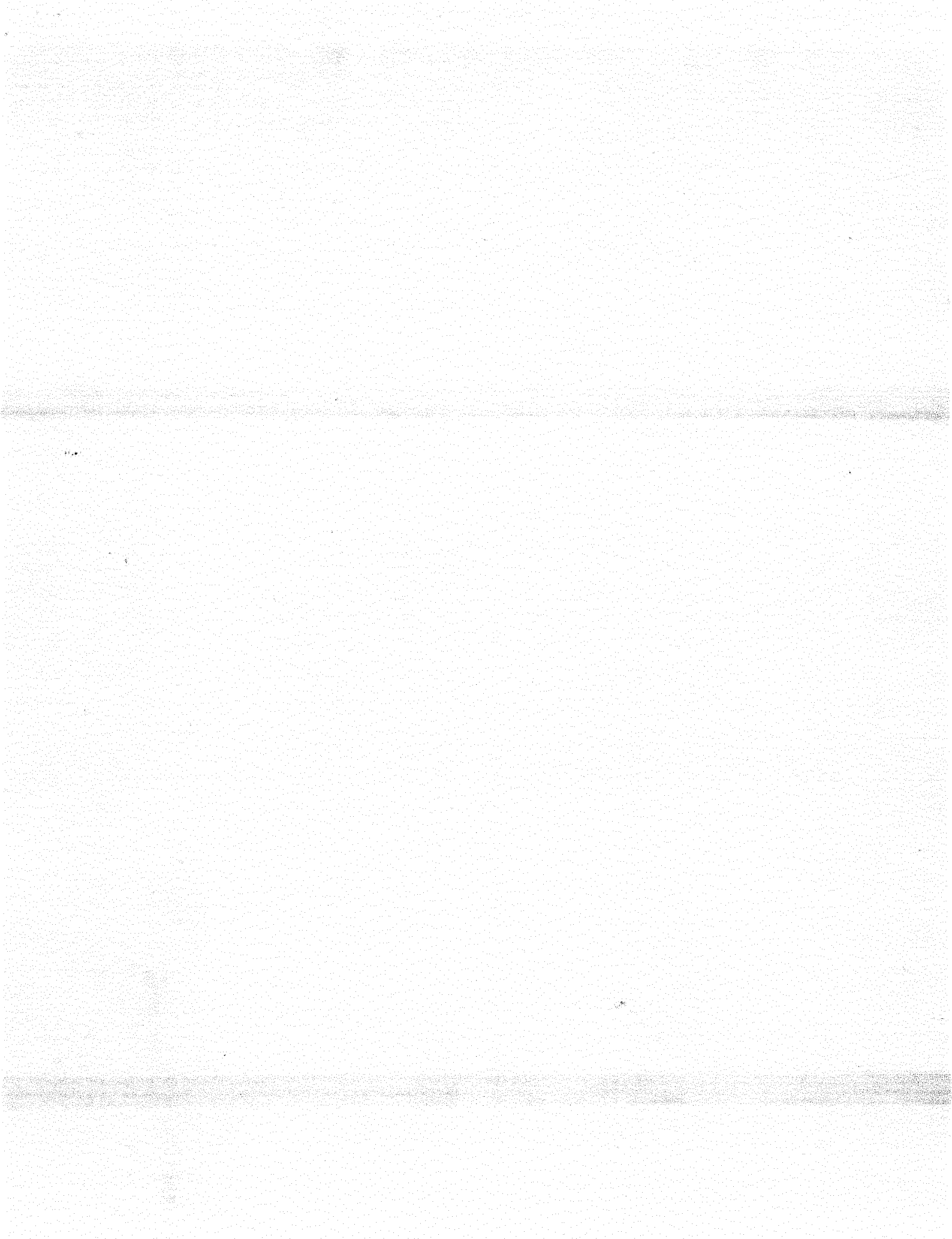
- A. Asylum and Discretionary Relief - if an alien is found deportable for one of the reasons enumerated in the Holtzman Amendment, that alien is not entitled to asylum or any discretionary relief under the Immigration and Nationality Act. However, if an alien is found deportable on one of other grounds enumerated above, the alien may apply for asylum or discretionary relief and the immigration court would consider such requests.
- B. Country of deportation - any person ordered deported has the first choice as to which country to which he/she is to be deported. If that country is willing to accept the alien, then the government must abide by that decision. If the alien does not designate a country or if the country designated will not accept the alien, then the government must select a country of deportation, pursuant to the guidelines set forth in Section 1253(a) of Title 8 of the Immigration and Nationality Act. The following are the criteria set forth in the

statute for deciding the country to which the alien will be sent:

- (1) to the country from which such alien last entered the United States;
- (2) to the country in which is located the foreign port at which such alien embarked for the United States or for foreign contiguous territory;
- (3) to the country in which he was born;
- (4) to the country in which the place of his birth is situated at the time he is ordered deported;
- (5) to any country in which he resided prior to entering the country from which he entered the United States;
- (6) to the country which had sovereignty over the birthplace of the alien at the time of his birth; or
- (7) if deportation to any of the foregoing places or countries is impracticable, inadvisable, or impossible, then to any country which is willing to accept such alien into its territory.

The cost of forcibly deporting an alien is paid in most cases by the United States Government.

C. After the Attorney General designates the country of deportation, the Immigration and Naturalization Service effectuates the physical removal of the alien.



NAME: Karl Linnas

PLACE OF BIRTH: Estonia

PLACE OF CRIMES: Tartu, Estonia, Concentration Camp

WARTIME EMPLOYMENT: Police official and chief of concentration camp

WARTIME EMPLOYMENT: University student
LISTED ON VISA APPLICATION

CRIMES: Voluntarily joined an indigenous police force ("Selbstschutz") which assisted the SS Einsatzkommandos (mobile killing units) in rounding up and executing Jews in Estonia. German war-time reports state that all Jews, except doctors and elders, had been executed by October 15, 1941; Selbstschutz members were identified as participants in these shootings.

In late summer 1941 Linnas became chief guard at the Tartu concentration camp, housing "unarmed Estonia civilians, including men, women and children were imprisoned on the basis of race, religion or political opinion." In that position, he "supervised the removal of prisoners from barracks at the Tartu concentration camp and their transfer to a site known as the 'Jalaka Line' located near Tartu, and there supervised their execution."

STATUS OF LITIGATION: District Court - ordered denaturalized
2d Circuit Court of Appeals - affirmed
Supreme Court - denied request for review
Immigration Court - ordered deported
Board of Immigration Appeals - affirmed; remanded to Immigration Court to consider country of deportation

NAME: Andrija Artukovic

PLACE OF BIRTH: Yugoslavia

PLACE OF CRIMES: Yugoslavia

WARTIME EMPLOYMENT: Minister of Interior and Minister of Justice of
Nazi puppet government of Croatia

WARTIME EMPLOYMENT: None. Entered United States on tourist visa
LISTED ON VISA from Ireland, with false name
APPLICATION

CRIMES: Signed decrees authorizing and directly parti-
cipated in the erection of concentration camps
and the murder of hundreds of thousands of
Jews, Serbs and Gypsies

STATUS OF LITIGATION: Immigration Court (1952) - ordered deported
Board of Immigration Appeals (1953) - affirmed
INS Regional Commissioner (1959) - granted
political asylum
Board of Immigration Appeals (1981) - revoked
grant of asylum and ordered deportation
9th Circuit Court of Appeals (1982) - stayed
deportation pending new evidentiary hearing
Immigration Court - deportation proceeding
pending

NAME: Kazys Palciauskas

PLACE OF BIRTH: Lithuania

PLACE OF CRIMES: Kaunas, Lithuania
(Capital of Lithuania)

WARTIME EMPLOYMENT: Mayor of Kaunas (June 1941-May 1942)

WARTIME EMPLOYMENT: Clerk/Manager of Food Cooperatives
LISTED ON VISA
APPLICATION

CRIMES: Implemented Nazi orders for ghettoization of
20,000 Jews of Kaunas; confiscated Jewish
property; distributed property of murdered Jews
to other Lithuanians

STATUS OF LITIGATION: District Court - ordered denaturalized
11th Circuit Court of Appeals - affirmed
Supreme Court - denied request for review
Immigration Court - deportation proceeding
pending

NAME: John Demjanjuk

PLACE OF BIRTH: Ukraine

PLACE OF CRIMES: Treblinka Death Camp, Poland

WARTIME EMPLOYMENT: Guard at Death Camp

WARTIME EMPLOYMENT: Farmer
LISTED ON VISA
APPLICATION

CRIMES: 900,000 Jews murdered at Treblinka; Demjanjuk identified as one of the most brutal guards and as operator of the gas chamber

STATUS OF LITIGATION: District Court - ordered denaturalized
6th Circuit Court of Appeals - affirmed
Supreme Court - denied request for review
Immigration Court - ordered deported
Board of Immigration Appeals - appeal pending

NAME: Feodor Fedorenko

PLACE OF BIRTH: Ukraine

PLACE OF CRIMES: Treblinka Death Camp, Poland

WARTIME EMPLOYMENT: Guard at Death Camp

WARTIME EMPLOYMENT: Farmer/Factory Worker
LISTED ON VISA APPLICATION

CRIMES: Guard at camp where 900,000 Jews were murdered

STATUS OF LITIGATION: District Court - refused to denaturalize
5th Circuit Court of Appeals - reversed;
ordered Fedorenko denaturalized
Supreme Court - ordered denaturalized because,
as a guard, Fedorenko assisted in persecution
Immigration Court - ordered deported
Board of Immigration Appeals - affirmed
3rd Circuit Court of Appeals - Fedorenko
withdrew his appeal

NAME: Bohdan Koziy

PLACE OF BIRTH: Ukraine

PLACE OF CRIMES: Ukraine

WARTIME EMPLOYMENT: Policeman

WARTIME EMPLOYMENT: Tailor/Student
STATED ON VISA
APPLICATION

CRIMES: "Personally and single-handedly murdered" a 3-year old Jewish child and participated in the murder of a Jewish family.

STATUS OF LITIGATION: District court - ordered denaturalized
11th Circuit Court of Appeals - affirmed
Supreme Court - denied request for review
Immigration Court - deportation proceeding pending

NAME: Wolodymir Osidach

PLACE OF BIRTH: Ukraine

PLACE OF CRIMES: Rawa Ruska, Ukraine

WARTIME EMPLOYMENT: Commandant of Rawa Ruska Police
LISTED ON VISA
APPLICATION Diary technician

CRIMES: As employee and commandant of Rawa Ruska Police, Osidach actively participated in the forced ghettoization and persecution of the entire Jewish population (at least 3,000 men, women and children). Also assisted in rounding up the Jews for execution.

STATUS OF LITIGATION: District Court - ordered denaturalized
3rd Circuit Court of Appeals - Osidach died prior to an appellate decision

NAME: Edgars Laipenieks

PLACE OF BIRTH: Latvia

PLACE OF CRIMES: Riga, Latvia (Capitol of Latvia)

WARTIME EMPLOYMENT: Member of collaborationist Latvian Political Police (under command of the Nazi SS) assigned to Riga Central Prison

WARTIME EMPLOYMENT: Failed to disclose "policeman" as one of principal occupations, as required by visa application.
LISTED ON VISA APPLICATION

CRIMES: Participated in the incarceration and physical mistreatment of prisoners in Riga Central Prison.

STATUS OF LITIGATION: Immigration Court - refused to deport
Board of Immigration Appeals - reversed; ordered Laipenieks deported because of political persecution
9th Circuit Court of Appeals - appeal pending

NAME: Michael Dercacz

PLACE OF BIRTH: Ukraine

PLACE OF CRIMES: Ukraine

WARTIME EMPLOYMENT: Policeman, Novy Yarychev, Ukraine

WARTIME EMPLOYMENT: Farmer
LISTED ON VISA
APPLICATION

CRIMES: Enforced Nazi ghettoization of 2,000 Jews in Novy Yarychev, all of whom were later murdered. Arrested Jews who violated Nazi regulations and brought them to the Gestapo

STATUS OF LITIGATION: District Court - ordered denaturalized
2d Circuit Court of Appeals - Dercacz did not appeal
Immigration Court - deportation proceedings were pending when Dercacz died

NAME: Boleslavs Maikovskis

PLACE OF BIRTH: Latvia

PLACE OF CRIMES: Rezekne, Latvia

WARTIME EMPLOYMENT: Chief of Police, Rezekne, Latvia

WARTIME EMPLOYMENT: Bookkeeper
LISTED ON VISA
APPLICATION

CRIMES: Ordered the arrest of all inhabitants of the village of Audrine (200-300 people) and ordered the burning of the entire village; all inhabitants were then murdered.

STATUS OF LITIGATION: Immigration Court - refused to deport

Board of Immigration Appeals - reversed;
ordered Maikovskis deported because of his
assistance in persecution

2d Circuit Court of Appeals - appeal pending

Deportation of Ukrainian protested

By Beth Gillin
Inquirer Staff Writer

Amnesty International yesterday joined with Ukrainian-American groups in protesting the deportation to the Soviet Union of a Ukrainian immigrant who served as a guard at the infamous Treblinka concentration camp in Poland during World War II.

Feodor Fedorenko, 77, a resident of Southwest Philadelphia, was believed by his attorney to be en route to the Soviet Union after being removed from the Salem County Jail in New Jersey early yesterday afternoon. Fedorenko had been there since he was arrested Dec. 10 by the Immigration and Naturalization Service (INS).

Fedorenko's attorney, Andrew Filipovich, who yesterday petitioned the Supreme Court to delay Fedorenko's

deportation until his medical records could be translated into Russian, said he had been denied access to his client by the Justice Department's Office of Special Investigations, which refused to reveal Fedorenko's whereabouts.

"The government is embarrassed about this case, and they simply want to get rid of the guy, who has never been found guilty of committing any crime," said Filipovich. "It's downright un-American. This secrecy smacks of a totalitarian regime."

Officials at the INS here and in Washington refused to comment on Fedorenko's whereabouts. Neal Sher, director of the Office of Special Investigations, did not return telephone calls.

In a telegram to U.S. Attorney General William French Smith, Amnesty International noted that it "opposes

the death penalty in all cases" and is "therefore concerned that no one be forcibly returned to a country under circumstances where this penalty is likely to be imposed."

Meanwhile, two Ukrainian-American groups — Americans for Due Process and Americans Against Defamation of Ukrainians (AADU) — asked the White House to intercede in the Fedorenko case.

"We do not understand how anyone in our government could ship an elderly man off to the Soviet Union, where he could be tried as an enemy of the state," said Alexandra Shwed, director of AADU.

In 1977, the Justice Department lost a civil action seeking to have Fedorenko's citizenship revoked on the ground that he had committed war crimes while serving as a Nazi guard at Treblinka. During the trial

in 1978, government witnesses from Israel and the United States identified Fedorenko as an SS non-commissioned officer who was seen shooting to death Jewish arrivals at the camp in 1943 and 1944.

Fedorenko admitted having been a member of a Ukrainian guard detachment at Treblinka, but said he was ordered to the duty by his German captors while a Soviet prisoner of war. He denied having killed prisoners and said he was a victim of mistaken identity.

A federal judge ruled that the government had failed to prove its case, and Fedorenko was allowed to retain his citizenship.

But the government successfully appealed the decision, saying Fedorenko had committed fraud when he failed to report his history on his citizenship application.

Alleged Nazi-Era War Criminal to Be Deported to Soviet Union

By Mary Thornton
Washington Post Staff Writer

Feodor Fedorenko, accused of lying about his World War II activity as a concentration-camp guard, was in federal custody in New York yesterday, waiting to become the first alleged Nazi-era war criminal deported from the United States to the Soviet Union.

Fedorenko, whose deportation has been sought by the U.S. government since 1977, was picked up Wednesday in Philadelphia hours after two Supreme Court justices turned down his final appeal to halt deportation.

Justice Department sources said federal officials hoped that Fedorenko, 77, a native of the Ukraine who asked to be deported to the Soviet Union, would depart Wednesday night on a flight to Helsinki and Moscow.

The sources said that Fedorenko missed the flight and is to be put on the next available plane with a guard representing the U.S. Marshals Service or the Justice Department's Office of Special Investigations, which prosecutes Nazi-

era war criminals residing in this country.

Neal Sher, director of the special investigations office, said the Soviets have agreed to accept Fedorenko, the Associated Press reported.

A member of the Soviet army, Fedorenko became a German prisoner of war in 1941 and was made a guard at the concentration camp in Treblinka, Poland, where about 800,000 people were believed murdered.

At several U.S. court proceedings, the government produced witnesses who said Fedorenko shot Jewish prisoners after making them crawl naked on hands and knees; chased women into gas chambers,

beating them as they went, and carried a steel-tipped whip to beat prisoners on arrival at the camp.

Fedorenko entered the United States in 1949, authorities said, but did not mention his concentration-camp activity. He worked for more than 20 years as a laborer in a Connecticut brass foundry, became a citizen in 1970, retired to Miami in the mid-1970s and later moved to Philadelphia.

Although U.S. authorities cannot prosecute Nazi-era war criminals for their activities, they can seek deportation if a person is found to have lied about his background while trying to enter the United States.

In 1977, the Immigration and Naturalization Service sued to strip Fedorenko of citizenship on grounds that he lied about his wartime activities. The INS lost the case.

In 1979, Allan Ryan Jr., who until recently headed the special investigations office, appealed and won. The U.S. Court of Appeals revoked Fedorenko's citizenship.

Fedorenko appealed to the Supreme Court, where Benjamin

Civiletti argued the government case in his only appearance before the high court as attorney general. In the first decision of its kind, the Supreme Court affirmed the appeals court ruling.

Fedorenko then applied to return to the Soviet Union. His attorney, Andrew Filipovich, said yesterday that Fedorenko left a wife and two sons there after the war. Later, believing his wife dead, he married an American, who died in 1971.

Filipovich said Fedorenko had visited the Soviet Union three times before losing his U.S. citizenship, the AP reported.

"He's very upset about . . . [going] to the Soviet Union" and, if he returns, faces possible

criminal prosecution, Filipovich told United Press International.

Fedorenko would be the sixth former Nazi-era war criminal to leave the country and the first who exhausted his appeals in the courts. The other five were either deported or renounced their citizenship and left the country when the special investigations office confronted them.

In the most prominent case, Arthur L.H. Rudolph, 78, a German-born scientist and engineer who designed the U.S. moon rocket, returned to West Germany last March rather than battle charges that he was responsible for persecution and death of slave laborers building Nazi rockets. Authorities

did not disclose his case until October.

A few days later, authorities announced that John Avdzej, 79, a retired New Jersey draftsman accused of persecuting Jews as a mayor in occupied Byelorussia, had left for West Germany in February.

Last August, former Romanian Orthodox archbishop Valerian Trifa, 70, accused of atrocities in Romania, was sent to Portugal. A month earlier, Anatoly Hrusitsky, 66, accused of persecuting Jews as a Ukrainian policeman, renounced citizenship and went to Venezuela.

In April 1983, Hans Lipschis, a Lithuanian guard accused of persecution and murder, was deported to West Germany.

U.S. Set to Deport Former Guard At Death Camp to Soviet Union

By RALPH BLUMENTHAL

A Nazi death camp guard from the Ukraine who came to the United States in 1949 is about to become the first war crimes suspect deported to the Soviet Union, a destination he himself selected, a Justice Department official said yesterday.

The former guard, Fyodor Fedorenko, a 77-year-old retired factory worker living in Philadelphia, was being held yesterday in Federal custody in New York pending a flight to the Soviet Union.

"As soon as we can work out the arrangements, we will effect his deportation," said Neal M. Sher, director of the Justice Department's Office of Special Investigations in Washington.

Mr. Fedorenko was stripped of his American citizenship in 1979 on the ground that he entered the United States under false pretense. He did not tell of serving the Germans in the Nazi death camp of Treblinka in Poland. The United States can not try defendants on war crimes charges.

Two Justices Reject Appeal

Late Wednesday, Justices William J. Brennan and John Paul Stevens of the United States Supreme Court rejected appeals by Mr. Fedorenko's lawyers to block his deportation. He was flown from Philadelphia to New York Wednesday.

People ordered deported are allowed to select their country of destination, provided that country agrees to accept them. The United States Government pays for the transportation.

Allan M. Ryan Jr., the former director of the special investigations unit who had worked on the case, said he could not explain why Mr. Fedorenko had picked the Soviet Union. But Mr. Fedorenko was born in the Ukraine and Mr. Ryan said Mr. Fedorenko had family there. Mr. Fedorenko made at least one visit to the Ukraine after becoming an American citizen, Mr. Ryan said.

One of Mr. Fedorenko's lawyers, Andrew Filipovich of Philadelphia, said last night that his client had selected the Soviet Union three years ago and had since reconsidered. Mr. Filipovich said he would meet in Washington today with a representative of a foreign country he declined to identify in an effort to change Mr. Fedorenko's destination. The lawyer said he hoped he could stay the deportation until the issue of another country was resolved.

There was no indication, Mr. Ryan said, whether the Soviet Union intended to prosecute Mr. Fedorenko, but he said the case might be covered by an amnesty the Soviets declared for some war criminals in the mid-1960's.

Convicted war criminals tend to get sentences of five to eight years in the Soviet Union, Mr. Ryan said.

Deportation Ends Long Effort

The deportation move capped a long Government effort. According to the Immigration and Naturalization Service and the Justice Department, Mr. Fedorenko served as a guard at the Treblinka camp in 1942 and 1943 and had taken part in beatings and persecution of prisoners.

He entered the United States in 1949 and became a citizen in 1970. He lived for a long time in Waterbury, Conn., and then Miami Beach, Fla., before moving to Philadelphia.

The immigration service, which handled war crimes cases before creation of the special investigations unit in 1979, filed denaturalization proceedings against Mr. Fedorenko in 1977, charging that he had improperly omitted reference to his Nazi service when he entered the United States.

In 1978, a judge dismissed the charges after a trial in which little evidence was put forward. But the dismissal was reversed by an appeals court, which revoked Mr. Fedorenko's citizenship in 1979.

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FEDORENKO

WASHINGTON (UPI) -- HOURS AFTER TWO SUPREME COURT JUSTICES REFUSED TO HALT HIS DEPORTATION TO THE SOVIET UNION, A FORMER NAZI CONCENTRATION CAMP GUARD WAS WHISKED AWAY FROM A NEW JERSEY JAIL AND IS BEING HELD THURSDAY BY FEDERAL AUTHORITIES IN AN UNDISCLOSED LOCATION.

FEDOR FEDORENKO, 77, WAS AWAITING DEPORTATION THURSDAY FROM THE COUNTRY IN WHICH HE HAS LIVED SINCE 1949, SAID BRIAN GILDER, A NEW HAVEN, CONN., ATTORNEY WHO UNTIL LAST MONTH REPRESENTED FEDORENKO SINCE 1977 WHEN DENATURALIZATION HEARINGS BEGAN. HE IS IN AN UNDISCLOSED LOCATION IN NEW JERSEY, HE SAID.

"THERE'S NOTHING THAT ONE CAN DO NOW. IT WOULD REQUIRE INTERVENTION FROM SECRETARY (OF STATE GEORGE) SHULTZ AND THE STATE DEPARTMENT OR EVEN PRESIDENT REAGAN. I DOUBT WHETHER ANYONE WOULD INTERVENE," GILDER SAID FROM HIS HOME.

JUSTICES WILLIAM BRENNAN AND JOHN PAUL STEVENS, WITHOUT COMMENT WEDNESDAY, REFUSED TO HALT FEDORENKO'S DEPORTATION, WHEN HE LIED TO U.S. OFFICIALS ABOUT HAVING SERVED AS A PRISON GUARD AT THE INFAMOUS TREBLINKA CONCENTRATION CAMP IN POLAND DURING WORLD WAR II.

THE FBI AND U.S. MARSHALS REFUSED LATE WEDNESDAY TO REVEAL FEDORENKO'S WHEREABOUTS. JUSTICE DEPARTMENT SPOKESMAN JOHN RUSSELL AND THE IMMIGRATION AND NATURALIZATION SERVICE ALSO WOULD NOT COMMENT ON FEDORENKO'S LOCATION.

EVEN FEDORENKO'S ATTORNEY, ANDREW PHILAPOVICH, SAID THE IMMIGRATION OFFICE REFUSED HIM ACCESS TO HIS CLIENT SINCE 2 P.M. WEDNESDAY AND HAS DENIED HIM INFORMATION ABOUT HIS WHEREABOUTS.

"THEY SAID THEY THOUGHT IT WOULD BE DISRUPTIVE," PHILAPOVICH SAID IN A TELEPHONE INTERVIEW FROM HIS PHILADELPHIA HOME.

PHILAPOVICH SAID IF HE IS NOT PERMITTED TO SPEAK WITH HIS CLIENT THURSDAY HE WILL TAKE LEGAL ACTION IN NEW YORK, CHARGING THE IMMIGRATION SERVICE AND JUSTICE DEPARTMENT WITH INTERFERING WITH FEDORENKO'S RIGHT TO HAVE AN ATTORNEY.

FEDORENKO WAS ALLOWED TO CHOSE THE COUNTRY TO WHICH HE WILL BE REPORTED. HE CHOSE THE U.S.S.R., WHERE HE HAS A PRE-WAR WIFE AND TWO SONS. HE WAS NEVER DIVORCED FROM HIS SOVIET WIFE, BUT NEVERTHELESS REMARRIED IN THE UNITED STATES. HIS AMERICAN WIFE DIED IN 1971.

UPI 12-20-84 09:00 AES

Guard at Nazi camp held for deportation

ASSOCIATED PRESS

Former Nazi death camp guard Feodor Fedorenko is being held in custody in New York City awaiting deportation to the Soviet Union, a Justice Department source said yesterday.

The source, who spoke only on the condition he not be named, said the 77-year-old retiree, who had lived in this country for 35 years, was put on a plane in Philadelphia Wednesday night.

He flew to New York City and was supposed to fly to Helsinki, Finland, and then to Moscow, but he missed the flight to Helsinki, the source said. Mr. Fedorenko was to have a Justice Department escort as far as Helsinki, the source added.

The source, who had earlier said Mr. Fedorenko made the flight to Helsinki and had left there for Moscow, said later, "I was misinformed. He's still in New York in custody, because he missed the flight to Helsinki."

Mr. Fedorenko would be the first Nazi ever deported by the United States to the Soviet Union. Others have been sent to West Germany and Portugal.

Late Wednesday, two Supreme Court justices declined to halt the deportation.

Justices William J. Brennan and John Paul Stevens late Wednesday turned down Fedorenko's last-minute requests to avoid deportation.

Lawyers for Mr. Fedorenko made an emergency plea to Mr. Brennan, saying their client was scheduled to be deported at 6 p.m. EST Wednesday. After the rejection by Mr. Brennan, the lawyers re-applied to Mr. Stevens, who issued his rejection at 7 p.m.

In Philadelphia, Andrew Filipovich, an attorney for Mr. Fedorenko, said his client had been removed from his cell at the nearby Salem County Jail in New Jersey and may be on his way to the Soviet Union. He said federal officials would not say where Mr. Fedorenko was being held.

"The government is embarrassed about this case, and they simply want to get rid of the guy, who has never been found guilty of committing any crime," said Mr. Filipovich. "It's downright un-American. This secrecy smacks of a totalitarian regime."

A spokesman for the Justice Department's Office of Special Investigations, which handles Nazi cases, said late Wednesday that Mr. Fedorenko had not yet been deported, but would not comment further.

A long-time factory worker in Waterbury, Conn., Mr. Fedorenko retired to Miami Beach, Fla., in 1976.

He was found to have illegally obtained U.S. citizenship in 1970 because he lied to immigration officials when entering the country in 1949. The government, after years of trying, succeeded in stripping him of his citizenship and ordering his deportation.

Mr. Fedorenko was born in the Ukraine and was drafted into the Russian army in 1941. He was captured by the Germans and while being held prisoner was selected for training as a prison guard.

U.S. officials said he served as a guard in 1942 and 1943 at Treblinka death camp in Poland where some 800,000 persons were exterminated.

BOB JONES University GREENVILLE, SOUTH CAROLINA · 29614

EXECUTIVE OFFICES

TELEPHONE (803) 242-5100

October 26, 1983

189777

Mr. Morton Blackwell
Old Executive Office Building
Room 191
The White House
Washington, DC 20500

Dear Morton:

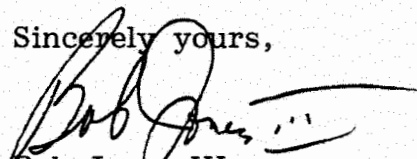
It has been some time since our paths crossed. I am glad that the stormy circumstances which brought us together have abated, although the University is under undeserved taxation penalty. Thank you for the kindness of lending your ear at that time.

The enclosed letter explains the predicament of our good friend Dr. Peter Ng, who works with the spiritually and materially impoverished minority people of Birmingham. If any man deserves to be called a "minister of religion," this man does. We have exhausted all help that we know. Dr. Ng's attorney tells me that the Department of Immigration is being obstinate, though many senators and congressmen have written or called, requesting that Dr. Ng be granted a visa.

Apparently, only the White House can help him at this time. Would you intervene? It is an opportunity for the White House to show compassion upon the black people of Birmingham, and I hope you will see fit to do so.

Kind regards.

Sincerely yours,



Bob Jones III
President

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