

U.S. court re-opens Demjanjuk case

by Katherine R. Notley

Shortly before the arguments in front of the Israeli Supreme Court to overturn the death penalty of John Demjanjuk ended June 9, the U.S. Sixth Circuit Court of Appeals ordered the U.S. Justice Department to turn over all evidence it has showing that the retired Cleveland auto worker was not the Treblinka concentration camp guard "Ivan the Terrible." The appeals court's June 5 move was highly unusual, because the court itself initiated the review of its 1986 decision to uphold Demjanjuk's extradition to Israel to stand trial. It had upheld extradition on the basis that Israel had charged Demjanjuk with murder. The three-judge panel in Cincinnati, Ohio has given the Justice Department until July 15 to produce evidence both of Demjanjuk's innocence and the department's knowledge of it. Demjanjuk, 72, has been in prison in Israel since then, and was sentenced to death in 1988.

Both the U.S. review and the appeal in Israel center around the defense's discovery that "Ivan the Terrible" was one Ivan Marchenko. Demjanjuk's defense attorney Yoram Sheftel has charged that the U.S. Justice Department's Office of Special Investigations (OSI) knew shortly after it targeted Demjanjuk in 1977 that there was a wealth of testimony identifying Marchenko as the murderous concentration camp guard. Demjanjuk was extradited on the basis of forged documents from the KGB; in late December 1991, an Ohio congressman revealed that as early as 1978, the State Department had sent a cable to its embassy in Tel Aviv drawing on the testimony of 21 Treblinka guards all naming Marchenko.

According to Demjanjuk's son-in-law Edward Nishnic, on Dec. 12, 1978, the OSI obtained 100 pages of eyewitness testimony from Ivan the Terrible's colleagues among the guards at Treblinka in Poland, which identified him as Ivan Marchenko. All of the affidavits were made within a year of the war's end, Nishnic told a Washington, D.C. television station on Dec. 23, 1991. Moreover, by 1981, the OSI had obtained a checklist from the Polish government, of people who had made sworn statements about Ivan the Terrible which correlated name by name with the 1978 affidavits.

Nishnic, interviewed from Jerusalem, did not blame the Israeli government, but the OSI, and expressed sympathy for Ivan the Terrible's victims, who, in their testimony against

Demjanjuk, might have thought he had been the Treblinka murderer; however, he pointed out, the affidavits naming Marchenko were not only made shortly after the events took place, but sworn to by Marchenko's comrades, not by his torture victims 45 years after the fact.

The OSI 'Nazi hunters'

The OSI was formed as the result of strong lobbying by the Anti-Defamation League (ADL) as part of the Justice Department, ostensibly to hunt down and extradite Nazis who had illegally entered the country. In 1974, then-Rep. Elizabeth Holtzmann, an ADL intimate who had worked hard to establish a Nazi-hunting unit within the Justice Department, tried to have the Immigration and Naturalization Service put one Tscherim Soobzokov on its list of "war criminals." Despite repeated failures by a grand jury to confirm any of the bogus charges against him, the Holtzmann apparatus leaked the phony evidence to the *New York Times*, including a KGB-forged identity card showing Soobzokov was a Nazi. Although Soobzokov sued the *Times* for libel and obtained a settlement, he was threatened with "Jewish justice" by ADL/FBI informant Mordechai Levy, a "former" member of the Jewish Defense League. Despite pleas to the FBI for protection against the constant death threats, Soobzokov was killed by a pipe bomb in 1985.

OSI charges against another man, Elmars Sprogis, also turned out to be false, but he was still targeted by Levy. His house was bombed the same day Tscherim Soobzokov died. The FBI agent investigating the bombings turned out to be Levy's case officer.

The OSI's real purpose was to consolidate the global power-sharing condominium between the U.S. and the U.S.S.R.: The KGB would provide documents targeting Baltic, Ukrainian, and other refugees from communism as Nazi war criminals to the OSI and the OSI would have justification to extradite the victims, usually into the arms of Soviet justice. The case of Karl Linnas was typical: An Estonian, he was targeted by the KGB, which provided documents to OSI. Although the U.S. never recognized the Soviet Union's rule in Estonia, Linnas was extradited there to stand trial under Soviet law. He died in prison shortly thereafter.

The case of Austrian President Kurt Waldheim brings Israel into the Yalta power-sharing arrangement: While the KGB generously provided forgeries "proving" Waldheim's war crimes, the real story is that Austria, where emigrating Soviet Jews made their first stop toward freedom, was refusing to force them to settle in Israel.

Reason for optimism

Similarly in the earlier Demjanjuk case, the OSI was used to ride roughshod over the U.S. Constitution: The extradition proceedings were premised on Israel's indictment of him, although no crime was committed on Israeli soil or against

Israeli citizens or residents. The only other person sentenced to death in Israel was Adolf Eichmann.

"History will record that it's all a plot," involving the United States, the Soviet Union, and possibly Israel, John Demjanjuk's defense lawyer Yoram Sheftel told the Israeli Supreme Court June 2, in completing his summation in the "Ivan the Terrible" appeal. Sheftel explained that a special division of the U.S. Justice Department, which in 1979 became the Office of Special Investigations (OSI), had as early as 1978 received information from Soviet authorities naming Ivan Marchenko, not Demjanjuk, as the operator of the Treblinka gas chamber. "It should have then stopped prosecuting John Demjanjuk." He went on: "Not only is my client not 'Ivan the Terrible,' it has also become clear that this fact has been known to the Soviet Union for 48 years, to the United States for 14 years . . . and there is suspicion that also here [in Israel] it has been known for 14 years. The trial . . . was nothing but a conspiracy, and this is how it will go down in history."

Observers believe that the Israeli Supreme Court will overturn Demjanjuk's conviction, prompting the prosecutors to claim that they can prove he was a concentration camp guard at the camp at Sobibor, and therefore Israel can keep him in prison. Justice Aharon Barak exploded in response: "Unless you have proof beyond a reasonable doubt that Demjanjuk was at Treblinka, there is no point in proceeding." Earlier Barak had commented about the Sobibor charges, "There is the same reasonable doubt as exists regarding Treblinka."

OSI perjury being investigated

The doubts raised by the OSI's dirty dealings in the Demjanjuk case have prompted an investigation into another similarly fraudulent extradition. The Justice Department's Office of Professional Responsibility has been ordered by Attorney General William P. Barr to look into "allegations that OSI officials, including director Neal Sher, committed perjury and covered up evidence to guarantee extradition of convicted war criminals Andrija Artukovic and John Demjanjuk," according to the *Washington Times* on June 10. Artukovic, a Croatian, was extradited to Yugoslavia, where he had been sentenced to death by firing squad. He died in prison in 1988. Henry deZeng, an investigator who was hired by Artukovic's family, traveled to Zagreb in 1990, where he found nine boxes of archives not only completely contradicting evidence used to extradite Artukovic, but showing that the crimes for which he was sentenced to be shot *had not occurred*. Moreover, deZeng discovered that the OSI investigators who assembled the case against Artukovic had inspected the same material in 1983.

"They read the same contradictory information," deZeng told the *Times*, "but they had publicly targeted Artukovic and it was too late to stop, even after they found out they lacked a case."

Michigan serial killer remains at large

by Linda Everett

Serial killers, who stalk their victims, study their habits, and painstakingly plan and commit ritual murder, generate such outrage and fear that authorities and crime experts employ every effort until the killer is apprehended. Thus, it defies all reason that a known murderer is able to repeatedly issue statements on his murder plans to the media, manipulate his victim's vulnerable psychological profile for months on end, carefully record the victim's "request" to be killed, school the family in their role in the prearranged killing, and then snuff out the victim's life, at which point the killer and his attorney pronounce his victory, his innocence, and his intention to continue.

Yet, this scenario fits exactly the activities of Jack Kevorkian, who, on May 15, claimed his fourth known "suicide" victim in his two-year campaign to make murder on demand legal. As Michigan Sen. Fred P. Dillingham (R-Fowlerville) described it, Kevorkian "is almost on a rampage here."

On May 15, Susan Williams, 52, of Clawson, Michigan, died in her home after inhaling carbon monoxide from a gas mask. Present at the time of death were Kevorkian, his sister Margo Jannis, Williams's son, and her sisters. Kevorkian's attorney, Geoffrey Fieger, told the press that Kevorkian had nothing to do with the death. The attorney said that Williams "had multiple sclerosis" and "her life was worthless." Moreover, Fieger said, if Kevorkian "is imprisoned for something that is not a crime in this state, that is an act of compassion and reason and is thoroughly medical in nature," Kevorkian would attempt to kill himself.

At the home of Mrs. Williams, Oakland County Medical Examiner Dr. L.J. Dragovic found Fieger personally "running that death scene," and said that he was "totally disgusted." "They showed the ultimate disrespect for someone's death," Dragovic said. Everyone was eating pizza and watching television. Fieger offered officials drinks.

Death ruled a homicide

Kevorkian, who is consistent only in his propensity to lie, now admits he obtained the cannister of gases that killed Williams, attached it to her bed, and put the valve and the mask within her reach. However, Dr. Kanu Virani, chief deputy medical examiner of Oakland County, ruled on June