

THE PHILADELPHIA INQUIRER

Retiree won't answer inquiries in Nazi case

STELMOKAS from B1 represented his wartime activities to U.S. immigration officers in 1949.

According to the federal complaint, the battalion participated in mass murders in the Kaunas region and enforced the confinement of Jews in the Nazi-created ghetto of Kaunas, where thousands died by execution, disease, intentional overcrowding and starvation.

Citing documents procured from Lithuanian archives by the Simon Wiesenthal Center in Jerusalem, The Inquirer reported in June that a Jonas Stelmokas served as second in command of a volunteer Lithuanian battalion that may have helped the Nazis murder 1,522 Jews in two days at three villages outside Kaunas in September 1941.

The Justice Department has declined to say whether those documents are part of its case against Stelmokas.

In its motion Aug. 19, the department argued that the case was a civil suit and that Stelmokas had "no valid legal basis" to claim a Fifth Amendment privilege to refuse to answer questions about his wartime activities.

Stelmokas's "claim of a Fifth Amendment privilege must fail, because he has no basis to fear a criminal prosecution in this country and the Fifth Amendment privilege does not apply to foreign prosecution," says the motion, signed by Debora D. Caruth, a trial attorney with the department's Office of Special Investigations.

The motion also says Stelmokas waived his Fifth Amendment privilege by voluntarily responding to questions in his 1949 application to enter the United States and his 1954 citizenship application, when he "repeatedly testified under oath regarding the very issues as to which he now allegedly fears self-incrimination: the nature of his wartime activities and his eligibility for immigration and naturalization."

CONT'D: Retiree won't answer inquiries in Nazi case (Stelmokas)

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