

# Archives shed new light on Nazi cases

**STELMOKAS** from C1  
was the Lithuanian Boy Scouts.

The case comes at a time when the Justice Department's internal watchdog unit is investigating the department's handling of the case of John Demjanjuk, a retired Cleveland auto worker accused of being "Ivan the Terrible," operator of the gas chambers at the Treblinka death camp in Poland.

On June 5, a federal appeals court in Cincinnati said Demjanjuk's extradition to Israel — where he subsequently was convicted of war crimes — may have been based on "erroneous information." The court ordered the Justice Department to turn over by July 15 any evidence that Demjanjuk is not Ivan the Terrible and to detail when the United States first learned of such evidence.

Demjanjuk's case contains an irony similar to the Stelmokas case, but opposite in effect: It was the relaxed access to Ukrainian archives in the former Soviet Union that produced the information that eventually may support Demjanjuk's claim of mistaken identity and give him a chance at freedom.

Since it was formed in 1979, the Justice Department's Nazi-hunting Office of Special Investigations has had a high rate of success.

Before Stelmokas, the office had sought the denaturalization or removal from the United States of 80 people — half of whom have lost their citizenship and 30 of whom have been deported or otherwise removed from the country. Other cases are still in court, and some people have died.

No document obtained from Soviet archives for a war-crimes case has ever been proved to have been forged, and the office has never had a judicial defeat.

Neal M. Sher, director of the office, said the Stelmokas case was just the

first of several he expects to file this summer. In fact, newly acquired access to archives in Riga, Vilnius, Kiev and Moscow will enable the office to file more cases in 1992 than in any previous year, Sher said.

The Stelmokas case is the second in the Philadelphia area in two months. On April 21, the office filed a denaturalization complaint against Johann Breyer, 66, of Northeast Philadelphia, an ethnic German from Slovakia, who is alleged to have guarded the Auschwitz and Buchenwald death camps as a member of the Nazi SS Death's Head Battalion.

And last September, the office moved to revoke the citizenship of another alleged former member of the Death's Head Battalion, Nikolaus Schiffer, 72, of Schuylkill County. Schiffer was born in Philadelphia but moved to Romania with his parents as a child. He lived in the city for at least 30 years after 1953.

The newly opened Baltic archives had no bearing on either the Breyer or Schiffer cases, authorities say.

Sher said that even though many alleged Nazis and Nazi collaborators who came to the United States had since died, those archives would enable prosecutors to build cases against others.

"We are looking at people who are by and large in their late 60s and early 70s," Sher said. "World War II was a young man's war. There are many, many veterans of that war on both sides of the aisle, so to speak. The fact that so many are still around shouldn't really be so surprising. The fact is, they are alive."

Sher said his office was still working on investigations begun before the former Soviet archives became accessible. He said access to previously unavailable documents would strengthen continuing investigations as well as identify new cases.

"In the past, we've gotten documents from the Soviet Union, but our

own researchers have not been able to get into the archives, and that's the new development in Lithuania, Latvia, Ukraine and Russia," Sher said. "That's the new dimension."

While most Allied nations have attempted to ferret out Nazi war criminals, not all have been successful.

This month, for example, the Wiesenthal center gave Australia a new list of 14 Lithuanians living in Australia who, like Stelmokas, allegedly helped the Nazis murder Jews during the Holocaust.

But Graham T. Blewitt, director of the special-investigations unit in the Australian attorney general's department, won't be investigating them. Just as the archives in the former Soviet Union are becoming accessible to investigators, Blewitt's government is closing his office in nine days as a cost-saving measure.

"I am obviously not happy at all with that situation," Blewitt, 45, said in a telephone interview from his office in Sydney. "I have expressed my displeasure to the government. And the government remains committed that my unit will not have any investigative function after the 30th of June."

Since its inception in March 1987, the Australian unit has investigated 820 alleged war criminals, of whom only three are being prosecuted. Unlike the United States, which allows for civil proceedings for deportation and denaturalization, Australian prosecutors must establish a criminal case by proving that an alleged war criminal killed people.

As a result, Blewitt asserted, hundreds of Nazi war criminals are walking free in his country. "In many cases we have been satisfied that the person involved was a war criminal," he said. "But we have not been able to get witnesses or documentary evidence to take the case beyond the civil arena."

Meanwhile, the accusations against Stelmokas resurrect questions about the pursuit of justice after so much time has passed: Should the fact that a man may have lived an exemplary life in the United States absolve him of guilt for what he may have done 50 years ago?

"I don't consider murder or mass murder to be a slight indiscretion," said Mark Weitzman, associate director of the Wiesenthal center in New York. "We're not talking about someone who used drugs when he was 18 and turned his life around and became a respected educator."

"I don't believe that time erases certain guilt. We're not dealing with victimless crime. We're dealing with mass murder based on prejudice and bias and bigotry. We're dealing with the denial of the most basic human right of all — the right to breathe, to exist."

Weitzman said the prosecution of war criminals is an important function of a free society.

"Do we want these people collecting Social Security that Americans have paid for, benefiting from a system built on human rights?" he asked. "The idea of taking a stand that our society will not condone or support these people, but will reject and repudiate them and bring them to justice, serves to draw a line of demarcation between our ideals and the ideals of the Nazis."

Blewitt, the Australian prosecutor, said an international court should be set up to deal with crimes against humanity, in the hope of deterring potential war criminals.

"It would make such people realize that it doesn't matter how long after the event, or where they flee to in the world, they will be brought to justice," Blewitt said, "thereby decreasing the incidence of crimes against humanity, and I guess leading to a better world order where people can live in peace."

(continued) June 21, 1992, Stelmokas

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