

To Consider Issues Surrounding the Search

For Dr. Josef Mengele

Before the

Subcommittee on Juvenile Justice

Committee on the Judiciary

United States Senate

February 19, 1985

10:00 a.m.

124 Dirksen Senate Office Building

Witness List

- * 1. The Honorable Alfonse M. D'Amato, United States Senator from the State of New York.
- ✓ 2. The Honorable Carl Levin, United States Senator from the State of Michigan.
3. Panel consisting of:
 - Mark Berkowitz, President, "Candles", New York; and
 - * Ernest Michel, Executive Vice President, United Jewish Appeal Federation, New York.
- ✓ 4. Rabbi Marvin Hier, Dean, Simon Wiesenthal Center, Los Angeles, California.
- ✓ 5. Jack Anderson, Syndicated Columnist, Washington, D.C.
- * 6. Lieutenant General William E. Odom, Assistant Chief of Staff for Intelligence; and Mrs. Susan J. Crawford, General Counsel, United States Army, The Pentagon, Washington, D.C.
- * 7. Allan Ryan, Esq., Washington, D.C.

HCD reviewed: no objection to release as redacted

* prepared statements

✓ did not appear at hearing

STATEMENT BY ERNEST W. MICHEL
PRESENTED TO THE SENATE SUBCOMMITTEE ON THE
HEARINGS CONCERNING DR. JOSEF MENGELE
Washington, D.C. -- February 19, 1985

Mr. Chairman, Members of the Subcommittee:

My name is Ernest W. Michel. I am a survivor of the Holocaust having spent the years 1939 to 1945 in various forced labor and concentration camps, including the infamous Auschwitz, BUNA/Monowitz, and Buchenwald. I was deported from my hometown, Mannheim, Germany in September 1939, shortly after the outbreak of World War II. I was 16 years old at the time. My parents were deported to France in 1940; from there to Auschwitz in 1942 where they were killed. In 1981, I served as Chairman of the World Gathering of Jewish Holocaust Survivors which took place in Jerusalem, Israel. I am an American citizen, having come to this Country in 1945 under the Harry S Truman Displaced Persons Act. In my professional capacity, I serve as Executive Vice President and Campaign Director of the United Jewish Appeal-Federation of Jewish Philanthropies Campaign in New York.

I arrived in Auschwitz the Winter of 1942-43. I had never heard the name Auschwitz; I certainly knew nothing about what it represented. I found out soon enough.

We arrived at night, after spending approximately one week locked up in cattle cars. It was a horror: we literally were herded in like cattle; the cars were filled to capacity; we received little food; sanitary conditions were non-existent. Many died in transit.

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-2-

In retrospect, all that comes to mind is that our arrival in Auschwitz was like a scene out of Dante's "Inferno." All around were shouts by SS men: "Juden-Raus!" and barking, biting dogs. We were in a state of utter confusion; there was crying, screaming, mass hysteria. After a while, public announcements were made directing men to one side; women to the other. Other than that, all we knew was that we were surrounded by barbed wired fences.

The men and women were separated; the men were placed in lines, the women on trucks. The vision of husbands and wives, parents and children being torn apart -- the tears, the screeches, the frenzy -- still haunt.

The line moved forward slowly. It was then that an elegant but foreboding-looking SS officer in a long black leather coat and gloves, with SS insignias on coat and cap, began directing us by thumb: some to the left, some to the right. We moved like automatons, no one knew what was happening.

We learned from older camp inmates that we were in Auschwitz; that the officer who conducted the selection process was Dr. Josef Mengele; and that the people sent in the other direction had been gassed. My reaction was one of numbness, utter disbelief. We were told to undress. Our clothes were taken away. All of our hair was shorn. Numbers were tattooed on our left forearms (mine is 104995). We received striped prison uniforms and caps. This is how I recall my arrival in Auschwitz and my first encounter with Dr. Mengele.

After a few days, some of us were transported to Auschwitz II or otherwise called Auschwitz/BUNA or Monowitz. This was a sub-camp of

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-3-

Auschwitz and located next to the IG Farben Industrial Complex. Its purpose was to produce Buna (artificial rubber). I will not describe life in the camp; those reports are legend. I will briefly refer only to my personal experiences.

Following several months of heavy construction work with very little food in the IG Farben Complex, I was reduced to a skeleton. Friends were dying all around. Those too weak to walk were shipped to Auschwitz/Birkenau to be gassed. These selections took place every day. Those of us still alive were resigned to die sooner or later, there was no hope to escape.

Yet, some of us kept going, hoping that a few would survive. Our greatest fear, aside from dying, was that nobody would be alive to tell the world what was happening in Auschwitz -- annihilation on a scale unprecedented in history.

In the Summer of 1943, I was injured while doing the construction work to which I was assigned and had to go to the prison hospital for treatment. We all were petrified of the hospital; we knew that anything other than a superficial wound resulted in being "sent up the chimney." Because of my handwriting ability -- I had learned calligraphy as a student -- I was assigned the responsibility of recording the names and reason for death of the thousands of inmates who were to be decreed as having died from heart attacks. I still remember writing: heart attack ... heart attack ... heart attack ... hour after hour, day after day!

A few weeks later I was made a regular medical assistant at the hospital. I was assigned to the dysentery unit where I worked until the evacuation

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-4-

of the camp in January 1945. Prisoners died like flies; malnutrition, severe diarrhea, high fever. Every day we put them on trucks, those dead and those barely alive. All were taken to the crematoria or gas chambers. It was because of my stay in the prison hospital that my life was spared.

Some time during the Spring of 1944, the SS officer in charge of the prison hospital told me and one other male nurse to report for a special assignment. We were told to be in front of the hospital compound barracks to take inmates from a truck to the barrack and return them later to the truck.

When the truck arrived I found six to eight women in various states of despair. Among them was a beautiful teenage girl from Hungary with whom I spoke in Yiddish and German. She told me she had arrived the day before with thousands of other Jews from Hungary; that she had been separated from her family; kept in isolation; and brought to our camp without any knowledge of why. She obviously was very agitated and fearful. Other than that, she seemed in total command of her faculties. Some of the other women appeared more distressed. Several were screaming.

We took the women, one by one, into the barrack where a separate room had been fixed up. A number of SS officers were in the room. Among them the prisoner responsible for the hospital. His name was Bujachek. Since I went back and forth into the room several times I saw the faces of the officers and recognized Dr. Mengele as the officer who conducted the selection process on our arrival in Auschwitz. Besides, he had been to the camp a number of times.

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-5-

After we had taken each of the women into the reception room, we were told to wait outside. We waited for over an hour and then were summoned back to remove the women. In the room where the "medical services" were performed one woman was still connected to an electrical machine which was next to the cot on which she was placed, presumably for electric-shock experimentation. We had been instructed to have a stretcher ready in order to carry the women out, one by one. We found two of them dead, one was the Hungarian girl; two obviously were in a coma; the others were breathing hard and irregularly. None were conscious. I noticed that the teeth of those still alive were clenched and that wads of paper were placed in their mouths.

Auschwitz and its various subcamps were evacuated on January 18th. I was transferred three times after the death march during which hundreds of inmates died. I was sent first to Buchenwald and then to Berga. On April 18, 1945, on a transport from Berga to an unknown destination, two friends and I escaped. I arrived in the United States in July 1946.

Having lost my entire family, with the exception of my sister, in the Holocaust, having borne personal witness to the savagery and inhumanity of the Nazis during my years in the camps, and being one of the relatively few who survived, I come before this Subcommittee to testify to the best of my knowledge and recollection about the abominable acts of Dr. Mengele.

I am here today on behalf of all those who survived and those who did not, including my own parents. I remain fully conscious of their pain, their degradation, their anguish. Josef Mengele was a key element in the evil

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-6-

perpetuated in Nazi Germany. His role and name were known to everyone in Auschwitz.

There is another reason why we, the survivors, must speak out. Efforts are being made -- in America and other countries -- to deny the reality of the Holocaust. After losing one-third of our people in the most savage massacre in Jewish history, we still have to prove that there really was a Holocaust.

No matter how difficult and trying it is to re-experience those nightmare years, I will do everything in my power to speak out until Josef Mengele and others like him are apprehended and justice is done. It is the least we can do -- and expect -- in and from a civilized world.

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Mr. Chairman and Members of the Subcommittee:

Good morning. I am Lieutenant General William E. Odom, Assistant Chief of Staff for Intelligence for the Department of the Army. Accompanying me this morning is Mrs. Susan J. Crawford, General Counsel for the Department of the Army.

I am pleased to be here today to discuss with you matters relating to the context and substance of the seventeen pages of Army documents relating to Dr. Josef Mengele. Sixteen of these seventeen pages have been released by the Army pursuant to Freedom of Information Act requests. The seventeenth page is a foreign document. We have requested that that foreign government grant us permission to release the document. As you may be aware, the releasability of that seventeenth document is currently a matter in litigation between Rabbi Hier, et al, and the United States Government. Because of that litigation, it would be inappropriate for me to comment on any matters of substance relating to that lawsuit. Although I am not in a position to provide first hand information on the subject of the present and past whereabouts of Dr. Mengele, let me assure you that the

-2-

Department of the Army will cooperate fully with the Department of Justice, Office of Special Investigations, in its investigation into this matter.

We welcome the recent statements of Mr. Walter Kempthorne and any light that he may be able to shed on this subject. I would like at this time to supply for the record a certified copy of Mr. Kempthorne's service record with the United States Army. As you can appreciate, the information provided by Mr. Kempthorne is new to us. We will work closely with OSI to actively investigate this new information, and any other information which may surface, as to whether there were any Army contacts with Mengele after World War II.

I would now like to discuss the seventeen Army documents. After analyzing them at length, Army personnel have separated the documents into four categories.

- The first category contains a one page document. It reflects the interception by the U.S. Civil Censorship Submission, Civil Censorship Division, U.S. Forces European Theater (USFET), of a telegram written

-3-

by W. Heller of Wayne University to Hermann Rotholz of Berlin, dated November 1, 1946. The letter identifies Mengele as the Camp Medical Officer at Birkenau.

- The second category consists of a memorandum and transmittal letter (each one page) from Special Agent Ben J.M. Gorby, 970th Counter Intelligence Corps (CIC) Detachment, to the Commanding Officer, Headquarters 430th CIC Detachment (Vienna). Both of these pages are dated April 26, 1947. In the memorandum, Special Agent Gorby relates information, given him by an undisclosed source, that Mengele was (a) arrested in Vienna and (b) was arrested in the U.S. Zone of Germany. The memorandum further states, "if an interrogation of subject by CIC or upon request of CIC is possible, it is requested that he be interrogated with regard to the fate of approximately 20 Jewish children who were removed by him from the Auschwitz Camp" I would like to emphasize that the information contained in the Gorby memorandum is not supported by any other documents in the Army's possession. For that reason I am unable to shed any light on whether the information contained in the memorandum is true.

-4-

- The third category consists of Canadian initiated correspondence between the Canadian and U.S. governments (7 pages). The Visa Control Section of the Canadian Embassy (Cologne, Germany) wrote to the Commanding Officer, USAREUR Central Registry, seeking information about Mengele in light of information received that an individual residing in Canada under the name Joseph Menke might be Mengele. This letter is dated June 18, 1962. The USAREUR response consists of a transmittal letter, a summary of U.S. information concerning Mengele and five data cards on Mengele, none of which contain fingerprints or imply an arrest of Mengele. The U.S. response is dated June 26, 1962.

- The final category is of correspondence among various Army units and between the U.S. Tracing Bureau and the British Government in 1945 and 1946. It concerns the request of H.H.B. Mosberg, a resident of London, to be named substitute plaintiff on behalf of his father who died at Auschwitz, for any War Crimes proceedings against Mengele (4 pages). Also, the Army possesses an affidavit from Doctors Lucie Adeisberger and Marie Stoppelman, notarized in The Netherlands, stating that Dr. Bernard Mosberg was sent to the gas chambers at Auschwitz (2 pages).

-5-

- The seventeenth page is merely a cover sheet of our Mengele file and states only his name.

Let me state for the record that the documents give no indication that Dr. Mengele was the subject of Army intelligence interest.

If I may, I would now like to discuss the manner in which our search was conducted. Prior to Rabbi Hier's Freedom of Information Act request, a file containing five of the seventeen pages on Mengele was located in response to another request. Included in this file was the 28 April 1947 letter of Ben J.M. Gorby. At that time, further checks were made for additional records on Mengele with negative results.

In response to a request by Rabbi Abraham Cooper, Associate Dean of the Wiesenthal Center, in October 1984, our records were once again examined, and the five-page file again identified. Those five pages were released to Rabbi Cooper in November 1984. That same month Rabbi Hier provided us a list of aliases allegedly used by Dr. Mengele over the years. Although we were unable to locate any additional records under

-6-

the aliases, by varying the spelling of Mengele's name, e.g. "Megele", further searches in our microfilm holdings were triggered. Also, through recovery of further internal indices within the microfilm holdings, the microfilm officer was able to establish a cross-reference to a file concerning Dr. Bernard Mosberg. That file included the foreign government information on Mengele. Additional variations on Mengele's name were developed and further searches conducted, however, these searches, and searches on various aliases used by Mengele, as supplied by Rabbi Hier, have proven futile. For the record, I have attached to my statement copies of all correspondence pertaining to these searches.

I hope I have adequately addressed the Subcommittee's questions concerning the seventeen pages of Army documents relating to Dr. Josef Mengele. Let me again assure this Subcommittee that we shall fully cooperate with the Justice Department in its investigation into the past and present whereabouts of Mengele. I thank you for your attention and will gladly try to answer any questions that you may have.

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TESTIMONY OF ALLAN A. RYAN, JR.

BEFORE THE SUBCOMMITTEE ON JUVENILE JUSTICE

SENATE COMMITTEE ON THE JUDICIARY

CONCERNING DR. JOSEF MENGELE

February 19, 1985

Mr. Chairman and Members of the Subcommittee:

I am pleased to honor your request that I appear today to assist you in defining the issues surrounding the efforts to locate Josef Mengele, the "Angel of Death" at Auschwitz.

From 1980 until 1983 I was the Director of the Office of Special Investigations, Criminal Division, U. S. Department of Justice. As such, I was responsible for the investigation and prosecution of Nazi war criminals in the United States.

-2-

I left the Department of Justice in September 1983 and I now practice law in Washington. I have written a book, Quiet Neighbors: Prosecuting Nazi War Criminals in America, which was published last November by Harcourt Brace Jovanovich. I emphasize that I appear before you as a private citizen and do not represent the Department of Justice.

The case of Josef Mengele cannot be examined in a vacuum. The fact that he is at large today should not surprise anyone who is familiar with the world's efforts -- and America's efforts -- to investigate Nazi crimes.

In the years after World War II, Nazi war criminals came to the United States in great numbers, encouraged by the Displaced Persons Act, a law passed by Congress that gave immigration preferences to the very nationalities whose degree of collaboration with the Nazis had been among the highest in Europe. The fervor of anti-Communism in this country was so great that we assumed anyone fleeing the Soviet Union or other Communist regimes in Europe must be anti-Communist and therefore a worthy immigrant to our shores.

Although Nazi criminals were technically barred by the Displaced Persons Act, lies were simple to concoct and difficult to detect, especially with the extremely lax screening provisions in the DP camps. A death camp guard

-3-

from the Ukraine, for example, who said he had been a farmer during the war years could easily qualify for a visa. It is my estimate -- and it is a conservative estimate -- that the number of Nazi war criminals who entered this country in the post-war years was no less than 10,000.

Once in this country, they were literally home free. No one cared. Congress did nothing; the Executive did nothing; the press said nothing. The Nazis had been defeated militarily; Nazism as a political force was dead; the threat of the Soviet Union and its satellites was a real one, and few people thought to ask what had become of the hundreds of thousands of Nazi criminals who had carried out the Holocaust in Europe.

Congressional apathy, and public apathy, came to an end only in the late Seventies, when the Immigration subcommittee of the House Judiciary Committee began holding hearings on the whole matter under Congresswoman Elizabeth Holtzman and her predecessor Congressman Joshua Eilberg. These hearings culminated in the creation of the Office of Special Investigations in 1979. OSI was given the responsibility, in the Justice Department, of enforcing U.S. laws against Nazi war criminals in this country in order to seek their denaturalization and deportation through judicial proceedings.

-4-

Since that time, OSI has filed nearly 36 cases against Nazi war criminals. During my tenure as Director of that Office, with a dedicated and professional staff, we went to trial in 21 cases and won 19 of them, and that success rate has been maintained since my departure. Several Nazi criminals have been deported from this country, and several more face imminent deportation as their seemingly-endless appeals now run out. These deported Nazis include:

-- Feodor Fedorenko, a guard at the Nazi death camp Treblinka;

-- Hans Lipschis, a guard at the Auschwitz death camp;

-- Valerian Trifa, a Romanian demagogue and propagandist who became head of the Romanian Orthodox Episcopate in this country;

-- Arthur Rudolph, production supervisor at the V-2 rocket works, a man who worked 20,000 slaves to death and who later became the head of the Saturn V program at NASA. As a legal matter, Rudolph left this country voluntarily, but he did so after being confronted with the evidence against him, and in lieu of going to trial;

-- John Avdzej, a collaborationist mayor in the occupied USSR who oversaw the annihilation of all Jews in the region;

-5-

-- Anatoly Hrusitzky, a Ukrainian policeman who took part in the murder of innocent Jews.

As we face the question of Josef Mengele, therefore, we do so with the realization that this country's concern over the issue of Nazi war criminals is a relatively recent one, and that the efforts of the Justice Department, no matter how vigorous, have faced and will continue to face extraordinary obstacles posed by the passage of decades between crime and investigation.

As the subcommittee knows, the Attorney General recently announced that the United States has launched an international effort to locate and apprehend Josef Mengele. The investigation is being conducted by my successor as Director of OSI, Neal Sher, and knowing Mr. Sher and his staff as I do, there is not the slightest doubt in my mind that the investigation will be thorough and professional. Whether it will also be successful -- that is, whether it will result in the arrest and extradition of Mengele -- no one can know.

It is my understanding that the Justice Department has declined this subcommittee's invitation to appear today and discuss the investigation. I support that position. Indeed, it is the same position I myself took when I was appointed by the Attorney General two years ago to

-6-

investigate intelligence ties between the U. S. government and Klaus Barbie, the Gestapo "Butcher of Lyon." Investigations of this nature cannot be conducted in public. When the investigation is completed, I trust that the Justice Department will provide to the Congress and the public a full account of its findings, as it did at the conclusion of the Barbie investigation in August 1983. Until that time, it must be allowed to proceed without the glare of publicity.

There are, I believe, three questions that are of primary importance to the United States as it begins this investigation.

First, did Josef Mengele ever have any connection with the U. S. government? I am highly skeptical that the evidence, when it is gathered, will show any such relationship. Unlike Klaus Barbie, whose Gestapo duties included counter-intelligence, Josef Mengele spent the war as a torturer in a death camp and, even setting aside the moral question, I am at a loss to discern what skills or information he might have had that would have been of any use whatever to American intelligence after the war.

Second, did the United States have Mengele in custody after the war and, if so, how did he leave our custody? Did he escape or was he released? If released, did

-7-

U. S. officials know his background and if so why did they release him?

The information that has been developed on this question to date is very fragmentary. It consists of a 1947 report by an Army CIC officer who was passing along information he received from an informant who is otherwise unidentified, and a recent report by a former soldier who says that in 1945 he saw a prisoner he was told was Mengele in a U. S. military camp. I am not questioning the integrity of either of these men when I say that far more definitive evidence will be needed if any sound conclusions are to be reached.

On this point, I see no reason why the investigation must be limited to the knowledge or actions of the United States. Indeed, if there is a need for investigation into the post-war movement of Mengele -- and there is -- the historical record would be disserved if that investigation does not extend to the actions of all Allied governments after the war.

Third, and most important, where is Josef Mengele today? Obviously the primary objective of this investigation should be to locate and apprehend Mengele and turn him over, through the legal process, to a country that is prepared to place him on trial and, upon conviction, punish him.

-8-

A warrant for Mengele's arrest and extradition to the Federal Republic of Germany has been outstanding for some time. I trust the FRG will pledge its utmost cooperation in the search for Mengele and that it will contribute substantially to the resources that will be necessary to succeed.

Indeed, I would expect that every nation in the world, and particularly in Europe and South America, would stand ready to work together with the United States in what must truly be an exercise in international cooperation. The Attorney General announced this investigation in Washington in the hope that, however late the date, justice might still be done in this notorious case. I trust that that hope is shared in Moscow, Bonn, London, Asuncion, Buenos Aires, and beyond, and that it will be made tangible through the sharing of information and resources.

Let me conclude my prepared statement with a brief description of the actions of OSI regarding Josef Mengele during my tenure, that is from January 1980 to September 1983. The mandate of OSI, as I have said, was to investigate and prosecute Nazi war criminals in America -- an important and difficult responsibility. I am aware of no evidence that Mengele has ever been in the United States.

Nonetheless, it was my policy that no information or allegation we received or might develop concerning Josef

-9-

Mengele was to be disregarded. Every suggestion, regardless of its source, that Mengele might be, or might have been, in the United States, was scrutinized. I sent investigators to Texas, California, New York and elsewhere at various times to pursue such leads. None of these leads ever produced evidence of Mengele's presence here.

Shortly before my appointment, reports were received that Mengele might be arriving in Miami on a flight from South America. The flight was staked out with federal agents, but the report proved to be false.

The nature of OSI's work was such that we received a great deal of information, rumors and speculation about Nazi criminals in America. As a former prosecutor and counsel to the Warren Commission, Mr. Chairman, you are surely familiar with the fact that every prosecutor or investigator must assess the reliability of information before deciding whether or how to act on it, and that was the general rule that OSI followed.

But for Mengele we made an exception. My attitude was very simple: God forbid Josef Mengele might be in the United States and we might be ignorant of it and lose the opportunity to apprehend him.

Now that the Attorney General has directed OSI to expand its search world-wide, I join with this subcommittee and the American people and decent peoples everywhere in the fervent hope that the investigation will succeed.