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Our 'good neighbors'

In search of Nazi criminals disguised as ordinary people

By Peter Gorner

Most of them were ordinary people until prosecutor Allan Ryan entered their lives. They came to this country after World War II and lived quietly, calling no attention to themselves. They became American citizens, flew the flag, never talked about the war or about the Jews. Never.

"They took on protective coloration," Ryan says. "Their neighbors never suspected a thing. Time after time, we'd be told, 'That sweet man? I can't believe it. Not him.' "

Hours after Ryan filed denaturalization charges against Brookfield resident Albert Deutscher, 61, the railway worker was struck by a speeding train in the suburb. His family called it an accident, but the coroner ruled suicide. Deutscher, Ryan charged, had been a Ukrainian militiaman in Odessa who met trains crammed with Jews and shot them as they were driven out.

In Boston, eight days after Ryan filed suit against him, Michael Popczuk, a 63-year-old carpenter, put a shotgun to his head and pulled the trigger. Popczuk, Ryan says, had been a Ukrainian auxiliaryman who, among other things, had harnessed Jews to wooden carts and forced them to pull cargo between villages, whipping them as he would oxen.

Recently, Arthur Rudolph, a German-born scientist who helped develop the Saturn V moon rocket for the National Aeronautics and Space Administration, left voluntarily for West Germany after he was accused of having worked slave laborers to death at the Nazi V-2 rocket factory in the Dora concentration camp.

From 1980 to 1983, Ryan was chief of the Justice Department's anti-Nazi unit, the Office of Special Investigations [OSI]. He spearheaded the federal government's first concerted effort—albeit nearly 40 years late—to identify, bring to trial and deport Nazi war criminals from the U.S.

Ryan, 39, doesn't look like an avenger. Calm, thoughtful, he puffs his pipe and shows little emotion. He isn't Jewish and was a baby when the Holocaust occurred. Good grades in law school earned him a clerkship with Supreme Court Justice Byron White. After that, Ryan became a federal prosecutor and took the OSI job as a challenge. He quit after 3½ years to write a book because the work was getting to him, he says. Next month, he will become the assistant general counsel for Harvard University.

"My most conservative estimate is that at least 10,000 Nazi war criminals illegally came here after World War II," Ryan charges.

"These weren't just Nazi sympathizers or 'ex-Nazis.' They were war criminals, the handmaidens of Nazism, who eagerly took part in the persecution of millions of people. They haven't been hard to find, once we finally started looking."

Ryan's book, "Quiet Neighbors: Prosecuting Nazi War Criminals in America" [Harcourt Brace Jovanovich, $15.95], is a volatile indictment of governmental indifference and inaction. Ryan says war criminals were "invited in" because no precautions were taken to keep them out.

He places responsibility on the "brazenly discriminatory" Displaced Persons Act of 1948, charging that it "was written to exclude as many concentration camp survivors as possible and to include as many Baltic and Ukrainian and ethnic German refugees as it could get away with."

This occurred, Ryan says, despite the knowledge that such groups, while containing hundreds of thousands of innocent war victims, were "infested" with Nazi collaborators.

Some 400,000 refugees entered this country under the act between 1948 and 1952, and lax enforcement procedures made it easy for the collaborators to lie about their past and sneak through, Ryan says. Once here, they just lay low; nobody came after them.

The Immigration and Nationality Act of 1952 loosened things up even more, abandoning the previous legal exclusion of former Nazis. Then the SS just walked in, Ryan says.

He believes that postwar discrimination against the Jews was no accident. He quotes isolationist former Sen. Alexander Wiley of Wisconsin, chairman of the Senate Judiciary Committee, as urging the nation to "seek good blood and keep out the rats; we've got enough of them already." Former West Virginia Sen. William Chapman Revercomb was even less subtle: "We could solve this DP problem all right if we could work out some bill that would keep out the Jews."

Specific exclusion hinged on a clause in the act that said only refugees who had arrived at the 900 DP camps in Germany, Austria and Italy by Dec. 22, 1945, would be eligible, Ryan says.

"This looks innocuous," he says, "but it was understood at the time to be an exclusion of the Jews. In 1946, about 100,000 of the surviving Jews left the DP camps in Germany and went back to Poland. But they were driven back to the camps by pogroms. However, they missed the cutoff—their time had not been continuous. Others went to Palestine in 1946 and 1947. Only about 10,000 Jews, roughly 1 percent of the DP population, had been in the camps before the cutoff and thus were eligible to come here."

Conversely, Congress extended America's hand to

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the Balts, Ryan says, requiring that 40 percent of the immigrants be from countries that had been "de facto annexed by a foreign power—a diplomatic euphemism for Latvia, Lithuania and Estonia, whose incorporation into the Soviet Union in 1944 had never been recognized by this country, and indeed is still not."

The third discriminatory provision, Ryan says, was an outright preference given to farmers, who were entitled to 30 percent of the available slots.

"This provision favored Ukrainians and Poles at the expense of Jews, fewer than 4 percent of whom were farmers," he says. "Many war criminals we've prosecuted had claimed to be farmers."

Finally, according to Ryan, the law expressed preference for Volksdeutsche, the German ethnics of the East who had left their homelands to fight Hitler's war, if they had managed to get back to Germany. About 50,000 emigrated.

Once in this country, the collaborators, like the innocent refugees, became "model citizens and quiet neighbors," Ryan says. The U.S. in the 1950s was much too concerned about communists to care about Nazis.

Starting in the mid-1970s there was a rebirth of interest in the Holocaust, and the House Judiciary Committee held hearings on what the Immigration and Naturalization Service had done about charges that Nazis had come to America after the war. The answer, Ryan says, was virtually nothing. In 1979, Congress appropriated $2.3 million to the Justice Department to create the unusual OSI.

Since then, a rush to justice has occurred. By Ryan's count, about 50 cases have been filed by the OSI. Of these, 16 have come to trial; the government has won 14, with verdicts pending in the others.

Such expertise got Ryan assigned to the Klaus Barbie case, which the prosecutor investigated for the federal government. As Gestapo chief in Lyon, France, Barbie earned the title "the Butcher of Lyon" for having murdered thousands of Jews and French Resistance fighters. After the war, Barbie was recruited into the American intelligence network, which facilitated his escape to Bolivia, where he lived for 33 years until his expulsion in 1982. He is in a French prison awaiting trial. On Ryan's recommendaton, the U.S. issued a formal apology to France.

The success of the OSI has even extended its mandate. The unit recently was assigned to look into charges that U.S. intelligence officers arrested,

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questioned and released Nazi war criminal Dr. Josef Mengele in Vienna in 1947.

Deporting war criminals from the U.S. is not easy, Ryan says. Defendants cannot be tried for crimes committed abroad. They may be deported only if it is proved they lied about their past to enter the country. In 1966, the U.S. Supreme Court further prohibited deportation without "clear and convincing" evidence, a burden of proof higher than in other civil cases. Even when deportation is ordered, some other country must be willing to accept the deportee.

"The process is exceptionally slow," Ryan says. "A naturalized citizen determined to exhaust all his appeals can go before seven separate forums before actually being deported. This is as it should be. American citizenship, and the stripping of it, should not be taken lightly."

But the OSI has been nothing if not busy. Going back to captured original records kept by the Nazis, the OSI staff of 50 lawyers, historians and investigators use a basic list of 50,000 concentration camp guards and SS officers and check it against the names of American immigrants. This tedious work is done by hand.

Hearsay accusations are checked out and usually dismissed—"My-neighbor-is-a-Nazi letters," Ryan calls them. When federal eyebrows are raised, the OSI interviews the actual suspects. Witnesses are located and their testimony weighed.

Investigators work with the famous Nazi hunter Simon Wiesenthal and others. In 1980, Ryan obtained the cooperation of the Soviet Union and its satellites. In 1944, he says, the Soviets captured the records of many Latvian, Lithuanian and Ukrainian collaborators, some of whom later came to America under the Displaced Persons Act. Documents have been sent to this country, and in a unique arrangement, depositions from purported witnesses are videotaped in the U.S.S.R.

Such cooperation has made Ryan and the OSI controversial. Members of ethnic nationalist groups have charged that the prosecutors are dupes of the KGB because the Soviet Union has aided the U.S. in gathering evidence for prosecutions. Many Americans who legally came here after the war accuse Ryan of unfairly tarring them—and their homelands—as anti-Semitic. Other critics even assert that Ryan has sought to build his career on outrage over the Holocaust.

"Baloney," he replies to such charges. "Obviously not all refugees were collaborators. But the fact is, without any doubt, that the collaboration in the Baltic states and in the Ukraine was as high as anywhere in Europe. And refugees from those countries went to the head of the line for immigration to the United States."

Moreover, Ryan says that when he began his work, he wrote to as many nationalist groups as he could locate, asking for their cooperation.

"Only the Poles responded and offered to help," he says. "From the others, absolute zero. Nothing. If you ask them why, they'll say we're all KGB pawns. But I'm talking about a time *before* we had even established our cooperation with the Soviets. So that doesn't explain it."

Some of Ryan's targets have been notorious. A current case involves Andrija Artukovic, the 85-year-old former interior minister of the Nazi-occupied puppet state of Independent Croatia, now part of Yugoslavia. Artukovic for years has been accused of complicity in the murders of nearly 800,000 Jews, Serbs and Gypsies. Backed by powerful friends, Ryan says, and a government that refused to hand him over to the communists, he has been allowed to live peacefully in California since the war. He is fighting extradition to Yugoslavia.

Also known to lackadaisical authorities, according to Ryan, was the prominent Romanian Orthodox Bishop Viorel Trifa, who formerly was ensconced in his church's palatial headquarters in Grass Lake, Mich. Then the OSI proved that Trifa had been a leader of the viciously anti-Semitic Romanian fascist Iron Guard and as a newspaper editor in Bucharest, had incited his countrymen to the 1941 riot in which Jewish men, women and children were skinned alive and left hanging on meat hooks in a slaughterhouse.

Before being deported to Portugal last year, Trifa complained to the press that he was a victim of the times. "The point was to revive the Holocaust," he said. "But all this talk by the Jews about the Holocaust is going to backfire—against the Jews."

"Something," he says, darkly, "will be done."

Such a telling response is unusual, Ryan says. Most of the people he prosecuted have admitted to nothing. The lack of contrition, he says, began to haunt him in 1981 when he proved that John Demjanjuk, a Cleveland automaker, was in truth "Ivan the Terrible," the infamous Ukrainian sadist who manned the pumps for the Nazi gas chamber at the Treblinka killing camp.

"He was absolutely impassive in court," Ryan says. "His family didn't know about his past. They were being tortured in court every day. The evidence was overwhelming. I was looking for some sign . . . some acknowledgement . . . some conscience. But there was nothing.

"Demjanjuk was not special, no more unique than a cockroach. But the Nazi attitude he represents is significant. In his smug silence he was telling us something: 'I did it once and got away with it. I won't explain how or why, for if I did, you might understand it a little better than you did before and learn to recognize it when it rears its head again.' "

Ryan says that a few dozen prosecutions is statistically meaningless but symbolically important. Most of these war criminals, he admits, will retire to collect Medicaid, Social Security, pensions and never be caught.

"But they don't know who will be next," he notes.

"One of the most important things we've done by prosecuting people like Artukovic is to cause a lot of guilty people in this country to have sleepless nights. If that's true, I'm all for it."