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STATE DEPT. DECLASSIFICATION REVIEW

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CONTROLS
SR2

\ C O N F I D E N T I A L \
LIMITED OFFICIAL USE HAMBURG 1427
EZ2:

TEXT
SR3

VISAS

E.O. 12356: N/A
TAGS: CVIS GE (KERN, WALTER)
SUBJECT: POSSIBLE 212(A) (33) INELIGIBILITY
REF: USBERLIN 01639
1. VISAS DONKEY
KERN, WALTER GERMAN
DEC 19, 1905 GERMANY
BUSINESSMAN
2. MR. KERN RECENTLY APPLIED FOR A B-2 VISA BY MAIL.
ROUTINE PROCESSING OF HIS APPLICATION YIELDED HIS
ENTRY IN AVLOS AS AN "83". SUBJECT WAS CALLED IN
FOR A PERSONAL INTERVIEW, WHICH OCCURRED ON JULY 27, 1983.
3. MR. KERN'S STATEMENTS CLOSELY PARALLEL THE DETAILS
CONTAINED IN HIS BDC SUMMARY (SEE REFTEL). HIS

DECLASSIFIED AND RELEASED BY
CENTRAL INTELLIGENCE AGENCY
SOURCES METHODS EXEMPTION 3B2B
NAZI WAR CRIMES DISCLOSURE ACT
DATE 2001 2007

FOR COORDINATION WITH State

NAZI WAR CRIMES DISCLOSURE ACT
2000

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ASSOCIATION WITH THE NAZI MOVEMENT WAS LONG, AND REMARKABLE FOR ITS UPS AND DOWNS.

4. SUBJECT JOINED BOTH THE NSDAP AND THE SA IN 1925. TWO YEARS LATER HE ALSO BECAME A MEMBER OF THE SS. DURING THIS PERIOD--THE MID AND LATE TWENTIES--MR. KERN WAS FINISHING HIS STUDIES IN BERLIN AND LOOKING FOR EMPLOYMENT. IN 1930, HE BECAME AN EMPLOYEE OF THE NSDAP, FIRST ON A PART-TIME BASIS, THEN FULL-TIME. IN 1931-32, MR. KERN WORKED AS A CLERK FOR THE BERLIN-BASED NSDAP PUBLISHING HOUSE, "DER ANGRIF." WITH THE NAZI ASSUMPTION OF POWER IN EARLY 1933, SUBJECT SERVED AS THE CHIEF OF THE CORRESPONDENCE SECTION IN THE OFFICE OF HITLER'S DEPUTY, RUDOLF HESS. IN DECEMBER, 1933, MR. KERN TRANSFERRED TO SA HEADQUARTERS AND UNDERTOOK A SIMILAR JOB IN THE OFFICE OF THE CHIEF OF THAT ORGANIZATION, ERNST ROEHM. A MEMBER OF BOTH THE SA AND THE SS, SUBJECT HELD DUAL RANK, AS A STANDARTEN-FUEHRER (COLONEL) IN THE SA, AND AN OGPBERSTURMBANN-FUEHRER (LIEUTENANT COLONEL) IN THE SS.

5. DURING 1933-34, MR. KERN'S ASSOCIATION WITH THE NAZI MOVEMENT MAY BE SAID TO HAVE REACHED ITS "HIGH TIDE." HE ASSERTS, HOWEVER, THAT HIS ACTIVITIES IN BOTH HESS'S AND ROEHM'S OFFICES WERE STRICTLY LIMITED TO HANDLING ROUTINE CORRESPONDENCE. SUBJECT CLAIMS, CONVINCINGLY ENOUGH, THAT BOTH HESS AND ROEHM RECEIVED MASSIVE AMOUNTS OF CORRESPONDENCE, RANGING FROM LETTERS OF ADULATION, TO COMPLAINTS AGAINST LOCAL NSDAP AND SA FUNCTIONARIES, TO REQUESTS FOR SPECIAL FAVORS. MR. KERN FURTHER ASSERTS THAT IT WAS HIS DUTY TO SUPERVISE THE DISPOSITION OF THESE LETTERS, SEEING THAT THEY REACHED THE APPROPRIATE INDIVIDUAL FOR ANSWER.

6. ON JUNE 30, 1934, OF COURSE, THERE OCCURRED THE "NIGHT OF THE LONG KNIVES," AND MR. KERN'S CAREER TOOK A DISTINCT DOWNWARD TURN. IN EARLY JULY, HE WAS ARRESTED ALONG WITH MANY OTHER SA OFFICERS OF RANK, AND WAS INTERNED IN COLUMBIA HAUS PRISON FOR SIX MONTHS. SUBJECT ASSERTS THAT HE, LIKE MANY SA OFFICERS, WAS CHARGED WITH A NUMBER OF TRUMPED-UP OFFENCES, MOST UNPOLITICAL, CHIEF AMONG THEM MISUSE OF PARTY FUNDS. RELEASED FROM PRISON PENDING TRIAL, MR. KERN WAS UNABLE TO FIND EMPLOYMENT. HE CLAIMS, WITH A CERTAIN AMOUNT OF LOGIC, THAT NO POTENTIAL EMPLOYER WOULD TOUCH AN SA MAN RECENTLY RELEASED FROM PRISON AND SO THOROUGHLY TARRED WITH ERNST ROEHM'S BRUSH. IN 1936, THE CRIMINAL CHARGES AGAINST MR. KERN, STILL PENDING, WERE DROPPED, AND HE EXPERIENCED WHAT MIGHT BE TERMED A REHABILITATION. LIMITED OFFICIAL USE SECTION 02 OF 03 HAMBURG 1427 THAT YEAR HE JOINED, AT THE VERY RIPE AGE OF THIRTY-ONE, THE 1ST REGIMENT OF THE SS VERFUEGUNGSTRUPPEN (LATER WAFFEN SS) REGIMENT, "GERMANIA," AND UNDERWENT BASIC TRAINING AS AN INFANTRYMAN. AT THE CONCLUSION OF THIS TRAINING, HE JOINED THE RESERVE. DURING THE PERIOD 1937-1939, MR. KERN WORKED AS THE PERSONNEL CHIEF OF AN OIL CONVERSION PLANT IN

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MAGDEBURG. (INCIDENTALLY, THIS PRIVATE EMPLOYMENT, SUBSTANTIATED IN THE DOCUMENTS RELATING TO THE COURT PROCEEDINGS AGAINST SUBJECT IN 1949, IN MANY WAYS SUPPORTS HIS CLAIM THAT HIS EMPLOYMENT IN BOTH HESS'S AND ROEHM'S OFFICES WAS STRICTLY LIMITED TO HANDLING CORRESPONDENCE; MR. KERN'S RECORD READS, AT LEAST UNTIL THE WAR'S COMMENCEMENT, VERY MUCH LIKE THAT OF A "PAPER WORK" MAN.)

7. WHEN WORLD WAR II BEGAN, MR. KERN IMMEDIATELY ENLISTED, AND SERVED WITH THE RESERVE BATTALION OF THE 1ST WAFFEN SS REGIMENT, "GERMANIA." THIS BATTALION DID NOT TAKE PART IN THE POLISH CAMPAIGN, BUT DID PARTICIPATE IN THE INVASION OF HOLLAND IN 1940. THAT YEAR, BECAUSE OF HIS RELATIVELY ADVANCED YEARS FOR AN ENLISTED INFANTRYMAN, THIRTY-FIVE, MR. KERN WAS RELEASED FROM DUTY, AND TOOK UP PRIVATE EMPLOYMENT WITH THE FILM COMPANY "TOBIS" IN BERLIN.

8. IN SUMMER 1941, SUBJECT ONCE AGAIN ENLISTED IN THE WAFFEN SS, THIS TIME WITH THE RESERVE BATTALION OF LEIBSTANDARTE "ADOLF HITLER", IN BERLIN. BECAUSE OF MR. KERN'S KNOWLEDGE OF RUSSIAN (HE WAS BORN IN BAKU AND ONLY MOVED TO GERMANY FOLLOWING THE END OF WORLD WAR I), HE WAS TRANSFERRED TO THE WEHRMACHT. SUBJECT WAS ASSIGNED TO AN OFFICE IN MARBURG/LAHN WHICH BRIEFED GERMAN ARMY OFFICERS ABOUT THE ECONOMIC CENTERS THEY MIGHT EXPECT TO OVERCOME DURING GERMANY'S DRIVE INTO THE SOVIET UNION. MR. KERN'S AREA OF EXPERTISE WAS THE OIL FIELDS NEAR HIS PLACE OF BIRTH, BAKU. (INTERESTINGLY ENOUGH, AT THIS POINT MR. KERN BORE NO LESS THAN THREE RANKS: HE WAS A OBER-STURMBANNFUEHRER (LIEUTENANT COLONEL) IN THE GENERAL SS, A NOMINAL MAJOR IN THE GERMAN ARMY, AND A RESERVE SERGEANT IN THE WAFFEN SS, A COMBINATION THAT SUGGESTS THE COMPLEXITY, IF NOT DOWNRIGHT CONFUSION, OF THE SS-WEHRMACHT NEXUS.) IN THE SPRING OF 1942, IT BECAME PLAIN TO SUBJECT THAT THE GERMAN ARMY WAS NOT GOING TO REACH THE VICINITY OF BAKU, AND MR. KERN, GROWING BORED WITH HIS JOB, REQUESTED REASSIGNMENT TO THE WAFFEN SS.

9. SUBJECT SERVED WITH THE LEIBSTANDARTE "ADOLF HITLER" DIVISION FROM SUMMER, 1942, UNTIL WAR'S END, FIRST ON THE EASTERN FRONT, MOST NOTABLY IN CHARKOV, AND THEN, AFTER APRIL 1944, ON THE WESTERN FRONT. WOUNDED NO LESS THAN FIVE TIMES (AND WINNING THE IRON CROSS 1ST CLASS), MR. KERN WAS MADE AN OFFICER LATE IN 1942, AND REACHED THE RANK OF STURMFUEHRER (1ST LIEUTENANT) IN LATE 1944. HE WAS CAPTURED BY U.S. FORCES IN AUSTRIA ON MAY 9, 1945.

10. MR. KERN WAS NEVER FORMALLY DENAZIFIED. HOWEVER, HE WAS TRIED FOR HIS MEMBERSHIP IN THE SS LATE IN 1949. HE WAS SENTENCED TO THREE MONTHS' IMPRISONMENT FOR THIS MEMBERSHIP, THOUGH HE SERVED NO ACTUAL TIME IN JAIL, AS THE COURT FOUND THAT THE TIME HE SPENT INTERNED BY U.S. FORCES SHOULD COUNT IN LIEU OF ACTUAL INCARCERATION. MR. KERN PRESENTED A COPY OF THESE COURT PROCEEDINGS AGAINST HIM AT THE TIME OF INTERVIEW. THE COURT RECORD, THOUGH TOUCHED BY A CERTAIN DELICIOUS IRONY (IT POINTS

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OUT THAT MR. KERN MUST HAVE KNOWN THAT THE NAZI REGIME ARRESTED INNOCENT PEOPLE WITHOUT LEGAL BASIS, AS THIS HAD HAPPENED TO MR. KERN HIMSELF IN 1934), NEVERTHELESS DOES NOT MENTION ANY ACT COMMITTED BY SUBJECT WHICH MIGHT FALL UNDER SECTION 212(A) (33).

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11. MR. KERN WAS FORTHCOMING THROUGHOUT THE INTERVIEW. HIS STATEMENTS VARY SERIOUSLY WITH THE BDC RECORD ONLY IN ONE INSTANCE. HE DENIES EVER HAVING BEEN A MEMBER OF ANY "SS WAR REPORTER COMPANY" DURING AUGUST-OCTOBER, 1941. IT IS POSSIBLE THAT MR. KERN'S BDC SUMMARY IS IN ERROR, THAT HE BELONGED TO THIS UNIT ON PAPER ONLY AND WITHOUT HIS KNOWLEDGE, OR THAT MR. KERN HAS FORGOTTEN SUCH A SHORT ASSOCIATION; IN ANY CASE, CONOFF DOUBTS THAT MEMBERSHIP IN SUCH A UNIT WOULD BEAR MUCH ON A FINDING UNDER SECTION 212(A)(33) OF THE INA.

12. THERE IS NO DOUBT THAT MR. KERN'S ASSOCIATION WITH BOTH THE NSDAP AND THE SS WAS LONG AND INTIMATE. HOWEVER, ONLY ONE PORTION OF HIS RECORD--THE TIME HE SPENT IN HESS'S AND ROEHM'S OFFICES--RAISES THE SPECTRE OF POSSIBLE INELIGIBILITY UNDER 212(A)(33). CONOFF FINDS SUBJECT'S EXPLANATIONS OF HIS ACTIVITIES DURING THIS PERIOD CONVINCING AND CONSISTENT WITH THE FACTS ON HAND. HIS RELEASE AFTER ONLY SIX MONTHS DETENTION IN 1934 CERTAINLY IMPLIES THAT HE WAS CONSIDERED S.A. "SMALL FRY."

13. MR. KERN MUST MAKE A FINAL BOOKING FOR A TRIP TO PUERTO RICO BY MID-AUGUST. POST WOULD THEREFORE APPRECIATE THE DEPARTMENT'S EXPEDITIOUS HANDLING OF THIS CASE.

14. PLEASE ADVISE. MOUSER

NNNN

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