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TEXT

TAGS: CVIS AU (MOSHAMMER, ROBERT)
SUBJECT: ADVISORY OPINION REQUEST: POSSIBLE 212(A)(33)
INELIGIBILITY.

REF: 82 STATE A-1410

1. VISAS DONKEY

2. MOSHAMMER, ROBERT
MAY 9, 1925 LANGENLEBARN, AUSTRIA
RETIRED TECHNICIAN

3. SUMMARY: MOSHAMMER, NOT LISTED IN AVLOS, ADMITS MEMBERSHIP IN THE WAFFEN-SS DURING THE PERIOD 1942-1945. ACCORDING TO MOSHAMMER HIS WARTIME ACTIVITIES WERE RESTRICTED TO SERVICE AS A RADIO OPERATOR FOR WAFFEN-SS TROOPS CARRYING OUT EXCLUSIVELY MILITARY MISSIONS. ALTHOUGH MOSHAMMER DOES NOT APPEAR INELIGIBLE UNDER SECTION 212(A)(33) OF THE INA, DEPARTMENT'S CONCURRENCE IN THIS FINDING IS REQUESTED BECAUSE MOSHAMMER ADMITTED MEMBERSHIP IN WAFFEN-SS.

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4. MOSHAMMER SAID HE ENTERED THE WAFFEN-SS AS A VOLUNTEER IN MAY 1942 AND WAS ASSIGNED FOR BASIC TRAINING TO THE SS-REGIMENT "PRAG" IN PRAGUE-DEWITZ FROM MAY THROUGH SEPTEMBER 1942. HE WAS THEN POSTED TO THE I.SS-COMMUNICATIONS REPLACEMENT SECTION (NACHRICHTENERSATZABTEILUNG) IN NUREMBERG, GERMANY FOR ADDITIONAL TRAINING AS A RADIO OPERATOR UNTIL OCTOBER 1942 AND TO THE IV. SS-CORPS COMMUNICATIONS SECTION (KORPSNACHRICHTENABTEILUNG) 101 IN UNNA, GERMANY FROM OCTOBER 1942 UNTIL OCTOBER 1943.

5. MOSHAMMER WAS THEN ASSIGNED TO THE I. SS-PANZER CORPS "LEIBSTANDARTE SS - ADOLF HITLER" AND SERVED AS A RADIO OPERATOR AT MERAN AND STERZING, SOUTH TYROL, ITALY UNTIL NOVEMBER 1943 AND AT NIVELLES, BELGIUM IN THE SAME POSITION UNTIL MARCH 1944. FROM MARCH THROUGH DECEMBER 1944 MOSHAMMER SERVED WITH THE I. SS-PANZER CORPS IN FRANCE (CAEN, LISIEUX, AND FALSISE), AT THE "INVASION FRONT" AFTER D-DAY. IN DECEMBER 1944 AND IN JANUARY 1945 MOSHAMMER SERVED AS A RADIO OPERATOR DURING THE ARDENNES OFFENSIVE. IN JANUARY 1945 UNTIL THE END OF THE WAR THE I. SS-PANZER CORPS WITHDREW PERMANENTLY FROM COLOGNE, GERMANY TO STYRIA, AUSTRIA AND WAS FINALLY UNITED IN AUSTRIA WITH THE VI.-SS PANZERARMEE. MOSHAMMER WAS CAPTURED BY AMERICAN TROOPS IN MAY, 1945, AND INTERNED IN POW CAMPS IN STYRIA, AUSTRIA (WENG, ALTHEIM, EBENSEE, HAID AND WAGSCHEID) UNTIL HIS RELEASE IN SEPTEMBER 1945.

6. ACCORDING TO MOSHAMMER, INsofar AS HE KNEW, THE MISSION OF THE UNITS WITH WHICH HE SERVED, THE I WAFFEN SS-PANZER CORPS AND, IN 1945, THE VI. SS PANZERARMEE, BOTH UNDER THE COMMAND OF SS-GENERAL JOSEF (SEPP) DIETRICH, WAS ESSENTIALLY MILITARY. MOSHAMMER'S OWN ROLE WAS SIMPLY TO PERFORM RADIO OPERATION SERVICE ALWAYS A FEW MILES (UP TO THIRTY MILES) BEHIND THE FRONT LINE. MOSHAMMER'S HIGHEST RANK WAS ROTTENFUEHRER (CORPORAL).

7. CONCLUSION: AS NOTED ABOVE, MOSHAMMER IS NOT LISTED IN AVLOS AND HE OPENLY ADMITTED HIS FORMER MEMBERSHIP IN THE WAFFEN-SS. BASED ON OUR INTERVIEW OF MOSHAMMER, HIS DUTIES APPEAR TO HAVE BEEN STRICTLY MILITARY RELATED, ALTHOUGH HE WAS NOT ENGAGED IN FRONTLINE COMBAT. HE DOES NOT APPEAR TO HAVE ORDERED, INCITED, ASSISTED OR OTHERWISE PARTICIPATED IN THE PERSECUTION OF PERSONS BECAUSE OF RACE, RELIGION, NATIONAL ORIGIN, OR POLITICAL OPINION. POST THEREFORE REQUESTS DEPARTMENT'S CONCURRENCE THAT MOSHAMMER IS NOT INELIGIBLE UNDER SECTION 212(A)(33) OF THE INA.

8. APPLICANT PLANS TO VISIT HIS DAUGHTER AND HIS AMERICAN SON IN LAW FOR FOUR TO SIX WEEKS, BEGINNING APRIL 1. AN EARLY REPLY WOULD BE APPRECIATED.

BLOCH

END OF MESSAGE

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