

VIA: AIR (SPECIFY AIR OR SEA POUCH)

SECURITY INFORMATION

13133

SECRET
CLASSIFICATION

TO : Chief, SR
Chief, EE
FROM : Chief of Mission, Frankfurt

DATE: 1 August 1952

SUBJECT: GENERAL REDSOX/HOMELY
SPECIFIC: Emigration of ~~Aleksandr KURGVEL~~

Deadline:	Check one:
Hq Action Req. by cable	<input type="checkbox"/>
See para by pouch	<input type="checkbox"/>
Hq Comments Req. by cable	<input type="checkbox"/>
See para by pouch	<input type="checkbox"/>
See unit files	<input checked="" type="checkbox"/>

REF: WASH 11935

1. As requested in reference, a summary of KURGVEL's emigration procedure is forwarded here with as attachment A (for Washington only). The summary was prepared by KURGVEL himself.

2. Attachment B consists of a letter written by KURGVEL in November 1951 to repeal the BSI decision. On the advice of the BSI to await the emigration of his wife and son, he did not submit the letter. It is included here as an explanation of KURGVEL's views on his rejection by the BSI.

Approved:

[Signature]

Distribution:

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CLASSIFICATION

2 atts.
FORM NO. 51-28A
MAR. 1949

130A-95(9)
130A-09

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-29 July 1952

SUMMARY of the U.S. IMMIGRATION CASE
of Mr. Aleksei KURGVEL

Applied for immigration to U.S.A. in Nov.1948.
Sponsorship granted in April 1949.
Documented for immigration to U.S.A. by I.R.O. in June 1949.
Called for processing to U.S. Immigration Processing Center in WENTORF
on 15 Sept 1949, under E.C.No. 72219.
Opened his full secret activity report to the Security Section of the
D.P. Commission in Wentorf in Oct 1949.
Automatically suspended as a Baltic Ex-soldier in Oct 1949.

Second Call Forward for Processing in Wentorf in April 1951,
under E.C.No. 256388, as the first sponsor had withdrawn
being unable to wait for so long time.

Accepted by the D.P. Commission on 2 May 1951.

Visa issued in July 1951.

Held back by the I.N.S. WENTORF on 3 July 1951.

Summoned by the Board of Special Inquiry of the INS in Wentorf, 31 July.

The BSI ruled (2 v. 1) that: / 1951

- 1) Aleksei KURGVEL is inadmissible to the United States under Section 13 of the Displaced Persons Act of June 25, 1948, as amended, in that that he has been a member or participated in a movement which has been hostile to the United States or form of government of the United States, to wit: the German army and the Nazi Party;
- 2) Aleksei KURGVEL is inadmissible to the United States under Section 10 of the Displaced Persons Act of June 25, 1948, as amended, in that he is not an eligible displaced person as specified under Section 2(b) of that Act;
- 3) Salme and Rein KURGVEL are inadmissible to the United States under Section 10 of the Displaced Persons Act of June 25, 1948, as amended, in that they are not eligible displaced persons as specified in the visas of their immigration visas.

Mr. Kurgvel appealed. The main points of his appeal were:

"Point 1 of the Conclusions bases upon false groundings:

- a) I have never been a member and I have never participated in the Nazi Party.
- b) I have never been a member and I have never participated in a movement which has been hostile to the United States or the form of government of the United States.

If the majority of the Board means with the word "movement" the German Army, then:-

- c) I get a member of the Wehrmacht after being compulsorily mobilized in August, 1944.
- d) I served on the Eastern Front only and didn't bear arms against the United States or its Allies on the Western Front.
- e) I started using the help of the German Army for my fight against the communists long before 8 Dec 1941. Doing so I did not know that the communist USSR will be later an Ally of the democratic United States.
- f) I had to do my duty of an Estonian officer. I couldn't do anything by my own means only. I had to find help. There was no other power available in Europe at that time who could help me. Thus, this using of the German help was not voluntary in character.

H/w att. 1 to MGMA-10733

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"The Authorities of the United States could be morally obliged to oppose to my application of immigration because of the disputable eligibility under the Statute of the IRO, when they, after a careful consideration of the case in full details, as to the sense and to the formal prescriptions of the appropriate laws, will find me not to be eligible.

Such a finding of fact has not been made by the Board, and therefore point 2 of the Conclusions of Law seems not to be substantiated.

What is said about point 2, corresponds equally to point 3 of the Conclusions of Law, this point being a conclusion of point 2 only.

All these my expositions are explained in and testified by the attached enclosures and in my writings mentioned on the page 4 of this writing."

(Copied from "Enclosure No 1" to the letter of 2 Sept 1951 sent by Mr.Kurgvel to the Representative of the LWF at Wentorf, who had to brief his appeal.)

" I have done my duty of a qualified Estonian commissioned officer only, as would have done any honest soldier. The United States do recognize the independent Estonian Republic. Doing so, the States do recognize the duties of an Estonian officer, too. I should not be worth to be admitted into the States, if I had not behaved as I did."

(Copied from the a/m letter to the Representative of the LWF).

The matter was discussed with Mr. S. B. Rawitz, Acting Assistant Commissioner, I.N.S. in Munich on hand of the a/m letter of Mr.Kurgvel on 4 Sept 1951. As a result of this discussion Mr.Kurgvel was advised to withdraw his appeal under the condition that his family will then be found admissible for immigration as DP's, and he himself will be given an other possibility to immigrate to the U.S.A. without prejudice to his reapplication within one year.

Mr. Kurgvel agreed and withdrew his appeal (Copies of 2 letters attached.)

A second meeting of the BSI took place on 7 Sep 1951 in Munich. Mr.Kurgvel had to sign an affidavit (copy attached) and he was told, without further discussion of the case, that his status remains unchanged whereas his family has been found admissible for immigration into the United States.

Mr.Kurgvel filed a new application with the U.S.Consulate in Munich on 7 Sep 1951 for his separate immigration, as it was suggested that he may be processed under Section 3(c) of Public Law 744.

Mr.Kurgvel was called by the Consulate for processing on 19 Oct 1951. The processing was stopped because of the suspicion that he can not be processed under Sect.3(c) being excluded under Sect.13 of the same Law.

At that time the immigration of his family was still not yet settled because of the difficulties with the IRO (Split of Family case). Therefore Mr.Kurgvel was advised not to file any new appeal, as this could have endangered the immigration of his family even more.

The family of Mr.Kurgvel (Mrs. Salme Kurgvel and their son Rein) immigrated to U.S. under E.C.No 271032, arriving in New York on 31 Jan 1952.

His son Jaan Kurgvel immigrated in Sep 1950 under EC No 72260 (Stud) having received a scholarship in Agricultural College at Clemson, S.C. through the World Student Relief.

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5 September, 1951

U.S. Immigration and Naturalisation Service
APO 407-A, Munich Funk Kaserne

To: Mr. Almanza Trippe
Officer in Charge

Ref: your file 407-2573

I hereby notify you that I wish to withdraw the appeal of myself and family from the exclusion decision of the Board of Special Inquiry convened at Hamburg, Germany on July 31, 1951 for the reason that we intend to seek permission to reapply for immigration to the United States under the regular immigration quota.

Attached hereto is a request in triplicate to the Acting Assistant Commissioner of Immigration and Naturalisation to reapply within one year after exclusion.

Respectfully yours,

Aleksei Kurgvel
Villa D 6, Emigration Center
(24a) Wentorf

COPY.

5 September, 1951

U.S. Immigration and Naturalisation Service
APO 407-A, Munich Funk Kaserne

To: Mr. Sidney B. Rawitz
Acting Assistant Commissioner,
Immigration and Naturalisation Service

Ref: Board of Special Inquiry File no. 407-2573

It is respectfully requested that I and my family be granted permission to reapply for immigration to the United States within one year after exclusion by the Board of Special Inquiry.

For your information I was found inadmissible to the United States by the Board of Special Inquiry convened at Hamburg, Germany on July 31, 1951 under Section 10 and 13 of the Displaced Persons Act of June 25, 1948 as amended, and my wife, Salme, and minor son, Rein, were found inadmissible to the United States under Section 10 of the Displaced Persons Act of June 25, 1948 as amended.

I have this date notified the officer in charge of the Immigration and Naturalisation Service, Munich, that my appeal from the excluding decision of the Board of Special Inquiry is being withdrawn.

Respectfully yours,

Aleksei Kurgvel
Villa D 6, Emigration Center
(24a) Wentorf.

COPY.

MUNICH
GERMANY

AFFIDAVIT

I, ALEKSEI KURGVEL, depose and say:

That I have been excluded from admission to the United States under the US Immigration Laws without prejudice to my reapplication within one

It is my desire that my wife, SALME KURGVEL, and my son, /year.
REIN KURGVEL, precede me to the United States if they may be found /admissible.

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P. T. O.

/admissib

I consent to their immigration to the United States with full knowledge that I may be permanently separated from them.

(Signature)

ALEKSEI KURGVEL

Subscribed and Sworn to Before Me This
7th day of September A.D.1951
at Munich, Germany

St Paul F. Lockwood
US Immigration Inspector

NOV 8 1951
MICROFILMED

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According to the letter 407-2575 of the I.N.S. Munich to the U.S. D.P. Commission in Wentorf, dated September 19, 1951, Mr. Kurgvel "was excluded as an alien inadmissible under Section 13 of Public Law 744, as amended, without prejudice to reapplication within one year. His wife and son were found admissible on condition that they are found to be eligible displaced persons by the Displaced Persons Commission and presentation of valid immigration visas." - Thus Section 10 of the same Law was not mentioned as a reason for disqualification of Mr. K. any longer.

The numbers of the Estonian quota visas issued to Kurgvels:

Aleksei Kurgvel - no 77/2122 (probably)	in July, 1951, thus not used.
Salme Kurgvel - " 78/2122	
Rein Kurgvel - " 79/2122	

Security Information
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ATTN 10133

~~CONFIDENTIAL~~ *Len*

(not sent)

Aleksii Kurgvel, B.C.No 256388

November 7, 1951

To:
Mr. Sidney B. Rawitz,
Acting Assistant Commissioner,
and

Mr. Almansa Tripp,
Officer in Charge,
U.S. Immigration and Naturalization Service,
Munich, Funk Kaserne.

Ref.: Board of Special Inquiry File No 407-2573 and my letters of 5 Sept.

In view of the fact that your kind advice, which brought me to the filing of the above letters and to the second hearing of my case before the BSI on 7 September, has brought no possibility for my family's immigration into the United States, as was presumed, I hereby request that my abovementioned letter of 5 Sept, concerning the withdrawal of my appeal from the excluding decision of the Board of Special Inquiry convened at ventorf on July 31, 1951, be disregarded, and my appeal be given the quickest possible consideration.

I know that the INS and the BSI have to defend the American interests and to respect the American laws. I do the same, and therefore I opened my full secret activity report to the American Authorities.

I find that the American laws are on my side and allow my immigration into the United States. Many American Authorities and members of the INS have found the same. I have no right to think that these Authorities had come to their approving decisions by lack of knowledge of, and/or lack of respect for, the American laws.

I find that there is one force only which could be interested in hindering me to go to the States - the international communists. I have never hidden my anti-communist attitude and I know positively that the communists are still interested in me. Therefore it may be possible that the communists have misled the INS by presenting some false information incriminating me. But I have never been told by the BSI or the INS of any such accusation which I could not refute and which, therefore, could have been found to be a reason for my inadmissibility. So I must suppose that an error has happened somewhere in my immigration case.

"Errare humanum est". I should be very much obliged to anybody who will teach me that I and the American Authorities who have found me admissible are in error, and not the BSI who has found the contrary. This is not only for my and my family's immigration, this is also for the restoration of my soldier's honor, that I must ask for the reconsideration of this case.

To enlighten the case and to facilitate the review I repeat:

- A) I find the decision of the BSI of 31 July 1951 erroneous because:
- 1) I have never been a member of, and I have never participated in, the German Nazi Party as was found by the BSI;

-2- [REDACTED]

H/w att. 2 to MGMA-10733

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- 2) My working in contact with the German Army during World War II can not be taken as "being a member" or having "participated in a movement which has been hostile to the United States or form of government of the United States, because:
- a) an ARMY is not a MOVEMENT, as is clearly seen from the relationship of points (d) and (f) of Section 702.8 of the Regulations of the Displaced Persons Commission, Washington, D.C., as revised in connection with the amendment of the DP Act of 1948;
 - b) nor can the special part of the German Army with which I worked, the Intelligence Service (Abwehr 1), be taken for an undertaking of the Nazi Party. Its far distance from the Party was witnessed by the facts:
 - that its Chief, Admiral Canaris was sentenced and hanged by the Nazi politicians; *see note*
 - that after the formal take over by the Party on the highest level of this Service there was no change in the old correct line of work in the unit with which I worked (Detachment 166 M): we received our orders not from the new political head of the Service, but directly from the G.H.Q. of the Navy on the Eastern Front (MOR Ost), and the technical instructions from the old leader of the Wehrmacht Intelligence Service on the Eastern Front (Leiter Abwehr 1 Ost);
 - that besides the mentioned service of the Wehrmacht there existed a parallel Intelligence Service of the Nazi Party, called "SS Jagd Verbände", whose proposal for collaboration I refused in December 1944/January 1945;
 - c) I have not borne arms against the United States or its Allies on the western Front. I have borne arms only against the communist USSR on the Eastern Front. These acts have been clearly separated from each other in the DP Act, as amended, as explained in the aforementioned Regulations of the DP Commission /Sect. 702.8 (f)/.
- 3) The decision concerning my ineligibility was made by the BSI on the basis that my concealment of facts before the IRO "appears to be pertinent and may possibly have been a reason for disqualification".

This finding of the BSI could prove to be true only if the IRO were to be given my full secret activity report and if the IRO were to apply its old communist-influenced regulations for the eligibility officers.

But:

- a) I am not entitled - and also not prepared - to report my full activity to the IRO, of which communist Russia is a member and, although no longer paying its share, in which its agents may still be;
- b) I have reported my full activity to the American Authorities and none of them has found me to be ineligible because of this activity itself;
- c) As to the Constitution of the IRO, my activity fits under the conditions of eligibility as fixed in Remark 1 to Section 2 (b) of Part II of this Constitution, namely: my activity constitutes a "mere continuation of (my) normal peaceful activity" as a professional commissioned officer of the Estonian Army, which I did with no "specific purpose of aiding the enemy against the Allies" but to help free Estonia, which activity "shall not be considered to constitute "voluntary assistance"; which last would have been a reason for disqualification. When I commenced my activity against Russia, she was not one of the Allies. Naturally I could not cease this activity when she did become one, because she did not change her attitude against Estonia, she remained the worst enemy of Estonia.

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4) The BSI could not have come to such a decision of my ineligibility if my activity and its reasons had been given due consideration in the light of the Constitution of the IRO, as such, and of the amendments made in Section 13 of the DP Act, by which not fighting against the United NATIONS, but against the United STATES has been left in the DP Act as a ground for inadmissibility for soldiers of world war II.

5) By granting me a second hearing on 7 September and by declaring my family to be admissible, the BSI and the INS have showed that they are not bound by the inner regulations of the IRO eligibility officers according to which the eligibility of the family depends from the eligibility of the family-head.

Since that is so, then the BSI and the INS are also not bound by the other sections of the old communist-influenced inner regulations of the IRO eligibility, according to which alone I could have been found ineligible.

As the BSI found me ineligible not because of my activity itself but because of the possibility that the IRO could have disqualified me (when applying the old regulations which are in strict contradiction to the DP Act, as amended), then this decision of the BSI can not correspond to the intent of the DP Act, as amended, and must, therefore, be erroneous.

B) The main data of my military service and anti-communist, and anti-nazi activity.

In September 1923 I entered Estonian Army (Military College).

On 1 Dec. 1924 the communists, coming from Russia, tried a coup d'etat in Estonia. The Estonian recognized then already that the treaties signed with the communists have no value, that the communists are and remain enemies of the democratic people, whatever they may talk and promise. I was aware of this fact, too, and in

February 1926 I started my career of a professional commiss. officer. Since 1934 I worked in the II Section (Intelligence and Foreign Relations) of the Estonian G.H.Q.

In Sept. 1939 the communist Russia oppressed a treaty of "mutual defence" upon Estonia.

In June 1940 the same communist Russia occupied Estonia, violating all the treaties still in vigour between the USSR and Estonia, took over the power and formed a n Estonian communist puppet government.

In the night of 24/25 June 1940 I was made a proposal to enter the Russian Secret Service as a spy. I refused but was "granted time to think over the situation". As I did not change my attitude,

on 3 July 1940 my dismissal from the G.H.Q. was ordered by the Russians. It was clear to me what would happen had I remained in the hands of communists then: murdered or deported to Russia, to die there, as happened to over 95 % of my comrades who could not escape.

I was not released from my officer's duties by the legal Estonian Government. I had to remember and to follow my Oath of Allegiance: "to remain trusty to the democratic Estonian Republic, to defend the Estonian Republic against its enemies, using all my wits and strength". I could not do anything when remaining in Estonia and thus caught by the lurking communists.

On 4 July I fled, helped by the German Military Attaches. I did this not only for saving myself and my family, but for remaining able to do my duty as an Estonian officer.

The Germans were the single foreign force who dared to offer a possibility of flight before the communist persecution to some Estonian

Officers, despite the fact that Nazi Germany was in very good relations with the communist Russia in those days. I had no possibility to escape to any other country.

Arrived in Berlin I reported to the Estonian Military Attache in Germany who had refused to return to Estonia as was ordered by the puppet government. On his knowledge I reported to the German Wehrmacht Intelligence Service and asked to be applied against the communists who were annihilating Estonia.

In August 1940 I was offered to enter German citizenship. I refused.

Sept. 1940 - June 1941 I had to earn my own and the family's living by doing statistical-informational work with the "I.G. Farben" in Berlin.

In the same time I looked for volunteers among the Estonians who escaped to Germany in January 1941 under the mask of "Umsiedlung", who would be prepared to participate in re-liberation of Estonia from the communists. Simultaneously I "preached" to the Estonians in camps of these "Umsiedler": - not to surrender to the German Nazi propaganda which liked to convert these Estonians to exalted Nazi-Germans. This my work brought me to drawing of the leaflet, a copy of which is attached to the brief filed by the Representative of the Lutheran World Federation Mr. Christiansen on my behalf, to the IMS in Munich (Enclosure No 2).

From June 1940 to August 1944 I worked together with the Intelligence Services of the German Wehrmacht and of the Finnish Army, enjoying the position of an Estonian volunteer in Finnish Army, in Captain's rank. I participated in re-liberation of Estonia and later in sending Estonian and Russian volunteers as agents behind the Russian front. My main task during all this time was to help Estonia and the Estonians, deported from Estonia to Russia.

During this time the offer to accept the German citizenship was repeated to me 2 or 3 times together with an offer to enter the German Army, the Wehrmacht. I refused all these offers.

Although wanted by the German "Sicherheits Dienst" as an Estonian patriot, but protected by my status of an officer of the Finnish Army, I drafted and filed two big memoranda branding the German Nazi politics in Estonia and demanding the restoration of the Estonian Republic.

In February 1944, in connection with this my political activity I was temporarily suspended from my work and I was summoned before the highest chief of the Intelligence Service of the German "Heeresgruppe Nord" of the Eastern Front. Having based my writings on facts only, I was rehabilitated.

In August 1944 I was released on my own request from the Finnish Army and from the German unit to which I was detached.

Immediately after this I was compulsorily enlisted by the Germans in Tallinn, as an Estonian officer.

I was sent as an Estonian Liaison Officer to the C.I.C. of the German Wehrmacht operating in Estonia. My task was to protect the Estonian units against the false accusations which the German Liaison Officers of these units reported to the higher German H.Q.'s.

In October 1944, after withdrawal of German troops from Estonia and second occupation of Estonia by the communists, I joined the unit "166M" of the German Wehrmacht Intelligence Service. This unit worked in contact with the German Navy in the Baltic Sea and was the single institution with whose help I could go on, in those turbulent days of German chaotic retreat, working for the future benefit of Estonia.

In December 1944 the Intelligence Service of the Nazi Party, the "SS Jagd Verbände" asked me to join this organisation and to help them to organize some Estonian work. I refused this offer because I realized from the first talks I had, that this work was not scheduled to come to the benefit of the Estonian people and of the Estonian Republic.

In April 1945 I tried to contact the American Army Intelligence Service in Germany, but failed. So I could not report my Estonian work which I had prepared for being used by the western Democracies, after the German collapse, for the unavoidable fight against the communists, be this fight "cold" or very hot.

On May 4, 1945 I came through the front line and reported myself, my men and the above-mentioned Estonian work to the British Intelligence Service.

I was held by the British until August 1946, when I was released and helped as a Displaced Person or Refugee to my family in a DP camp in British zone of Germany.

I have told already why I could not report my full activity to the international U.N.R.R.A. and later to the I.R.C.

I told my full story to the Security officers of the DP Commission in Wentorf as soon as I got in touch with them in October 1949.

I have done my duty of an Estonian officer only. I did this as a real soldier under the stake of my own and my family's life and security. I did this in an unwavering faith that the western Democracies, although temporary compelled to collaborate with the communist Russia, will remain democratic themselves and will therefore help free these democratic States which the communist Russia swallowed during world war II.

The United States have not recognized the annexation of the Estonian Republic by the communist Russia. The States still recognize the independent Estonian Republic. Doing so the States are entitled to demand that an Estonian officer fulfill his duty against his endangered Republic, like an American officer has to do his duty. The United States would have the right not to let me immigrate into the States had I not fought the communists enemies of Estonia, had I not used every help available to me for this fight. The United States have used the help of communists against the Nazi Germany, because it saw the States menaced by the last. Why could I not use the help of the German Wehrmacht against the same communists who were annihilating the Estonian people and Republic? The States have changed its politics; The communist Russia is not more an Ally, but an enemy. The DP Act was changed accordingly. I have not changed my policy: I have remained anti-communist as I have been all the time. Why, then, am I inadmissible for immigration into the United States?

Alkeert Kurgal
Alkeert Kurgal.

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