

S E C R E T

87-0024

(6 Jan 87)

MEMORANDUM FOR: Deputy Director for Operations

FROM:
Chief, Political and Psychological Staff

SUBJECT: Department of Justice Investigation of QRPLUMB/2

1. For over a year we have been aware that the Office of Special Investigations (OSI) of the Department of Justice has been conducting an investigation of QRPLUMB/2 (P/2), a long term asset involved in our Ukrainian program. As you know, OSI is the component of the Department of Justice responsible for investigating alleged Nazi war criminals. These investigations are not criminal in nature but rather seek to denaturalize and deport individuals who entered this country illegally through concealment of their Nazi activities during World War II.

2. Although we do not believe P/2 ever engaged in a war crime himself, he was, during WW II, leader of the Organization of Ukrainian Nationalists (OUN) during the absence of Stepan Bandera, who spent the war in a Nazi concentration camp for having proclaimed an independent Ukrainian republic after the Nazi invasion in July 1941. For a few weeks after the German invasion, the OUN did collaborate with the Nazis. The collaboration ended quickly, however, and Bandera was incarcerated, as were P/2's wife and daughter who also spent WW II in a Nazi concentration camp. (We have given OSI a copy of a Gestapo "wanted" poster issued in 1941 for the capture of P/2.)

3. About a year ago, a PPS officer (who served formerly as an OSI prosecutor) visited OSI and, with OGC approval, requested OSI inform us if they intended to ask the Soviets for information on P/2. (Due to the many war crimes committed in territory now under Soviet control, OSI routinely requests evidence from the USSR.) On 5 January 1987, an OSI attorney telephoned that same PPS officer and told him that next week OSI intends to contact the Polish Government and request two things in connection with P/2's case: first, all information on individuals who attended the Zakopane Police School, and second, all information on persons convicted of the assassination of Polish Interior Minister Pieracki in 1934. We have known of P/2's involvement with the assassination of Pieracki. He was, in fact, convicted as an accessory at the time

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and served prison time for it, but this purely political act predated, by many years, the Nazi invasion of Poland and the Ukraine and had nothing to do with war crimes. Further, P/2 says that the U.S. Government was fully aware of his conviction for the Pieracki assassination at the time of his immigration.

4. OSI notified our officer of their intention to contact the Poles and acceded to our officer's request for one week (through 12 January 1987) in which to get back to them. We believe we should object to the OSI proposal. There is a strong likelihood that the Poles and possibly the Soviets will publicize such a request and thus try to link P/2 - an old nemesis - to war crimes, knowing, as they would, the significance that the request had come from OSI. This not only would damage our Ukrainian program, but would personally tarnish P/2, who is 78 and has served us for nearly 40 years. Also, if we fail to protect P/2 from inquiries to the Poles, there would be a strong reaction from the Ukrainian (indeed, probably the entire East European) emigre community, with whom we work closely, particularly if the Poles publicize the case.

5. We do believe there is some risk that our attempt to block an inquiry to the Poles could become public through a leak at the Justice Department. This could bring about a difficult issue for us - not quite Klaus Barbie, but in that category - but we still recommend that we request Justice refrain from contacting any bloc country with regard to its investigation of P/2. It also should be noted that, should we do so, it would be for the first time that we will have an objection to such a request from DOJ.

6. We do not frankly know what, if anything, has stimulated renewed OSI interest in a case which they had earlier characterized as weak. Their interest in the Zakopane School, which P/2 admits to having attended until he discovered its Nazi connections and orientation, may be one clue.

7. Attached is a case summary as well as a more complete outline of the problems posed for us if inquiries to the Poles were to proceed and we would propose to structure our eventual, oral approach to OSI along these lines. We will next make this available to OGC, if you agree that there should be no inquiry to Poland, so that OGC may then deal with Justice.

Attachments:
As stated

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