

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- X  
UNITED STATES OF AMERICA, :  
 :  
 Plaintiff, :  
 :  
 -vs- :  
 :  
 KARL LINNAS, :  
 :  
 Defendant. :  
----- X

79C2966 E.D.N.Y.

St. Louis, Missouri  
Wednesday, June 3, 1981

Deposition of  
IMANTS LESINSKIS

called for examination by counsel for the defendant, pursuant to  
notice, in the Federal Building, 1520 Market Street, St. Louis,  
Missouri, commencing at 1:30 o'clock, p.m., before [ ]  
a court reporter for the State of Virginia at Large, when were  
present on behalf of the respective parties:

APPEARANCES:

For the Plaintiff:  
RODNEY SMITH, ESQ.  
U.S. Department of Justice  
P.O. Box 28605  
Washington, D. C. 20005

DECLASSIFIED AND RELEASED BY  
CENTRAL INTELLIGENCE AGENCY  
SOURCE METHODS EXEMPTION 3B2E  
NAZI WAR CRIMES DISCLOSURE ACT  
DATE 2004 2006

For the Defendant:

IVARS BERZINS, ESQ.  
484 West Montauk Highway  
Babylon, New York 11702

C O N T E N T S

<u>WITNESS:</u>	<u>EXAMINATION BY COUNSEL FOR:</u> <u>DEFENDANT</u>	<u>PLAINTIFF</u>
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P R O C E E D I N G S

Thereupon

IMANTS LESINSKIS

was called as a witness and, after being first duly sworn, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR THE DEFENDANT

MR. BERZINS: What is your name, sir?

MR. SMITH: Before we begin, can we waive the formalities regarding the deposition, signing, sealing, certification?

MR. BERZINS: Yes; sure.

THE WITNESS: My name is Imants Lesinskis; first name, I-m-a-n-t-s, second, L-e-s-i-n-s-k-i-s.

BY MR. BERZINS:

Q Mr. Lesinskis, there was a period in your life when you were living in Latvia?

A Yes.

Q Now, when did you leave Latvia?

A I left Latvia on September 7, 1976.

Q Now, before you left Latvia on September 7, 1976, where were you employed, sir?

A I was chairman of the Latvian Committee for Cultural Relations of Latvians Abroad.

Q For how long a period of time had you been chairman of this committee?

A I was chairman of this committee since May the 30th, 1970.

Q During the period from September 7, 1960, to May 30th, 1970, what were your duties as chairman of this committee? What was the nature of the work that you did?

A The committee officially was publishing the newspaper Dzimdennes Balss, D-z-i-m-d-e-n-n-e-s B-a-l-s-s.

MR. SMITH: I might propose -- I will give him a pen and paper and the more difficult words he can write out.

THE WITNESS: The committee was also receiving Latvians from abroad and also Baltic Germans coming to Latvia, entertaining them, organizing different cultural gatherings. Also, the committee had a rather large correspondence with Latvians abroad, the United States and other countries. That was the official -- and also, yes, promoting different expositions of Latvian Soviet art, promoting movie shows in Western countries organized by some activists of this committee.

But the real task of the committee -- it was an arm of the Soviet intelligence service, KGB. The goal was to collect political/scientific/social information about Latvian communities living abroad and also to organize -- to promote discord among these communities, trying to isolate leaders of established Latvian organizations from their following. That was it.

BY MR. BERZINS:

Q What methods did this committee use in accomplishing this particular objective that you mention?

A First of all it was propaganda through the newspaper, Dzimdennes Balss. Also, the committee was promoting radio broadcasts for Latvians living abroad. Also, by publishing books, mostly books with the purpose to discredit the established leaders or active workers of Latvian emigre organizations.

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personal contacts with persons visiting Latvia, using these meetings with these selected persons in order to get information of value for the KGB. Any such meeting, any such conversation, was recorded in written form. And also, members of the committees were traveling abroad and establishing contacts with selected personalities of Latvians abroad for the same purpose.

Q When you say to discredit leaders of the community here, do you recall any specific methods that were used for discrediting people?

A First of all, the old generation was described as collaborators of nationalist socialists during World War II, and the middle and younger generation was described as being led by these alleged war criminals and servants of nationalist socialists.

Q To the best of your recollection, were specific allegations of war crimes made against individual persons?

A Yes, plenty of such allegations. Starting with the early 1960s there was a massive propaganda campaign launched and there are dozens of names I can use such as -- should I?

Q Let me ask you this, sir. Do you recall a book, the title of which is Cilveki Bez Virdsapzimas?

MR. SMITH: I would appreciate it if you could translate it into English as well for me.

THE WITNESS: People Without Conscience.

MR. BERZINS: That's an excellent translation.

BY MR. BERZINS:

Q Do you recollect this specific book named People Without Conscience, translated from the Latvian?

A Yes, I recollect that.

MR. SMITH: I will object. If you are going to show it to the witness, I would like it marked as an exhibit.

MR. BERZINS: It's merely a book.

MR. SMITH: It's merely an exhibit.

MR. BERZINS: Fine.

(Thereupon, the document referred to above was marked Defendant's Exhibit No. 1 for identification.)

THE WITNESS: Your question -- yes, I recollect this book. It was written by a certain Vilis Liepins who was then, and is now, editor-in-chief of a district newspaper in Valmiera and he is a well-known KGB (confidant). This particular book was ordered to him by the Latvian KGB and issued by Dzimdennes Balss, the editorial board, in 1961.

BY MR. BERZINS:

Q This particular book, defendant's exhibit number one -- to the best of your knowledge does it contain any false allegations of war crimes?

A I consider that this book was written especially with the purpose and intention to slander the people described in this book and the so-called documents produced there -- to my best knowledge they are all falsification.

Q Now, did there come a time when another, similar book to the one which has been marked as defendant's exhibit number one was published by your organization?

A There were lots of books such as Daugavas Vanagi.

MR. SMITH: I'd like it marked as defendant's exhibit number two, please.

(Thereupon, the document referred to above was marked Defendant's Exhibit No. 2 for identification.)

THE WITNESS: Also, one year later, Politiskie Begu Bez Maskas.

MR. SMITH: I'd like it marked as defendant's exhibit number three, please.

(Thereupon, the document referred to above was marked Defendant's Exhibit No. 3 for identification.)

THE WITNESS: Also, Vini Bez Maskas.

MR. SMITH: I'd like it marked as defendant's exhibit number four, please.

(Thereupon, the document referred to above was marked Defendant's Exhibit No. 4 for identification.)

THE WITNESS: That is just a compilation of these two former books, Daugavas and Politiskie Begu Bez Maskas, for Latvian internal, domestic consumption. Daugavas Vanagi was translated into English and German, and an abridged version was also published in Swedish. Politiskie Begu Bez Maskas was translated into German and English and was also published abroad. These three were not circulated in Latvia itself.

BY MR. BERZINS:

Q You are referring now to exhibits one, two and three for identification. Those, you say, were not circulated at all in Soviet-occupied Latvia, is that correct?

A No, never.

Q Only this book, Vini Bez Maskas, defendant's exhibit

number four for identification, was for internal consumption in Latvia?

A Yes, it was for domestic circulation.

Q Now, Mr. Lesinskis, are the other three books, in your opinion, essentially similar to the first book that you have described for us?

A Essentially, yes, sir. The information, in my opinion, is completely unreliable and can't be used as truth.

Q Was the purpose of these books to disseminate reliable information, or did these books have some other purpose?

A The only purpose, sir, was to discredit the leadership and the active followers of Latvian nationalist associations in Western countries.

Q You have indicated to us that you were chairman of this committee starting May 30, 1970. Were you also, in some other capacity, connected with this committee before May 30, 1970?

A Okay. On November 15, 1960, I became correspondent staff member of Dzimdennes Balss and I worked in this capacity until June 1st, 1961. After that I became an employee of the Latvian section of the Committee for Cultural Relations of Countrymen Abroad, and on September the 1st I was promoted there to editor-in-chief of Dzimdennes Balss and worked in that capacity until my promotion to chairman of the Latvian Committee for Cultural Relations of Latvians Abroad.

Q Mr. Lesinskis, while you were editor of Dzimdennes Balss, was that newspaper disseminated in Soviet-occupied Latvia?

A It was never disseminated in Soviet-occupied Latvia. It was in the late 1960s, 1969 - that I'm not so sure about - that



it was started to be circulated in Latvia. Until that period it was never circulated in Latvia.

Q Now, while you were editor of Dzimdennes Balss, the books that you have described for us -- those were published during that time period while you were working there?

A Yes.

Q Are you, yourself, familiar with the authors of these books? Do you know who wrote these books?

A Yes, I know.

Q The first one you have already described for us, but what about the other books? Who wrote those?

A Daugavas was written by Pauls Ducmanis who was -- during the war he was an SS military journalist, and after the war, as I know, he cooperated very closely with the KGB, and at that time he wrote this book. He was sports editor of Rigas Balss; that's the evening newspaper.

This book, Politiskie Begu Bez Maskas, was written by Arvids Rupeiks, who was my deputy on Dzimdennes Balss staff, with some cooperation of a certain -- it is written there, B. Arklans - (indicating Politiskie Begu Bez Maskas). In reality that was the KGB major, Bernhards Borgs. And this book, Vini Bez Maskas, was written or compiled by Arvids Rupeiks with some cooperation of Bernhards Borgs.

Q The information that's contained in these books -- could you tell us a little bit about who supplied the information, or where did the authors obtain the information?

A I can tell more about Politiskie Begu Bez Maskas, about the process, how it was made. First of all, the names were provided

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by Bernhards Borgs through Arvids Rupeiks, mostly persons who had some position in the Latvian immigrant communities abroad. After that the staff members, under supervision of Rupeiks, looked through the published articles in Dzimdennes Balss. If these persons on the list were in some negative way reflected already in the newspaper, these articles were used. If not, the staff members were sent to Latvian provincial towns and rural districts to collect some discrediting information.

Also, there were efforts made in order to trace the whereabouts of Latvian journalists during the German occupation of Latvia. If they were working in the Latvian press, all this was reflected in the book in a negative way, describing them as collaborators of the nationalist socialist regime.

Q To the best of your recollection, during the time that you occupied these various positions on this committee, and as editor, were there any trials in Riga of alleged Nazi war criminals?

A There were. One trial I attended in the capacity of court reporter and I made a report for Dzimdannes Balss. This was the so-called 18th police battalion trial early in 1961. Then there was another trial, it seems, in 1963 or 1964. I didn't attend that one. This trial was the trial against Eichelis Maikovskis.

Q The trial that you did attend, what impression did it leave upon you? What did you hear, what did you see?

A I had had some legal training for four years and I was offended in just looking at that kind of trial where the procedures, the witnesses -- many of the testimonies seemed to be heavily biased, and also the defense was very weak. There was no defense, there were -- some of the defendants' attorneys were using such language

as to incriminate the defendants, so it left a very sad impression on me.

Q Mr. Lesinskis, during the period that you were working in these various positions from November 15, 1960, to September 7, 1976, did you personally come across, experience, or observe any instances when Soviet judicial proceedings were tainted or in some other respect irregular or rigged or whichever way you can characterize it? Did you observe any such instances?

A No, I didn't. I didn't attend court, but that's my firm conviction, that in political trials there is no objectivity in the Soviet Union.

Q When you say "political trials," what do you mean?

A I, for instance, believe that this trial, the 18th battalion trial, was a political trial because all of the defendants had already been tried and sentenced to long terms of imprisonment. Even under Soviet law the trial procedures were illegal and there was no other purpose of that trial than to make propaganda.

Q Do you know of any other trials of that sort, the only purpose of which was to make propaganda?

A Not from direct observation. There was that second one against Eichelis Maikovskis -- there were some more, it seems, but I didn't -- I have no direct knowledge.

Q Mr. Lesinskis, this committee of which you were chairman, is that committee -- or was that committee affiliated with some other organization in the Soviet Union or was that a totally independent committee?

A The committee was totally dependent from the Latvian branch of KGB. There was always a KGB high-ranking officer attached to

the committee, and another one was attached to Dzindennes Balss and any decisions were made after having consulted -- or is better to say having taken orders from these KGB officers.

Q To your knowledge, did similar committees exist in Lithuania and Estonia?

MR. SMITH: Objection. There's been no foundation laid for that question.

MR. BERZINS: I'm merely asking if they existed or not existed.

MR. SMITH: And I'm objecting because there's been no foundation.

MR. BERZINS: Mr. Lesinskis, to your knowledge were there any other similar committees in existence in other republics of the Soviet Union?

MR. SMITH: I object, no foundation.

MR. BERZINS: Would you please answer the question?

THE WITNESS: There was a central committee in Moscow.

BY MR. BERZINS:

Q When you say the "central committee," do you recall the name of it?

A I mean the Soviet Committee for Cultural Relations of Countrymen Abroad. By now it is called society, organization, Rodina. Then, there were similar committees in Estonia; the Estonian Committee for Cultural Relations for Estonians Abroad with its newspaper, Kodumaa. Then, there was Lithuanian Committee for Cultural Relations of Lithuanians Abroad.

MR. SMITH: I will move to strike any portion of this answer not connected with the Estonian republic.

BY MR. BERZINS:

Q Please continue answering the question.

A There was a similar committee in Belorussian, a similar committee in the Ukraine. Then there was a committee of that kind in Armenia and a committee of that kind in Georgia, and also a branch of the Soviet committee in Kabardino-Balkarian.

Q To the best of your knowledge, what were the objectives or purposes of these other committees?

MR. SMITH: Objection, no foundation.

BY MR. BERZINS:

Q Would you please answer the question?

A The purposes, sir, were the same. Any one of these committees was just a branch of the local KGB.

Q Did you have any contacts with the Estonian committee?

A Yes, I had such contacts, working contacts, exchange of experience. Yes, I did.

Q Were these contacts in meetings or by correspondence, or how did you -- by telephone? How would you get in contact with each other?

A Mostly these were meetings, Estonians coming to Riga to learn from our experience, and us going to Tallinn in order to exchange experience of the Estonians.

Q In the course of your exchanges with the Estonians, did you come across any allegations of war crimes that they were working on that they informed you of?

A Yes, sir. They informed me -- obviously there was a KGB officer going with me for these exchanges -- that they were actively working on the war criminal theme and especially they

mentioned a book published about 1964 on the involvement of Estonian nationalists in war crimes.

Q Would you recall the name of that book at all or not?

A I can't recall. That was Estonian and I don't speak Estonian, but the book -- there is a series published by the Estonian community in Sweden, the Estonian people in World War II, and the book was just made to look as part of this series.

Q Was that intended to be a forgery? What was it intended to be?

MR. SMITH: I will object to that question.

THE WITNESS: I don't know of their intentions. Probably the intentions were the same as ours.

BY MR. BERZINS:

Q While you were employed in that position in Latvia, did you hear of any or read of any war criminal trials in Estonia?

MR. SMITH: I will object to that. That's heresay.

THE WITNESS: I can't remember.

MR. SMITH: I will withdraw my objection.

BY MR. BERZINS:

Q Now, to the best of your recollection did the KGB specifically, at any time, instruct you or your committee or your editorial board to make war crimes allegations against specific people?

A Oh, yes, yes. These instructions were coming on a continuous basis. There were so-called candidacies, let's say: Vilis Hazners, Boleslavs Maikovskis, Janis Zegners, and many, many others.

MR. SMITH: I will move to strike that.

BY MR. BERZINS:

Q In your opinion, are the witnesses who are called upon to testify in political trials in the Soviet Union in some way

influenced by the regime in the testimony they give?

MR. SMITH: Objection, there's been absolutely no foundation for that and it's a lay opinion in any case.

THE WITNESS: I have no knowledge of that.

BY MR. BERZINS:

Q Do you know of any people who would be familiar with the committee that was in Estonia and similar to your committee in Latvia?

A I know several workers who were with this committee.

Q Are any of them outside of Estonia now, in the West here?

A Not to my knowledge.

Q Do you know of any people out here in the West who are familiar with the work of that committee in Estonia?

A I don't know. I have little contact with Estonians.

Q Mr. Lesinskis, what languages do you speak?

A I speak Latvian; French; German; as you see, a little bit English; Swedish.

Q You speak Russian fluently, I take it?

A Yes.

Q Have you ever, while you were chairman of this particular committee and worked with Dzimdennes Balss, read any Soviet legal journals at all?

MR. SMITH: I will object, it's irrelevant.

THE WITNESS: No.

BY MR. BERZINS:

Q Do you have an opinion as to why the Soviets would not permit witnesses to come out of the Soviet Union, out of Latvia in particular and out of Estonia in particular, to testify in trials here in the United States?

MR. SMITH: Objection, no foundation. The witness is obviously not qualified to answer that.

MR. BERZINS: Would you please answer the question?

THE WITNESS: The Soviets are afraid to leave common people out of KGB instructions or something like that, and all these witnesses, or possible witnesses, usually belong to the older generation and they are test of regime. That is all speculation.

MR. SMITH: I move to strike it on that ground.

MR. BERZINS: What is your opinion regarding the reliability of any witnesses who testify in any alleged war crimes trials in the Soviet Union, on Soviet soil?

MR. SMITH: Objection. Witness is unqualified to answer that.

MR. BERZINS: Would you please answer?

THE WITNESS: Any witness knows that the charge for prosecution of all these war crimes, or alleged war crimes -- the KGB is considered the most dreaded organization in the Soviet Union and they would be -- they are, to the best of my knowledge, intimidated, would be intimidated.

BY MR. BERZINS:

Q Do you happen to know a man by the name of Janis Vabulis?

A I don't know.

MR. BERZINS: I have no further questions at this time.

MR. SMITH: Let's take a five-minute break before cross-examination.

(Thereupon, a short recess was taken at this time, after which the following proceedings were had.)



## EXAMINATION BY COUNSEL FOR THE PLAINTIFF

BY MR. SMITH:

Q A few minutes ago on direct examination you referred to one of the books now marked as defendant's exhibit -- I believe it's exhibit number one, as containing what you believe to be false documents, is that correct?

A Yes.

Q And these were put in for the purpose of propaganda, is that correct?

A Yes, in order to slander the targets.

Q And these were targets who were known leaders of expatriate communities abroad, Latvians?

A They were all clergymen, ministers.

Q Now, in connection with that book -- you recognize, I think, the difference between the book itself as propaganda and the documents contained in it as documents?

A That was not only my belief or something like that. It was discussed in the KGB circles in 1961, that such a book was a mistake because you couldn't really believe the excerpts of documents published there. They are unbelievable under any historical or political point of view. You can make different approach and they're gross falsification.

Q I understand that. What I am asking you is if you understand the distinction that I make between propaganda, such as one of these books itself, and the term "document."

A Yes, I understand that.

Q Now, are you aware, based on your experience from 1960 to 1976 that you described on direct examination -- are you aware

of requests from foreign governments, that is governments outside the Soviet Union, for documents, not for propaganda but for legal documents?

A I am not aware of such requests.

Q You are not aware of any such requests?

A No.

Q Isn't it a fact that while you were working in Riga in the job that you described earlier, you were aware of requests from the West German courts for documents?

A Yes, but first we send a translation.

Q A translation of what?

A Of an article published in Dzimdennes Balss, an article on a certain Janis Zegners.

Q And this, sir, was a newspaper article in the way of propaganda, is that right?

A Yes, it was.

Q Not a legal document.

A It was not a legal document.

Q And, in fact, in that case there were no legal documents as such provided to the West Germans, were there?

A No.

Q Even though they had asked for them.

A They asked and there was no response because there were no documents on Zegners.

Q And, in fact, to the best of your knowledge there has never been an instance, of which you are aware, of which a court, a legal court outside of the Soviet Union, has been provided by the Soviets with a false or forged document?

A Personally I have no such knowledge.

Q I believe you told us on direct examination that one of your colleagues at one of the publications had been a journalist with the SS during the war.

A He was not my colleague, he was working for another newspaper.

Q But it was a fact that he worked with the German SS?

A Yes.

Q And he was a Latvian?

A He was, yes.

Q So there were instances known to you personally in which Latvians actually did collatorate with the Germans in some capacity or other?

A Yes.

Q And to the best of your knowledge that happened also in Estonia?

A Yes.

Q To the best of your knowledge the Red Army in the latter part of the Second World War was successful in capturing a great many authentic German military records, weren't they?

A That I am not aware of. I can't say.

Q Are you aware of any instance, based on your personal experience, in which the subject of one of your propaganda efforts, any propaganda effort in which you were involved, was alleged to have been a member of a particular unit when, in fact, he was not a member of that unit?

A No.

Q When you said he was a member of a unit, he was a member of that unit, right?

A I can't take here such a general stand, you know, but I am not aware of such errors.

Q So to the best of your knowledge, based on your experience, when it was alleged that he was a member of a particular unit, he was a member of that unit?

A Not in all cases. You know, there was a trend to put the person into -- from a fighting unit to an executioner squad, let's say.

Q My question is, was there any occasion on which an individual was alleged to have been a member of a particular unit, that is such as a battalion, when, in fact, he was not a member of that battalion?

A No.

Q What you have said to us, I think, is rather that particular acts were attributed to a person as a member of the battalion.

A Yes.

Q Have you seen any documents that have been -- strike that. Have you had the opportunity to examine any documents alleged to be relevant to the Linnas case?

A No, never.

Q Are you, in fact, familiar with any of the facts connected with the Linnas case?

A No.

Q Do you have any idea where Mr. Linnas was during the Second World War?

A No.

Q Do you have any personal knowledge, either from firsthand experience or as a journalist, as to a (Vince Artuis) in Estonia during the Second World War?

A No.

Q Had you ever heard the name Karl Linnas before you became involved in this case?

A No.

Q So in your discussions with your Estonian colleagues about your journalistic endeavors, you never had occasion to discuss this case?

A No.

Q Based on your experience, can you tell us whether there were a great many people in Latvia and Estonia during the Second World War who did personally observe the commission of crimes by the Germans and their collaborators?

A That I am unable to answer.

Q Based on your experience as a journalist and native of Latvia, what is your opinion? Do such people exist? Are there true eyewitnesses?

A Yes, some, but not in large numbers.

Q But they do exist.

A I assume so.

Q So it's entirely possible that a person who gives eyewitness testimony in the Soviet Union, as anywhere else, could be telling the truth?

A That is possible, but --

Q (Interposing) Thank you.

MR. SMITH: I have no further questions on cross.

REDIRECT EXAMINATION BY COUNSEL FOR THE DEFENDANT

BY MR. BERZINS:

Q Mr. Lesinskis, you were asked on cross-examination whether it is possible that someone is telling the truth and I believe your

answer was affirmative. Now, let me rephrase that question for you differently, if I may.

Is it probable that witnesses whom the Soviets find and present in a so-called war crimes case are reliable?

A That is highly improbable.

MR. BERZINS: I have no further questions.

MR. SMITH: I move to strike that last answer. There's been no foundation laid for that opinion.

RE-CROSS EXAMINATION BY COUNSEL FOR THE PLAINTIFF

BY MR. SMITH:

Q I believe you told us that in observing those trials, or such trials as you personally saw in Latvia, you came to the conclusion you have just expressed, that witnesses were unreliable based on your personal observation of the witnesses. Is that correct?

A Yes.

Q You saw them and could tell that they were unreliable?

A Yes.

Q And if someone else saw them, he could tell that they were unreliable?

A It is very difficult to say. I had special legal knowledge, I had four years of training at the Institute of International Relations in criminal law and criminal law procedure, or court procedure, and these gross -- you know, not errors but just mistakes made by the judges, in my opinion, made all this trial suspect, and including the witness' testimony.

Q But with regard to the reliability of the witnesses you have just told us about, you were able to tell that they were unreliable by virtue of your observation and your legal training.

A Yes.

Q So another person with legal training should be able to observe the witnesses and reach his own conclusion, isn't that correct?

A This trial was for the domestic public and with a more selective approach to the witness by the KGB - they could explain something better. That's my opinion and it was a hypothetical question also.

Q Have you ever observed the taking of testimony in the Soviet Union for use in a Western judicial proceeding?

A Never.

MR. SMITH: I have no further questions.

REDIRECT EXAMINATION BY COUNSEL FOR THE DEFENDANT

BY MR. BERZINS:

Q Mr. Lesinskis, in your opinion would the KGB have any qualms or moral reservations about training witnesses for giving testimony in the Soviet Union to be used here in the United States in ongoing judicial proceedings?

MR. SMITH: Objection, there's been no foundation whatever and the witness is unqualified to answer.

MR. BERZINS: Please answer the question.

THE WITNESS: No, they would have no qualms.

MR. SMITH: And I'm certain it's also a fact -- I'm sorry, do you have any further questions?

MR. BERZINS: No, go ahead.

RE CROSS EXAMINATION BY COUNSEL FOR THE PLAINTIFF

BY MR. SMITH:

Q I'm certain it's also a fact that there are individuals in the Soviet Union, citizens of the Soviet Union, who witnessed events during the war, war crimes, and who are capable of giving

completely truthful testimony of those crimes. That's possible, isn't it?

A It's possible. Still, it happened 40 years ago and these witnesses mostly would be old, and then the nationalist socialists were very eager to conceal any kind of executions and persons who committed such crimes. Their names were held secret, so it was not common knowledge who was committing these crimes. You had to be with the criminals themselves.

Q But as I understand it, your answer is that it is entirely possible that a witness could give truthful testimony of what he had actually seen?

A Yes.

Q And it would be for you, or any other viewer with legal training, to look at that witness and decide whether he was telling the truth or not as well as he could.

A (No response)

MR. SMITH: I will withdraw the question. I have no further questions.

MR. BERZINS: I have no further questions.

(Thereupon, at 2:35 o'clock, p.m., the taking of the deposition was concluded.)

(Thereupon, at 2:40 o'clock, p.m., this record was reopened to include the following:)

MR. SMITH: I have asked that the record be reopened simply so that I can let the record reflect my request that the exhibits



in this deposition, that is defendant's exhibits one through four, be made a part of the transcript of this deposition pursuant to Rule 30(f)(1) of the Federal Rules of Civil Procedure. I have not had the opportunity, or been provided the opportunity to copy these exhibits and I have not been provided with copies. Therefore, I am compelled to require, or ask, that the exhibits be made a part of the record of today's proceeding. Mr. Berzins?

MR. BERZINS: Mr. Smith?

MR. SMITH: Will you provide the originals as part of today's record?

MR. BERZINS: Mr. Smith, I am not a witness. I did not come here to answer your questions.

MR. SMITH: Will you provide us with the originals or with copies thereof?

MR. BERZINS: Do I have to repeat myself?

MR. SMITH: Yes.

MR. BERZINS: I didn't come here to answer your questions.

MR. SMITH: I will, once again, make my request clear for the record, that pursuant to the Federal Rules, that the exhibits be made a part of the record as required.

MR. BERZINS: (No response)

MR. SMITH: That's all I have.

(Thereupon, at 2:42 o'clock, p.m., the taking of the deposition was concluded.)

CERTIFICATE OF REPORTER

I, [ ] the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by [ ] that the testimony of said witness was taken by me and thereafter reduced to typewriting by myself; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

[ ]  
Court Reporter