

DIM 577

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
Washington 25, D. C.

OFFICE OF THE COMMISSIONER

A-6824527 Inv.

Mr. Nerve D'Henreux
Chief, Visa Division
Department of State
Washington 25, D. C.

MICROFILMED
FEB 28 1963
DOC. MICRO. SER.

✓ Director, Central Intelligence Agency
2430 "Z" Street, N.W.
Washington 25, D. C. Attn: Mr. Lyman B. Kirkpatrick, Asst. Director

Dear Sir:

There are enclosed, as of interest to your agency, copies of a letter of even date from this Service responding to a request from Senator McCarran for all the particulars in the immigration case of Ferenc Vajta.

From Vajta's correspondence with Senator McCarran, it appears that he is presently a Professor at the Universidad de los Andes, Calle 18-A Carrera, 1-E, Apartado Aereo 4976 (Avianca), Bogota, Colombia. His letter expresses his desire to return to the United States to "continue" his "fight against the Communists." He characterized Martin Himmler (Hitler), who was a principal witness for the Government at his deportation proceedings, as "the Hungarian born O.S.S. agent and a former Communist."

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It is suggested that a copy of the enclosed letter be furnished the Embassy in Bogota, and any consular "lookout" relating to Vajta be brought up-to-date. When this Service had Vajta under deportation proceedings, information concerning him was received from the Central Intelligence Agency under secret reference No. DB-7222a, and correspondence was had with the Visa Division under file VJ-811.111 Vajta, Ferenc.

Sincerely,
[Signature]

Commissioner

Enclosures

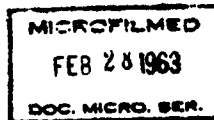
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1 Enc.

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NAZI WAR CRIMES DISCLOSURE ACT
DATE 2006

FOR COORDINATION WITH INS



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Re-

A-6824527 Inv.

Dear Senator McCarran:

This is in reference to your letter of February 26, 1952 transmitting for consideration a letter and petition from Ferenc Vajta, presently a professor at the Universidad de los Andes in Bogota, Columbia. The letter and petition seek to have your Committee review his "immigration case", apparently to obtain "moral" vindication and your support for his application to reenter the United States after deportation. Your letter asks for all the particulars in Vajta's case.

Ferenc Vajta is Hungarian by birth. He was last a citizen of Hungary. He entered the United States on December 16, 1947 at New York and was admitted as a temporary visitor for a period of six months. Immediately upon his entry, public denunciation was made that he was a dangerous "Hungarian Nazi", whose name appeared on the list of war criminals and who had been "the right hand man of Hungary's Nazi leader, Ferenc Szalasi." It was further alleged that he had escaped from American custody while awaiting trial on war criminal charges. Investigation among the Hungarian element in the United States indicated that these charges had substance. An immigration warrant of arrest was issued on January 9, 1948, and Vajta was immediately taken into custody under the warrant.

The principal charge in the warrant was to the effect that Vajta entered the United States in violation of law, being an alien whose entry was deemed "prejudicial to the interests of the United States." Prior to commencement of the hearing to determine Vajta's deportability, consideration was given to making an official attempt to procure the full evidence of Vajta's war criminality which was said to be in the possession of the People's Court in Budapest, Hungary. It was determined that it was inadvisable to make this attempt. As you know, in May 1947 Hungary was converted into a Soviet satellite state by force. Additionally, this Service had obtained from private sources evidence which appeared to be sufficient to sustain the "prejudicial entry" charge. Moreover, Vajta was then in detention and it appeared that the costs would be borne by the Government.

I emphasize the fact that this Service's evidence did not comprehend all of Vajta's war criminal activities, so that you will understand that this reply to your letter does not encompass all of Vajta's war criminality.

You will recall that in 1945, despite the continued presence of Soviet troops on Hungarian soil after the Armistice, the non-Communist

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Small Landholders Party headed by leader Nagy obtained majority control of the Hungarian Government as a result of free elections. (In this connection, see House Report No. 1120, 80th Congress, 2nd Session, 1948, at p. 112-113.) This essentially democratic Government issued a decree (No. 1/1945) pursuant to the armistice agreement, declaring what were to be the criteria for Hungarian war criminality. On May 3, 1945 the first list of Hungarian war criminals was published. The second list was published on May 4, 1945. The name of Ferenc Vajta was included on this second Hungarian war criminal list and, those declared to be war criminals "for having done intellectual work in the service of the post-war intensive prosecution of the war in support of the Arrow Cross (Fascist) movement." So far as this Service's information indicates, Vajta's name was never removed from this list.

The Kurtz/Himmler testified as a witness for the Government at Vajta's deportation hearing. He was Chief of the Office of Strategic Service's Hungarian Section. According to his testimony, the democratic Hungarian Government furnished us the list of the persons it wanted as war criminals in or about the summer of 1945. Himmler received orders from Justice Jackson and General Donovan that on their capture, the Hungarian war criminals were to be interrogated in preparation for their trial either at Nuremberg or in Hungary. The Hungarian Government established a People's Court in Budapest to try the Hungarian war criminals. By arrangement, the Hungarian war criminals captured by our troops were turned over to this People's Court, together with all seized records of their war criminal activities. Himmler, himself, delivered these captured records to the President of the Hungarian People's Court in September 1945.

Vajta was among the Hungarian war criminals captured by our troops. Himmler interrogated him in Hurstenfeldbruck, Germany on June 20, 1945. Vajta admitted to Himmler that he, Vajta, had been Editor-in-Chief of the Hungarian paper "AZ ESZAK", and that as a reward for his work, he was appointed consul in Vienna, Austria by the Hungarian Nazi leader, Szalasi, after the Germans occupied Hungary in 1944. Among the seized documents there was found correspondence in which Vajta urged the Hungarian Government to rush deported Jews from Budapest, and give assurance that he, Vajta, would be able to distribute them among the various concentration camps in Germany and Austria. Himmler's conclusion from review of the captured files of the Hungarian Consulate in Vienna was that Vajta definitely came within the war criminal classification established by the United Nations War Crimes Commission. However, as explained, Vajta's case was turned over to the Hungarians for prosecution, in lieu of trial before the International Military Tribunal at Nuremberg.

About two weeks after his interrogation by Himmler, Vajta escaped from custody of our troops and made his way to the French zone of

Austria. Nine separate requests were made for his surrender to our forces. Himmler testified that Vajta gave information to the French which enabled the French to recover 6,000 kilograms of buried gold. As a reward, Vajta was employed as an informer by the French security forces. Despite the promises of the French to surrender Vajta to our troops, he was not surrendered. Instead, he was assisted or permitted to escape to Italy.

Szalasi, the Hungarian Nazi leader, and his principal henchmen were tried and executed as traitors by the Hungarian authorities for their war criminal activities. It is not known whether Vajta was ever tried in absentia by the Hungarian People's Court.

Another witness for the Government at Vajta's deportation hearing was Zoltan Pfeiffer. Pfeiffer was leader of the Hungarian Independence Party, the chief opposition party in Hungary during the period up to 1947 when Hungary was nominally free of Communist domination. He, himself, suffered violence at the hands of the Communists when the Hungarian Communists seized control of the Government by force in 1947. (See House Rec. No. 1920, 80th Congress, 2nd Session, at P. 113.) He testified as to his own anti-Communist, democratic attitude. He identified Vajta as the well-known Hungarian newspaper figure who, from the beginning, was in the forefront of those "political careerists" who championed the Nazi cause. In this respect, Vajta was "outstanding with his most extreme attitude." His articles glorified the Nazis. About April 1943, Vajta founded the "AZ ORSZAG". This was the semi-official paper of the Foreign Ministry of Hungary. The editorial policy of the "AZ ORSZAG" incited the Hungarian people to join the war on the side of the Germans, and made very violent attacks against the Anglo-Saxon peoples and their armed forces. Pfeiffer asserted that Vajta was unquestionably personally responsible for the extreme political line of the paper.

It was adduced at the hearing that the Germans occupied Hungary in March 1944. Significantly, Vajta continued to publish the "AZ ORSZAG" during the German occupation. In September 1944 Regent Horthy was considering making a separate peace with the Allies. The Germans learned of this. With German aid, Szalasi, the Hungarian Nazi leader, seized power by coup d'etat about October 15, 1944. Szalasi was head of the Arrow Cross (Nyilas) Party. In November 1944, the advance of the Russian troops threatened to engulf all of Hungary. The Szalasi Government made ready to flee towards Vienna. At this juncture, significantly, Szalasi appointed Vajta First Consul at the Hungarian Consulate in Vienna. Vajta took office on November 22, 1944.

One Valentine Alexander Toth testified as a witness for the Government at the hearing. He served as Press Attache at the Hungarian Consulate in Vienna prior to, and after, the arrival of Vajta. Immediately on arrival, Vajta assumed substantial direction over consular affairs. Vajta announced that, thenceforth, he was to be the sole consular authority to approve issuance of the Hungarian passports. At Vajta's request, the German Consul provided a sumptuous villa for the consulate's use.

While at the consulate Vajta made his pro-Nazi attitude very evident. Toth testified that Vajta showed that "he was a hundred per cent pro-Nazi." Vajta made the arrangements to receive the evacuating Szalasi Government officials. He organized the institution of Hungarian radio broadcasts over the German propaganda station in Vienna. He did this under the general direction of Ferenc Fiala, the General Press Chief of Hungary, to take the place of the Hungarian radio in Budapest which had been put out of operation by the Russian advance. About 30 Hungarians participated in these broadcasts. When Fiala, the Press Chief, was not there in person, Vajta had the decisive voice as to what would be broadcast over this official Hungarian radio.

The foregoing fairly sums up the evidence. Little or no credence was placed in Vajta's explanations and denials. This evidence clearly established that at the time of entry, Vajta was within the classes of aliens whose entry is deemed "prejudicial to the public interest." The regulations of the Secretary of State, issued with the approval of the Attorney General, defining these classes appear in Title 8, Code of Federal Regulations, Section 175.53. Vajta's proven activities brought him within several of the "prejudicial entry" classes set out in these regulations.

The controversy in Vajta's case which led to the Board of Immigration Appeals' reversing the order of this Service directing Vajta's deportation on the "prejudicial entry" ground, involved only the technical question whether this ground could be used in deportation, as well as exclusion, proceedings. There was no dispute on the merits whether Vajta came within the classes of aliens whose entry is deemed to be "prejudicial to the public interest." The Attorney General reversed the Board's view and upheld this Service's position that the "prejudicial entry" charge could be used in deportation hearings. Vajta's attorney took only this technical issue to the courts. He did not challenge the factual finding that Vajta was within the classes of aliens whose entry is deemed to be prejudicial. The United States District Court for the Southern District of New York and the Court of Appeals for the Second Circuit sustained the Attorney General's and this Service's view that the "prejudicial entry" regulations established a class of aliens excluded by law, within the meaning of the deportation section of the Immigration Act of 1917 (8 U.S.C. § 155).

Upon being upheld in the courts, this Service issued a warrant of deportation on August 31, 1948, directing Vajta's deportation to Italy, if that country would accept him, otherwise to Hungary. Italy refused to accept him. Vajta besought permission to depart to Colombia, claiming that his life would be in danger if he returned to Europe. This permission was granted. He departed from the United States under the order of deportation by aircraft on February 5, 1950, destined to Bogota, Colombia. He thus stands deported in pursuance of law and cannot reapply for entry without permission.

This Service does not have before it an application by Vajta for permission to reapply for admission after deportation. However, it is noted from his correspondence with you that he proposes to apply to the Attorney General for such permission and is seeking to enlist your aid in this connection.

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As the foregoing should make clear, most of the claims in Vajta's letter and petition to you, particularly his claim that he was declared a war criminal by Russian order because of his anti-Communist activities, are not in accord with the facts. It goes without saying Vajta's anti-Communist protestations, this Service considers that his notorious past activities in behalf of the Nazis would be enough to warrant denial of any application he might submit requesting permission to reapply for admission to the United States after arrest and deportation. Furthermore, the record establishes that Vajta is mandatorily excludable as an alien whose entry is deemed to be "prejudicial to the public interest", and this ground of excludability cannot, under the law, be waived in the case of an alien seeking admission to the United States to reside.

In view of your expressed desire for all of the particulars in this case, I have gone into considerable detail in this response. However, if there is any other information you desire, please let me know and I shall be glad to try and furnish it.

Vajta's letter and petition addressed to you and the Judiciary Committee are returned herewith.

Sincerely,
Walter R. ...
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Enclosures

Commissioner

Honorable Pat McCarran
Chairman, Committee on the Judiciary
United States Senate
Washington, D. C.

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