

# Accused War Criminal Bound for a Soviet Fate

## U.S. Due to Deport Man Who Was Sentenced to Death, Then Tried Later—Both In Absentia

By ROBERT GILLETTE, *Times Staff Writer*

WASHINGTON—After six years of legal conflict, the Justice Department is preparing for the first time to deport an accused Nazi collaborator to the Soviet Union, where he faces a preordained sentence of death.

While the Justice Department has sought for years to deport Karl Linnas, a 67-year-old immigrant from Estonia—now a part of the Soviet Union—its impending action has divided American ethnic communities and stirred misgivings among liberals and conservatives alike.

Leading Jewish organizations, including the World Jewish Congress, have strongly supported the efforts to deport Linnas. East European groups, led by the California-based Coalition for Constitutional Justice and Security, have bitterly protested the government's reliance on Soviet-supplied evidence.

### Rights Group's Plea

Amnesty International, the human rights organization that won the Nobel Peace Prize in 1977 and opposes capital punishment in all cases, has urged the Justice Department to reconsider sending Linnas to the Soviet Union, citing "grave doubts" about the fairness of war-crimes proceedings there.

Ramsey Clark, the former U.S. attorney general, is representing Linnas. At the other end of the political spectrum, Patrick J. Buchanan, the White House communications director, has also voiced support for Linnas' cause.

Linnas is a retired land surveyor who lived with his wife and three daughters for many years on Long Island. A death sentence against him was handed down *in absentia*

by a Soviet court in 1962. (The verdict was reported—apparently inadvertently—in the Dec. 7, 1961, issue of the official Soviet journal *Socialist Legality*—several weeks before the trial took place in January, 1962.)

The U.S. Supreme Court cleared the way for Linnas' deportation on Jan. 27, after rejecting an earlier petition to hear his case. He has been held in a New York City jail since federal agents arrested him last April on the ground that he might flee the country.

Justice Department officials have indicated that Atty. Gen. Edwin Meese III may approve Linnas' deportation within a week, unless his family and lawyers can find him an alternative home country.

"There is nothing, legally, that we can do to prevent them from saying goodby and sending him off," Anu Linnas, one of his daughters, said in an interview. "We're scrambling. We've tried 50 countries so far, and we've had rejections from about 30. Is no other

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country willing to accept him?"

Since Linnas' U.S. citizenship was revoked in 1981, several federal courts have ruled that he could be deported because he lied on his visa application in 1951, when he said that he was a student, when in fact, there was substantial reason to believe that he had taken part in rounding up and murdering Jews and had run a Nazi concentration camp in his native Estonia.

Linnas and his family deny the charges. They argue that he has never had the benefit of a criminal trial before a jury or an opportunity to confront witnesses who have testified against him. All the evidence against Linnas, including videotaped depositions from four Soviet citizens, came from the Soviet government, under a broad cooperative agreement with the Justice Department's Office of Special Investigations.

While U.S. courts generally accept Soviet evidence in such cases, a number of jurists and lawyers—as well as the East European immigrant community—have voiced misgivings about its reliability.

In his decision revoking Linnas' citizenship, U.S. District Court Judge Jacob Mishler in New York ruled that the Soviet-supplied evidence against him "overwhelmingly supported" charges that he had taken part in atrocities and had run a concentration camp. The Court of Appeals for the 2nd Circuit, in upholding Mishler's decision, noted that the videotaped Soviet testimony made it clear that Linnas' actions "were such as to offend the decency of any civilized society."

Clark, who began representing Linnas last summer, said that an independent translator's careful review of the videotapes found flaws and discrepancies that might have led the courts to discount the testimony if the Intourist translator in the Soviet courtroom had given a faithful rendition into English.

## Name-Calling in Court

In particular, Clark said, the Soviet official who presided over the taking of testimony used prejudicial language in front of all four witnesses in the case—repeatedly referring to Linnas as a "fascist war criminal."

"We have no way of knowing who these witnesses really are, where they came from, how they got there," Clark said in an interview. Moreover, he said, although the Soviets provided documents to show that Linnas ran a concentration camp during the Nazi occupation of Estonia, it is "inherently implausible" that the Germans would have placed a 21- or 22-year-old native in charge of a prison camp in his own occupied country.

Supporters of Linnas in the East European immigrant community, among them the Baltic-American Freedom League, maintain that the chief of the camp actually was a German officer, Fritz Giessen.

Clark described Linnas as "an ardent nationalist, passionately devoted to the old country." When the Soviets tried Linnas *in absentia* in 1962, Clark noted, he was active in the United States in the movement to free Estonia from Soviet control, which dates from World

War II, and that it may have been that activity that prompted the Soviets to pick Linnas as a target for retribution.

According to internal memos from the Justice and State departments, circulated by East European groups, the Soviets have been seeking custody of Linnas ever since the Justice Department first negotiated a controversial cooperation agreement with Soviet prosecutors in Moscow in 1980.

The memos show that the Justice Department was wary of "public relations" problems that might arise from deporting a former war refugee to the Soviet Union under sentence of death—but they argue that Moscow might become less helpful in prosecuting accused Nazi collaborators if the United States fails to hand over Linnas.

"The Soviets want Linnas," Assistant Atty. Gen. Stephen S. Trott wrote in a draft memo to Meese last year. "If we attempt to send Linnas somewhere else after we have publicly designated the U.S.S.R. as the country of deportation, . . . there is a serious possibility that they may decrease their level of cooperation with [the department's Office of Special Investigations]."

Patrick Korten, speaking for the Justice Department, said that the memos were authentic but cautioned that the Trott memo appeared to be an "early version" of the one sent to Meese.

According to other memos, Vadim Kuznetsov, a senior Soviet diplomat in Washington, met with OSI officials twice last July to emphasize that deporting Linnas to

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the Soviet Union would be the "crowning achievement" of six years of cooperation between the two countries in prosecuting alleged war criminals.

In a memo to internal files in the Linnas case, OSI deputy director Michael Wolf said that Kuznetsov understood that executing Linnas immediately upon his return "might pose some public relations problems" because it would "appear that Linnas would never be able to defend himself in a trial."

In view of this, the memo continued, Kuznetsov said that Moscow was considering putting aside or

ignoring the 1962 death sentence and conducting a new trial.

Linnas' daughter Anu said in an interview that he and his family "absolutely" would agree to a criminal or war-crimes trial before a jury, with cross-examination of witnesses, if that were legally possible in the United States or Israel. She said they have asked Israeli authorities to accept her father for trial, but that "they said no, with no reason given."

"We would do anything for a [criminal] trial, here, a trial in Israel," said Anu Linnas, who lives in the Washington area. "But please, not to the Soviet Union, not

to execution. If he goes there, it's over."

"We're on pins and needles every day now. We're asking [the Justice Department] to be humane about this, at least to let us have a farewell. We don't want to wake up one morning and find that he's gone."

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February 15, 1987

Letters to the Editor  
Los Angeles Times  
Times Mirror Square  
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The article entitled "Accused War Criminal Bound for a Soviet Fate" by Robert Gillette, which appeared on the front page on February 12, 1987, is biased, misleading, and extremely inaccurate. The article deals with the deportation of convicted Nazi war criminal Karl Linnas. I served as a trial attorney in the Office of Special Investigations, U.S. Department of Justice (OSI) from 1979 to January 1986, and was one of the prosecutors in the Linnas case.

Mr. Gillette wrote that "All the evidence against Linnas came from the Soviet government." That is untrue. In addition to the testimony of witnesses in the Soviet Union, who testified that Linnas served as Chief of the Nazi Concentration Camp in Tartu, Estonia, the following non-Soviet evidence was admitted at Linnas' trial:

1. In interviews with the New York Times and Newsday in 1961, Linnas admitted being in charge of the guard duty detail at the Nazi concentration camp in Tartu, Estonia.

2. A friend of Linnas who lives in Long Island, New York testified at the trial. This individual testified that Linnas told him that he had served as a guard at the concentration camp.

It should also be noted that the documents which the Justice Department received from the Soviet government are documents which Linnas signed in 1941. He signed these documents as "Karl Linnas, Chief of the Tartu Concentration Camps." These documents were examined by an FBI forensic document expert, who testified that they were authentic and that Linnas had signed them. At his trial, Linnas took the 5th Amendment and refused to testify regarding these documents, claiming that his answer would incriminate him. At his trial Linnas never denied that he had been chief of the concentration camp; again, he took the 5th Amendment.

The New York Times and Newsday articles in which Linnas admitted his service at the concentration camp are in the record of the case. If Mr. Gillette had read the record, he would have known that.

But Mr. Gillette is guilty of more than just sloppy journalism. The day after the article appeared, I spoke with Mr. Gillette. He told me that he knew about the witness from Long Island who testified that Linnas had admitted being a guard at the concentration camp. Mr. Gillette also stated that he knew the documents signed by Linnas, as Chief of the Concentration Camp, had been found to be authentic by the FBI. But Gillette didn't mention any of that evidence in his article. His only statement was that "All the evidence against Linnas came from the Soviet government."

It was extremely irresponsible for Mr. Gillette to make that statement, especially since he knew that it was not true. Substantial evidence was submitted from United States sources regarding Linnas' service at the Tartu concentration camp, including Linnas' own admissions. Five United States Courts have found that Linnas was Chief of the concentration camp, and personally responsible for mass murder there, and those courts stated that the evidence against him was overwhelming.

This is not the first time that Mr. Gillette has distorted the facts regarding Nazi war criminals. In April 1986, Mr. Gillette wrote a series of articles which were similarly incorrect. The Times refused to print any corrections or even letters to the editor pointing out those false statements. I know I wrote one such letter.

There is a concerted effort now taking place by Patrick Buchanan, former White House communications director, some Eastern European groups, and several pro-Nazi groups, to free Karl Linnas, a convicted Nazi mass murderer. These groups are putting pressure on Attorney General Meese not to deport Linnas to the Soviet Union, and to release him from prison. If Mr. Gillette wishes to lend his assistance to those groups, he should at least report the facts of the case accurately.

Linnas has been found to have been Chief of a Nazi concentration camp, and to have participated in murders and other atrocities against men, women, and children, by five United States courts. The law is clear that Linnas must be deported to the Soviet Union. That is where his crimes took place. Congress specifically wrote the law regarding Nazi war criminals so that the Attorney General could not afford any kind of discretionary relief to these mass murderers. As a member of an administration that has stressed a commitment to law and order, Attorney General Meese must carry out the law and deport Linnas.

Sincerely,

*Jeffrey N. Mausner*

Jeffrey N. Mausner  
Los Angeles  
Former Justice Department Trial  
Attorney

# Los Angeles Times

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March 5, 1987

**Norman C. Miller**  
National Editor

Mr. Jeffrey N. Mausner  
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Suite 1150  
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Dear Mr. Mausner:

Your letter of February 15 was directed to me and I have carefully reviewed with Mr. Gillette the points you raised.

The article's purpose was to describe the controversy over Linnas' impending deportation and it was neither possible nor necessary to review the entire record of evidence in this limited story.

In preparing the story, Mr. Gillette had written, "All the evidence currently in dispute against Linnas came from the Soviet government." Unfortunately, the underlined qualifier was dropped in the editing process. We will correct this point the next time a story is written.

We found no reference to the 1961 newspaper articles in the 1981 Federal court decision. The Court relegated the testimony of Linnas' acquaintance to a footnote. The decision clearly relied primarily on the Soviet evidence, and only that evidence linked him to atrocities.

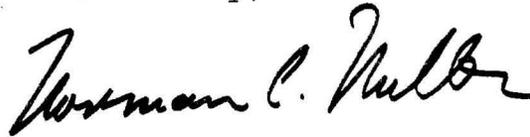
It is my understanding that the FBI found "strong indications" that Soviet-supplied documents were authentic, but did not reach an absolute judgment. In any case, the story clearly did not dispute the fact that the Court rejected Linnas' claims of innocence and found the case against him persuasive, and that a series of courts have upheld that judgment.

Mr. Jeffrey N. Mausner  
March 5, 1987  
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It is nonetheless newsworthy that a number of organizations and persons ranging from Ramsey Clark to Patrick Buchanan to Amnesty International are opposing Linnas' deportation. And as I imagine you know, three Supreme Court justices, one short of the number necessary, voted to accept this case for review on the issue of Soviet evidence.

The story dealt with the question of whether it is appropriate for U.S. courts to rely heavily on Soviet-supplied evidence in this and similar cases. That is an important issue of justice, raised by responsible persons and organizations, and the coverage of it implies no judgment on whether Linnas committed war crimes. Nor does such coverage imply taking sides in the debate. It simply publicizes the debate, which is our function, and I am satisfied that Mr. Gillette has reported soundly on this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas C. Pulte".

NCM:mg

## ***Soviets Should Not Try Linnas, Immigrants Tell Meese***

# **U.S. Urged to Conduct Nazi Crime Trials**

By ROBERT GILLETTE, *Times Staff Writer*

WASHINGTON—Six groups representing Americans of Baltic and Ukrainian extraction urged Atty. Gen. Edwin Meese III Thursday not to deport Karl Linnas, an accused Nazi collaborator, to the Soviet Union.

Linnas, 67, is a retired land surveyor from Long Island who has been accused of running a Nazi concentration camp in his native Estonia, which the Soviet Union annexed during World War II. A federal court stripped him of his citizenship in 1981, and his appeals were exhausted in January when the Supreme Court declined to hear his case.

"At a time when Jews are being beaten in the streets of Moscow for protesting [against emigration restrictions], I don't think it is right to be sending someone to the Soviet Union for justice," said Mari-Ann Rikken of the Estonian-American National Council.

### **Gets March 15 Deadline**

However, a Justice Department spokesman said that Meese has given Linnas until March 15 to find an alternative country to accept him. When the deadline expires, Meese told a news conference: "I will take appropriate action. . . . I will make a decision at that time."

The government maintains that the Soviet Union is the only country willing to accept Linnas. His lawyer, former Atty. Gen. Ramsey Clark, has argued that the government has offered insufficient proof that no alternative exists.

The six groups that met with Meese Thursday told him that accused Nazi collaborators should be tried for war crimes in the United States rather than deported to the Soviet Union. Although legal

experts generally have agreed that U.S. courts have no jurisdiction over charges of war crimes committed outside U.S. territory, the six groups said that a legal basis could be found for such trials in the United States.

At present, suspected Nazi collaborators are not tried on war crimes charges but are subject to civil, non-jury trials to decide whether they obtained citizenship illegally by failing to report wartime activities.

Major Jewish groups are lobbying for Linnas' immediate deportation to the Soviet Union. The World Jewish Congress and the Simon Wiesenthal Center in Los Angeles have called on Meese to hand him over immediately to the Soviet Union, where he was sentenced to death *in absentia* in 1962. He would be the first naturalized American to be stripped of his citizenship by the federal civil courts and deported to the Soviet Union to face a pending death sentence.

The Jewish groups broadly support the Justice Department's Nazi-hunting unit, the Office of Special Investigations. The OSI contends that videotaped testimony by Soviet witnesses and documents—which form the bulk of evidence in many of its cases—is no less valid than evidence from other countries.

Critics, however, argue that the Soviet Union has a long history of manipulating evidence, especially eyewitness testimony supplied under the control of a Soviet prosecutor. While most federal courts have accepted Soviet evidence, some federal judges have expressed misgivings and a few have rejected it.

In the Linnas case, testimony

linking him to wartime atrocities, including the murder of Jews in the Estonian city of Tartu, came from the Soviet Union in the form of videotaped testimony from four witnesses who also had appeared at the 1962 trial.

The Soviets also supplied documents bearing Linnas' signature as chief of a prison and concentration camp in Tartu. An FBI expert testified in his 1981 trial that there were "strong indications" that the signature was authentic.

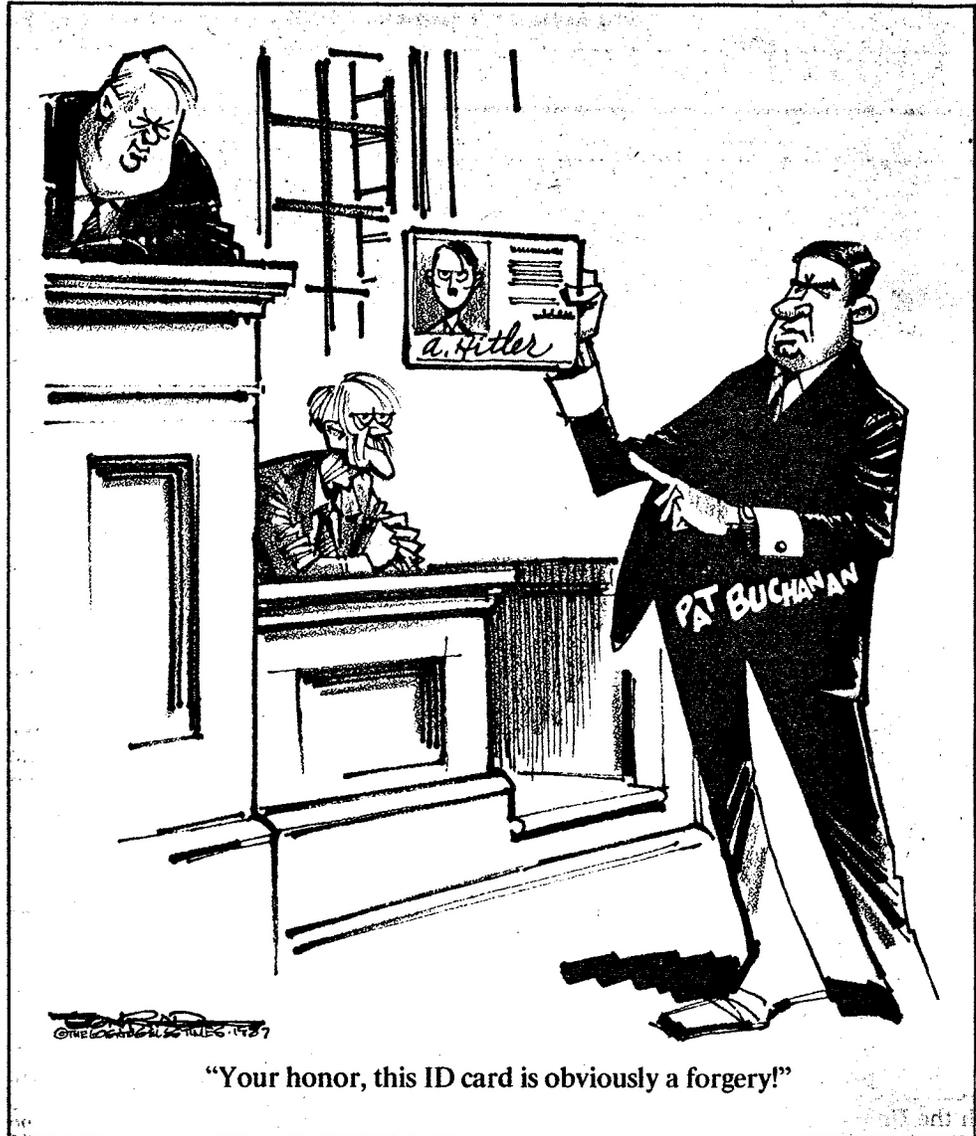
### **Testimony by Co-Worker**

In addition, a Long Island co-worker testified that Linnas told him in the early 1960s that he had been a camp guard. Lawrence W. Schilling, an attorney in Clark's firm who is also representing Linnas, said that this testimony is "in dispute."

In revoking Linnas' citizenship in 1981, federal district Judge Jacob Mishler said that the evidence "overwhelmingly" supported the government's case. Mishler noted also that Linnas had "failed to testify at trial on his own behalf."

Linnas' daughter Anu explained that his former attorney, Ivars Berzins, advised Linnas to stone-wall the government in the belief that "it would all blow over" and that the government would never deport a former refugee to the Soviet Union.

4/22/87



"Your honor, this ID card is obviously a forgery!"