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Deport Maikovskis to U.S.S.R.

WITH ALL the shake-ups at the Justice Department, controversial deportation cases involving Nazi collaborators have a way of getting lost — or shoved into drawers. It's easier to forget than to remember. Especially when the collaborator is an old man and the deeds happened many years ago, in Latvia.

Boleslavs Maikovskis, 80, now lives in Mineola, N.Y. He came to the United States in 1951 under the Displaced Persons Act. The act excludes people who collaborated with the Nazis, but Maikovskis then claimed he was a clerk with the railroads.

The Justice Department later discovered Maikovskis was a police chief in Nazi-controlled Latvia during the war. When communists killed some of his policemen, he rounded up the villagers of Audrini. Thirty villagers were publicly executed in the square. The rest were trucked into the hills, where they were massacred. Their village was burned to the ground.

These facts, substantiated by witnesses, were presented by the Justice Department in lengthy deportation hearings.

At first, Maikovskis denied his role, but later he admitted he was police chief and wore a Nazi uniform during the war. He says he ordered the arrest of the villagers and the burning of their village, but that he was ordered to do so. During the executions, he claims to have been in church. He says he didn't know anything about the massacre.

As the Maikovskis case made its way through the courts, it became overshadowed by another similar case; involving Karl Linnas, who served as chief of a concentration camp in Estonia during the Nazi occupation.

Linnas finally was deported to the Soviet Union in April 1987.

Those who protested Linnas' deportation argued that the Soviet Union doesn't have the same commitment to the rule of law as the United States.

Despite those protests, aged and ailing Linnas was deported. Before he could be tried, he died of natural causes in a Soviet prison hospital. His daughter was with him at the end.

The courts also ordered Maikovskis to be deported. He exhausted all appeals, including one to the U.S. Supreme Court, and the Justice Department was ordered to find a country that would accept him. But Switzerland and West Germany both refused to accept him.

Since 1986, the Justice Department has done nothing on the case.

Why? The Reagan administration is not anxious to deport another Nazi collaborator to the Soviet Union.

The same standard for deportation should be used in the Maikovskis case as was used in the Linnas case. Just because Maikovskis is more obscure than Linnas doesn't mean that he should be allowed to remain in this country, in clear violation of our immigration laws.

In one crucial way, Maikovskis' guilt is more damning than Linnas': Linnas always maintained his innocence, while Maikovskis admitted he served as police chief and ordered the arrest of the villagers. Those acts alone make him deportable.

Perhaps, in the weight of paper work he has inherited, new Attorney General Richard Thornburgh doesn't know of the Maikovskis case. Jeffrey Mausner, a former government prosecutor who worked on the case and since has left the Justice Department, has not forgotten.

"The deportation should be carried out to the Soviet Union," Mausner says. "That's what the law requires. That's what justice requires."

The attorney general is not sworn to raise the standards of law in the Soviet Union. He is sworn to uphold law in the United States. The United States should deport Maikovskis to the only country that will accept him, the Soviet Union.