

contradictions in their testimony, and we find their accounts of this incident to be credible. But neither Soms nor Rozkalns witnessed the killing of civilians in this village; their testimony that the Kalejs Company had executed civilians to avenge Stahlecker's wounding was based on hearsay. <sup>34/</sup> In addition, Soms and Rozkalns offered no specific testimony about the inhabitants of the village. They made no estimate as to how many were aiding the partisans, how many were unarmed, or how many were killed.

The testimony of Soms and Rozkalns does not establish a sufficient evidentiary basis to conclude that the "principal motivating factor" of the Kalejs Company's engagement at Sanniki was the persecution of villagers because of their "political opinions," or one of the other grounds enumerated in section 241(a)(19). Maikovskis v. INS, 773 F.2d 435, 448 (2d Cir. 1985), cert. denied, 476 U.S. 1182 (1986). Considering Soms' testimony that Stahlecker had selected Sanniki as a site of strategic significance, the operation at Sanniki appears to have been based, at least at the outset, on military considerations. Cf. Matter of Rodriguez-Majano, 19 I&N Dec. 811, 815 (BIA 1988) ("engaging in military actions" does not constitute "persecution" within the meaning of section 101(a)(42)(A) of the Act, 8 U.S.C. § 1101(a)(42)(A)). Soms and Rozkalns testified that the partisans at Sanniki offered some resistance before the Kalejs Company broke into the village, consistent with Dr. Hilberg's testimony that the partisans often met the Nazi forces with armed resistance. The respondent, of course, claimed that no civilians were deliberately killed during this operation. Thus, we do not find clear, unequivocal, and convincing evidence that the respondent's participation in the battle at Sanniki renders him deportable under section 241(a)(19).

We do find, however, that Strazds' testimony concerning the Kalejs Company's activities near Porkhov in 1943, corroborated by documentary evidence in the record, establishes the respondent's deportability under section 241(a)(19). Strazds gave detailed testimony concerning the activities of the Kalejs Company, which consisted of about 150 men, on the eastern front in 1943 (Gov. Exh. 83CT at 42-67). We have not found any inconsistencies in the testimony of Strazds, nor has the respondent identified any inconsistencies in Strazds' testimony. Moreover, as noted by the immigration judge, Strazds' testimony regarding Kalejs' whereabouts in 1943 did not conflict with the testimony of any of the other deposition witnesses (i.j. dec. at 34). Considering that Strazds made several photographic identifications of the respondent, and in view of the detail and consistency of his testimony, we find that Strazds was both a reliable and a credible witness. See United States v. Osidach, supra, at 86 n.16.

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<sup>34/</sup> Soms' testimony that the Kalejs Company had previously killed civilians in a village near Nasva was similarly based on hearsay (Gov. Exh. 81CT at 29-31).

Strazds testified about a specific incident in which he observed the Kalejs Company's participation in the execution of civilians (Gov. Exh. 83CT at 50-53, 136-38). He testified that sometime after June 1943, members of the Kalejs Company stood guard at an execution site near Porkhov where about 30 Gypsies were shot by German "SD" officials. The Kalejs Company members then buried the corpses. Although Strazds did not specifically recall the respondent's presence at the execution site, Strazds believed the respondent would have authorized his company members to stand guard there.

Strazds' testimony that members of the Kalejs Company participated in the execution of civilians is corroborated generally by evidence that "Einsatzgruppe A" units engaged in persecution along the eastern front. A captured Nazi document dated March 16, 1942, reflects that "Einsatzgruppe A" forces had killed 38 Jews and one Gypsy in Loknja (Gov. Exh. 38 at 2). The record reflects that the respondent was serving with the "Loknja Detachment" of "Einsatzgruppe A" between February 18 and April 26, 1942 (Gov. Exh. 37). Further evidence of the execution of civilians by the "Einsatzgruppe A" forces can be found in the second report prepared by General Stahlecker. This report, prepared in January 1942, indicates that "Einsatzgruppe A," with the assistance of the "Einsatzkommandos," had been carrying out mass executions of Jews along the eastern front in "White Russia" (Gov. Exh. 34 at 4-5; Tr. at 120). Dr. Hilberg also testified that "Einsatzgruppe A" forces routinely executed civilians behind the front lines (Tr. at 266-70).

Strazds, Soms, and Rozkalns all testified that the respondent was a first lieutenant and company commander of an "Arajs Kommando" unit that was deployed on the eastern front (Gov. Exh. 83CT at 10; Gov. Exh. 81CT at 19, 36; Gov. Exh. 92CT at 17-18, respectively). Strazds, Soms, and Rozkalns further testified that the respondent was subordinate to Lange, the German Commander of the Security Police for "Einsatzkommando 2" (Gov. Exh. 83CT at 59-60; Gov. Exh. 81CT at 21; Gov. Exh. 92CT at 18-19, respectively). The respondent's service on the eastern front as a first lieutenant and company commander in the "Arajs Kommando" is also corroborated by the documents which the respondent submitted to the University of Riga (Gov. Exhs. 25, 44). Thus, the evidence in the record firmly establishes that the respondent was the leader of an "Arajs Kommando" company which engaged in persecution at the eastern front.

The respondent's appeal arises within the United States Court of Appeals for the Seventh Circuit. In Kulle v. INS, supra, the Seventh Circuit applied section 241(a)(19) to a case involving an alien who had served as a guard at the Gross-Rosen concentration camp. The Court ruled that Kulle's "assistance" in persecution could be "inferred from the circumstances" of his "presence at a place of persecution." Id. at 1193. The Court also emphasized that in order to establish that an alien has "assisted" in

persecution, "personal involvement in atrocities need not be proven," and that section 241(a)(19) "utilizes the term 'assisted' in persecution quite liberally." Id. at 1192-93.

Because the evidence clearly demonstrates that the respondent was the commander of a unit which engaged in persecution, we find that his status as a commanding officer of that unit brings him within the ambit of section 241(a)(19), even in the absence of direct evidence that he specifically ordered the execution of civilians. 35/ The evidence in the record indicating that the respondent was the head of an "Arajs Kommando" company which executed Gypsies near Porkhov in 1943 establishes, at a minimum, that the respondent "assisted" in the persecution of persons because of their "race, religion, national origin, or political opinion." Moreover, because the record reflects that the respondent served "under the direction of" the Nazi authorities at the eastern front, his deportability under section 241(a)(19) has been established by clear, unequivocal, and convincing evidence.

## 2. Respondent's Service at Salaspils and Sauriesi

We also find that the record supports the immigration judge's conclusion that the respondent's service at the Salaspils concentration camp and Sauriesi labor camp renders him deportable under section 241(a)(19). Government deposition witnesses Pimanis, Ennitis, Strazds, and Bahsteins all placed the respondent at the Salaspils concentration camp at various periods in 1942 and 1943. 36/ Pimanis identified the respondent as a first lieutenant

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35/ We find support for the conclusion that the respondent should be held responsible for the actions of his subordinates in the legislative history accompanying the Holtzman Amendment, which implemented section 241(a)(19) of the Act. The legislative history instructs that in applying the "persecution" provisions of section 241(a)(19), determinations should be made on a case-by-case basis by consulting available case law as well as the opinions of the Nuremberg tribunals and related materials. See H.R. Rep. No. 95-1452, 95th Cong., 2d Sess. at 6-7, reprinted in 1978 U.S. Code Cong. & Admin. News at 4705-06. The London Agreement of August 1945 (59 Stat. 1544), under which the first Nuremberg trial was conducted, provided with regard to "crimes against humanity" that "[l]eaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan." See also Matter of McMullen, 19 I&N Dec. 90, 96 (BIA 1984), aff'd, McMullen v. INS, 788 F.2d 591 (9th Cir. 1986).

36/ The immigration judge did not rely on Dr. Hilberg's testimony that he had reviewed statements from Artur Abols which placed the respondent at Salaspils as the company commander of the

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and company commander of the "Arajs Kommando" whom Pimanis saw at Salaspils once in August or September 1942 (Gov. Exh. 93CT at 9-10, 13-14). Ennitis said that the respondent was the head of the external guard unit at Salaspils, and that Ennitis served in the Kalejs Guard Company from July to December 1942; Ennitis last saw the respondent at Salaspils when the respondent approved Ennitis' transfer request in December 1942 (Gov. Exh. 90CT at 10-11, 14, 53-54). Strazds stated that he first saw the respondent at Salaspils in November 1942, when the respondent was the commander of the external guard unit (Gov. Exh. 83CT at 10, 18-19). Strazds said that the Kalejs Guard Company had about 100 members at Salaspils (Gov. Exh. 83CT at 20). Strazds testified that in December 1942, the respondent personally appointed Strazds as the chief guard at Sauriesi, the labor camp near Salaspils (Gov. Exh. 83CT at 10, 21-22). Strazds added that the respondent made weekly visits to Sauriesi, and that Strazds left Sauriesi for Porkhov in June 1943 with the Kalejs Company (Gov. Exh. 83CT at 11, 42-43). 37/ Bahsteins was an "Arajs Kommando" clerk who remembered the respondent as the head of the guard company during Bahsteins' period of service at Salaspils from the Winter or Spring of 1943 until the Fall of 1943 (Gov. Exh. 89CT at 12-13).

We find no conflicts in the testimony of the Government deposition witnesses who placed the respondent at Salaspils in the capacity of commander of the guard unit. 38/ Their testimony

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 guard forces. The immigration judge apparently did not rely on this testimony because the Government did not produce Abols' statements. We also have not relied on Dr. Hilberg's testimony regarding Abols' statements. We furthermore have not relied on Strazds' testimony that members of the Kalejs Company stood guard at a concentration camp near Porkhov as evidence that the respondent "served as commander of an Arajs Kommando guard unit in concentration camps in the Ostland." See Allegation No. 19 in Amended Order to Show Cause (Gov. Exh. 15 at 4).

37/ One of the documents which the respondent admitted that he had submitted to the University of Riga indicates, in the respondent's own handwriting, that he was serving "in the Latvian Security Section as a company commander;" the document is dated May 15, 1943 (Gov. Exh. 45).

38/ While the respondent contends that there is a contradiction between Bahsteins and Strazds' testimony concerning the respondent's presence at Salaspils, we note that Bahsteins testified that he remained at Salaspils until the Fall of 1943, when he deserted (Gov. Exh. 89CT at 9, 23). Bahsteins did not specifically state that he had seen Kalejs at Salaspils following the Spring of 1943. Thus, we find no conflict between Bahsteins' testimony concerning the respondent's presence at Salaspils, and Strazds' testimony

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concerning the duties of the guards at Salaspils and Sauriesi was consistent. 39/ Strazds, Ennitis, and Pimanis all testified that, as members of the "Arajs Kommando" guard unit, they were armed and had orders to shoot to prevent inmates from escaping (Gov. Exh. 83CT at 27-28; Gov. Exh. 90CT at 17-18; Gov. Exh. 93CT at 15-16, respectively). Moreover, although the survivor witnesses generally were at Salaspils before the Government deposition witnesses, the survivor witnesses' testimony about conditions at Salaspils and the German officers whom they recalled there (Nickel, Teckelmeier, Krause, and Lange) corroborated the testimony of the Government deposition witnesses. Accordingly, we find that the testimony of the Government deposition witnesses constitutes credible and reliable evidence that the respondent was the head of "Arajs Kommando" guard units at the Salaspils concentration camp and the Sauriesi labor camp. 40/ The testimony of the Government deposition witnesses, corroborated by Dr. Hilberg, also establishes that Jews and political prisoners were interned at Salaspils during the period that the respondent was the commander of the external guard unit.

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 that Strazds went to Porkhov with the Kalejs Company in June 1943. Moreover, the respondent's deposition witness Murnieks did not recall Kalejs from Salaspils, where Murnieks served approximately from the Summer of 1943 until the Fall of 1943 (Gov. Exh. 86CT at 9, 64-66). According to Strazds' testimony, however, the respondent had departed Salaspils by the Summer of 1943 (Gov. Exh. 83CT at 11).

39/ We attribute no significance to the inability of some of the Government deposition witnesses to recall one another. See Respondent's brief at 45. Considering that the Kalejs Guard Company consisted of at least 100 men, and that the overlapping periods of these witnesses at Salaspils were brief, we see no import in their inability to recall other guards of equivalent rank. The respondent cites the overlapping period of Ennitis and Pimanis at Salaspils as an example of Government deposition witnesses who ought to have remembered each other. Yet, according to Pimanis, he served at Salaspils for only about 5 days (Gov. Exh. 93CT at 14), and would have had only that 5-day period from which to recall Ennitis there.

40/ The respondent argues that if he had served at Salaspils, his name would have been mentioned in a 1975 Soviet publication concerning Salaspils (Gov. Dep. Exh. 6). The fact that his name is not mentioned in this publication, according to the respondent, is proof that "[t]he Soviet allegations against respondent are recent fabrications." Respondent's brief at 46. Regardless of whether he was mentioned in a prior publication, we are satisfied from our review of all the evidence in the record that the allegations concerning the respondent are not a "recent fabrication."

The evidence in the record establishes clearly, unequivocally, and convincingly that the respondent was the commander of a unit of armed guards at a Nazi concentration camp in periods during 1942 and 1943. His status as the commander of a guard unit establishes, again at a minimum, that he "assisted" in the persecution of inmates because of their "religion" or "political opinions;" the respondent is consequently deportable under section 241(a)(19). See Kulle v. INS, supra, at 1192-93; Schellong v. INS, 805 F.2d 655, 660-61 (7th Cir. 1986), cert. denied, 481 U.S. 1004 (1987), reh'g denied, 482 U.S. 921 (1987); see also United States v. Schmidt, 923 F.2d 1253, 1258-59 (7th Cir. 1991), cert. denied, \_\_\_ U.S. \_\_\_, 112 S.Ct. 331 (1991); United States v. Kairys, 782 F.2d at 1378. The immigration judge's conclusion that the respondent is deportable based on his service as the commander of a concentration camp guard unit was correct.

3. Respondent's Service in the "Arajs Kommando" from July 1941 to January 1942

Finally, we will address the Government's argument that the respondent is deportable under section 241(a)(19) based on the evidence that he was an "Arajs Kommando" officer between July 1941 and January 1942. See, e.g., Government's brief at 93-94, 111-13. Although the immigration judge found that the respondent's "mere registration" with the "Arajs Kommando" in 1941 was not sufficient evidence to establish that the respondent had assisted in persecution (i.j. dec. at 30), our review of the evidence in the record compels a different conclusion. Dr. Hilberg's un rebutted testimony was that the primary function of the "Arajs Kommando" between July 1941 and January 1942 was to assist the Nazis in the annihilation of tens of thousands of Jews. The evidence in the record indicates that the respondent was an officer of the "Arajs Kommando" during this period (Gov. Exhs. 23, 25). Dr. Hilberg did not state unequivocally that the respondent was involved in atrocities during the period in question. He did state, however, that considering that the "Arajs Kommando" consisted of only a few hundred men at the end of 1941, the Kommando would have employed virtually all of its members to carry out its enormous persecutory agenda. It is inconceivable that the respondent, as an officer in the "Arajs Kommando," would have avoided any participation in the atrocities carried out on such an enormous scale over a period of months. The principle of Kulle v. INS, supra, at 1193, applies here that his role in the mass murders is clearly "inferred from the circumstances," those "circumstances" being that he was an officer in a death organization whose limited resources were so strained by the extent of the slaughter that all personnel were required to participate.

Dr. Hilberg's testimony was corroborated by the deposition witnesses who testified that all "Arajs Kommando" members, including supply clerks and garage attendants, were required to participate in the actions against Jews following the Nazi

occupation in 1941 (See, e.g., Jurgitis, Gov. Exh. 82CT at 25-26; Kalnins, Gov. Exh. 85CT at 22-23; Elins, Gov. Exh. 88CT at 39-40; Jansons, Gov. Exh. 91CT at 46-47). While the deposition witnesses did not implicate the respondent in the mass executions of Jews in the forests near Riga, they confirmed the expert witness testimony that "Arajs Kommando" members necessarily were involved in persecution between July 1941 and January 1942.

Furthermore, we find that the respondent, who has maintained that he did not belong to the "Arajs Kommando" despite the evidence to the contrary, has failed to provide a credible account of his activities during this period. <sup>41/</sup> Therefore, in view of Dr. Hilberg's testimony, corroborated by the deposition witnesses, that virtually all "Arajs Kommando" members assisted in the atrocities against Jews in late 1941, and considering the respondent's failure to rebut the evidence in the record that he was an "Arajs Kommando" officer beginning in July 1941, we conclude that there is clear, unequivocal, and convincing evidence to support the charge that the respondent is deportable under section 241(a)(19) because he "assisted" the Nazis in the persecution of Jews between July 1941 and January 1942. Kulle v. INS, supra, at 1192-93.

### C. Testimony of Viktors Arajs

The respondent argues that the immigration judge erred by disregarding the proffered statement of Viktors Arajs concerning the respondent. The respondent argues further that the immigration judge should have given weight to the testimony of Arajs' attorney concerning both the Arajs' trial and the attorney's discussions with Arajs about whether Arajs knew the respondent. The respondent asserts that this evidence is the "best evidence" available regarding the issue of the respondent's membership in the "Arajs Kommando." Respondent's brief at 47.

The immigration judge gave no weight to the respondent's evidence of an "alleged interview with Viktors Arajs" (i.j. dec. at 31 n.5). The immigration judge also gave no weight to the Government's evidence concerning an "alleged interview with Viktors Arajs" (i.j. dec. at 31 n.5). Therefore, the broad issue presented here is whether the immigration judge erred in giving no weight to either party's evidence of an interview with Viktors Arajs.

The attorney who represented Viktors Arajs in his criminal trial in West Germany, Georg Buerger, appeared at the respondent's hearing to testify. Buerger testified that he was not present "every single day" during the Arajs trial, but that as far as he knew, the name "Konrads Kalejs" was not mentioned during the Arajs

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<sup>41/</sup> This failure of credibility stretches back even to his accounts given years ago to Australian and U.S. immigration officials. See, e.g., pages 48, 51, infra.

trial (Tr. at 1035-36). Buerger also testified that respondent's counsel contacted him in May 1985, and asked Buerger to ask Arajs whether Arajs knew the respondent (Tr. at 1039-40). According to Buerger, Arajs told him that Arajs knew the respondent from the Latvian Legion, that the respondent had not served under Arajs' command, and that Arajs knew the respondent was present when Stahlecker died (Tr. at 1041).

Arajs' statements were subsequently reduced to writing. Arajs executed a written statement dated January 16, 1987, which was signed before Buerger in his capacity as a notary, indicating that the respondent did not serve under Arajs in the Latvian Auxiliary Security Police, and that the respondent had served in the 15th Latvian Armored Infantry Division; the document provides further that when Arajs was the leader of the Latvian Auxiliary Security Police, he "frequently helped Latvians by issuing false certificates" which "were used to enable Latvians to progress in schools or universities." The immigration judge accepted this document into evidence (Gov. Exh. 102).

The Government also produced a witness who gave testimony about an interview which he conducted with Viktors Arajs. The Government investigator, Thomas Fusi, testified that he interviewed Arajs in prison on July 11, 1984, in Kassel, West Germany (Tr. at 1311-12). Fusi testified that Arajs had said during the interview that Kalejs was a member of Arajs' battalion, and that Kalejs was a company commander in the "Arajs Kommando" (Tr. at 1313-14). Fusi stated that he took notes during his interview of Arajs (Tr. at 1316). The immigration judge accepted a photocopy of the proffered notes into evidence (Gov. Exh. 107).

Faced with these conflicting accounts of Arajs' statements, the immigration judge opted to give weight to neither party's evidence of what Arajs had said. We find no error in the immigration judge's resolution of this issue. As the immigration judge observed, neither party offered a verbatim transcription of an interview with Viktors Arajs. Moreover, neither party properly deposed Arajs, in accordance with the regulations, prior to his death in 1988. Considering all of the circumstances surrounding the competing evidence of what Arajs said about the respondent, we agree with the immigration judge's decision not to accord weight to either party's evidence of Arajs' statements. We observe, finally, that Viktors Arajs, sentenced to life imprisonment in West Germany for the joint murder of at least 13,000 persons during the war (Gov. Exh. 22), was not in a proper position to offer reliable statements to either party concerning the respondent's war-time activities.

III. DEPORTABILITY BASED ON WILLFUL  
MISREPRESENTATION OF A MATERIAL FACT

The respondent's final argument on appeal is that the immigration judge erred by concluding that the respondent is deportable because he obtained his visa by means of a willful and

material misrepresentation. The respondent asserts that the Government failed to meet its burden of proving the respondent's deportability on this basis under sections 241(a)(1) and 241(a)(2) of the Act.

In its amended Order to Show Cause, the Government alleged that the respondent, in order to procure his immigrant visa in 1958, stated under oath to American immigration authorities that he had been a farm laborer in Nurmuiza, in the province of Talsi, Latvia, from 1941 to 1944 (Gov. Exh. 15 at 5). The Government alleged further that the respondent did not reveal that he had served in the "Arajs Kommando" of the Security Police and SS during this period (Gov. Exh. 15 at 5). The Government submitted into evidence the respondent's application for immigrant visa and alien registration (Gov. Exh. 16). 42/ This exhibit reflects that the respondent executed a sworn statement for an immigrant visa before an American Vice Consul at Melbourne, Victoria, Australia, on December 3, 1958. Item number 25 on the visa application required that the applicant list his places of principal residence after his sixteenth birthday, and also provided a space for the applicant to list his "occupation." The respondent indicated in his application that his occupation between the years of 1929 and 1941 was "Latvian Army" in Riga, Latvia. For the years 1941 to 1944, however, the respondent listed his occupation as "farm laborer," and he stated that he resided in Nurmuiza, Talsi, Latvia, during this period.

A. Government Witnesses

The Government presented two main witnesses to support its charge that the respondent willfully misrepresented a material fact in order to secure his immigrant visa. The first witness, Thomas F. Valenza, was the chief of the security branch of the U.S. Department of State Visa Office in Washington, D.C., from approximately 1953 until he retired in 1966. Valenza testified by deposition in these proceedings on April 11, 1986 (Gov. Exh. 47T). The second witness, Jack Liebof, was the vice consul at the American Consulate General in Melbourne, Australia, from 1958 to 1960. Liebof testified before the immigration judge on April 25, 1988 (Tr. at 777-866).

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42/ We note that Government witness Epstein testified that the signature on the visa application was the same as the signature on documents known to have been signed by the respondent (Tr. at 649). We note too that the Government produced an expert witness in the field of fingerprint identification who testified that a set of the respondent's fingerprints, taken in 1988 (Gov. Exh. 48), were the same as a set of 1958 fingerprints in the respondent's application for an immigrant visa (Gov. Exh. 55) (Tr. at 662-64).

## JACK LIEBOF

Liebof, who was born in 1928, testified on direct examination that he was in charge of visa operations when he was at the American Consulate in Melbourne (Tr. at 781). He gave the following testimony concerning the visa-issuing process. He stated that visa applicants completed several preliminary applications prior to the preparation of their formal visa application (Tr. at 782-84). Liebof testified that he "invariably" interviewed "all applicants" who reached the stage of completing a formal visa application (Tr. at 787). He added that during the interview, he routinely asked the applicant whether he had read and understood the information in the application, and whether the information was correct (Tr. at 787). At the conclusion of a satisfactory interview, the applicant would sign the visa application in Liebof's presence, and Liebof would also sign the application (Tr. at 787).

Liebof testified further that many of the visa applicants in Melbourne were of European descent, and that he examined the "wartime activities" of these applicants "from a security standpoint" (Tr. at 788). Liebof recalled that, in accordance with the Immigration and Nationality Act, individuals who had engaged in "activities . . . considered prejudicial to the interests of the United States would be ineligible" for admission to the United States (Tr. at 806). He added that whenever a security issue arose, he would obtain as much information from the applicant as possible, and then request an advisory opinion from the Visa Office at the Department of State in Washington, D.C. (Tr. at 791, 804). Liebof recalled too that the burden rested with the applicant to establish his visa eligibility, and Liebof said that in any doubtful case he would request an advisory opinion from the Visa Office (Tr. at 791).

Liebof stated that during the period he was at the American Consulate in Melbourne, the State Department policy was to deny visas, in accordance with the security provisions of the Immigration and Nationality Act, to applicants who were communists (Tr. at 794). He also stated that the State Department policy at that time was to deny visas to applicants with "serious involvement in Nazi activities" (Tr. at 794). Liebof reiterated that in doubtful cases involving these matters he would request an advisory opinion from the Visa Office (Tr. at 794-95).

Liebof testified that he was not familiar with an organization known as the "Arajs Kommando" when he was working at the Consulate in Melbourne (Tr. at 796). Liebof stated, however, that if he knew that a visa applicant had been a member of the "Arajs Kommando" in Latvia between 1941 and 1944, he would have asked questions about the nature of the organization and the applicant's role in the organization (Tr. at 796). According to Liebof, he would have asked such questions "because activities during the War years were sensitive and could have a bearing on the eligibility of a person for a visa" (Tr. at 796).