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Denver Post

The Kowalchuk case

SERGE Kowalchuk, a Ukrainian American, is currently being tried before U.S. District Judge John Fullam in Philadelphia for having allegedly concealed his "police job" with the German occupants of Ukraine when applying for U.S. citizenship. On this ground, the Department of Justice is seeking to revoke his U.S. citizenship and deport him to the USSR.

The charges against Kowalchuk say he helped kill 5,000 Jews as a "deputy commandant" of the "Ukrainian police" in Liuboml, Ukraine. So far this looks like a crime that should be righted; but there are disturbing complications.

FIRST, FOR THE historical record: Ukrainians weren't privileged by the Nazis; they were shot in droves, sent to concentration camps, and waged an incessant guerrilla warfare against the Nazi occupiers. Consequently, there was no Ukrainian "nation" in Reichskommissariat Ukrain, no Ukrainian "national" police; therefore, no "Ukrainian" police. There was a local police called "Schutzmannschaft" (Guardsmen) under the command of the German "Gendarmerie" and whose chief task was to regulate traffic, to patrol streets and guard buildings and installations. The administration of Jewish ghettos and the deportation and extermination of Jews was strictly in the hands of the German "SS Sicherheitspolizei" (Security police) which used its own guardsmen recruited from among the Soviet prisoners of war who had no choice but to comply or be shot.

Second, according to Nazi regulations for the recruitment of local policemen, the recruits had to be a minimum of 24 years of age with previous military training. In 1941, the year he is charged with being a member of the Ukrainian police, Serge Kowalchuk was only 20 and had no previous military training. Considering the strict obedience to regulations in the Nazi organizations, the Soviet accusation that this boy was a "deputy commandant" of the Nazi occupation police is absurd.

MOST IMPORTANT, during the Carter administration, former Attorney General Benjamin Civiletti went to Mos-

Zelem, a professional engineer who lives in Denver, is of Ukrainian descent.

cow to make a deal with the Soviet minister of justice to get witnesses and documentary evidence from the Soviet Union against an unknown number of war criminals who may be living in this nation.

This cooperation of wartime allies against enemies of the Soviet Fatherland is very serious, for it gives Moscow the chance to dispose of "Zionists, bourgeois nationalists, Wall Street lackeys and CIA hirelings," all with the help of the U.S. Department of Justice.

Comrade Policarp Shafeta of the Soviet Ministry of Justice wondered why the Justice Department allows Kowalchuk to live so "hopefully" and why other "war criminals" on the list submitted to the department haven't been brought to justice.

The fabulous hosts of our jurists wandering in the province of Volhynia couldn't sadden their guests and didn't tell them of their own towering crimes in the province and the rest of Ukraine.

According to the Kersten Committee of the U.S. Congress, at least 80,000 to 100,000 persons were murdered by the NKVD during the period of the entry of the German troops. Of course, this is only a fraction when you consider some 7 million Ukrainians killed by the Moscow-organized famine in 1933 and many millions of other victims of Soviet "justice."

ACCORDING TO Alexander Solzhenitsyn, approximately 60 million people were murdered by the Soviet regime since it came to power; this doesn't include the additional 43 million who lost their lives due to Stalin's negligence in conducting war operations.

Yes, while our Justice Department spends millions of taxpayers' dollars ferreting out Nazi war criminals, even when it has no case and has to send a group of its experts to the Soviet Union to obtain the "truth," not a word is said about the monstrosity of crimes of unheard-of proportion committed by our "righteous" allies. We had the Nuremberg trials for the Nazis in 1945; when will we have them for far greater war criminals?

More about Kowalchuk case

To The Denver Post:

ALLAN RYAN of the Justice Department, in a Jan. 22 Open Forum letter, attempts to justify the use of dubious Soviet "evidence" in previous and currently active trials of Nazi "war criminals."

In the Oct. 27, 1978, edition of the National Law Journal appeared a revealing article entitled "Storm Behind the Nazi Case." The article begins with the following paragraph: "The Nazi deportation case argued before the U.S. Supreme Court last week by U.S. Attorney General Benjamin R. Civiletti was so weak on the facts and the law that it should never have been appealed, according to an internal Justice Department memorandum written two years ago by the current head of the department's Nazi-hunting unit."

In that memo, Mr. Ryan wrote: "I think we are at a dead end in this case. . . . We do not know today for sure if Fedorenko is a war criminal or not. He may be, or, he may be the unfortunate victim of innocently mistaken identification, or indeed he may be the target of a group of Treblinka survivors who are determined to bring vengeance on any Treblinka guard, guilty or not. We simply do not know."

The dangerous criminal in this case, Feodor Fedorenko, is a former Soviet prisoner of war who had the misfortune of falling into Nazi hands and being forced to be a guard at Treblinka concentration camp. He is a 75-year-old, retired foundry worker who lived on Social Security and did not own a house, a car, or any other property save a cemetery plot.

His only offense since immigration to this country 30 years ago is a single parking ticket. Having exhausted his life savings on legal fees, Fedorenko gave up the struggle and volunteered to go back to the Soviet Union. I guess he figured that the Soviets are more barbaric, but their justice system makes more sense.

WILLIAM LEWIS

Fort Collins

To The Denver Post:

IN HIS Jan. 22 Open Forum reply to my Point of View article on the Kowalchuk case, Allan A. Ryan Jr., director of the Office of Special Investigations of the U.S. Department of Justice, didn't really address the real issues I had written about.

Other than correcting my statement that it was he rather than former Attorney General Civiletti who went to Moscow to make the deal with the Soviets, and stating his interpretation of "Schutzmannschaft," his article dealt mainly with justification of the actions of his office and the authenticity of the Soviet evidence.

To believe that the Soviets play the game by the same rules is naive, and to use that evidence in the U.S. courts is an affront to the American system of justice.

It's easy for the "masters of deceit" to fabricate documents implicating Ukraini-

ans in war crimes; especially since reams of Nazi documents, official stamps, stationery and other paraphernalia fell into Soviet hands when the Red Army overran Ukraine, Berlin and East Germany.

As to the reliability of Soviet witnesses, Dr. Nina Strokata, whose husband spent 30 years in Soviet prisons for his beliefs, has testified before a U.S. commission that Soviet witnesses usually say what they are told to. To think this practice has been suspended in current cases is naive. It's probable that some "witnesses" in recent trials have already served terms in Soviet concentration camps; I am sure they aren't too anxious to be sent there again. The U.S. Justice Department isn't going to protect them from the Soviet wrath if they don't do as they're told.

The other issue, which Mr. Ryan has ignored, is why, some 30 years after the war the questionable Nazi collaborators and possible so-called war criminals are of such great threat to the United States, when most of the ones brought to trial were feeble old men who turned out to be exemplary citizens with no criminal records whatsoever.

In the same issue of The Denver Post, there was a UPI article about Soviet organized-crime agents who are entering this country as refugees and now may be part of a Soviet plot to sabotage the 1984 Olympic Games in Los Angeles. I'm certain that quite a few of the tens of thousands of Soviet refugees entering the United States have been agents of the dreaded NKVD and KGB which destroyed millions of innocent people, yet I haven't heard of any case where our great champions of "justice" have taken any steps to find them, much less to deport them.

It is time for the American public to question the motives and the practice of our Justice Department which spends millions of dollars on trials for questionable acts committed in Europe during World War II by our present allies while practically ignoring the direct threat to this country from our present enemies.

Denver

DANIEL ZELEM

Citizen No More

Tailor Lied about Role in Nazi Occupation of Ukraine

By **FRANK DOUGHERTY**
Daily News Staff Writer

U.S. District Court Judge John P. Fullam has ordered retired tailor Serge Kowalchuk stripped of his U.S. citizenship for concealing information about the role he played as a militiaman during the Nazi occupation of his native Ukraine.

Kowalchuk "illegally obtained his visa because he made a willful misrepresentation for the purpose of gaining admission into the United States as an eligible displaced person," Fullam wrote in the ruling, which was released yesterday.

"Because his entry into the United States for permanent residence was illegal, the defendant ... illegally obtained his naturalization certificate," the judge wrote.

Kowalchuk, of 67th Avenue near 2nd Street, was accused of lying about his past when he

entered the United States in 1950, and when he became an American citizen in 1960.

The Justice Department's Office of Special Investigations (OIS) presented evidence in October 1981 alleging the 65-year-old man had assisted the Nazis in the slaying of 5,000 Jews in October 1942 in the brickyard in his home town of Lyubomyl, now part of the Soviet Union.

During his trial in Philadelphia in October 1981, Kowalchuk acknowledged he had lied about his past while living in a displaced persons camp in Austria after the war. He testified he had told the International Refugee Organization that he was working as a tailor in Kremenz with a cousin from 1939 through 1944.

Kremenz is 200 miles from Lyubomyl, where Justice Department officials contend Kowalchuk worked with the Nazis while serving in the Schutzmannschaft, the local Ukrainian

militia.

Kowalchuk maintained at the trial that he had been a clerk who distributed food to government employees and made up the duty roster for the militia.

He steadfastly denied having had anything to do with the killings of Jews or having any direct knowledge of such atrocities. He said he left his home town in August 1942 to attend a clerical school run by the Germans.

He said he had lied about his past to protect relatives still living in the Soviet Union.

Fullam wrote that he doubted Kowalchuk had participated in the brickyard massacre.

"The evidence as a whole leads me to believe that the defendant was probably absent from Lyubomyl, attending training classes during the period in question," the judge wrote.

"Kowalchuk was found ineligible for citizen-

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Serge Kowalchuk: may be deported

Tailor

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ship because he concealed the truth about his past, and we are gratified by this decision," said Neal Sher, acting director of the OIS, which prosecutes such war-related cases.

Kowalchuk talks to the press only through his attorney, John Rogers Carroll, who could not be reached immediately for comment.

Fullam ordered Kowalchuk to surrender the naturalization certificate he was issued 23 years ago, the first step toward deportation. Carroll has 30 days to appeal that ruling.

After the certificate is surrendered, Justice Department prosecutors would be expected to petition an Immigration and Naturalization Service administrative judge for a deportation hearing.

Sher said an appeal of Fullam's ruling to the U.S. Court of Appeals for the 3rd Circuit, and appeals filed as a result of deportation action, could keep Kowalchuk in Philadelphia "for years."

Deportation would be further complicated since the U.S. government would have to find a country willing to accept Kowalchuk.

The Justice Department in June 1981 dropped charges against Kowalchuk's brother, Mykola, 58, of Fern

Street near Mascher. He, too, was charged with making false statements when he entered the United States and when he became a citizen.

Charges of lying about participation in crimes against Jews were dropped against Mykola Kowalchuk after a witness against him died before he could be cross-examined by Carroll.

The two brothers were among four Philadelphians charged over the past five years by the Justice Department with lying about their World War II backgrounds.

In March 1981, the late Wolodymir Osidach, a Logan resident, was ordered stripped of his citizenship for lying about the role he played in the deaths of 14,000 Jews in Nazi-occupied Poland. Deportation hearings against the 76-year-old retired slaughterhouse worker were dropped after his death in May 1981.

Arnolds Richards Trucis, a 72-year-old Latvian emigrant accused of having been second in command of the Salispils death camp outside Riga, died in his Mayfair apartment in December 1981, one month before he was to be tried in federal court.

Federal judge revokes Phila. man's citizenship

By L. Stuart Ditzen
Inquirer Staff Writer

A federal judge yesterday revoked the U.S. citizenship of a Philadelphia tailor who was accused of participating in crimes against Jews during World War II.

At the same time, U.S. District Judge John P. Fullam held that there was no clear proof that the tailor, Serge Kowalchuk, had committed "serious atrocities" in concert with the Nazis.

Fullam ordered Kowalchuk, 62, to surrender his certificate of naturalization to the U.S. Attorney's Office and face deportation proceedings on the ground that he had made misrepresentations on his application in 1948 for a visa to enter the country.

Fullam said in a 28-page ruling that "the evidence as a whole leaves little doubt that [Kowalchuk] ... must

have known of the harsh repressive measures" that the Ukrainian militia, of which he was a member, was taking on Jews in the early 1940s.

But the judge added that the contentions of witnesses that Kowalchuk had participated in atrocities against Jews had not been proven.

During Kowalchuk's nonjury trial in December 1981, at which Fullam presided, there was conflicting testimony about Kowalchuk's activities as a young man in the Ukrainian militia when Germans occupied his home town of Lubomyl.

Three Jewish survivors of the war testified that Kowalchuk had been a high-ranking member of the militia and that he had assisted Germans in the killing of Jews.

Kowalchuk, supported by other witnesses, denied having committed

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Citizenship of city man is revoked

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or even having knowledge of atrocities. He contended that he had not held a high rank in the militia but had been a clerk in charge of food distribution and rationing.

In his opinion issued yesterday, 18 months after the trial's conclusion, Fullam said the testimony on both sides was "uncorroborated by any documentary evidence" and, thus, no conclusions could be drawn from it.

He noted that there was no evidence that Kowalchuk had exhibited anti-Jewish behavior since he entered the United States in 1949. Kowalchuk, of the Oak Lane section, became a naturalized citizen on Nov. 30, 1960.

Allegations that Kowalchuk had participated in war crimes first appeared in a Soviet publication in 1963. The allegations were picked up by wire services and published in the United States. Kowalchuk denied them.

In 1977, the Justice Department moved to revoke Kowalchuk's citizenship on the ground that he had failed to reveal his affiliation with the Ukrainian militia when he sought his U.S. visa. Kowalchuk was not charged with committing war crimes.

Fullam found that Kowalchuk had made misrepresentations on his visa application. He held that "because his entry into the United States for permanent residence was illegal ... the petition of the government must be granted."

The government also had sought to revoke the citizenship of Kowalchuk's brother, Mikola, but it withdrew that complaint in 1977 because of insufficient evidence.

Washington Post 7/2/83

Accused Ex-Nazi Loses Citizenship

PHILADELPHIA, July 1 (AP)—A federal judge today revoked the citizenship of a 63-year old Ukrainian immigrant accused of slaughtering Jews and collaborating with Nazis during World War II.

U.S. District Court Judge John P. Fullam handed down the order in the case of Serge Kowalchuk, who, according to a Justice Department suit, "assisted in the persecution of Jews and other civilians in that he murdered, assaulted, arrested and detained unarmed civilians."

The suit was filed on Jan. 13, 1977, 13 years after a Soviet publication printed accusations against Kowalchuk and his brother, Mykola. A non-jury trial was held in October, 1981, and the final hearing took place in January, 1982.

The suit also accused Kowalchuk of concealing his background during naturalization proceedings. F-AL