

## WITHDRAWAL NOTICE

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The item identified below has been withdrawn from this file:

Folder Title: 105-335639

Document Date: 03-27-1981

Document Type: Message

Special Media:

From: Director, FBI

To: FBI, Cleveland, Priority

Subject: Possible KGB utilization of misinformation in U.S.  
judicial process

In the review of this file this item was removed because access to it is restricted. Restrictions on records in the National Archives are stated in general and specific record group restriction statements which are available for examination.

NND: 55643

Withdrawn: 01-21-2010 by: NWD

RETRIEVAL #: 55643 00133 0001 2

System DocID: 31306641

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MARCH 27, 1981

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PRIORITY

#F1788PP CVMDE HQ H0178 #H0YS8P 272247Z MAR 81

FM DIRECTOR, FBI

TO FBI, CLEVELAND PRIORITY

[PERSONAL ATTN: SAC, JOSEPH E. GRIFFIN, JR.]

BT

S E C R E T

POSSIBLE KGB UTILIZATION OF MISINFORMATION IN U.S. JUDICIAL  
PROCESS - TRIAL OF JOHN DEMJANJUK, CLEVELAND, OHIO, 1981,

[FCI-R (H)] (u)

REURAIRTEL, MARCH 16, 1981. (U)

A SEARCH OF THE FBIHQ INDEX OF CENTRAL RECORDS OF INVESTI-  
GATIONS FAILED TO LOCATE ANY INFORMATION IDENTIFIABLE WITH JOHN  
DEMJANJUK. (u)

FOR THE INFORMATION OF CLEVELAND, AN FOIA/PA REQUEST FOR  
INFORMATION REGARDING JOHN DEMJANJUK, AKA IWAN DEMJANJUK, DPOB  
[REDACTED] WAS SUBMITTED IN  
DEMJANJUK'S BEHALF BY HIS ATTORNEY, JOHN W. MARTIN, 1949 EAST  
105TH STREET, CLEVELAND, OHIO IN NOVEMBER 1977. MARTIN'S

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7/17/09  
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1-MR. J. E. KEARY-TAYLOR

JEK-T:RMH (2)

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REQUEST STATED DEMJANJUK IMMIGRATED TO THE UNITED STATES FROM  
20 GERMANY UNDER PROVISIONS OF THE DISPLACED PERSONS ACT AND AT  
18 THE TIME OF THE REQUEST WAS THE SUBJECT OF DENATURALIZATION  
PROCEEDINGS PENDING IN USDC, CLEVELAND, OHIO BASED ON ALLEGED  
16 NAZI COLLABORATION DURING THE GERMAN OCCUPATION OF POLAND IN  
WORLD WAR II. MARTIN WAS INFORMED OF THE NONEXISTENCE OF  
14 INFORMATION CONCERNING DEMJANJUK IN FBI FILES IN JANUARY,  
1978. (u)

12 VALENTYN MOROZ, AN UKRAINIAN HISTORIAN AND WRITER JAILED  
IN THE SOVIET UNION BECAUSE OF HIS ACTIVITIES IN SUPPORT OF THE  
10 UKRAINIAN NATIONAL MOVEMENT, WAS ONE OF FIVE PROMINENT SOVIET  
DISSIDENTS EXCHANGED ON APRIL 27, 1979, FOR VALDIK ENGER AND  
8 RUDOLF CHERNYAYEV, SOVIET NATIONALS EMPLOYED BY THE UNITED  
NATIONS SECRETARIAT (UNSEC) WHO WERE CONVICTED OF ESPIONAGE  
6 IN USDC, NEWARK, NEW JERSEY IN OCTOBER, 1978. (U)

THE SOVIET UNION HAS, SINCE THE NUREMBERG WAR CRIMES  
4 TRIALS IN 1945-1946, PROVIDED DOCUMENTARY EVIDENCE IN U.S.  
COURTS IN DENATURALIZATION AND DEPORTATION PROCEEDINGS FOR  
2 PERSONS ACCUSED OF FALSIFYING INFORMATION TO HIDE PREVIOUS  
COLLABORATION WITH THE ENEMY EITHER TO GAIN ADMITTANCE OR

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(7-19-77)

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CITIZENSHIP IN THE U.S. RULE 901 (A) OF THE FEDERAL RULES OF EVIDENCE PROVIDES THAT THE "REQUIREMENT OF AUTHENTICATION OR IDENTIFICATION AS A CONDITION PRECEDENT TO ADMISSIBILITY IS SATISFIED BY EVIDENCE TO SUPPORT A FINDING THAT THE MATTER IN QUESTION IS WHAT ITS PROPONENT CLAIMS". RULE 902 PROVIDES SPECIFIC INSTANCES WHERE DOCUMENTARY EVIDENCE IS SELF-AUTHENTICATING; THE EVIDENCE IS ADMISSIBLE WITHOUT ANY EXTRINSIC EVIDENCE TO SHOW THAT THE WRITING IS WHAT THE PROPONENT CLAIMS IT TO BE. RULE 902 (1)-(5) PERMITS THE ADMISSIBILITY OF A WHOLE RANGE OF PUBLIC OR OFFICIAL DOCUMENTS AND RECORDS WITHOUT EXTRINSIC EVIDENCE TO ESTABLISH AUTHENTICITY AND SPECIFICALLY SETS FORTH THE REQUIREMENTS FOR ADMISSIBILITY OF FOREIGN PUBLIC DOCUMENTS. 28 USC 1741 AND 18 USC 3491-96 ALSO PERTAINS TO AUTHENTICATION OF FOREIGN DOCUMENTS. (U)

BECAUSE OF AN ABSENCE OF PROBABLE CAUSE TO BELIEVE THAT THE DOCUMENTARY EVIDENCE FURNISHED BY THE SOVIET GOVERNMENT IN THE DEMJANJUK MATTER HAS BEEN FALSIFIED, CLEVELAND IS DIRECTED TO CLOSE CAPTIONED INVESTIGATION. (S)(u)

YOUR PROPOSAL TO REVIEW PRESS COVERAGE OF THE DEMJANJUK

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NOTE:

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THE CLEVELAND DIVISION OPENED AN INVESTIGATION OF POSSIBLE KGB UTILIZATION OF DISINFORMATION IN THE DENATURALIZATION PROCEEDINGS (U.S. VS. JOHN DEMJANJUK) CURRENTLY PENDING IN USDC, NORTHERN DISTRICT OF OHIO, CLEVELAND, OHIO, BASED ON A MARCH 5, 1981, CLEVELAND, OHIO NEWSPAPER ARTICLE WHICH REPORTED AN INTERVIEW OF VALENTYN MOROZ. INS HAS JURISDICTION IN THE DEMJANJUK MATTER. MOROZ ALLEGED THAT DOCUMENTARY EVIDENCE ACCEPTED BY THE COURT AND SUBMITTED BY THE SOVIET GOVERNMENT WAS FAKE BECAUSE THE SOVIET UNION HAS A HISTORY OF FALSIFYING DOCUMENTS. MOROZ IS ONE OF THE FIVE PROMINENT SOVIET DISSIDENTS EXCHANGED FOR ENGER AND CHERNYAYEV FOLLOWING THEIR CONVICTION OF ESPIONAGE IN NEWARK, N.J., IN 1978. CLEVELAND PROPOSED REVIEWING PRESS COVERAGE OF THE DEMJANJUK TRIAL [REDACTED] (S)

BECAUSE A VERDICT IN THE DEMJANJUK TRIAL HAS NOT BEEN RENDERED AND FOR OTHER REASONS SET-FORTH ABOVE THIS DIRECTS CLEVELAND TO CEASE ITS INVESTIGATION. (u)

JER-f

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