

## WITHDRAWAL NOTICE

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Folder Title: 105-335639

Document Date: 03-04-1985

Document Type: Report

Special Media:

From: FBI, Cleveland, Ohio

To:

Subject: John Demjanjuk, also known as Ivan Demjanjuk; Foreign Counterintelligence - Russia

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NND: 55643

Withdrawn: 01-21-2010 by: NWD

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System DocID: 31306640

**EXHIBIT D**



U.S. Department of Justice

Federal Bureau of Investigation

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Cleveland, Ohio

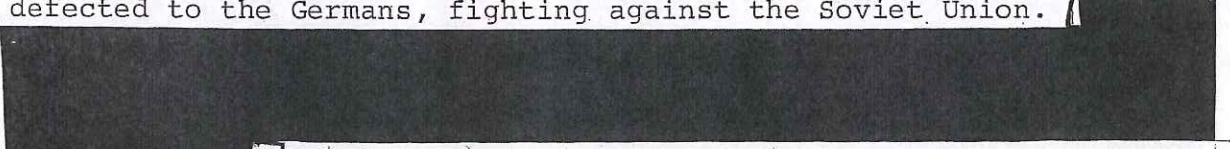
March 4, 1985

JOHN DEMJANJUK,  
also known as,  
Ivan Demjanjuk;  
[ FOREIGN COUNTERINTELLIGENCE - RUSSIA ] (S) u

This communication is classified "SECRET" in its entirety.

JOHN DEMJANJUK, also known as IVAN DEMJANJUK, born [redacted], immigrated to the United States after World War II, under provisions of the Displaced Persons Act. He established residence in the Cleveland, Ohio area and settled there. In 1978, inquiries were undertaken concerning possible false statements on his immigration papers. Certain allegations had been made that DEMJANJUK had been a Nazi prison camp guard at Treblinka in Poland and had been the notorious guard known as "IVAN the Terrible" who had been responsible for the death of numerous prisoners under torture conditions.

DEMJANJUK has a reputation for being anti-Soviet and an outspoken dissident in that regard, well respected in the large Ukrainian community, where he lives. Following annexation of the Ukraine by the USSR, many Ukrainians have opposed the Soviet regime openly and during World War II, an entire army of Ukrainians defected to the Germans, fighting against the Soviet Union. [redacted]



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8-12-99  
*April 11/01*

[ 105-335639-12 ] (S) u

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A long series of court actions have been taken against DEMJANJUK during the past several years, including deportation hearings and recent requests from the nation of Israel to extradite DEMJANJUK to Israel to stand trial for "war crimes".

Part of these proceedings involved the presentation by a KGB officer from the Soviet Embassy of a document purporting to be an identification card issued by the Nazi SS depicting DEMJANJUK as a prison guard at Treblinka.

Production of this document at a deportation and denaturalization hearing, was a part of an ongoing cooperation with the USSR. The USSR has since the Nuremberg War Crime Trials in 1945-46, provided documentary evidence in United States courts in denaturalization and deportation proceedings for persons accused of falsifying information to hide previous collaboration with the enemy either to gain admittance or 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(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. Other provisions of federal law pertaining to authentication of public documents are contained in 28 U.S.C. 1741 and 18 U.S.C. 3491-96.

Investigation at Cleveland, [REDACTED]

[REDACTED] has strongly indicated the following scenario, involving Soviet utilization of the USDJ Office of Special Investigation(OSI) to effect Soviet purposes..

1. [Through its spotter service within the Soviet emigre community in the United States,] the KGB learns of prominent emigre dissidents speaking out publicly and/or leading emigre groups in opposition to the Soviet leadership in the USSR.
2. [The KGB, in continuation of internal security measures extended into the United States,] initiates an anonymous letter to USDJ/OSI, accusing the emigre dissident of being a former war criminal, guilty of atrocities during World War II.
3. USDJ/OSI initiates an investigation into background of the accused emigre. Lacking evidence of the allegation's veracity, USDJ/OSI, thereupon sends results of their investigation to KGB/Moscow, requesting review of records seized from Nazi Prison Camps in the

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aftermath of World War II for evidence which might substantiate the accusation.

4. The KGB then produces a record purporting to tie the accused with the commission of Nazi atrocities, which record may be falsified for the express purpose of discrediting the accused.
5. The KGB then makes the questioned records "available" to USDJ for action against the accused in immigration court. A KGB officer is dispatched from a Soviet embassy or consulate in the United States, to "present" the questioned records in court, but not to permit its examination by document experts.
6. In court, the KGB officer thereupon "shows" the documents to the judge, but does not permit the documents to be presented in evidence or to be otherwise copied; thus barring United States authorities or the court from examining the the authenticity of the records.
7. The end result is that justice is ill-served in the prosecution of an American citizen on evidence which is not only normally inadmissable, in a court of law, but based on evidence and allegations quite likely fabricated by the KGB.

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