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DOJ's Nazi Chasers Find New Criminals to Hunt

Unit now targets criminals from more modern conflicts

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Binders with copies of German Nazi military records from the Nuremberg War Crimes Trials (1945 to 1949) that later were used by U.S. authorities to cross-check against U.S. immigration records.
Image: Diego Radzinschi / Legal Times

Eli Rosenbaum still chases Nazis for a living. It’s just not his full-time job anymore.

Rosenbaum, 52, heads the Justice Department’s Office of Special Investigations, which for most of its 28-year history has been known simply as the DOJ’s Nazi-hunting unit. Created in 1979, the office has tracked down 107 Nazis and collaborators who moved to the United States after World War II and had them stripped of their U.S. citizenship or deported. Cases have been prosecuted as recently as November, when an immigration judge in Chicago ordered Osyp Firishchak, an 87-year-old former Ukrainian police officer, deported for helping enforce the persecution of Jews in the Nazi-occupied city of Lviv.

New Job: Eli Rosenbaum’s office is investigating 66 people for crimes committed after World War II.
Image: Diego Radzinschi / Legal Times

Hitler’s Henchmen: Copies of records from the Nuremberg trials help the office track men like Martin Hartmann, a former SS guard who came to the U.S. in 1955.

But there are only so many World War II-era bad guys left. In the past three years, thanks to a 2004 law expanding its mandate, the office has remade itself by focusing on capturing war criminals from more recent conflicts such as those in Rwanda and Bosnia.

Sure, it’s job security for Rosenbaum and 23 other attorneys, historians, and support staff who operate on a $5.5 million budget. But it’s also a bittersweet reprieve. Given what it does, the OSI may be the one government agency that everyone hopes will some day close up shop.

“I certainly realized that in the not-too-distant future, our World War II work would end,” said Rosenbaum in a recent interview. “We’ve gone from an office handling prosecutions . . . where most victims were Jews to an office where a substantial percentage of victims were Bosnian Muslims.”

DYING AT HOME

The “biological solution,” i.e., old age and death, Rosenbaum says, is taking its toll on the Nazis. The 23-year veteran of the OSI would rather see them captured, denaturalized, and sent back to Europe to face trial on criminal charges.

But lately, because of their frail health and the indifference to their cases by European countries, some recently prosecuted Nazis are peacefully dying in their U.S. homes. “During the past two years, at least two such persons have died in the United States after being ordered deported, because no country was willing to admit them,” wrote Efraim Zuroff, director of the Simon Wiesenthal Center in Israel, in its 2006-2007 annual report, which praises the OSI for its commitment and work.

Worldwide there are more than 1,000 active investigations against World War II-era Nazis, according to Zuroff, who formerly worked as an OSI researcher in Jerusalem. The two highest-ranking Nazis at large are believed to be in their early 90s. They are Aribert Heim — known as Dr. Death because of his lethal-injection experiments in death camps — and Alois Brunner, an aide to Adolf Eichmann who helped orchestrate the extermination of Jews.

While Heim and Brunner are not believed to be in the United States, other, lower-ranking former Nazis have sought refuge here.

In March 2007, a federal judge in Michigan revoked John Kalymon’s citizenship based on handwritten Ukrainian police ammunition reports found by OSI historians. An 86-year-old former auto worker, Kalymon was accused of shooting civilians and killing a Jew while serving in a Nazi-sponsored unit. Kalymon is still awaiting deportation at his Troy, Mich., home. At least six other senior citizens living in the United States and suspected of working for the Nazis are also on the deportation list.

Sometimes, accused Nazis, such as former Mesa, Ariz., resident Martin Hartmann, 88, voluntarily agree to leave the country after being outed by Rosenbaum’s staff. Such was the case for Hartmann last August, a month before U.S. District Judge Emmet Sullivan of the District of Columbia entered an order revoking Hartmann’s citizenship. The government says Hartmann concealed his Nazi military service at the Sachsenhausen concentration camp when he entered the United States on a visa in 1955. He obtained citizenship six years later.

Since 1979, the United States has opened 1,700 World War II-related investigations but expelled only 65 people. In many cases, suspects either died, left the country voluntarily, or fled before a resolution of their immigration proceedings. In addition, the office has been responsible for compiling 70,000 names for a federal watch list that customs and immigration agents have used to prevent some 180 suspected Nazis from entering the country. OSI employees also have helped identify looted gold and other valuables taken by the Nazis from their victims.

Peter Black, a senior historian at the United States Holocaust Memorial Museum who formerly served in the OSI, says the office's work validates expensive globe-trotting trips and prosecutions. "Just the enormity of the crimes would justify bringing those people to justice in any way we can," says Black, who served as an OSI historian from 1979 to 1997.

A NEW MISSION

The expertise amassed by Rosenbaum and his staff was recognized by Congress in 2004, when it passed the Intelligence Reform and Terrorism Prevention Act to expand the OSI's purview to include modern-era conflicts and war crimes.

"The 2004 act has essentially given [the OSI] not only a new life but dramatically a new focus," says Jonathan Drimmer, a litigation partner at Steptoe & Johnson who joined the OSI in 1998 and left six years later, after serving as deputy director.

Drimmer, who was lead prosecutor during the high-profile retrial of Ukrainian immigrant John Demjanjuk and argued for the government against his appeal, says the office staff has taken a few years to find its new course.

"The startup time between getting the new authority and litigating cases was substantial," says Drimmer, who also teaches human rights law as an adjunct professor at Georgetown University Law Center.

In fact, the OSI has not brought its own prosecutions of modern-day war crimes suspects. Instead, it is helping prosecute a Bosnian Serb who became a naturalized U.S. citizen and is accused of concealing his Serbian military service on immigration forms. It also has helped the U.S. Immigration and Customs Enforcement agency in removal proceedings against a Serbian national wanted for war crimes.

In October 2006, the number of modern-day suspects under investigation surpassed that of World War II suspects for the first time. Today there are 66 individuals in the United States who are under investigation for acts in modern conflicts. There are 33 open Nazi cases and 15 World War II-related litigation matters.

The staff, Rosenbaum says, is driven by a commitment to victims of genocide and their families. "We really have a moral obligation to take legal action to not force them to share their adopted homeland with their families' killers," Rosenbaum says.

Despite the satisfaction that comes from exposing and expelling criminals involved in atrocities, Rosenbaum turns somber when discussing the nature of his work: “Maybe someday, I’ll have a job where I can smile.”

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