

103^D CONGRESS
1ST SESSION

H. CON. RES. 132

Concerning the case of John Demjanjuk, Sr.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 1993

Mr. TRAFICANT submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

CONCURRENT RESOLUTION

Concerning the case of John Demjanjuk, Sr.

Whereas John Demjanjuk was denaturalized and extradited to Israel to stand charges as “Ivan the Terrible”;

Whereas the Israeli Supreme Court recently overturned the conviction and death sentence of John Demjanjuk, charged with being Ivan the Terrible;

Whereas Demjanjuk was denied due process when the United States Department of Justice withheld critical evidence from Demjanjuk’s defense during his denaturalization trial, as was determined in the investigative report of Special Master Judge Wiseman, appointed by the United States Sixth Circuit Court of Appeals,;

Whereas the United States Department of Justice contends that Demjanjuk lied on his immigration application to conceal his involvement in Nazi war crimes and should be

denied entry to the United States and the restoration of his citizenship;

Whereas Demjanjuk contends that he lied on his United States immigration application to avoid repatriation to the Soviet Union and subsequent execution, not to cover up war crimes;

Whereas the United States Sixth Circuit Court of Appeals stated that the United States Government must allow Demjanjuk to enter the United States as soon as he is free to leave Israel;

Whereas the 3-judge appeals panel serving the United States Sixth Circuit Court of Appeals unanimously denied the Justice Department's request to stay the ruling while the Government is in the process of their possible appeal to either the full 14-judge appeals court or to the United States Supreme Court;

Whereas the United States Sixth Circuit Court of Appeals ordered the United States Government not to interfere with John Demjanjuk's return to the United States while the court investigates the Government's handling of his extradition to Israel; and

Whereas Demjanjuk is 73 years old and has been incarcerated in solitary confinement and separated from his family for over 7½ years: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of the Congress that—

3 (1) the United States Attorney General should
4 parole John Demjanjuk back into the United States
5 whereby he shall be reunited with his family and

1 confined with the appropriate security at the family
2 residence pending further process;

3 (2) an appropriate court of law with proper ju-
4 risdictional authority be convened to resolve the
5 United States citizenship status of John Demjanjuk
6 by accepting evidence and testimony to determine
7 whether Demjanjuk was guilty of any Nazi war
8 crimes;

9 (3) if Demjanjuk is found by such process to
10 have participated in Nazi war crime activities, his
11 citizenship should remain permanently revoked and
12 the matter should be subject to and open to further
13 judicial process;

14 (4) if Demjanjuk is found by such process not
15 to have participated in Nazi war crime activities, but
16 to have lied on his immigration application to avoid
17 repatriation under terms of the Yalta Agreement,
18 Demjanjuk's citizenship should be reinstated regard-
19 less of the concealment of his Soviet citizenship on
20 his immigration papers; and

21 (5) the United States Justice Department
22 should commence an immediate investigation into
23 Ivan Marczenko, now identified to be "Ivan the Ter-
24 rible" of Treblinka and bring Marczenko to justice
25 or verify to Congress the death of Marczenko.

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