

Rudolph sues DOJ over 'Nazi-hunting' tactics

by Marsha Freeman

On Feb. 28, acting on behalf of former rocket scientist Dr. Arthur Rudolph, lawyer Paul McCloskey, Jr. filed suit against the U.S. Department of Justice (DOJ) in U.S. District Court of the Northern District of California. The suit is a critical initiative, both for Rudolph and to shut down the DOJ Office of Special Investigations (OSI), which, under the pretext of so-called "Nazi hunting," has used police state tactics which threaten the civil rights of all Americans. The government has asked that the case be dismissed. There will be a hearing on Sept. 11.

Rudolph was accused by the OSI of what the lawsuit describes as "unarticulated war crimes." Advanced in years and in failing health, the German-born Rudolph was seen as vulnerable, and in 1983 was coerced into leaving the United States and relinquishing his citizenship, believing that the alternative would be an expensive and humiliating trial.

The suit states that plaintiff Rudolph "at all times denied, and continues to deny, the allegations that he participated in war crimes." A thorough investigation in Germany came to the same conclusion, and granted Rudolph German citizenship. Rudolph is demanding that the DOJ restore his U.S. citizenship.

Why did the Justice Department bring this spurious suit against one of America's most highly decorated civilian space pioneers? Along with its co-conspirators in the former East German Stasi (secret service) and the U.S.-based Anti-Defamation League, the OSI sought to disrupt the valuable work and reputation of this nation's German scientists, in its effort to appease the Soviet bear, then unhappy about the Strategic Defense Initiative, and technology being developed in the U.S. space program.

One might ask, if Rudolph is innocent, why did he leave the United States? Why is he fighting this case now, eight years later? The lawsuit states the case eloquently.

Fraud, threats, intimidation, and coercion

Rudolph's nightmare started in 1982, when OSI director Neal Sher contacted him "for an interview" supposedly regarding his "activities between 1939 and 1945 in Germany."

As stated in the lawsuit, neither that request nor any subsequent interview advised Rudolph that "he was then a 'target' of an effort by the Justice Department to force him to leave the country as a war criminal; that the 'interview(s)' was designed to elicit incriminating testimony from plaintiff . . . that he

would be interrogated by a battery of Justice Department attorneys who would propound highly argumentative, impermissibly suggestive, and objectionable forms of questions . . . that his appearance for the 'interview(s)' was not mandatory; that he had the *right* to have an attorney present with him . . . that the 'interview(s)' was adversarial in nature, or that there was then a 'contemplated' 'case' against him."

The OSI told Rudolph that "the Justice Department, knowing the representations to be false and with the intent to mislead and deceive plaintiff and to induce him to enter into the agreement [to leave the U.S.], falsely represented to plaintiff that it possessed a wealth of evidence—an 'enormous record of facts'—which would sustain the government's burden of proof to denaturalize and to deport plaintiff," that a "half-dozen witnesses would testify against him," and other "representations which were, in fact false."

In truth, the lawsuit reads, "the Justice Department did not possess a wealth of evidence . . . there were not six witnesses or any witnesses who had proffered testimony against plaintiff . . . that no depositions existed; that the statements made by plaintiff in his 'interviews' were inadmissible as evidence; and that the Justice Department had no intention, grounds or ability to criminally prosecute plaintiff."

Most of the press coverage of the Rudolph case, when the DOJ announced that he had left the country, stated that he left "voluntarily," as if the case against him were so strong that he cut loose and ran. The lawsuit clearly describes that this was not the case.

"The Justice Department was aware of plaintiff's mistaken belief" that it had any court-admissible evidence against him "and by a process of calculated and deliberate intimidation and manipulation, which included implied threats, coercion, duress, undue influence, and misrepresentations, unfairly utilized that mistaken belief in a manner which enabled the Justice Department to take advantage of plaintiff and to induce him and his counsel to enter into and approve . . . the agreement."

Not only was his own citizenship, pension, and health care threatened by the OSI, but so also were the benefits for his wife and daughter.

Rudolph "succumbed to the coercive pressure exerted by the Justice Department and involuntarily signed the agreement," his suit reads.

Undoubtedly, the DOJ thought at that moment that they had heard the last of Rudolph. Once cleared of any war crimes or wrongdoing and obtaining his German citizenship, however, Rudolph began to question the decision he had made to leave the United States. In the meantime, other German rocket scientists who also came here after the war with Wernher von Braun and put Americans on the Moon, Americans who had worked with the German rocket team, and others, came to Rudolph's defense.

The DOJ, and specifically the OSI, now have their hands full as Rudolph is ready to tell his whole story.