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ID # _____

CO 054

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
 - H - INTERNAL
 - I - INCOMING
- Date Correspondence Received (YY/MM/DD) 88/10/18

Name of Correspondent: Mr. Mrs. Miss Ms. David B. Gardiner, Jr.

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Charges of cover-up by Attorney General and DOJ officials asks for full investigation

ROUTE TO:		ACTION	TRACKING DATE	DISPOSITION
Office/Agency	(Staff Name)	Action Code	YY/MM/DD	Type of Response Code
	<u>Co Dono/on return</u>			
	<u>ColHyde</u>	<u>ORIGINAL</u>	<u>88/10/24</u>	<u>88/11/1</u>
	<u>* CKHOLL</u>	<u>A</u>	<u>88/10/26</u>	<u>88/11/1</u>
	<u>SCRYAN</u>	<u>I</u>	<u>88/10/26</u>	<u>C 8/12/88 PY</u>

SEE ID 615685 CU

- ACTION CODES:**
- A - Appropriate Action
 - C - Comment/Recommendation
 - D - Draft Response
 - F - Furnish Fact Sheet to be used as Enclosure
 - I - Info Copy Only/No Action Necessary
 - R - Direct Reply w/Copy
 - S - For Signature
 - X - Interim Reply
- DISPOSITION CODES:**
- A - Answered
 - B - Non-Special Referral
 - C - Completed
 - S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: Mr. Gardiner forwarded a corrected copy of a C-TRACKED letter which was sent to your office 10/21/88 through regular messenger mail delivery

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOB).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: _____ Individual Codes: _____

Prime Subject Code: _____ Secondary Subject Codes: _____

PRESIDENTIAL REPLY

Code	Date	Comment	Form
C	_____	Time: _____	P-
DSP	_____	Time: _____	Media: _____

SIGNATURE CODES:

- CPn - Presidential Correspondence**
- n - 0 - Unknown
- n - 1 - Ronald Wilson Reagan
- n - 2 - Ronald Reagan
- n - 3 - Ron
- n - 4 - Dutch
- n - 5 - Ron Reagan
- n - 6 - Ronald
- n - 7 - Ronnie

CLn - First Lady's Correspondence

- n - 0 - Unknown
- n - 1 - Nancy Reagan
- n - 2 - Nancy
- n - 3 - Mrs. Ronald Reagan

CBn - Presidential & First Lady's Correspondence

- n - 1 - Ronald Reagan - Nancy Reagan
- n - 2 - Ron - Nancy

MEDIA CODES:

- B - Box/package
- C - Copy
- D - Official document
- G - Message
- H - Handcarried
- L - Letter
- M - Mailgram
- O - Memo
- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

CAD
for review &
advice -

Jeanne -
please take this
to WH Counsel for action.
I've copy to scheduling.
thank me for an info copy as well.
CAD

P.O. Box 1182
Decatur, Alabama 35602
Tel: (205) 353-3238

October 11, 1988

The Honorable Ronald Reagan
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

This necessarily frank and lengthy letter is the result of recent telephone conversations with two White House administrative employees. The subject was the unwarranted treatment German-born rocket pioneer Arthur Rudolph has received at the hands of your administration. After lengthy discussion, it was decided that this letter should be written and routed through the Public Liaison Office.

As I told the young ladies with whom I spoke, abundant proof has been accumulated to show that Justice Department officials:

1. Coerced Dr. Rudolph into leaving the United States in 1984 and subsequently relinquishing his U.S. citizenship.
2. Violated a key provision of a written agreement with Dr. Rudolph by falsely claiming that he had "literally worked thousands of slave laborers to death" at a World War II armaments plant, the large underground Mittelwerk facility near Nordhausen, Germany.
3. Engaged in a continuing cover-up campaign which has involved the Assistant Attorney General level. Consequently, misleading and even false information has been released to inquiring journalists, members of Congress and concerned private citizens.

Due to Dr. Rudolph's former prominence in defense and space undertakings, his case drew so much media coverage that I am sure it attracted your attention. I also understand that one gentleman verbally informed you and Vice-President Bush that the Justice Department's tactics and motives warranted investigation. Therefore, I would be surprised if you did not at some point ask someone on your staff to look into the case. But I would be even more surprised if you heard anything in response except what the wrongdoers wanted you to hear. I say this because I agree with what a respected journalist said to me:

"If the truth had not been withheld from the President, Arthur Rudolph's citizenship would long since have been restored."

You probably were never informed that many concerned citizens have written you urging that the Rudolph case be reviewed. To the best of my knowledge, the letters were ignored. Mine certainly were. I had written because I knew from my own wartime and early postwar dealings with Nordhausen-area prisoners that the "killer-of-thousands" allegation against Dr. Rudolph simply could not be true. The actual villains were the SS officials and their subordinates who had controlled every aspect of the prisoners' existence. This fact is verified in the histories of the American 104th Infantry and 3rd Armored Divisions, elements of which captured the Mittelwerk and the adjoining Dora concentration camp complex.

Another who immediately knew that the vicious allegation was untrue was former Dora/Nordhausen war crimes trial attorney Milton Crook of Towson, Maryland, whose prompt rebuttal to the false claim appeared in the November 17th, 1984 issue of the "Baltimore Sun". Why, the attorney inquired, had Rudolph not been tried in 1947 along with the other defendants? After all, he had been available to U.S. authorities ever since the war ended. And where had the evidence against him been in the interim?

Still another who knew that the Justice Department's claim did not ring true was retired Colonel Milton Hochmuth. As a young lieutenant, he had been the first ordnance officer from the First Army's intelligence staff to interrogate Mittelwerk officials and workers, including forced laborers. Col. Hochmuth's questioning of the Justice allegation was forwarded to the Department by Senator Sam Nunn. But the arguments based on the colonel's firsthand experiences were airily dismissed as "specious". Yet, interspersed throughout nearly two hundred pages of Justice Department transcripts is example after example of the relatively youthful Justice officials' colossal (and twice admitted) ignorance of the actual situation that had existed at the Mittelwerk.

Also amply proven by the recorded words of the Justice officials themselves is the accuracy of the three serious charges I have made against them. It is positively astounding to see how far the officials' own words go toward disproving every charge they have leveled at Dr. Rudolph except two. Small wonder, then, that they feigned righteous indignation when Dr. Rudolph released the transcripts of his meetings with them when word of their malevolent claims reached him in Germany.

According to the Justice Department, the same transcripts provide the "primary evidence" against Dr. Rudolph. However, the transcripts have been reviewed thoroughly by many persons ranging from myself to highly experienced lawyers and journalists. Not a word in the transcripts incriminates Dr. Rudolph, while a great number incriminate his accusers. That is, not a word incriminates Dr. Rudolph unless one agrees with the position revealed by former Justice official, Allan A. Ryan, Jr., in the "Dallas Morning News:" "Once he [Rudolph] admitted to us he had been there, we knew we had him."

The charge that Dr. Rudolph had "been there" was one of the two that cannot be refuted. And it was that vacuous but revealing charge, not an inherent inability to defend himself against any charge of actual wrongdoing, that was one of the determining factors which led to Dr. Rudolph's decision to not contest the allegation that he had "participated in the persecution" of the Mittelwerk's forced laborers. The first factor, of course, was the 77-year-old heart patient's lack of the necessary time, health and money with which to defend himself in a series of protracted court battles.

The third factor was a sordid Justice Department threat that the elderly retiree could lose his pension and his health care protection if he contested his denaturalization and lost the contest, which he was assured was inevitable. Fortunately, and again astoundingly, the Justice Department's denaturalization agreement with Dr. Rudolph confirms that the threat was made even though it could not have been carried out under the law. The record of a September 2, 1983 meeting between Justice officials and Dr. Rudolph's attorney, George H. Main, of San Jose, California, also confirms that the threat was made, albeit less conspicuously.

But getting back to the "having-been-there" factor, this question naturally arises: How could merely having been stationed where atrocities were carried out by persons over whom Dr. Rudolph had absolutely no control be construed as participation in persecution? Because, it was claimed, he had supervised the work of some of the Mittelwerk's forced laborers. And, as recorded by his attorney: "The government's position is that the knowing and affirmative use of slave labor is criminal per se and violative of citizenship requirements." How benignly Dr. Rudolph might have treated the workers assigned to his V-2 missile assembly department did not matter. Neither did the well-documented fact that the workers had been used in accordance with orders issued by Alolph Hitler weeks before Dr. Rudolph was ordered to leave the Von Braun rocket development team at Peenemunde and go to the Mittelwerk. ("Fuehrer Protokol", August 18-23, 1943.)

As to his having "been there", Justice official Neal Sher himself said to Dr. Rudolph on October 13, 1982, "Your work in Mittelwerk is why the United States brought you here, that's pretty fair to say, isn't it?" And numerous recorded statements by the same individual show that Justice officials have known from the beginning that governmental and other records document the fact that Dr. Rudolph had supervised forced laborers, but in technical matters only. So again, how could a widely known fact that had not precluded Dr. Rudolph's being invited by our government to come to the U.S. in 1945 and being granted citizenship in 1954 be used to deprive him of citizenship in 1984?

The reply was to the effect that the 1979 Holtzman Amendment to U.S. immigration and naturalization law calls for the deportation of persons who had participated in the persecution of victims of Nazi discriminatory practice. Since the use of forced labor was now considered to amount to participation in persecution, it was claimed that Arthur Rudolph had to go.

Fearing to risk his ability to support himself and his wife, the bewildered retiree bowed to coercion. But he did so only after having obtained in writing the solemn, but soon broken, pledge that the Justice Department would allege nothing about him other than the contents of an agreed-upon written statement. The statement was to have been to the effect that Dr. Rudolph had been apprised of the Justice Department's allegation that he had participated in the persecution of forced laborers, including concentration camp inmates, and had elected to leave the country and relinquish his citizenship rather than contest the allegation. As has been seen, participation in persecution need not, by the Justice Department's own definition, involve personal wrongdoing at all.

The matter would have ended there if the Justice Department had honored the pledge it had made in the name of "The United States of America". But the pledge was broken as soon as Dr. Rudolph was safely out of the way. And there can be only one reason why the Justice Department broke the pledge: The cruel and baseless charge that the prominent German-born citizen had caused thousands of deaths was fabricated in order to gain favorable attention while hiding the Department's sordid and illegal treatment of a man Justice officials knew to be innocent by any ethical standard. Mr. President, this action by your subordinates amounts to a flagrant breach of contract, one that in itself should result in the prompt restoration of Dr. Rudolph's citizenship.

So, Dr. Rudolph has been tried in the press on a trumped-up charge never made to his face. And the Justice

Department has subsequently attempted to hoodwink Congress and the public into believing that its justifications for its actions refer to the killer-of-thousands allegation instead of its feeble "having-been-there" case. Requests for concrete proof of its publicly aired charges against the victim of the senseless vendetta are routinely answered by:

- (1) Prattle about Dr. Rudolph's deposition having provided "incontrovertible evidence," and
- (2) The issue-avoiding claim that "his refusal to contest the allegations of his own participation in such persecution and his subsequent departure from the United States speak strongly in support of those allegations."

Needless to say, reference to the coercive threats that actually led to Dr. Rudolph's "voluntary departure" is avoided like the plague when officials such as Assistant Attorney General John R. Bolton and his deputy, Mark M. Richard, are forced to respond to the congressional inquiries.

As to the Justice Department's combination crutch and weapon, the Holtzman Amendment, its vague wording gravely concerned the Carter administration and five House Judiciary Committee members. Consequently, all opposed the amendment's passage unless its wording were changed to "contain a precise definition of those acts which would render an alien ineligible under the provisions of this bill." The dissenting congressmen, two of whom you probably know well - former Rep. Wiggins of California and Rep. Hyde of Illinois - also objected to the bill's obvious ex post facto nature and its kinship to a bill of attainder. The bipartisan group predicted presciently that persons who did not deserve to be deported could well end up facing deportation charges unless the flawed wording was changed. Nevertheless, a heavily pressured 95th Congress left the wording unchanged in the announced interest of providing case-by-case "flexibility".

I do not know why (or if) President Carter signed the Holtzman Amendment. Assuming that he did sign, perhaps it was because Congress, to its credit, did stipulate elsewhere that "the conduct envisioned must be of a deliberate and severe nature . . ." ("Legislative History, P.L. 95-549," page 4706). I hope you will agree, sir, that the congressional criteria are far, far removed from your Justice Department's criterion of guilt by virtue of involuntary association.

But what about the second of the two allegations which Dr. Rudolph could not refute? It was this: Justice officials informed Dr. Rudolph's attorney that his client had admitted to

having "on one occasion" been guilty of "taking schnapps with camp Kommandant Foerschner." Indeed he had. But the crime appears less heinous when one considers the possibility that the offending cup of cheer was proffered by SS Major Otto Foerschner in his capacity as a member of the Mittelwerk's board of directors instead of in his role as head of the Dora concentration camp complex. The Major cannot enlighten us, however, for competent American authorities found him guilty of the charges for which Dr. Rudolph has been falsely accused by incompetent authorities, so he, the major, was executed more than forty years ago.

Finally, Mr. President, there is the matter of common sense raised by former war crimes trial attorney Milton Crook: If Dr. Rudolph had caused suffering and death, why was he not charged, tried, convicted, and executed along with SS Major Foerschner? In that connection, you will recall having recently sent a thoughtful (and much appreciated) letter of welcome to the attendees of the Washington-area reunion of former members of the 104th Infantry Division, co-liberators of the Dora prisoners. As many attendees could have attested, droves of the liberated prisoners were immediately available to U.S. authorities in April 1945. And I believe you will not disagree when I say that the former forced laborers certainly knew who had persecuted them and who had not. But your Justice Department apparently would have the world believe that it somehow slipped the minds of the vengeance-minded political prisoners that Arthur Rudolph had been their worst persecutor and the chief agent of death among their fellow inmates! I cannot believe that you or any other thinking person could subscribe to such reasoning.

In the name of common sense as well as the American principles of justice you value so highly, Mr. President, please appoint a competent and impartial person or group to meet soon with one or two Rudolph supporters and an attorney to review the case for Dr. Rudolph and the case against the Justice Department. Do not leave to the next administration the righting of a tragic wrong. Surely, this much at least is owed to the man who, more than any other living person, is responsible for giving us the Pershing missile and the giant Saturn V rockets that boosted Americans to the moon.

The favor of an early reply is requested.

Respectfully,

David B. Gardiner, Jr.
David B. Gardiner, Jr.

7

having "on the occasion" been guilty of "taking hostages with
any kind of terrorism." Indeed he had, but the crime
appears less heinous when one considers the possibility that the
offending act of threat was professed by SS Major Otto Rosenberg
in his capacity as a member of the Reichswehr's board of directors
and instead of in his role as head of the Luftwaffe's
army corps. The latter cannot be held responsible for com-
mitted American authorities found him guilty of the charges for
which Dr. Kubitzin has been falsely accused by incompetent author-
ities, so he, the major, was executed more than forty years ago.

Finally, Mr. President, there is the matter of common sense
raised by former war crimes trial attorney Milton Erick: If Dr.
Kubitzin had caused suffering and death, why was he not charged,
tried, convicted, and executed along with SS Major Rosenberg?
In that connection, you will recall having recently sent a
telegram (and such appreciated) letter of welcome to the
officers of the Washington area region of former members of
the 10th Army Division, as they left the area of the
war. As you are aware, they have returned to their homes
and their families were tremendously grateful to US soldiers
after in April 1945. And I believe you will not disagree when
I say that the former (and latter) soldiers certainly know the
difference between what was and what is. If your President
apparently would have the world believe that I, Kubitzin, signed
the receipt for the surrender of the German prisoners of war
after Rosenberg had been held, what difference and the initial
agent of death would their fellow soldiers I know believe
that you or any other American would ever subscribe to such
a proposal.

In the case of common sense as well as the justice of
the cause of justice you will recall, Mr. President, I have
applied a common sense and logical basis of justice to what
with one of the Kubitzin supporters and in order to advise the
case for Dr. Kubitzin and the case against the "Kubitzin Party."
When I do not leave to the next administration the question of a
trial would likely be held at least as long as the
who were that any other living person, is known to the
the Kubitzin Party and the "Kubitzin Party" would be
beholden to the cause.

The favor of an early reply is requested.

Respectfully,

David M. Gubinski, Jr.
President, Kubitzin Party

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

- O - OUTGOING
 H - INTERNAL
 I - INCOMING
 Date Correspondence Received (YY/MM/DD) 1 / 1

Dear

Name of Correspondent: David B. Gardner

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Alleged unwarranted treatment of German-born rocket pioneer Arthur Rudolph

ROUTE TO:	ACTION	DISPOSITION
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD
<u>cu holl</u>	ORIGINATOR	<u>88/11/07</u>
<u>cuat 24</u>	Referral Note:	<u>REC 88/11/08</u>
	Referral Note:	<u>5 88/11/18</u>
	Referral Note:	<u>1 1</u>
	Referral Note:	<u>1 1</u>
	Referral Note:	<u>1 1</u>
	Referral Note:	<u>1 1</u>

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RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: L Individual Codes: 4000 _____

Prime Subject Code: 00 054 Secondary Subject Codes: IM FE 017 _____
FE 022 _____

PRESIDENTIAL REPLY

Code	Date	Comment	Form
C	_____	Time: _____	P- _____
DSP	_____	Time: _____	Media: _____

SIGNATURE CODES:

CPn - Presidential Correspondence
 n - 0 - Unknown
 n - 1 - Ronald Wilson Reagan
 n - 2 - Ronald Reagan
 n - 3 - Ron
 n - 4 - Dutch
 n - 5 - Ron Reagan
 n - 6 - Ronald
 n - 7 - Ronnie

CLn - First Lady's Correspondence
 n - 0 - Unknown
 n - 1 - Nancy Reagan
 n - 2 - Nancy
 n - 3 - Mrs. Ronald Reagan

CBn - Presidential & First Lady's Correspondence
 n - 1 - Ronald Reagan - Nancy Reagan
 n - 2 - Ron - Nancy

MEDIA CODES:

B - Box/package
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 H - Handcarried
 L - Letter
 M - Mailgram
 O - Memo
 P - Photo
 R - Report
 S - Sealed
 T - Telegram
 V - Telephone
 X - Miscellaneous
 Y - Study

2
10/18/88

Dear Sirs:

61568504

Last week I sent a letter to President Reagan through your office. The subject was Dr. Arthur Rudolph's loss of citizenship as a result of improper actions by Justice Department officials. Due to a combination of my poor handwriting, a new typist and a very strong-willed word processor, there were several typographical and spelling errors in the letter. Therefore, I'd appreciate it very much if you would substitute the enclosed corrected copies for the ones I sent you. The corrections in no way alter the sense of my original letter. One correction was to the date shown for passage of the Holtzman Amendment. Another was in the spelling of Adolf Hitler's name. The rest were typing and punctuation corrections.

Please accept my apology for having inconvenienced you.

David B. Gardiner,
Jr.

*C U -
Sent Original*

P.O. Box 1182
Decatur, Alabama 35602
Tel: (205) 353-3238

October 11, 1988

The Honorable Ronald Reagan
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

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3. Engaged in a continuing cover-up campaign which has involved the Assistant Attorney General level. Consequently, misleading and even false information has been released to inquiring journalists, members of Congress and concerned private citizens.

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88 NOV 7 P 2: 27

"If the truth had not been withheld from the President, Arthur Rudolph's citizenship would long since have been restored."

You probably were never informed that many concerned citizens have written you urging that the Rudolph case be reviewed. To the best of my knowledge, the letters were ignored. Mine certainly were. I had written because I knew from my own wartime and early postwar dealings with Nordhausen-area prisoners that the "killer-of-thousands" allegation against Dr. Rudolph simply could not be true. The actual villains were the SS officials and their subordinates who had controlled every aspect of the prisoners' existence. This fact is verified in the histories of the American 104th Infantry and 3rd Armored Divisions, elements of which captured the Mittelwerk and the adjoining Dora concentration camp complex.

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According to the Justice Department, the same transcripts provide the "primary evidence" against Dr. Rudolph. However, the transcripts have been reviewed thoroughly by many persons ranging from myself to highly experienced lawyers and journalists. Not a word in the transcripts incriminates Dr. Rudolph, while a great number incriminate his accusers. That is, not a word incriminates Dr. Rudolph unless one agrees with the position revealed by former Justice official, Allan A. Ryan, Jr., in the "Dallas Morning News:" "Once he [Rudolph] admitted to us he had been there, we knew we had him."

The charge that Dr. Rudolph had "been there" was one of the two that cannot be refuted. And it was that vacuous but revealing charge, not an inherent inability to defend himself against any charge of actual wrongdoing, that was one of the determining factors which led to Dr. Rudolph's decision to not contest the allegation that he had "participated in the persecution" of the Mittelwerk's forced laborers. The first factor, of course, was the 77-year-old heart patient's lack of the necessary time, health and money with which to defend himself in a series of protracted court battles.

The third factor was a sordid Justice Department threat that the elderly retiree could lose his pension and his health care protection if he contested his denaturalization and lost the contest, which he was assured was inevitable. Fortunately, and again astoundingly, the Justice Department's denaturalization agreement with Dr. Rudolph confirms that the threat was made even though it could not have been carried out under the law. The record of a September 2, 1983 meeting between Justice officials and Dr. Rudolph's attorney, George H. Main, of San Jose, California, also confirms that the threat was made, albeit less conspicuously.

But getting back to the "having-been-there" factor, this question naturally arises: How could merely having been stationed where atrocities were carried out by persons over whom Dr. Rudolph had absolutely no control be construed as participation in persecution? Because, it was claimed, he had supervised the work of some of the Mittelwerk's forced laborers. And, as recorded by his attorney: "The government's position is that the knowing and affirmative use of slave labor is criminal per se and violative of citizenship requirements." How benignly Dr. Rudolph might have treated the workers assigned to his V-2 missile assembly department did not matter. Neither did the well-documented fact that the workers had been used in accordance with orders issued by Adolf Hitler weeks before Dr. Rudolph was ordered to leave the Von Braun rocket development team at Peenemunde and go to the Mittelwerk. ("Fuehrer Protokoll," August 18-23, 1943.)

As to his having "been there", Justice official Neal Sher himself said to Dr. Rudolph on October 13, 1982, "Your work in Mittelwerk is why the United States brought you here, that's pretty fair to say, isn't it?" And numerous recorded statements by the same individual show that Justice officials have known from the beginning that governmental and other records document the fact that Dr. Rudolph had supervised forced laborers, but in technical matters only. So again, how could a widely known fact that had not precluded Dr. Rudolph's being invited by our government to come to the U.S. in 1945 and being granted citizenship in 1954 be used to deprive him of citizenship in 1984?

The reply was to the effect that the 1978 Holtzman Amendment to U.S. immigration and naturalization law calls for the deportation of persons who had participated in the persecution of victims of Nazi discriminatory practice. Since the use of forced labor was now considered to amount to participation in persecution, it was claimed that Arthur Rudolph had to go.

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David B. Gardiner, Jr.
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P.O. Box 1182
Decatur, Alabama 35602
Tel: (205) 353-3238

October 11, 1988

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Washington, D.C. 20500

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The third factor was a sordid Justice Department threat that the elderly retiree could lose his pension and his health care protection if he contested his denaturalization and lost the contest, which he was assured was inevitable. Fortunately, and again astoundingly, the Justice Department's denaturalization agreement with Dr. Rudolph confirms that the threat was made even though it could not have been carried out under the law. The record of a September 2, 1983 meeting between Justice officials and Dr. Rudolph's attorney, George H. Main, of San Jose, California, also confirms that the threat was made, albeit less conspicuously.

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The reply was to the effect that the 1978 Holtzman Amendment to U.S. immigration and naturalization law calls for the deportation of persons who had participated in the persecution of victims of Nazi discriminatory practice. Since the use of forced labor was now considered to amount to participation in persecution, it was claimed that Arthur Rudolph had to go.

Fearing to risk his ability to support himself and his wife, the bewildered retiree bowed to coercion. But he did so only after having obtained in writing the solemn, but soon broken, pledge that the Justice Department would allege nothing about him other than the contents of an agreed-upon written statement. The statement was to have been to the effect that Dr. Rudolph had been apprised of the Justice Department's allegation that he had participated in the persecution of forced laborers, including concentration camp inmates, and had elected to leave the country and relinquish his citizenship rather than contest the allegation. As has been seen, participation in persecution need not, by the Justice Department's own definition, involve personal wrongdoing at all.

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THE WHITE HOUSE

WASHINGTON

January 18, 1989

MEMORANDUM FOR ROBERT YAHN

DIRECTOR, OFFICE OF EXECUTIVE SECRETARIAT
DEPARTMENT OF JUSTICE

FROM:

C. DEAN MCGRATH, JR. *C. Dean McGrath, Jr.*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT:

Correspondence from David B. Gardiner, Jr.
Concerning the Investigation of Charges of a
Cover-up Regarding Treatment of Arthur Rudolph

The attached correspondence from David B. Gardiner, Jr., concerning the above-referenced matter is being referred to you for whatever action, if any, you deem appropriate.

Attachment

cc: Frederick J. Ryan, Jr.

P.O. Box 1182
Decatur, Alabama 35602
Tel: (205) 353-3238

October 11, 1988

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**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

- O - OUTGOING
 - H - INTERNAL
 - I - INCOMING
- Date Correspondence Received (YY/MM/DD) 1/1

Name of Correspondent: Fred Ryan

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Scheduling Recommendation -- Investigation of charges of a cover-up by DOT officials regarding treatment of Arthur Rudolph

ROUTE TO:	ACTION	DISPOSITION
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD
<u>cuhol</u>	ORIGINATOR	<u>88,11,10</u>
<u>cuat (24)</u>	Referral Note: <u>R</u>	<u>88,11,10</u>
	Referral Note:	<u>588,11,15</u>
	Referral Note:	<u>1/1</u>
	Referral Note:	<u>1/1</u>
	Referral Note:	<u>1/1</u>
	Referral Note:	<u>1/1</u>

- ACTION CODES:**
- A - Appropriate Action
 - C - Comment/Recommendation
 - D - Draft Response
 - F - Furnish Fact Sheet to be used as Enclosure
 - I - Info Copy Only/No Action Necessary
 - R - Direct Reply w/Copy
 - S - For Signature
 - X - Interim Reply

- DISPOSITION CODES:**
- A - Answered
 - B - Non-Special Referral
 - C - Completed
 - S - Suspended

FOR OUTGOING CORRESPONDENCE:
 Type of Response = Initials of Signer
 Code = "A"
 Completion Date = Date of Outgoing

Comments: See ID 615685 CU

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PRESIDENTIAL REPLY

Code	Date	Comment	Form
C	_____	Time: _____	P- _____
DSP	_____	Time: _____	Media: _____

SIGNATURE CODES:

- CPn - Presidential Correspondence**
- n - 0 - Unknown
- n - 1 - Ronald Wilson Reagan
- n - 2 - Ronald Reagan
- n - 3 - Ron
- n - 4 - Dutch
- n - 5 - Ron Reagan
- n - 6 - Ronald
- n - 7 - Ronnie

- CLn - First Lady's Correspondence**
- n - 0 - Unknown
- n - 1 - Nancy Reagan
- n - 2 - Nancy
- n - 3 - Mrs. Ronald Reagan

- CBn - Presidential & First Lady's Correspondence**
- n - 1 - Ronald Reagan - Nancy Reagan
- n - 2 - Ron - Nancy

MEDIA CODES:

- B - Box/package
- C - Copy
- D - Official document
- G - Message
- H - Handcarried
- L - Letter
- M - Mailgram
- O - Memo
- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

THE WHITE HOUSE

WASHINGTON

November 8, 1988

RESPONSE DUE DATE: November 15, 1988

REQUEST FOR SCHEDULING RECOMMENDATION

MEMORANDUM FOR: MARLIN FITZWATER JIM MANNING
 JACK COURTEMANCHE NANCY RISQUE
 PAUL STEVENS BOB TUTTLE
 JAMES MCKINNEY ARTHUR CULVAHOUSE
 FRANK DONATELLI ALAN KRANOWITZ
 REBECCA RANGE DAN CRIPPEN
 MARI MASENG GARY BAUER
 ELIZABETH BOARD JIM HOOLEY
 JIM KUHN KATHY OSBORNE

FROM: **FREDERICK J. RYAN, JR.**
PRESIDENTIAL APPOINTMENTS AND SCHEDULING

Please provide your recommendation on the following scheduling request:

EVENT: Charges of cover-up by the Attorney and DOJ officials from
the treatment of Arthur Rudolph. Asks for an investigation.

DATE:

LOCATION:

Additional information concerning this event is attached.

YOUR RECOMMENDATION:

Accept _____ Regret _____ Surrogate _____ Message _____
Priority _____ Video _____
Routine _____ Written _____

If your recommendation is to accept, please cite reasons below:

PLEASE RETURN TO SANDY WARFIELD IN OEOB, ROOM 182 BY THE
RESPONSE DUE DATE ABOVE SO THAT YOUR COMMENTS MAY BE
CONSIDERED AS WE PROCEED WITH THIS REQUEST. THANK YOU.

22



THE WHITE HOUSE

WASHINGTON, D.C.

RECEIVED THIS DATE: _____

THE PRESIDENT OF THE UNITED STATES

<input type="checkbox"/>	MR. TOLSON	<input type="checkbox"/>	MR. BOARDMAN
<input type="checkbox"/>	MR. CLEGG	<input type="checkbox"/>	MR. WINTERROWD
<input type="checkbox"/>	MR. GLAVIN	<input type="checkbox"/>	MR. HARBO
<input type="checkbox"/>	MR. LADD	<input type="checkbox"/>	MR. MOHR
<input type="checkbox"/>	MR. NICHOLS	<input type="checkbox"/>	MR. ROSEN
<input type="checkbox"/>	MR. TRACY	<input type="checkbox"/>	MR. WOOD
<input type="checkbox"/>	MR. BELMONT	<input type="checkbox"/>	MR. GALE
<input type="checkbox"/>	MR. DELOACH	<input type="checkbox"/>	MR. RUCKELSHAUS
<input type="checkbox"/>	MR. MOHR	<input type="checkbox"/>	MR. TAVEL
<input type="checkbox"/>	MR. WINTERROWD	<input type="checkbox"/>	MR. WOOD

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ATTEST:

615685CU
C0054

THE WHITE HOUSE
WASHINGTON

January 18, 1989

File

MEMORANDUM FOR ROBERT YAHN
DIRECTOR, OFFICE OF EXECUTIVE SECRETARIAT
DEPARTMENT OF JUSTICE

FROM: C. DEAN MCGRATH, JR. *CDM*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence from David B. Gardiner, Jr.
Concerning the Investigation of Charges of a
Cover-up Regarding Treatment of Arthur Rudolph

The attached correspondence from David B. Gardiner, Jr., concerning the above-referenced matter is being referred to you for whatever action, if any, you deem appropriate.

Attachment

cc: Frederick J. Ryan, Jr.

P.O. Box 1182
Decatur, Alabama 35602
Tel: (205) 353-3238

October 11, 1988

The Honorable Ronald Reagan
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

This necessarily frank and lengthy letter is the result of recent telephone conversations with two White House administrative employees. The subject was the unwarranted treatment German-born rocket pioneer Arthur Rudolph has received at the hands of your administration. After lengthy discussion, it was decided that this letter should be written and routed through the Public Liaison Office.

As I told the young ladies with whom I spoke, abundant proof has been accumulated to show that Justice Department officials:

1. Coerced Dr. Rudolph into leaving the United States in 1984 and subsequently relinquishing his U.S. citizenship.
2. Violated a key provision of a written agreement with Dr. Rudolph by falsely claiming that he had "literally worked thousands of slave laborers to death" at a World War II armaments plant, the large underground Mittelwerk facility near Nordhausen, Germany.
3. Engaged in a continuing cover-up campaign which has involved the Assistant Attorney General level. Consequently, misleading and even false information has been released to inquiring journalists, members of Congress and concerned private citizens.

Due to Dr. Rudolph's former prominence in defense and space undertakings, his case drew so much media coverage that I am sure it attracted your attention. I also understand that one gentleman verbally informed you and Vice-President Bush that the Justice Department's tactics and motives warranted investigation. Therefore, I would be surprised if you did not at some point ask someone on your staff to look into the case. But I would be even more surprised if you heard anything in response except what the wrongdoers wanted you to hear. I say this because I agree with what a respected journalist said to me:

"If the truth had not been withheld from the President, Arthur Rudolph's citizenship would long since have been restored."

You probably were never informed that many concerned citizens have written you urging that the Rudolph case be reviewed. To the best of my knowledge, the letters were ignored. Mine certainly were. I had written because I knew from my own wartime and early postwar dealings with Nordhausen-area prisoners that the "killer-of-thousands" allegation against Dr. Rudolph simply could not be true. The actual villains were the SS officials and their subordinates who had controlled every aspect of the prisoners' existence. This fact is verified in the histories of the American 104th Infantry and 3rd Armored Divisions, elements of which captured the Mittelwerk and the adjoining Dora concentration camp complex.

Another who immediately knew that the vicious allegation was untrue was former Dora/Nordhausen war crimes trial attorney Milton Crook of Towson, Maryland, whose prompt rebuttal to the false claim appeared in the November 17th, 1984 issue of the "Baltimore Sun". Why, the attorney inquired, had Rudolph not been tried in 1947 along with the other defendants? After all, he had been available to U.S. authorities ever since the war ended. And where had the evidence against him been in the interim?

Still another who knew that the Justice Department's claim did not ring true was retired Colonel Milton Hochmuth. As a young lieutenant, he had been the first ordnance officer from the First Army's intelligence staff to interrogate Mittelwerk officials and workers, including forced laborers. Col. Hochmuth's questioning of the Justice allegation was forwarded to the Department by Senator Sam Nunn. But the arguments based on the colonel's firsthand experiences were airily dismissed as "specious". Yet, interspersed throughout nearly two hundred pages of Justice Department transcripts is example after example of the relatively youthful Justice officials' colossal (and twice admitted) ignorance of the actual situation that had existed at the Mittelwerk.

Also amply proven by the recorded words of the Justice officials themselves is the accuracy of the three serious charges I have made against them. It is positively astounding to see how far the officials' own words go toward disproving every charge they have leveled at Dr. Rudolph except two. Small wonder, then, that they feigned righteous indignation when Dr. Rudolph released the transcripts of his meetings with them when word of their malevolent claims reached him in Germany.

According to the Justice Department, the same transcripts provide the "primary evidence" against Dr. Rudolph. However, the transcripts have been reviewed thoroughly by many persons ranging from myself to highly experienced lawyers and journalists. Not a word in the transcripts incriminates Dr. Rudolph, while a great number incriminate his accusers. That is, not a word incriminates Dr. Rudolph unless one agrees with the position revealed by former Justice official, Allan A. Ryan, Jr., in the "Dallas Morning News:" "Once he [Rudolph] admitted to us he had been there, we knew we had him."

The charge that Dr. Rudolph had "been there" was one of the two that cannot be refuted. And it was that vacuous but revealing charge, not an inherent inability to defend himself against any charge of actual wrongdoing, that was one of the determining factors which led to Dr. Rudolph's decision to not contest the allegation that he had "participated in the persecution" of the Mittelwerk's forced laborers. The first factor, of course, was the 77-year-old heart patient's lack of the necessary time, health and money with which to defend himself in a series of protracted court battles.

The third factor was a sordid Justice Department threat that the elderly retiree could lose his pension and his health care protection if he contested his denaturalization and lost the contest, which he was assured was inevitable. Fortunately, and again astoundingly, the Justice Department's denaturalization agreement with Dr. Rudolph confirms that the threat was made even though it could not have been carried out under the law. The record of a September 2, 1983 meeting between Justice officials and Dr. Rudolph's attorney, George H. Main, of San Jose, California, also confirms that the threat was made, albeit less conspicuously.

But getting back to the "having-been-there" factor, this question naturally arises: How could merely having been stationed where atrocities were carried out by persons over whom Dr. Rudolph had absolutely no control be construed as participation in persecution? Because, it was claimed, he had supervised the work of some of the Mittelwerk's forced laborers. And, as recorded by his attorney: "The government's position is that the knowing and affirmative use of slave labor is criminal per se and violative of citizenship requirements." How benignly Dr. Rudolph might have treated the workers assigned to his V-2 missile assembly department did not matter. Neither did the well-documented fact that the workers had been used in accordance with orders issued by Alolph Hitler weeks before Dr. Rudolph was ordered to leave the Von Braun rocket development team at Peenemunde and go to the Mittelwerk. ("Fuehrer Protokol", August 18-23, 1943.)

As to his having "been there", Justice official Neal Sher himself said to Dr. Rudolph on October 13, 1982, "Your work in Mittelwerk is why the United States brought you here, that's pretty fair to say, isn't it?" And numerous recorded statements by the same individual show that Justice officials have known from the beginning that governmental and other records document the fact that Dr. Rudolph had supervised forced laborers, but in technical matters only. So again, how could a widely known fact that had not precluded Dr. Rudolph's being invited by our government to come to the U.S. in 1945 and being granted citizenship in 1954 be used to deprive him of citizenship in 1984?

The reply was to the effect that the 1979 Holtzman Amendment to U.S. immigration and naturalization law calls for the deportation of persons who had participated in the persecution of victims of Nazi discriminatory practice. Since the use of forced labor was now considered to amount to participation in persecution, it was claimed that Arthur Rudolph had to go.

Fearing to risk his ability to support himself and his wife, the bewildered retiree bowed to coercion. But he did so only after having obtained in writing the solemn, but soon broken, pledge that the Justice Department would allege nothing about him other than the contents of an agreed-upon written statement. The statement was to have been to the effect that Dr. Rudolph had been apprised of the Justice Department's allegation that he had participated in the persecution of forced laborers, including concentration camp inmates, and had elected to leave the country and relinquish his citizenship rather than contest the allegation. As has been seen, participation in persecution need not, by the Justice Department's own definition, involve personal wrongdoing at all.

The matter would have ended there if the Justice Department had honored the pledge it had made in the name of "The United States of America". But the pledge was broken as soon as Dr. Rudolph was safely out of the way. And there can be only one reason why the Justice Department broke the pledge: The cruel and baseless charge that the prominent German-born citizen had caused thousands of deaths was fabricated in order to gain favorable attention while hiding the Department's sordid and illegal treatment of a man Justice officials knew to be innocent by any ethical standard. Mr. President, this action by your subordinates amounts to a flagrant breach of contract, one that in itself should result in the prompt restoration of Dr. Rudolph's citizenship.

So, Dr. Rudolph has been tried in the press on a trumped-up charge never made to his face. And the Justice

Department has subsequently attempted to hoodwink Congress and the public into believing that its justifications for its actions refer to the killer-of-thousands allegation instead of its feeble "having-been-there" case. Requests for concrete proof of its publicly aired charges against the victim of the senseless vendetta are routinely answered by:

- (1) Prattle about Dr. Rudolph's deposition having provided "incontrovertible evidence," and
- (2) The issue-avoiding claim that "his refusal to contest the allegations of his own participation in such persecution and his subsequent departure from the United States speak strongly in support of those allegations."

Needless to say, reference to the coercive threats that actually led to Dr. Rudolph's "voluntary departure" is avoided like the plague when officials such as Assistant Attorney General John R. Bolton and his deputy, Mark M. Richard, are forced to respond to the congressional inquiries.

As to the Justice Department's combination crutch and weapon, the Holtzman Amendment, its vague wording gravely concerned the Carter administration and five House Judiciary Committee members. Consequently, all opposed the amendment's passage unless its wording were changed to "contain a precise definition of those acts which would render an alien ineligible under the provisions of this bill." The dissenting congressmen, two of whom you probably know well - former Rep. Wiggins of California and Rep. Hyde of Illinois - also objected to the bill's obvious ex post facto nature and its kinship to a bill of attainder. The bipartisan group predicted presciently that persons who did not deserve to be deported could well end up facing deportation charges unless the flawed wording was changed. Nevertheless, a heavily pressured 95th Congress left the wording unchanged in the announced interest of providing case-by-case "flexibility".

I do not know why (or if) President Carter signed the Holtzman Amendment. Assuming that he did sign, perhaps it was because Congress, to its credit, did stipulate elsewhere that "the conduct envisioned must be of a deliberate and severe nature . . ." ("Legislative History, P.L. 95-549," page 4706). I hope you will agree, sir, that the congressional criteria are far, far removed from your Justice Department's criterion of guilt by virtue of involuntary association.

But what about the second of the two allegations which Dr. Rudolph could not refute? It was this: Justice officials informed Dr. Rudolph's attorney that his client had admitted to

having "on one occasion" been guilty of "taking schnapps with camp Kommandant Foerschner." Indeed he had. But the crime appears less heinous when one considers the possibility that the offending cup of cheer was proffered by SS Major Otto Foerschner in his capacity as a member of the Mittelwerk's board of directors instead of in his role as head of the Dora concentration camp complex. The Major cannot enlighten us, however, for competent American authorities found him guilty of the charges for which Dr. Rudolph has been falsely accused by incompetent authorities, so he, the major, was executed more than forty years ago.

Finally, Mr. President, there is the matter of common sense raised by former war crimes trial attorney Milton Crook: If Dr. Rudolph had caused suffering and death, why was he not charged, tried, convicted, and executed along with SS Major Foerschner? In that connection, you will recall having recently sent a thoughtful (and much appreciated) letter of welcome to the attendees of the Washington-area reunion of former members of the 104th Infantry Division, co-liberators of the Dora prisoners. As many attendees could have attested, droves of the liberated prisoners were immediately available to U.S. authorities in April 1945. And I believe you will not disagree when I say that the former forced laborers certainly knew who had persecuted them and who had not. But your Justice Department apparently would have the world believe that it somehow slipped the minds of the vengeance-minded political prisoners that Arthur Rudolph had been their worst persecutor and the chief agent of death among their fellow inmates! I cannot believe that you or any other thinking person could subscribe to such reasoning.

In the name of common sense as well as the American principles of justice you value so highly, Mr. President, please appoint a competent and impartial person or group to meet soon with one or two Rudolph supporters and an attorney to review the case for Dr. Rudolph and the case against the Justice Department. Do not leave to the next administration the righting of a tragic wrong. Surely, this much at least is owed to the man who, more than any other living person, is responsible for giving us the Pershing missile and the giant Saturn V rockets that boosted Americans to the moon.

The favor of an early reply is requested.

Respectfully,

David B. Gardiner, Jr.
David B. Gardiner, Jr.

