

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
DAYTON DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ILDEFONSAS BUCMYS,

Defendant.

Civil Action

No: C-3-02-413

Chief Judge Walter Herbert Rice

AFFIDAVIT

I, Jeffrey N. Mausner, declare under penalty of perjury as follows:

1. I am currently employed as an attorney in private practice with the firm of Berman, Mausner & Resser in Los Angeles, California. I am also an Adjunct Professor of Law at Southwestern University Law School, where I teach courses in intellectual property law and Internet and computer law. I graduated from Cornell Law School in 1976 and am a member of the bar in California, New York, Colorado, and the District of Columbia.

2. I was employed as a Trial Attorney in the Office of Special Investigations in the United States Department of Justice from approximately the summer of 1979 to December 1985. The Office of Special Investigations (OSI) was set up in the Criminal Division of the Justice Department around that time, to investigate and take legal action to denaturalize and/or deport

U.S. residents who had assisted in Nazi-sponsored acts of persecution, and to prevent such persons from entering the United States.

3. In 1978, Congress had enacted an amendment to the Immigration and Nationality Act (INA) known as the Holtzman Amendment. The Holtzman Amendment provided, in essence, that persons who had ordered, incited, assisted, or otherwise participated in Nazi-sponsored acts of persecution during World War II were inadmissible to and deportable from the United States.

4. My primary responsibility at OSI was to prosecute denaturalization and deportation cases involving U.S. residents who had assisted in Nazi-sponsored acts of persecution, and persons who had misrepresented or concealed their wartime activities on a visa application or application for naturalization. In addition, I served as OSI's liaison with the State Department and the Immigration & Naturalization Service (INS) with respect to cases involving suspected Nazi persecutors who were seeking a visa or naturalization as a U.S. citizen.

5. I recognize the attached document as an Application for Naturalization ("Form N-400," or "N-400").

6. Questions 2a, 2b, and 3 in Part 7 of this N-400 were added to the form at OSI's request. Early in my employment with OSI (I believe it was in 1980), I personally drafted these questions. Following a review by the Director of OSI, the questions were forwarded to INS and were incorporated into the N-400.

7. The purpose of adding these questions to the form was to prevent the naturalization of persons who had assisted in Nazi-sponsored acts of persecution, and to facilitate finding people who were deportable from the United States on that basis.

8. Questions 2a and 2b ask about persons who had served in various groups, including a "military unit, paramilitary unit, police unit, self-defense unit," etc. They also ask about persons who had served at an "extermination camp, concentration camp, prisoner of war camp, prison, labor camp," etc. The questions were worded this way because many people who served in such units or at such camps during World War II assisted in Nazi persecution, and were thus ineligible for citizenship and deportable from the United States under the Holtzman Amendment.

9. Question 3 directly asked the applicant if he/she had ever assisted in persecution.

10. Questions 2a and 2b were included on the N-400 because we believed that some persons who had served in such units or at such camps would not admit that they had assisted in persecution. Questions 2a and 2b were intended to be factually objective questions regarding an applicant's wartime service and activities, and we believed that persons who had served in the type of units or camps enumerated in those questions might admit their service if asked to do so, even if they denied that they had assisted in persecution.

11. Once these questions had been added to the N-400, they were taken very seriously, and the answers to these questions were considered by the Justice Department to be highly material to an individual's eligibility for citizenship.

12. During my employment at OSI, I received telephone calls from naturalization examiners relating to questions 2a, 2b, and 3. (By "naturalization examiner," I am referring to the INS officials who reviewed and adjudicated applications for naturalization.) Typically, the examiners called OSI after an applicant for naturalization had admitted serving in a Nazi-

controlled unit during World War II, such as a Schutzmannschaft battalion, or had stated that the answer to one of these questions was "yes." On information and belief, INS personnel were instructed to call OSI if anyone answered "yes" to these questions.

13. I have personal knowledge of the standard procedures OSI followed when such calls were received. The standard procedures required that I tell the examiner that the person should not be naturalized, and that the examiner should provide OSI with additional information regarding the person. OSI then opened a file on the individual and began an investigation into the persons' wartime service and activities. The purpose of such an investigation was to determine whether the person should be placed in deportation proceedings on grounds that they were deportable under the Holtzman Amendment.

14. As part of the investigation, the standard procedure required that the person be asked additional questions regarding his or her wartime activities. In some cases, these questions were asked by INS examiners at OSI's behest, based on information provided by OSI. In other cases, they were asked by an OSI investigator or attorney.

15. In some cases, an examiner called OSI while a naturalization interview was still in progress. In such cases, the standard procedure was to provide the examiner with additional questions to ask the applicant while he or she was still under oath. The reason for this was that the applicant might be more forthcoming if the questions were asked immediately, and he was not yet aware that the Government intended to conduct a full investigation of his wartime activities.

16. If an examiner had called me and stated that an applicant for naturalization had admitted serving in a "military unit" during the Nazi occupation of Lithuania, had admitted

... serving at a concentration camp or prisoner of war camp during World War II, or had admitted assisting in persecution during World War II, the standard procedures required that I instruct the examiner not to grant the application, and to forward all information about the applicant to OSI for a full and complete investigation to determine whether the individual should be placed in deportation proceedings on grounds that he was deportable under the Holtzman Amendment.

17. If an applicant had indicated that he served in a military unit during World War II or at a concentration camp or prisoner of war camp, but stated that his unit was a "Lithuanian military unit" rather than a "German military unit," that his officers were Lithuanians rather than Germans, that he did not hurt anyone, that he served at the concentration camp involuntarily or under duress, or that he did not "have anything to do with the Nazis," the standard procedures still required that I instruct the examiner not to grant the application, and to forward all information about the applicant to OSI for a full and complete investigation to determine whether the individual should be placed in deportation proceedings on grounds that he was deportable under the Holtzman Amendment.

18. At all times since OSI was founded in 1979, a U.S. resident who had served as an armed guard at a Nazi concentration camp where tens of thousands of Jewish civilians had been murdered would have been considered by OSI to be deportable from the United States on grounds that he had assisted in persecution.

DECLARATION IN LIEU OF JURAT  
(28 U.S.C. § 1746)

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge

*Jeffrey N. Mausner*

Jeffrey N. Mausner  
Berman, Mausner & Resser  
11601 Wilshire Boulevard, Suite 600  
Los Angeles, CA 90025

September 8, 2003

**START HERE - Please Type or Print**

**FOR INS USE ONLY**

**Part 1. Information about you.**

Family Name **BUCMYS** Given Name **ILDEFONSAS** Middle Initial **---**

U.S. Mailing Address - Care of

Street Number and Name **6107 WOODVILLE DR.** Apt. # **---**

City **DAYTON** County **MONTGOMERY**

State **OHIO** ZIP Code **45414**

Date of Birth (month/day/year) **12-27-1920** Country of Birth **LITHUANIA**

Social Security # **298-36-0548** A # **A11224903**

**Part 2. Basis for Eligibility (check one).**

- a.  I have been a permanent resident for at least five (5) years.
- b.  I have been a permanent resident for at least three (3) years and have been married to a United States Citizen for those three years.
- c.  I am a permanent resident child of United States citizen parent(s).
- d.  I am applying on the basis of qualifying military service in the Armed Forces of the U.S. and have attached completed Forms N-426 and G-325B.
- e.  Other. (Please specify section of law)

**Part 3. Additional information about you.**

When you became a permanent resident (month/day/year) **5-12-1958** Port admitted with an immigrant visa or INS Office where granted adjustment of status **MIAMI, FLORIDA**

Citizenship **LITHUANIAN**

Name on alien registration card (if different than in Part 1)

Other names used since you became a permanent resident (including maiden name)

Sex  Male  Female Height **5'9"** Marital Status:  Single  Divorced  Married  Widowed

Can you speak, read and write English?  No  Yes.

**Absences from the U.S.:**

Have you been absent from the U.S. since becoming a permanent resident?  No  Yes.

If you answered "Yes", complete the following. Begin with your most recent absence. If you need more room to explain the reason for an absence or to list more trips, continue on separate paper.

Date left U.S.	Date returned	Did absence last 6 months or more?	Destination	Reason for trip
2-92	8-92	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Canada	Visit
8-91	8-91	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	"	"
7-90	7-90	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	"	"
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		

Returned	Receipt
Resubmitted	CON-92-179-5 90- DO
Reloc Sent	
Reloc Rec'd	
Applicant Interviewed	
At interview	

request naturalization ceremony at court

Remarks  
**890-2897**

Returned	Completed
Action	
<b>APPROVED</b> INS DISTRICT DIRECTOR JAN 14 1993 [Signature]	
CL to be completed by... <input type="checkbox"/> Fill in box if G-26 is attached to represent the applicant	
VOLAG#	
ATTY State License #	

**Part 4. Information about your residences and employment.**

A. List your addresses during the last five (5) years or since you became a permanent resident, whichever is less. Begin with your current address. If you need more space, continue on separate paper.

Street Number and Name, City, State, Country, and Zip Code	Dates (month/day/year)	
	From	To
6107 WOODVILLE DR., DAYTON, OH. 45414	9-20-1967	Till Fed'd.

B. List your employers during the last five (5) years. List your present or most recent employer first. If none, write "None". If you need more space, continue on separate paper.

Employer's Name	Employer's Address Street Name and Number - City, State and ZIP Code	Dates Employed (month/day/year)		Occupation/position
		From	To	
HOBART INC.	HUFFMAN AVE DAYTON	12-27-1985		RETIRED

**Part 5. Information about your marital history.**

A. Total number of times you have been married 1. If you are now married, complete the following regarding your husband or wife.

Family name <b>BUCHMYS</b>	MAIDEN NAME <b>PRIKULIS</b>	Given name <b>JANINA</b>	Middle initial 
Address <b>6107 WOODVILLE DR. DAYTON OH. 45414</b>			
Date of birth (month/day/year) <b>8-4-1919</b>	Country of birth <b>RUSSIA</b>	Citizenship <b>U.S.A. CITIZEN</b>	
Social Security # <b>301-38-3796</b>	A# (if applicable) 	Immigration status (if not a U.S. citizen) 	
Naturalization (if applicable) (month/day/year) <b>3-18-1965</b> ✓ Place (City, State) <b>DAYTON, OHIO</b>			

If you have ever previously been married or if your current spouse has been previously married, please provide the following on separate paper: Name of prior spouse, date of marriage, date marriage ended, how marriage ended and immigration status of prior spouse.

**Part 6. Information about your children.**

B. Total Number of Children 2. Complete the following information for each of your children. If the child lives with you, state "with me" in the address column; otherwise give city/state/country of child's current residence. If deceased, write "deceased" in the address column. If you need more space, continue on separate paper.

Full name of child	Date of birth	Country of birth	Citizenship	A-Number	Address
<b>SHROYER MARIA</b>	<b>11-1-1947</b>	<b>ITALY</b>	<b>U.S.A.</b>		<b>148 DARIEN RD. ENCINITA CA.</b>
<b>RAYMOND</b>	<b>1-22-1951</b>	<b>ARGENTINA</b>	<b>U.S.A.</b>		<b>6107 Woodville. DAYTON OH</b>



Continued on back

Part 7. Additional eligibility factors.

Please answer each of the following questions. If your answer is "Yes", explain on a separate paper.

- 1. Are you now, or have you ever been a member of, or in any way connected or associated with the Communist Party, or ever knowingly aided or supported the Communist Party directly, or indirectly through another organization, group or person, or ever advocated, taught, believed in, or knowingly supported or furthered the interests of communism?  Yes  No
  - 2. During the period March 23, 1933 to May 8, 1945, did you serve in, or were you in any way affiliated with, either directly or indirectly, any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, citizen unit of the Nazi party or SS, government agency or office, extermination camp, concentration camp, prisoner of war camp, prison, labor camp, detention camp or transit camp, under the control or affiliated with:
    - a. The Nazi Government of Germany?  Yes  No
    - b. Any government in any area occupied by, allied with, or established with the assistance or cooperation of, the Nazi Government of Germany?  Yes  No
  - 3. Have you at any time, anywhere, ever ordered, incited, assisted, or otherwise participated in the persecution of any person, because of race, religion, national origin, or political opinion?  Yes  No
  - 4. Have you ever left the United States to avoid being drafted into the U.S. Armed Forces?  Yes  No
  - 5. Have you ever failed to comply with Selective Service laws?  Yes  No
- If you have registered under the Selective Service laws, complete the following information:  
 Selective Service Number: \_\_\_\_\_ Date Registered: \_\_\_\_\_
- If you registered before 1978, also provide the following:  
 Local Board Number: \_\_\_\_\_ Classification: \_\_\_\_\_
- 6. Did you ever apply for exemption from military service because of alienage, conscientious objections or other reasons?  Yes  No
  - 7. Have you ever deserted from the military, air or naval forces of the United States?  Yes  No
  - 8. Since becoming a permanent resident, have you ever failed to file a federal income tax return?  Yes  No
  - 9. Since becoming a permanent resident, have you filed a federal income tax return as a nonresident or failed to file a federal return because you considered yourself to be a nonresident?  Yes  No
- Are deportation proceedings pending against you, or have you ever been deported, or ordered deported, or have you ever applied for suspension of deportation?  Yes  No
- 11. Have you ever claimed in writing, or in any way, to be a United States citizen?  Yes  No
  - 12. Have you ever:
    - a. been a habitual drunkard?  Yes  No
    - b. advocated or practiced polygamy?  Yes  No
    - c. been a prostitute or procured anyone for prostitution?  Yes  No
    - d. knowingly and for gain helped any alien to enter the U.S. illegally?  Yes  No
    - e. been an illicit trafficker in narcotic drugs or marijuana?  Yes  No
    - f. received income from illegal gambling?  Yes  No
    - g. given false testimony for the purpose of obtaining any immigration benefit?  Yes  No
  - 13. Have you ever been declared legally incompetent or have you ever been confined as a patient in a mental institution?  Yes  No
  - 14. Were you born with, or have you acquired in some way, any title or order of nobility in any foreign State?  Yes  No
  - 15. Have you ever:
    - a. knowingly committed any crime for which you have not been arrested?  Yes  No
    - b. been arrested, cited, charged, indicted, convicted, fined or imprisoned for breaking or violating any law or ordinance excluding traffic regulations?  Yes  No

(If you answer yes to 15, in your explanation give the following information for each incident or occurrence the city, state, and country, where the offense took place, the date and nature of the offense, and the outcome or disposition of the case).

Part 8. Allegiance to the U.S.

If your answer to any of the following questions is "NO", attach a full explanation:

- 1. Do you believe in the Constitution and form of government of the U.S.?  Yes  No
- 2. Are you willing to take the full Oath of Allegiance to the U.S.? (see instructions)  Yes  No
- 3. If the law requires it, are you willing to bear arms on behalf of the U.S.?  Yes  No
- 4. If the law requires it, are you willing to perform noncombatant services in the Armed Forces of the U.S.?  Yes  No
- 5. If the law requires it, are you willing to perform work of national importance under civilian direction?  Yes  No

**Part 9. Memberships and organizations.**

A. List your present and past membership in or affiliation with every organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place. Include any military service in this part. If none, write "none". Include the name of organization, location, dates of membership and the nature of the organization. If additional space is needed, use separate paper.

KNIGHTS OF LITHUANIA DAYTON, OH.  
SINCE 1972 - till today

**Part 10. Complete only if you checked block "C" in Part 2.**

How many of your parents are U.S. citizens?  One  Both (Give the following about one U.S. citizen parent.)

Family Name: \_\_\_\_\_ Given Name: \_\_\_\_\_ Middle Name: \_\_\_\_\_

Address: \_\_\_\_\_

Basis for citizenship:  Birth  Naturalization Cert. No. Relationship to you (check one):  natural parent  adoptive parent  parent of child legitimated after birth

If adopted or legitimated after birth, give date of adoption or legitimation: (month-day-year) \_\_\_\_\_

Does this parent have legal custody of you?  Yes  No

Attach a copy of relating evidence to establish that you are the child of this U.S. citizen and evidence of this parent's citizenship.)

**Part 11. Signature.** (Read the information on penalties in the instructions before completing this section).

I certify or, if outside the United States, I swear or affirm, under penalty of perjury under the laws of the United States of America that this application, and the evidence submitted with it, is all true and correct. I authorize the release of any information from my records which the Immigration and Naturalization Service uses to determine eligibility for the benefit I am seeking.

Signature

*Adelinas Bucmys*

Date

*9-18-1992*

Please Note: If you do not completely fill out this form, or fail to submit required documents listed in the instructions, you may not be found eligible for naturalization and this application may be denied.

**Part 12. Signature of person preparing form if other than above. (Sign below)**

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature: *Jamina Bucmys*

Print Your Name

*JAMINA BUCMYS (WIFE)*

Date

*9-18-1992*

Firm Name and Address

**DO NOT COMPLETE THE FOLLOWING UNTIL INSTRUCTED TO DO SO AT THE INTERVIEW**

I swear that I know the contents of this application, and supplemental pages 1 through \_\_\_\_\_, that the corrections, numbered 1 through 5, were made at my request, and that this amended application, is true to the best of my knowledge and belief.

Subscribed and sworn to before me by the applicant.

*[Signature]* *1-14-92*  
(Examiner's Signature) Date

*Adelinas Bucmys*  
(Complete and true signature of applicant)