



HRSP NEWSLETTER

U.S. Department of Justice, Criminal Division, Human Rights and Special Prosecutions Section

MARCH 2020

TENNESSEE MAN ORDERED REMOVED TO GERMANY BASED ON SERVICE AS CONCENTRATION CAMP GUARD DURING WWII

A U.S. Immigration Judge in Memphis, Tennessee, has issued a removal order against a German citizen and Tennessee resident, on the basis of his service in Nazi Germany in 1945 as an armed guard of concentration camp prisoners in the Neuengamme Concentration Camp system (Neuengamme).

After a two-day trial, U.S. Immigration Judge Rebecca L. Holt issued an opinion finding Friedrich Karl Berger removable under the 1978 Holtzman Amendment to the Immigration and Nationality Act because his “willing service as an armed guard of prisoners at a concentration camp where persecution took place” constituted assistance in Nazi-sponsored persecution. The court found that Berger served at a Neuengamme sub-camp near Meppen, Germany, and that the prisoners there included “Jews, Poles, Russians, Danes, Dutch, Latvians, French, Italians, and political opponents” of the Nazis. The largest groups of prisoners were Russian, Dutch and Polish civilians.

Judge Holt found that Meppen prisoners were held during the winter of 1945 in “atrocious” conditions and were exploited for outdoor forced labor, working, as at other Nazi camps, “to the point of exhaustion and death.” The court further found, and Berger admitted, that he guarded prisoners to prevent them from escaping during their dawn-to-dusk workday, and on their way to the worksites and also on their way back to the subcamp in the evening.

At the end of March 1945, with the advance of British and Canadian forces, the Nazis abandoned Meppen. The court found that Berger helped guard the prisoners during their forcible evacuation to the Neuengamme main camp – a nearly two-week trip under inhumane conditions, which claimed the lives of some 70 prisoners. The decision also cited Berger’s admission that he never requested a transfer from concentration camp guard service and that he continues to receive a pension from Germany based on his employment in Germany, “including his wartime service.”

“Berger was part of the SS machinery of oppression that kept concentration camp prisoners in atrocious conditions of confinement,” said Assistant Attorney General Brian A. Benczkowski of the Department of Justice’s Criminal Division. “This ruling shows the Department’s continued commitment to obtaining a measure of justice, however late, for the victims of wartime Nazi persecution.”

“This case is but one example of U.S. Immigration and Customs Enforcement’s commitment to ensuring that the United States will not serve as a safe haven for human rights violators and war criminals,” said Assistant Director David C. Shaw of U.S Immigration and Customs Enforcement’s (ICE) Homeland Security Investigations (HSI), National Security Investigations Division, who oversees the Human Rights Violators and War Crimes Center. “We will continue to pursue these types of cases so that justice may be served.”

In 1946, British occupation authorities in Germany charged *SS Obersturmführer* Hans Griem, who had headed the Meppen sub-camps, and other Meppen personnel with war crimes for “ill-treatment and murder of Allied nationals.” Although Griem escaped before trial, the British court tried and convicted the three remaining defendants of war crimes in 1947.

The removal case was jointly tried by Eli Rosenbaum, HRSP Director of Human Rights Enforcement and Policy, HRSP Senior Trial Attorney Susan Masling and ICE New Orleans, Office of the Principal Legal Advisor (Memphis), with assistance from HRSP Chief Historian Jeffrey S. Richter. The investigation was initiated by the HRSP and was conducted in partnership with HSI’s Nashville SAC office.

Since the 1979 inception of the Justice Department’s program to detect, investigate, and remove Nazi persecutors, it has won cases against 109 individuals. Over the past 30 years, the Justice Department has won more cases against persons who participated in Nazi persecution than have the law enforcement authorities of all the other countries in the world combined. HRSP’s case against Berger was part of its ongoing efforts to identify, investigate and prosecute individuals who engaged in genocide, torture, war crimes, recruitment or use of child soldiers, female genital mutilation, and other serious human rights violations. HRSP attorneys prosecuted the first torture case brought in the United States and have successfully prosecuted criminal cases against perpetrators of human rights violations in Guatemala, Ethiopia, Liberia, Cuba, and the former Yugoslavia, among others.

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