

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA, Case No. 1:99CV1193
 Cleveland, Ohio
 Plaintiff, Thursday, May 31, 2001
 9:03 a.m.

vs.

JOHN DEMJANJUK,
a/k/a IWAN DEMJANJUK,

Defendant.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE PAUL R. MATIA
UNITED STATES CHIEF DISTRICT JUDGE

BENCH TRIAL
VOLUME 3

APPEARANCES:

For the Plaintiff: Edward A. Stutman, Esq.
 Jonathan Drimmer, Esq.
 Michelle Heyer, Esq.
 Michael Anne Johnson, Esq.
 Susan Siegal, Esq.

For the Defendant: Michael E. Tigar, Esq.
 John H. Broadley, Esq.

Court Reporter: Bruce A. Matthews, RDR-CRR
 United States District Courthouse
 201 Superior Avenue
 Cleveland, Ohio 44114
 (216) 685-9949

Proceedings recorded by mechanical stenography, transcript
produced by computer-aided transcription.

Sydnor - oir Dire

1 MORNING SESSION, THURSDAY, MAY 31, 2001 9:03 A.M.

2 THE COURT: Okay. I think Dr. Sydnor was on
3 the stand when we recessed yesterday. So do you want to
4 come back up, Dr. Sydnor?

5 THE WITNESS: Good morning.

6 CHARLES W. SYDNOR, JR., of lawful age, a witness
7 called by the Government, being previously duly sworn, was
8 examined and testified further as follows:

9 VOIR DIRE EXAMINATION OF CHARLES W. SYDNOR, JR. (Resumed)

10 BY MR. TIGAR:

11 Q. Dr. Sydnor, when we broke yesterday, we were at this
12 misunderstanding that I had, not understanding what the
13 Judge had told me about those articles you wrote.

14 Did any of the articles that you wrote and to
15 which you referred in your direct testimony yesterday deal
16 with the use of archival research to identify particular
17 nonGermans as having aided Nazi persecution?

18 A. No, sir, I don't believe so.

19 Q. Have any of the books or articles that you have
20 written dealt with the use of archival records and
21 materials to identify nonGermans who aided in Nazi
22 persecution?

23 A. No, sir.

24 Q. Do you recognize as an authority on the use of
25 archival records to determine the identities of nonGermans

Sydnor - oir Dire

1 who aided in Nazi persecution Dr. Ruth-Bettina Birn,

2 B I R N?

3 A. Yes, sir.

4 Q. Are you familiar with her book entitled A Nation On
5 Trial?

6 A. No, sir, I've not read that book.

7 Q. Are you familiar with the work of Norman Finkelstein?

8 A. No, sir.

9 Q. You are familiar with the work of Dr. Raul Hilberg,
10 correct?

11 A. Yes, sir.

12 Q. Dr. Hilberg has appeared as a witness in Justice
13 Department cases, is that your memory?

14 A. I believe that's correct, yes, sir.

15 Q. And is it fair to say that Dr. Raul Hilberg is
16 America's most eminent and respected historian on the
17 history of the perpetrators, victims and bystanders of the
18 Holocaust?

19 MR. DRIMMER: Excuse me, Your Honor, I think
20 again we are going far beyond the qualifications of this
21 witness to testify in this case.

22 MR. TIGAR: Your Honor, the purpose of my
23 question is when we are done with Dr. Sydnor in about two
24 minutes I'm going to argue a way to shorten the trial
25 materially, and if I get this answer, I'll be able to make

Sydnor - oir Dire

1 that argument.

2 THE COURT: All right. I'll let you get this
3 answer.

4 Q. And your answer is?

5 A. My answer is that Raul Hilberg, who I know
6 personally, is an eminent historian and, I think, a world
7 renowned scholar and authority on the Holocaust.

8 Q. Now, Doctor, yesterday you testified, did you not,
9 that you had made an affidavit in 1984 in the immigration
10 court. Do you remember that?

11 A. Yes, sir.

12 MR. DRIMMER: Again, Your Honor, excuse me,
13 Mr. Tigar, I believe that we are moving beyond the
14 qualifications of this witness to testify.

15 THE COURT: Well, I can't tell from this
16 question where we're going.

17 MR. TIGAR: I simply want to place the
18 affidavit in evidence, Your Honor. He's already testified
19 that he did it at page 315 and 324, lines 9 through 13.

20 THE COURT: What is the affidavit? I don't
21 know what it is.

22 MR. TIGAR: It is his affidavit, his prior
23 statement.

24 THE COURT: As to what?

25 MR. TIGAR: The Trawniki card, Your Honor.

Sydnor - oir Dire

1 And it goes to his ability to deal with this archival
2 information.

3 THE COURT: Okay. All right.

4 BY MR. TIGAR:

5 Q. I'm going to show you now a copy of that affidavit
6 which I received from the government in its unexecuted
7 form, and I ask you if that's what you were talking about
8 yesterday on this subject.

9 MR. DRIMMER: Pardon me, Your Honor, I
10 believe this is actually signed.

11 MR. TIGAR: Oh, it's signed. Well, there it
12 is. Thank you.

13 MR. DRIMMER: If I may hand it up, Your
14 Honor.

15 THE COURT: Yes.

16 MR. TIGAR: I'll give it to the Court.

17 Q. My mistake, Doctor. Is that your affidavit?

18 A. Yes, sir, this is the affidavit.

19 Q. All right.

20 MR. TIGAR: Your Honor, I have a copy with a
21 sticker on it for the Court's convenience, so I put a
22 sticker on it, Exhibit DD, Your Honor.

23 THE COURT: All right.

24 MR. TIGAR: I have no further questions of
25 the witness. I would like to be heard as to four reasons

Sydnor - Redirect

1 why the testimony is not admissible.

2 THE COURT: Okay.

3 MR. TIGAR: And as far as I'm concerned, the
4 witness need not remain on the stand.

5 THE COURT: All right. You can take a break,
6 Dr. Sydnor.

7 MR. DRIMMER: Your Honor, I was thinking we
8 would do a little redirect.

9 THE COURT: All right.

10 MR. TIGAR: Redirect on his qualifications?
11 Oh, excuse me.

12 REDIRECT EXAMINATION OF CHARLES W. SYDNOR, JR.

13 BY MR. DRIMMER:

14 Q. Good morning again, Dr. Sydnor.

15 A. Good morning.

16 Q. Yesterday, I think that you testified that the last
17 time you were a full-time professor was in 1980. Is that
18 accurate?

19 A. That's correct.

20 Q. Since 1980, have you taught college courses in modern
21 German history and the Holocaust?

22 A. Yes, sir.

23 Q. Since 1980 did you publish on "The Historiography of
24 the SS" in the Simon Wisenthal Center Annual?

25 A. Yes, sir.

Sydnor - Redirect

1 Q. Since 1980 have you published "The Concentration
2 Camps and Killing Centers of the Third Reich" in Saul
3 Friedman's book?

4 A. Yes, sir.

5 Q. Since 1980 --

6 THE COURT: I know you've got something you
7 are reading from, but slow down so the court reporter can
8 get it.

9 MR. DRIMMER: Certainly, Your Honor. I
10 apologize.

11 Q. Since 1980, did you publish "Executive Instinct,"
12 Reinhardt Heydrich?

13 MR. TIGAR: I'm going to object to this. He
14 already said none of this relates to the use of archival
15 materials. It therefore cannot be relevant.

16 MR. DRIMMER: Your Honor, the defense, I
17 believe, is objecting to the qualifications of this witness
18 as an expert on the Nazi concentration camp system and
19 modern German history, and therefore I believe it is
20 directly relevant to whether he may testify on those
21 matters.

22 THE COURT: Okay. Go ahead, but keep your
23 questions limited to anything that came up on voir dire.

24 MR. DRIMMER: Okay.

25 BY MR. DRIMMER:

Sydnor - Redirect

1 Q. I believe I was in the middle of the question, since
2 1980, did you publish "Executive Instinct," Reinhardt
3 Heydrich, and "The Planning of the Final Solution" in the
4 Abraham Peck book?

5 A. Yes, sir.

6 Q. And since 1980, did you prepare new material for
7 Soldiers of Destruction?

8 A. Yes, sir.

9 Q. Yesterday I think Mr. Tigar asked you about your
10 reliance on translations of Russian documents. Did you use
11 certified translations in this case?

12 A. Yes, sir.

13 Q. Regarding your article where you criticized David
14 Irving regarding his own translations.

15 A. Yes, sir.

16 Q. Are you aware of whether he used certified
17 translations in his work?

18 A. I am not.

19 Q. Yesterday Mr. Tigar asked you whether some of the
20 post-war interrogations that you reviewed were not verbatim
21 transcripts. Were those interrogations that you relied on
22 in your report for this case generally signed at the bottom
23 of every page by the person being questioned?

24 A. Yes, sir.

25 Q. How much did you rely on Soviet post-war

Sydnor - Redirect

1 interrogations in reaching your primary conclusions in your
2 report for this case?

3 A. Not much at all, relatively little.

4 Q. Before relying on the interrogations that you used
5 for any purpose, did you evaluate them for reliability?

6 A. I'm sorry, can you repeat that?

7 Q. Certainly. Before relying on the post-war statements
8 that you used in your expert report for any reason, did you
9 evaluate those statements for reliability?

10 A. Yes, sir.

11 Q. Yesterday the defense asked you about a speech that
12 you gave in 1989.

13 A. Yes, sir.

14 Q. In this case, did you assess the historical evidence
15 in forming your report based on accepted historical methods
16 and practices?

17 A. Yes, sir.

18 Q. Do you have any personal bias against the defendant,
19 Mr. Demjanjuk?

20 A. No, sir, I do not.

21 Q. Are you aware of how the defense acquired a copy of
22 that speech?

23 A. Yes, sir, I am.

24 Q. How?

25 A. I found that speech in my office files seven or eight

Sydnor - Redirect

1 months ago, and had forgotten about it, but was in the
2 course of preparing for this trial and under, I think, a
3 request that either you or Mr. Stutman had made to me to
4 make sure that anything that I had that might have any
5 bearing on this was provided to you.

6 I found a copy of the speech and provided it
7 to you at that time, and I believe it was either
8 Mr. Stutman or Dr. Huebner who informed me very shortly
9 thereafter that the speech would be turned over to
10 Mr. Tigar.

11 Q. Dr. Sydnor, were you deposed in this case?

12 A. No, sir.

13 Q. Let me read to you something from the defense's trial
14 brief, if I might.

15 MR. TIGAR: Your Honor, I object to reading
16 from the defense's trial brief to the witness. I can't
17 imagine what that could be.

18 THE COURT: I can't either until I hear it.

19 MR. DRIMMER: Thank you.

20 THE COURT: If I think it's improper, I'll
21 sustain your objection.

22 Q. I'm reading from page 11 in the middle of the page.
23 "Dr. Sydnor may be an expert in the Death's Head battalion,
24 but he is not an expert in concentration camps, the SS
25 guard service, and other matters related to the key issues

Sydnor - Redirect

1 in the case at bar."

2 Dr. Sydnor, what was the name of the unit
3 that guarded the Flossenburg concentration camp?

4 A. The name of the unit?

5 Q. What was the unit that guarded -- what was the unit
6 of guards who guarded the Flossenburg concentration camp?

7 A. There was the SS Death's Head battalion of the
8 Flossenburg concentration camp.

9 Q. Were the Death's Head battalions part of the SS?

10 A. Yes, sir.

11 Q. Were the Death's Head battalion part of the SS
12 assigned to guard concentration camps?

13 A. Yes, sir. There is no such thing as a Death's Head
14 battalion as a formal name in the singular sense that I
15 heard you read that to me. There are SS Death's Head
16 battalions that are assigned to concentration camps.

17 Q. Dr. Sydnor, you testified yesterday that the
18 afterword to the German edition of your book, you've
19 included new material on men who served at Trawniki; is
20 that right?

21 A. That's correct.

22 Q. Have you testified in any cases about Trawniki
23 Wachmanner?

24 A. Yes, sir.

25 Q. How many cases?

Sydnor - Redirect

1 A. Three cases previous to this matter. In 1997, I
2 believe, in Federal District Court in Chicago, the case of
3 Bronislaw Hajda, H A J D A, that case was a Trawniki case
4 and a Treblinka I case. Treblinka I was a Treblinka labor
5 camp that was in the same complex as Treblinka II, which
6 was the Treblinka extermination camp, so the Hajda case was
7 Trawniki and Treblinka.

8 In 1998, I believe, in New York City, the
9 case of Jacob Reimer, that was a case that involved the
10 Trawniki training camp, the liquidation of the Warsaw
11 ghetto in the spring of 1943, and the use of
12 Trawniki-trained guards in the Streibel battalion, which
13 was the successor, partial successor organization of the
14 Trawniki camp after the Red Army had overrun eastern Poland
15 in 1944.

16 And then finally, the case in Philadelphia in
17 January of 2000 of Fedir Kwoczak, K W O C Z A K, Fedir
18 Kwoczak, that was a Trawniki case that involved the
19 Poniatowa labor camp, which was part of the system of
20 Jewish forced-labor camps in the general government of
21 Poland, and it involved the clearing of the Warsaw and the
22 Bialystok ghettos of Jews, that's spelled
23 B I A L Y S T O K, the Bialystok ghetto of Jews in 1943.

24 Did any of these cases involve nonGerman
25 Wachmanner?

Sydnor - voir Dire

1 A. Yes, sir.

2 Q. Which ones?

3 A. Well, Hajda was a nonGerman Wachmann. He was a Pole.
4 Jacob Reimer was an ethnic German who was a citizen of the
5 Soviet Union at the time he was captured and recruited into
6 the Trawniki trained guard units. And Fedir Kwoczak, I
7 believe, was either Ukrainian or Polish.

8 Q. Did you rely on any archival materials in performing
9 your research, conducting your research for those matters?

10 A. Yes, sir, extensively.

11 MR. DRIMMER: I have no further questions,
12 Your Honor.

13 THE COURT: All right. Any response?

14 MR. TIGAR: You opened it up. I'll come
15 back.

16 VOIR DIRE EXAMINATION OF CHARLES W. SYDNOR, JR.

17 BY MR. TIGAR:

18 Q. Dr. Sydnor, you were asked about your book relating
19 to the Death's Head Division on redirect.

20 A. Yes, sir.

21 MR. DRIMMER: I objected about the afterword
22 to the book, Your Honor.

23 THE COURT: Oh, well, I don't think there's
24 any difference between the afterword or the foreword or the
25 middle word, or whatever. It's the book.

Sydnor - oir Dire

1 MR. DRIMMER: Okay.

2 Q. Dr. Sydnor, does any word in your book Soldiers of
3 Destruction relate to the use of Death's Head Division
4 guards at Flossenburg?

5 A. I don't believe so, no, sir.

6 Q. Does the word Flossenburg appear anywhere in your
7 book?

8 A. I don't remember. I'd have to look at the index and
9 the --

10 MR. TIGAR: May I approach, Your Honor?

11 THE COURT: Yes.

12 Q. Please look at the index under the letter F and see
13 if Flossenburg appears.

14 A. No, sir.

15 MR. STUTMAN: Excuse me, may I see the book?

16 Thanks.

17 THE WITNESS: (Handing.)

18 MR. STUTMAN: May I borrow it?

19 BY MR. TIGAR:

20 Q. Now, you testified -- nothing in your book deals with
21 the use of SS guards to guard the concentration camps of
22 Majdanek or Flossenburg or the other -- what's the other
23 Polish camp, Belzec; is that right?

24 A. Nothing in my book regards the use of guards in a
25 historical narrative in guarding either Flossenburg,

Sydnor - oir Dire

1 Belzec, Sobibor or Treblinka.

2 Q. And yesterday we talked about the chapter 1 of your
3 book. I'm not going to go back into that.

4 MR. DRIMMER: Is this including the afterword
5 or is this just relating to the original book?

6 THE COURT: Well, I think if he says "in your
7 book," it means in your book, not just in the afterword.

8 MR. DRIMMER: No, my question is, is the
9 question meant to encompass the afterword to the book as
10 well as this physical book that he's showing the witness?

11 MR. TIGAR: I never heard of a lawyer
12 standing up to ask me what my questions meant. I don't
13 know how that's a proper procedure.

14 THE COURT: Well, I think he's trying to find
15 out if there's a basis for objection, but as far as I'm
16 concerned, a question about the book is a question about
17 the entire portion of the book, including the afterword.

18 BY MR. TIGAR:

19 Q. Let me break it down, and I will first say to the
20 Court, I've never seen the afterword.

21 MR. DRIMMER: I object, Your Honor. I'm
22 looking at Defense Exhibit G 82 right now, and this is the
23 afterword of the book.

24 MR. TIGAR: I don't recall having seen it,
25 Your Honor. That's my problem.

Sydnor - oir Dire

1 BY MR. TIGAR:

2 Q. Now, Dr. Sydnor, in your book which I placed in front
3 of you, does your answer remain the same, you weren't
4 dealing with nonGermans serving at these camps that you
5 mentioned? Is that correct?

6 A. Yes, sir.

7 Q. All right.

8 A. And if I could clarify this issue, I think you and
9 Mr. Drimmer are talking about two different versions of the
10 book. The paperback copy you showed me is the 1990 revised
11 edition of the original 1977 book in English.

12 The afterword in the English language which
13 was provided to you in typescript and which is listed, I
14 believe, as a defense exhibit is the afterword to the new
15 German edition of the book which will be published in
16 German translation in September of this year.

17 Q. Does that relate to Flossenburg?

18 A. No, the afterword does not.

19 Q. And that was my question.

20 A. Okay.

21 Q. So no part of this book relates to Flossenburg,
22 correct?

23 A. Correct.

24 Q. Good. Next, you also said on redirect examination
25 that you -- and I don't want to misquote you, sir -- you

Sydnor - oir Dire

1 said you didn't make extensive use of the protocols?

2 A. No, I didn't say I didn't make extensive use of them.
3 I said I didn't rely on them in the -- I think Mr. Drimmer
4 asked me -- in the final judgment or conclusions that I
5 made about the issues of service, guard service. I'd have
6 to have the question read back to me exactly, but I
7 understood the question to be reliance and not use.

8 Q. Well, in fact, sir, in your initial report with all
9 of its more than 300 footnotes, you cite a great number of
10 protocols, correct?

11 A. That's correct, yes, sir.

12 Q. How many?

13 A. I don't recall exactly how many.

14 Q. More than a hundred?

15 A. Yes, sir.

16 Q. So it's fair to say that your report footnotes
17 contain more than a hundred of those protocols or
18 references to them?

19 A. Yes, sir.

20 MR. TIGAR: I have nothing further, Your
21 Honor.

22 THE COURT: All right.

23 MR. TIGAR: I'd like to be heard.

24 THE COURT: Okay. You may step down now
25 while he argues this point.

Sydnor - oir Dire

1 MR. DRIMMER: May I ask a quick question,
2 Your Honor? Did the defense put G 82 into evidence?

3 THE COURT: I don't believe so.

4 MR. TIGAR: No.

5 THE COURT: At this point, no.

6 MR. TIGAR: If Your Honor please --

7 MR. DRIMMER: Excuse me, Dr. Sydnor has asked
8 if he should remain in the courtroom or whether he should
9 leave.

10 THE COURT: I don't see any reason why he
11 can't remain.

12 MR. TIGAR: We have no objection, Your Honor.
13 Because of the importance of this issue, Your Honor, I
14 appreciate the chance to be heard. We have four reasons why
15 Dr. Sydnor's testimony should not be received and heard by
16 the Court.

17 First, I concede that he has studied German
18 history in a general sense. There is no dispute about
19 that.

20 However, we have also agreed based on works
21 by Raul Hilberg, Arno Mayer and Yitzhak Arad, if we exclude
22 the part of Arad's book that says Mr. Demjanjuk was at
23 Treblinka, these are scholars, Your Honor.

24 Your Honor in the earlier decision took
25 judicial notice of the horrors of the Nazi Holocaust. We

1 agree that the Nazi Holocaust was one of history's greatest
2 horrors. We would agree, Your Honor, to the citation of
3 anything in the definitive edition of Raul Hilberg's
4 decades-long study. And while we appreciate the didactic
5 effect of trials of this kind, we respectfully suggest that
6 given our agreement under Old Chief v. United States and
7 Federal Rule of Evidence 403, it is cumulative, and the
8 prejudicial effect outweighs its probative value to have
9 Dr. Sydnor spend time which, based on past experience,
10 promises to be a trial day or so, recounting the horrors of
11 the Holocaust.

12 In that decision, Your Honor, we would note
13 that although he is an expert generally on German history,
14 he is not an expert on the particular time frame and the
15 horrors of the particular camps that are involved here.
16 Those you'd have to go to Mr. Arad. His most relevant book
17 with respect to the Reinhardt operation would be the one he
18 has not yet published on this fellow Reinhardt Heydrich,
19 but Reinhardt Heydrich died on June 4th, 1942, before any
20 of the truly significant events in this case took place.

21 So our first application is that such portion
22 as would involve showing the Court maps of camps and
23 describing camps and all that, we could dispense with that.
24 We are not shrill anti-Semites and we are not deniers of
25 the Holocaust. There are some of these defendants that

1 come in here and say it didn't happen. Mr. Demjanjuk has
2 never said it didn't happen, and in my contact with this
3 case, whenever the Holocaust deniers came in the door,
4 Mr. Nishnic and I escorted them out immediately and told
5 them we didn't want anything to do with them. And I say
6 that knowing the public interest this case has excited,
7 Your Honor, and it's important for the public to know what
8 our position is.

9 Second, Dr. Sydnor's testimony should be
10 excluded because in our respectful submission he was part
11 and parcel of the fraud that the Sixth Circuit found at 10
12 F.3d, 338.

13 I've already shown Your Honor the affidavit
14 that he prepared in 1984. In addition to that, Your Honor,
15 he testified yesterday at page 315 that he did a short
16 affidavit, testifying to the Trawniki card as a document
17 that appeared to be like other SS identity cards that I had
18 seen up to that time.

19 At page 324 he said he spent time with
20 Mr. Einhorn in connection with that, a government lawyer.

21 Now, it's important, Your Honor, to
22 distinguish at that time between identity cards. His
23 affidavit which is before you says he's talking about a
24 card that was carried by the Wachmann. Personalbogens or
25 personnel files were also maintained in evidence. They

1 weren't carried. Use of the word carried.

2 However, Your Honor, this same Mr. Einhorn in
3 a document that I would now like to hand up to Your Honor,
4 which is, I have marked as DD which we received -- excuse
5 me, I stepped on your glasses. I hope I didn't ruin them.

6 Mr. Einhorn on December 23rd, '85, received
7 from the state of Israel a set of questions, and the one
8 question was have other similar Trawniki cards been
9 discovered and used in the preparation of other cases.
10 It's a DOJ document.

11 Mr. Neal Sherrer, then head of OSI, asked
12 Mr. Einhorn to prepare suggested answers, and this is what
13 he said. "Demjanjuk's Trawniki card is an Ausweis," i.e.,
14 identity card. Important language. Neither OSI or any of
15 its former trial witnesses have ever seen an identity card
16 exactly like the one which belonged to Demjanjuk. That's
17 Exhibit EE, Your Honor, on page 2.

18 What we have here, Your Honor, is that this
19 is a man who worked with Bruce Einhorn --

20 MR. DRIMMER: EE?

21 MR. TIGAR: EE, yes. Here is a copy -- who
22 worked with Mr. Einhorn, who made this affidavit, and yet
23 on the eve of Mr. Demjanjuk's extradition to Israel, which
24 was the subject of that earlier case, the very lawyer that
25 worked with him writes to his superior and says "We don't

1 have any other card."

2 Well, if they didn't have any other cards,
3 how could this man have said that they are like other cards
4 he has seen, if neither the OSI or any of its trial
5 witnesses had seen any such thing?

6 Third ground, Your Honor, now we are into
7 traditional Rule 702, Daubert and Kumho, K U M H O, the
8 Supreme Court's decision in Kumho Tire Company.

9 Now, I'm not going to repeat what I said
10 yesterday. Your Honor rejected my "how does the expert
11 make his report" notion, and I take that as law of the
12 case. However, Dr. Sydnor has never written or published
13 as a historian any work on the use of archival records to
14 identify nonGermans as having served. All of his work,
15 even on redirect, Your Honor, when the government was
16 trying to make up whatever they missed before, relates to a
17 testifying witness.

18 Now, in our papers that we filed the first
19 day of trial, we cite that Pietzmeier case from the Eighth
20 Circuit, which holds that specialized knowledge cannot be
21 acquired by being a testifying witness. You don't get to
22 become a witness by being a witness.

23 Years ago, and this is interesting, Your
24 Honor, Judge Patrick Higginbotham of the Fifth Circuit in a
25 case we cite in the trial brief, the Pan Am case, warned of

1 Daubert, says it's time for federal courts to take hold of
2 expert witness testimony. And he there was dealing with
3 one of these witnesses whose qualifications consisted of
4 having been a witness. That, he said, is not a
5 qualification.

6 Dr. Sydnor, although he's taught courses, has
7 not worked full time as a professional historian since 1980
8 or 1981. 107 working days, some more than eight hours in
9 length, were spent on his reports for this case. And all
10 the time he's had a full-time job either as a television
11 executive, a documentary producer, or a speech writer for
12 Governor Charles Robb, now Senator Charles Robb.

13 He does not comport himself as a professional
14 historian. The speech, which yes, the government gave us a
15 copy of, shows by its willingness to defame someone, I
16 asked him yesterday, who was that, the shrill anti-Semite,
17 he said it was either John Martin or Mark O'Connor. John
18 Wesley Martin is a member of the bar of this Court, Your
19 Honor. He is an African-American lawyer who has served
20 this community with distinction and served his family with
21 fidelity. For anyone to engage in a false and defamatory
22 utterance of that kind based upon so little evidence
23 disqualifies them from participating in public discourse as
24 anything other than a talk show host.

25 And if Your Honor please, I go further.

1 Discrediting the fund-raising efforts, you know, the right
2 wing agenda, and so on, and sweeping in then Pat Buchanan
3 and George Will, striking, you know, one or the other,
4 well, I hold no particular brief for either Mr. Buchanan or
5 Mr. Will, but it just strikes me as irresponsibility, Your
6 Honor.

7 Now, he's not even read the entire evidence
8 in the case. Many, many times in his footnotes he cites
9 Demjanjuk v. Petrovsky, but only to cite the trial record
10 in that case, for some protocol he read there. He hasn't
11 even read the Sixth Circuit's opinion. Now, the government
12 and I have disagreed about the meaning of that opinion, but
13 one thing it did, and Judge Lively was very careful to do
14 it, was critique the methodology by which the prior
15 historians, Scheffler and Ziemke, had reached their
16 conclusions. That critique of the methodology is a crucial
17 piece of this puzzle, and this historian, claimed
18 historian, has never even studied it.

19 The reason I ask about Ruth-Battina Birn,
20 Your Honor, Ruth-Battina Birn, in her book, A Nation On
21 Trial, said that -- she's criticizing the historian who
22 said we should describe for ourselves every gruesome image
23 of the Holocaust in order to better understand its reality,
24 and then she says, "Whether this is really the role of a
25 scholar is doubtful. After all, there's an extensive

1 collection of survivors' memories in the approach
2 Goldenhagen advocates. The historian takes on the position
3 of an intermediary and is not interpreting sources, but
4 retelling the events in the light of his own imagination."
5 She says that people without direct personal involvement
6 have to resist both the temptation to assume the voice of
7 survivors and the moral authority that goes with it.

8 What Dr. Sydnor has done, and I understand
9 that because I am of his generation, is to usurp a moral
10 authority that does not belong to him. I'm not saying that
11 it does not belong to him because he is not a Jew. That is
12 not a view of history I take, that is to say that we
13 classify people by their ethnicity. He seeks to usurp that
14 moral authority by the kind of rhetoric he used in the
15 document that you have and without substantial peer review
16 study.

17 I then note that his methodology is
18 defective, and the number of protocols, and so on, on which
19 he has recalled.

20 Your Honor, I now wish to make a statement
21 about archival research based on my own experience. It's
22 not admissible in evidence because I'm a lawyer standing
23 here, but under Rule 104, it doesn't have to be. Very
24 briefly, if Your Honor, please, I have held endowed tenured
25 positions at two universities.

1 I am in addition to that an associate
2 visiting professor at the university -- of the faculty of
3 law of Aix-en-Provence where I lecture in France on the use
4 of archival materials in a number of areas, including
5 reconstructing the events of Nazi collaborators during the
6 Second World War.

7 I have written and published an article on
8 the trial of Paul Touvier and have lectured in French and
9 debated in my trial the colleagues of Maurice Papon.

10 MR. DRIMMER: I don't mean to interrupt
11 Mr. Tigar, but how does this relate to Dr. Sydnor's
12 qualifications?

13 MR. TIGAR: Your Honor --

14 THE COURT: I will presume he will tie it in.

15 MR. TIGAR: I have done, in short, archival
16 research. I have done it in French and Spanish and English
17 and Latin. I have done it on three continents. An
18 archivist, if you are doing archival research, Your Honor,
19 there's a way to do it, and this witness hasn't done that.

20 What you do is, you walk in the front door
21 and you say to the archivist, I'd like to go in the
22 archives. I'd like to go in there and read. And the first
23 thing you have to do is be able to use the materials in the
24 language in which they are written.

25 I would never presume to opine about matters

1 where I wasn't able to do that. I wouldn't publish about
2 it. The next thing you do --

3 MR. DRIMMER: Excuse me, Your Honor, once
4 again --

5 THE COURT: Mr. Drimmer, I will interrupt
6 Mr. Tigar when I think he's way far afield. If you don't
7 mind, let him finish.

8 MR. DRIMMER: Thank you, Your Honor. I
9 apologize, Mr. Tigar.

10 MR. TIGAR: If an archivist says to me that I
11 have to sit in the reading room and be brought files, I
12 don't make historical conclusions based on that. If the
13 archivist is someone that I don't trust to let me see the
14 stuff, I don't make conclusions.

15 And as Your Honor may know, an inter-agency
16 working group tasked by Congress is now working on the
17 millions of pages of World War II pages that are still
18 classified with respect to Nazis coming in. What I'm
19 saying is having had that position and having been, as I
20 am, the author of a work on European social history, now in
21 its second edition and all that, if I were on a tenure
22 review committee, this archival research doesn't meet it.

23 This historian is not qualified to do that
24 and would not be eligible for tenure at any institution
25 with which I am familiar in this country or in Europe.

1 That would be different for Mr. Arad, Your
2 Honor, he's head of the archival in Tel Aviv. He speaks
3 all the languages, he reads all the languages, he does it
4 every day and for a living. Mr. Hilberg, who has been used
5 as a witness before in these cases, this archivist is not
6 qualified under Daubert and Kumho. I appreciate Your
7 Honor's patience.

8 My final point is Rule 702 must be
9 interpreted in accordance with our historic notions of due
10 process. The Supreme Court reminded us of that in Burns v.
11 United States, the sentencing case, at 501 U.S. 129, and
12 Green v. McElroy, which is a loyalty security case at 360
13 U.S. 474, of this general principle of construing
14 provisions of law consistent with the Constitution, not
15 702, of course, it hadn't been done by that time.

16 Trial by archive violates that basic notion
17 in a case in which the archival research is defective and
18 in which we have no live witness, as has been the case in
19 all the other matters of which I'm familiar, and certainly
20 no admissions by the defendant.

21 You know, the idea that somebody can walk
22 around carrying an ID card that isn't theirs, you know,
23 different identity, well, I read the paper this morning,
24 Your Honor, about President Bush's daughter with one at the
25 bar in Austin, and my daughter goes to school in Austin,

1 too. And I had said, oh, there, but for the grace of God,
2 so I called her up and made sure she doesn't carry around
3 any false ID's either.

4 25 years ago I represented Secretary of the
5 Treasury Connelly, and there it turned out that the
6 archival evidence, what time of day did he meet Dick
7 Jacobson from whom he allegedly got the money, wrong, 100
8 percent wrong, because his appointment schedule had
9 changed. Well, the archival evidence almost destroyed that
10 career, you know, on the perjury counts of that case.

11 So let's be practical, Your Honor. You know,
12 the Catholic church gave us two great gifts as lawyers in
13 the 11th century. One was the law of conspiracy. I don't
14 know if that's a great gift or not, but they gave it to us.
15 The other was we started having oaths and oral testimony in
16 trials. They began to reject archival things because it
17 generated too much fraud. That is a great gift.

18 The point, Your Honor, is that right now,
19 today on this record, these cards -- how many do we have,
20 40 of them, 50? I don't know -- they are either admissible
21 or they are not. They are either admissible for the truth
22 of the matter asserted or they are not.

23 You could receive Dr. Sydnor's reports as
24 bearing on the issue of admissibility. The reports don't
25 have to be admissible for that. That's Rule 104. If the

1 cards are admissible for the truth of the matter asserted,
2 which we say they are not, then the question is does this
3 card, the one Government Exhibit 3, refer to Mr. Demjanjuk
4 or does it not?

5 Now, to explain that, we have these protocols
6 and trial records. They are here in translation, but
7 protocols are either admissible or they are not. They are
8 either admissible for the truth or they are not. Judge
9 Debevoise said in the Kungys case they are not.
10 Mr. Drimmer would say, well, they are signed at the bottom.
11 Yeah, but they are KGB documents.

12 There are lots of things we would argue about
13 it. We would say whether you take them for the truth or
14 not, the records of the protocols show indisputably, even
15 though we don't have the burden to show it, that this ID
16 card, Government Exhibit 3, is not this man who is on trial
17 here. That's the kind of determination that this Court
18 makes every day, and this Court makes that without the aid
19 of a bunch of people standing up, you know, making expert
20 things and taking days and days of trial time, and make it
21 according to the rules of the common law.

22 All that would remain in the trial,
23 therefore, would be let's put Mr. Demjanjuk on to rebut
24 things like that scar on the back and that sort of thing,
25 let's hear him. I wanted to look at Your Honor, I want

1 Your Honor to look at him. I want Your Honor to ask him
2 the questions and do what common law judges have done from
3 the beginning of our republic and make the determination
4 that common law judges have done in accordance with the
5 Rules of Evidence.

6 In short, Your Honor, trial by archive wastes
7 precious judicial time. We will sit here for days, half of
8 it listening to things we already agree about, and the
9 other half listening to things about which Your Honor is
10 qualified by training and experience to decide based on
11 what lawyers are qualified by training and experience to
12 present to you.

13 That really is the most fundamental point
14 here, Your Honor. I am, as I said, in the seventh decade
15 of life, and time has dulled some of my fighting faith.

16 THE COURT: Not much.

17 (Laughter.)

18 MR. TIGAR: And maybe that is because, Your
19 Honor, that I continue to believe that the Federal Court in
20 a matter of human liberty is a sanctuary in the wilderness.

21 THE COURT: Thank you, Mr. Tigar. You can
22 respond.

23 MR. DRIMMER: Your Honor, I'll be brief. The
24 defense, Mr. Tigar, is talking extensively about this trial
25 by archive, that documents are somehow suspicious and a

1 denial of due process. My first point on that is these
2 documents are used frequently in federal litigation and
3 decisions are made based on these documents frequently in
4 federal litigation.

5 As a historical matter, it is a gift. It is
6 as a matter of benefit to everybody that these documents
7 were discovered, that they were captured, that they were
8 retained, and that they are in use to be able to prove
9 matters that are in dispute all the time, and the defendant
10 certainly will have an opportunity to contradict those
11 documents, to present his alibi, and to show how these
12 documents don't prove where the government alleges that he
13 in fact served.

14 As far as Dr. Sydnor's qualifications, which
15 I believe is the subject matter in dispute, although I'd
16 like to confine the remainder of my presentation to that
17 point, I'd like to point out he's been qualified as an
18 expert in 17 cases, three of them former Trawniki cases,
19 several Flossenburg cases, as well as a Majdanek case. And
20 as he testified, he has discussed extensively the Nazi
21 concentration camp system, modern German history, and the
22 extermination camp at Sobibor.

23 We do not believe that we are going to spend
24 that much time recounting the horrors of the Holocaust for
25 Your Honor. That would be a relatively small part of our

1 presentation. As Your Honor observed in the pretrial
2 conference, and as Mr. Stutman observed in his opening, we
3 believe the issue is narrow. Dr. Sydnor's expertise will
4 focus solely, not solely, but closely to the narrow issue
5 presented to Your Honor.

6 One thing Dr. Sydnor can provide with his
7 expertise is a discussion of the documents in question. He
8 can say, as we hope he might, that these documents look
9 like other historical documents, that they are found in
10 archives; they are found in archives where historians would
11 expect to find such documents; that they are in a condition
12 that doesn't raise any suspicion from a historical
13 perspective. So he can provide certain useful testimony to
14 Your Honor in the admission of the evidence in this case.

15 Back to his qualifications, Dr. Sydnor has
16 published extensively on issues as they relate to the
17 concentration camp system, modern German history, and as
18 the defendant's trial brief itself said, he may be an
19 expert in the Death's Head battalion. And as Dr. Sydnor
20 told us this morning, Death's Head battalion were the units
21 that guarded the concentration camps, including the
22 concentration camp at Flossenburg.

23 I want to respond very quickly to the
24 citation to the Pietzmeier case. I believe that Mr. Tigar
25 brought up about the ability of an expert to gain

1 knowledge, gain additional knowledge in preparation for
2 litigation. The issue in that case, Your Honor, was
3 whether an expert who gains expertise for the trial they
4 are specifically testifying in, that was the issue
5 presented in that case. It did not relate to whether prior
6 experience in serving as an expert and learning necessary
7 secondary sources and studying the primary archival
8 documents and the matters at issue elevates somebody's
9 level of specialized knowledge, which is the standard.

10 That issue was specifically dealt with by
11 Judge Louis Pollack last year in the case of U.S. v.
12 Kowalchuk. That is cited, I believe, in some of our
13 filings with Your Honor, perhaps in the bench memorandum
14 that we submitted on the first day of trial. If I may read
15 into the record very quickly the relevant quote that I am
16 referring to. This is on the transcript at page 69 of the
17 first day of trial, I believe was January 10th, 2000. "The
18 prior cases," referring to the ones Dr. Sydnor has
19 testified in, "also themselves appear to be episodes of
20 further education for the witness, so I will permit him to
21 testify as an expert regarding Operation Reinhardt." That
22 was a Trawniki case just as this one was, as well.

23 Regarding Dr. Sydnor's methodology,
24 reliability of his conclusions, I will only say he's been
25 subjected to extensive peer review for his publications,

1 his papers. There are seminars in which he's participated.
2 The relevant test isn't whether the conclusions themselves
3 have been subjected to peer review, but the methodology
4 through Dr. Sydnor's publications, his methodology has been
5 subjected to extensive peer review. For that reason, we do
6 believe he satisfies the Rule 702 standards incorporated in
7 Daubert and Kumho Tire.

8 Thank you, Your Honor.

9 MR. TIGAR: Only one observation it seems to
10 me requires response. If it is said that Dr. Sydnor would
11 testify that the condition of these documents or where they
12 are found is an indicator of reliability and therefore
13 admissibility, Your Honor, under the due process clause
14 and, we would say, the Sixth Amendment, but we would argue
15 about that, and Rule 902, the authenticity rule, and under
16 Rule 803, there may be an issue about whether these
17 documents are in a condition that would permit the Court to
18 review them. We have already had the testimonies of
19 Mr. Epstein and Mr. Stewart and Mr. Smith about that.

20 To the extent that Dr. Sydnor wishes to
21 contribute something about it, not as an expert witness
22 under 702 but to help Your Honor make the 104
23 determination, then I see no reason why he couldn't be
24 briefly sworn to go through that. However, I would point
25 out that even if that's what he's being offered for, since

1 he's never done any peer-reviewed study of the use of
2 archival material to make this sort of determination, that
3 even as to that, Your Honor, and even given Your Honor's
4 broad latitude under Rule 104, that that would be improper.

5 THE COURT: All right. Thank you.

6 MR. DRIMMER: Very briefly, Your Honor. I'd
7 like to make a point regarding the condition of the
8 documents. Dr. Sydnor has spent 33 years examining German
9 historical wartime documents. That is precisely the type
10 of specialized knowledge that he's referred to regarding
11 standards for the admissibility of expert testimony, that
12 that will permit him certainly to give an expert and
13 informed judgment on what German wartime documents look
14 like and the fact that these are German wartime documents.

15 Thank you.

16 THE COURT: There's an old saying in the
17 legal profession, you take your plaintiffs as you find
18 them, with all their warts and faults and weaknesses. And
19 to a certain extent, it's the same situation with experts.
20 You have to take them as you find them, with all their
21 warts and faults and weaknesses.

22 Much of what Mr. Tigar has said here is a
23 good argument with respect to the weight of the evidence.
24 Is it not necessarily a valid argument in why a person
25 should not be held to be an expert. It seems to me that

1 the Government has established that Dr. Sydnor has the
2 qualifications required under Daubert for certification as
3 an expert witness.

4 That does not mean, however, that the Court
5 has to accept his testimony to any extent. Obviously, if a
6 person who has been qualified as an expert has a bias or
7 has employed techniques in a particular case that are not
8 as valid as other techniques might have been, those factors
9 mitigate against the acceptance of their testimony. The
10 Court is perfectly capable of making those determinations
11 based upon the examination and cross-examination of the
12 witness.

13 I think that the standards established in
14 Daubert and Kumho Tire have been met and, therefore, I will
15 permit Dr. Sydnor to testify as an expert historian. I
16 would agree, however, that we don't need to have extensive
17 testimony on things that have been agreed upon. There is
18 no particular dispute over the fact that the Holocaust
19 occurred or what it involved, and if there is testimony
20 that is unnecessary because of admissions that have been
21 made and stipulations that have been made, I will limit
22 that testimony.

23 But for purposes of Daubert, I believe that
24 Dr. Sydnor's qualifications as an expert historian have
25 been established.

1 MR. DRIMMER: Thank you, Your Honor.

2 MR. TIGAR: Judge, for the record, Your
3 Honor, I made four points, and Your Honor is rejecting each
4 of the four points that I am making?

5 THE COURT: Yes, that's correct.

6 MR. TIGAR: Thank you, Your Honor. I'm not
7 trying to argue with the Court.

8 THE COURT: No, I understand.

9 MR. TIGAR: Thank you.

10 THE COURT: Actually I'm not necessarily
11 rejecting all four points. What I said was some of them
12 don't bear on the Daubert test.

13 MR. TIGAR: I understand. I'm not trying to
14 sandbag Your Honor with this. I'm trying to make my
15 record.

16 THE COURT: I understand. All right,
17 Mr. Drimmer, you may proceed.

18 MR. DRIMMER: Dr. Sydnor? The government
19 would like to proceed with the expert testimony of Dr.
20 Sydnor.

21 THE COURT: All right.

22 MR. TIGAR: While we are setting up, I am
23 reminded that I already had a BB yesterday, so I am
24 renumbering, if I may, the affidavit that I handed up as
25 BB 1.

1 THE COURT: Why don't we do it as -- why
2 don't we just do it -- that's going to get confusing. Why
3 don't we do it as FF.

4 MR. TIGAR: Yes, Your Honor. I'll put
5 another sticker on it. Does Your Honor have that one?

6 THE COURT: Yes. I will remark it as FF.

7 MR. TIGAR: Thank you, Your Honor.

8 DIRECT EXAMINATION OF CHARLES W. SYDNOR, JR. (Resumed)

9 BY MR. DRIMMER:

10 Q. Hello again, Dr. Sydnor.

11 I'd like to put up, we have a demonstrative,
12 and I want to put that up.

13 MR. DRIMMER: Your Honor, we have a small
14 version of this map, an 8-and-a-half by 11, in your binder
15 at Exhibit 19.

16 THE COURT: 19. Okay.

17 Q. Dr. Sydnor, what does this map depict?

18 A. This is a map of east central Europe showing Germany,
19 Poland, Czech Republic, Slovakia and Austria.

20 THE COURT: What year? They change borders
21 every year.

22 THE WITNESS: This looks to me like a current
23 map. It's got the Czech Republic and Slovakia. I believe
24 this is a current map.

25 THE COURT: All right. Well, that was not

Sydnor Direct

1 the map that existed during the World War II, I believe, is
2 that correct?

3 THE WITNESS: That's correct. Boundaries
4 during the Second World War are different than the
5 boundaries on this map.

6 MR. TIGAR: Objection to relevancy, Your
7 Honor.

8 MR. DRIMMER: I will get that.

9 THE COURT: The national boundaries shown on
10 this map are obviously irrelevant. The location of the
11 cities, however, hasn't changed.

12 MR. TIGAR: That's a true story, Your Honor.
13 Thank you.

14 BY MR. DRIMMER:

15 Q. We were going to work up to that. I'd like to start
16 by showing you what's been marked as Government's Exhibit
17 3, Dr. Sydnor. That is the Trawniki service pass for Iwan
18 Demjanjuk, identification number 1393. And Your Honor, if
19 I may show him the original.

20 THE COURT: Yes.

21 Q. Dr. Sydnor, can you identify this document for the
22 record?

23 A. Yes, sir. This is a service identity pass used for
24 guards in the SS training camp facility at Trawniki in the
25 Lublin District of the general government of Poland.

Sydnor Direct

- 1 Q. What is the name of the bearer of this service
2 identity pass?
- 3 A. The bearer's name is Demjanjuk, family name is
4 Demjanjuk, the first name is Iwan.
- 5 Q. Is there some type of identification number listed on
6 this document?
- 7 A. Yes, sir.
- 8 Q. What is that?
- 9 A. The service identity number is 1393.
- 10 Q. Dr. Sydnor, you mentioned this document is a
11 Trawniki-issued pass. Can you identify Trawniki on the
12 map, please?
- 13 A. Yes, sir. Trawniki is here on the eastern edge of
14 the demonstrative exhibit, southeast of the city of Lublin
15 in eastern Poland.
- 16 Q. We'll try to find you a pointer.
- 17 A. That's fine.
- 18 Q. Have you seen other service passes like this one, Dr.
19 Sydnor?
- 20 A. Yes, sir.
- 21 Q. Where was this document originally found?
- 22 A. This document I believe originally comes out of
23 Vinnitsa, V I N N I T S A, in the Ukraine.
- 24 Q. Was it in an archive there?
- 25 A. Yes, sir.

Sydnor Direct

1 Q. Is that a place where you would have expected to find
2 this document?

3 A. Yes, sir.

4 Q. Please explain why.

5 A. This document, along with a number of other service
6 identity passes, personnel records, and administrative
7 files from the SS training camp at Trawniki were captured
8 on or about the middle or latter part of July, 1944 by
9 units of the Red Army, that is the Soviet armed forces, in
10 an offensive that summer against the Germans on the Eastern
11 Front, and the Red Army overran that part of eastern
12 Poland, including the facility at Trawniki and the German
13 garrison in Lublin.

14 Q. Dr. Sydnor, is there anything about this identity
15 pass that causes you to doubt its authenticity?

16 A. No, sir.

17 MR. DRIMMER: Your Honor, I'm going to hand
18 up the original.

19 Q. Dr. Sydnor, in your binder, I'd like you to turn to
20 what's been marked as Plaintiff's Exhibit 4, which is the
21 Majdanek disciplinary report.

22 A. Yes, sir, Exhibit 4?

23 Q. Yes, Dr. Sydnor.

24 A. I have it.

25 Q. Have you seen this document before?

Sydnor Direct

1 A. Yes, sir.

2 Q. Can you please very briefly identify it?

3 A. Yes, sir. This is a report submitted by an SS
4 technical sergeant named hair man Erlinger E R L I N G E R,
5 who was assigned to the, what was called the prisoner of
6 war camp of the Waffen SS at Lublin. It was informally
7 known as Majdanek, M A J D E N E K, a report submitted on
8 the 20th of January, 1943 to the commandant's headquarters
9 of the concentration camp, regarding an incident in which
10 the guard dog detachment at Lublin Majdanek had encountered
11 four guards who had violated the quarantine that at that
12 time was in effect on the camps, and asking for -- asking
13 the headquarters to take notice of this.

14 Q. Who are the four people the disciplinary report lists
15 as being punished?

16 A. The four people listed at the top, number one is
17 Demjanjuk, ID number 1393; number 2 is Pasenok, ID number
18 900; number 3 is Peretjalko, ID number 1469; and number 4
19 is Tuktarov, ID 1730.

20 Q. Do you have an opinion as to whether the Demjanjuk
21 1393 on this document is the same person as listed on
22 Government's Exhibit 3, the service identity pass?

23 A. Yes, sir.

24 Q. What is that opinion?

25 A. I think it's the same. I think Demjanjuk, ID number

Sydnor Direct

1 1393 on this document is the same individual, same ID
2 number that's on the Trawniki service identity pass.

3 Q. Is that the basis for your opinion, the identity
4 number, the identification number?

5 A. The identification number, yes, sir.

6 Q. Can you point on the map where Majdanek was located?

7 A. Well, Lublin is not shown in sufficient detail on
8 this map to really give you a perspective, but the prisoner
9 of war camp of the Waffen SS, which is known as Majdanek,
10 is in the southeastern quadrant of the city of Lublin at
11 the time. It's along the highway that runs from Lublin on
12 down to eventually L'viv.

13 Q. Dr. Sydnor, have you seen other disciplinary reports
14 like this one?

15 A. Yes, sir.

16 Q. Where is the original of this disciplinary report
17 housed?

18 A. The original of this document, number 4, is in the
19 Lithuanian Central State Archives in Vilnius.

20 Q. Is this a place where you would expect to find this
21 document?

22 A. Yes, sir.

23 Q. Please explain why.

24 A. In addition to the other guard formations that were
25 stationed at Lublin Majdanek in January of 1943, there were

Sydnor Direct

1 units of the Lithuanian Defense Guard Forces, is the
2 literal translation of their term, specifically units of
3 252nd Lithuanian Defense Guard station were stationed at
4 Majdanek.

5 These records, like the service identity pass
6 in Exhibit 1, were part of what were captured by the
7 Soviets in 1944. I believe that in looking through these
8 documents, the Soviets discovered that there were a number
9 of people named in the document -- well, there were
10 documents, of course, that related to the Lithuanian guard
11 formations at Lublin Majdanek, and there were individual
12 Lithuanians named in some of these documents, so a group of
13 these documents were put together and sent to Vilnius for
14 the KGB investigators there to open investigations of
15 people in the post-war period who had served, Lithuanians
16 who had served in these guard formations. And this
17 document got bundled in with the other materials that were
18 sent to Vilnius. This document was discovered in Vilnius.
19 That's where the original was found.

20 Q. Dr. Sydnor, I believe that in the course of your
21 answer you said that the service pass was Government's
22 Exhibit 1. It's actually Government Exhibit 3. I'd like
23 just the record to reflect.

24 A. All right. I'm sorry.

25 Q. Okay. Is there anything about this document that

Sydnor Direct

1 causes you to question its authenticity?

2 A. No, sir.

3 Q. I'd like to move to Government Exhibit 5, which is
4 the Sobibor transfer roster. Let me know when you have it,

5 Dr. Sydnor.

6 A. I have it.

7 Q. Have you seen this document before?

8 A. Yes, sir.

9 Q. Would you please identify this document?

10 A. This is an authorization for the transfer of a large
11 group of men, I believe a total of -- originally it was to
12 be a total of 84, from the Trawniki training camp to the
13 special SS special detachment in Sobibor, which is the
14 Sobibor extermination camp in the Government General of
15 Poland. This transfer authorization is dated Trawniki,
16 March 26, 1943.

17 Q. Dr. Sydnor, what are the men listed on this document
18 being sent from Trawniki to Sobibor to do?

19 A. Men sent from Trawniki to Sobibor were sent there to
20 serve as guards.

21 Q. I'd like you to turn to entry number 30 of the
22 transfer roster.

23 A. Yes, sir.

24 Q. What is the name of the person identified?

25 A. The person at number 30 which shows on page 4 of the

Sydnor Direct

1 English translation is Iwan Demjanjuk.

2 Q. In your expert opinion, Dr. Sydnor, is that Demjanjuk
3 the same person as the Demjanjuk on the service identity
4 pass on the Majdanek disciplinary report?

5 A. Yes, sir.

6 Q. What is the basis of the conclusion?

7 A. The basis of the conclusion is the identity number
8 that has been assigned to the individual, which is 1393.
9 That's the same identity number that is on the previous
10 exhibit, and that's the same number that's on the first
11 exhibit, which is the service identity pass. And in
12 addition, on this document, the Sobibor transfer
13 authorization, the date of birth is the same as the date of
14 birth on the first exhibit, which is Government's Exhibit
15 3.

16 Q. Dr. Sydnor, is Sobibor on that map in front of you?

17 A. Yes, sir.

18 Q. Can you please point it out to the Court?

19 A. Sobibor on this map is on the right-hand side, middle
20 part of the map, it's shown with a green dot. It is
21 northeast, north/northeast of Trawniki, the village of
22 Trawniki, and the site of the Trawniki training camp, and
23 it is northeast of the city of Lublin.

24 Q. Have you seen other transfer rosters like this one,
25 Dr. Sydnor?

Sydnor Direct

1 A. Yes, sir.

2 Q. Have you seen the original of this document?

3 A. Yes, sir.

4 Q. Where did you see that?

5 A. The original of this document is housed in the
6 archive of the Federal Security Service of the Russian
7 Federation in Moscow, and this is the same archive that is
8 the archive of the former KGB or the Soviet Ministry of
9 State security that existed during the period of the Union
10 of Soviet Socialists Republics.

11 Q. Is that a place where you would expect to find this
12 document, that archive?

13 A. Yes, sir.

14 Q. Would you please explain why?

15 A. Well, this is an important document to the Soviet
16 Union and to the authorities and to the prosecutorial
17 organs of the Soviet Union in the last phase of the Second
18 World War and after the Second World War.

19 This document identifies people like the
20 other documents found in the Trawniki files that the
21 Russians got their hands on, identifies people who were
22 citizens of the Soviet Union and other Eastern European
23 countries before the Second World War who ended up serving
24 in German units during the Second World War and who were
25 considered by the Soviets to be traitors to the motherland.

Sydnor Direct

1 So this record, like these other records,
2 become, they become investigative materials, and then they
3 become prosecutorial materials in the hands of the Soviets
4 after the Second World War. That's why I would expect to
5 find materials like this in an archive that had formerly
6 been under the jurisdiction of the KGB.

7 Q. Is there anything about this transfer roster that
8 causes you to doubt its authenticity?

9 A. No, sir. I mean it's a captured German document.

10 Q. I'd like to turn to Plaintiff's Exhibit 6, which is
11 the Flossenbug transfer roster. Dr. Sydnor, have you seen
12 this document before?

13 A. Yes, sir.

14 Q. Can you very briefly identify it?

15 A. This is a transfer authorization dated Trawniki, the
16 1st of October, 1943, addressed to the command of the
17 leadership of the Flossenbug, that's spelled F L O S S E N
18 B U E R G, the Flossenbug concentration camp in the
19 Bavarian Ostmark, O S T M A R K. The heading, the office
20 heading on this is different than the office heading on the
21 previous exhibit, because of the difference in the dates on
22 the two documents.

23 The previous exhibit that I referred to
24 carried the -- that is the Sobibor transfer roster --
25 carried the office heading of the SS and police leader of

Sydnor Direct

1 the Lublin District, the Trawniki training camp. This
2 document is headed the Economic and Administrative Main
3 Office of the SS Training Camp at Trawniki.

4 The difference is because in August of 1943,
5 the SS Economic and Main Administrative Office in Berlin
6 took over as the jurisdictional authority the Trawniki
7 training camp and at that time the remnants of the guard
8 units from the previous death camps. Belzec had already
9 been shut down. Treblinka was liquidated after the inmate
10 uprising there on August the 2nd, and of course, two weeks
11 after this document was executed, the inmates, the work
12 Jews at Sobibor revolted and the Sobibor camp was
13 eventually shut down. So that explains the difference in
14 that.

15 This is a transfer authorization indicating,
16 and I believe there are 140 names on this list, these men
17 are to be transferred from Trawniki to the Flossenburg
18 concentration camp as guards.

19 Q. Turning to entry number 53 on Government 6 of the
20 Flossenburg transfer roster.

21 A. I'm sorry, number 53?

22 Q. Number 53, 5-3.

23 A. Yes, sir.

24 Q. What's the name of the person identified at that
25 entry?

Sydnor Direct

1 A. The person identified at that entry is Iwan
2 Demjanjuk.

3 Q. In your expert opinion, Dr. Sydnor, is that same Iwan
4 Demjanjuk named on Government's Exhibit 3, the identity
5 pass, the Majdanek disciplinary roster and the Sobibor
6 transfer roster that we have just spoken about?

7 A. Yes, sir.

8 Q. What is the basis of that conclusion?

9 A. Well, the basis of the conclusion is that on the
10 translation it shows two characters or numbers of the
11 service identity number that are legible, 13, so there's an
12 incomplete identity number on this, but the date of birth
13 is the same. The spelling of the name, which is different,
14 is close, but the date of birth is the same. That is
15 Exhibit 3, which is the service identity pass and the
16 Sobibor transfer roster. And the rank is the same, the
17 rank is guard private.

18 Q. Dr. Sydnor, is Flossenburg on the map in front of you
19 somewhere?

20 A. Yes, sir.

21 Q. Could you please point that out to the Court?

22 A. Flossenburg is on the left side of the map in the
23 center. It is in what is called, it's now called the upper
24 Palatinate, P A L A T I N A T E. It is about four or five
25 miles from the border of the Czech Republic. It's in a

Sydnor Direct

1 hilly, heavily forested region, and it's in Germany proper.
2 It's within the boundaries of the German Reich as of 1943,
3 and it is still within the boundaries of Germany today.

4 Q. Dr. Sydnor, have you seen the original of this
5 document?

6 A. Yes, sir.

7 Q. Where did you see that original?

8 A. The original of this document is also in the archive
9 of the Federal Security Service of the Russian Federation
10 in Moscow, and that's the same archive that the Sobibor
11 roster is in, which is the archive of the former KGB.

12 Q. Is that a place where you would expect to find this
13 document?

14 A. Yes, sir.

15 Q. Is there anything about this transfer roster that
16 causes you to question its authenticity?

17 A. No, sir.

18 Q. I'd like to turn to Government's Exhibit 7, which is
19 the weapons and equipment log. We had the original of that
20 for Your Honor yesterday.

21 THE COURT: Yes.

22 A. Yes, sir, I have it.

23 Q. Have you seen this document before, Dr. Sydnor?

24 A. Yes, sir.

25 Q. Would you identify it for the record?

Sydnor Direct

1 A. This is a weapons and equipment log of the
2 commandant's headquarters of the Flossenburg concentration
3 camp. It's dated April the 1st, 1944.

4 Q. Looking at page 69 of this exhibit, what name is
5 listed third from the top?

6 A. Give me just a minute here. Page 69?

7 Q. Take your time. This is 69 in the original German,
8 Dr. Sydnor.

9 A. I'm sorry, counselor. Are we looking at the German
10 or the English here?

11 Q. I'm looking at the original German, Dr. Sydnor.

12 A. I'm trying to find page numbers here.

13 Q. Did they not copy?

14 A. I don't believe so.

15 Q. Okay.

16 THE COURT: I think it's up in the upper
17 right-hand corner of the original document page.

18 MR. DRIMMER: May I approach and help on
19 this, Your Honor?

20 THE COURT: Yes.

21 (Pause.)

22 A. Oh, there they are. I'm sorry. Some of them are cut
23 off. Most of them -- many of them are cut off. What page?

24 Q. 69 was the first one.

25 A. Okay. I have it. Page 69, I'm looking at the -- a

Sydnor Direct

1 copy in the original German, copy of the original German
2 page.

3 Q. What name is that that's third from the top, Dr.
4 Sydnor?

5 A. It is guard private, which is designated by the
6 capital letter W with a period after it, and then it's
7 Demianiuk. It appears to be in the German printing, hand
8 letter printing, D E M I A N I U K, and the date, October
9 the 8th, 1943, appears to the right of the name. If you
10 look at the heading and the column at the top, it says
11 issued to or given out on or given out to Guard Private
12 Demianiuk on October the 8th, 1943.

13 Q. And what does the appearance of this name and this
14 entry mean regarding this document?

15 A. The people listed in this document were issued
16 weapons by the armorer at the Flossenburg concentration
17 camp, and he recorded the distribution of the weapons by
18 name and by the date that the weapons were issued.

19 Q. I'd like you to turn to page 25 of this exhibit, if
20 you can find it, in the original German. Do you have it,
21 Dr. Sydnor?

22 A. I believe I have page 25. There's no number at the
23 top right-hand corner of the page, but it follows page 24.

24 Q. Well, can you tell me what name is fifth from the
25 bottom?

Sydnor Direct

1 A. Fifth from the bottom is the name Demianiuk, D E M I
2 A N I U K, and next to that is like a ditto marks that show
3 a date, and that date is October the 8th, 1943.

4 Q. And what does the entry of this name, the appearance
5 of this name in this location mean? What is the meaning of
6 that entry?

7 A. The names recorded in this location were entered by
8 name and date for the issue also of a weapon.

9 Q. And what weapon was issued?

10 A. The weapon issue recorded on page 25 are for
11 bayonets, which is shown, if you look across the top of the
12 page. That's the German noun for bayonet, and then the
13 capital letter CSZ means Czechoslovak manufacture, and then
14 there's a serial number or issue number for the weapon
15 denoted by the year of its manufacture. That's what the
16 issued weapon is on page 25.

17 Q. And when does this weapons log say that the Demianiuk
18 you've identified received these weapons?

19 A. The date entered for both of these weapons, the
20 previous entry was for the issuance of rifles. This entry
21 on page 25 is for bayonets. The date on both of these is
22 October the 8th, 1943.

23 Q. How long after the date on the Flossenburg roster,
24 Plaintiff's Exhibit 6, is that?

25 A. Approximately -- the Flossenburg roster is, I

Sydnor Direct

1 believe, dated October the 1st. This would be seven days
2 after.

3 Q. Why would the men listed in this log need the weapons
4 that you talked about?

5 A. Well, they are issued weapons to serve as guards.

6 Q. Have you seen the original of this weapons log?

7 A. Yes, sir.

8 Q. Where did you see the original?

9 A. I saw the original of this in the new facilities of
10 the Bundesarchiv or the West German National Archives in
11 Berlin, Lichterfelde, last November.

12 Q. Is that a place you would expect to find such
13 documents?

14 A. Yes, sir.

15 Q. Could you explain why?

16 A. This weapons log is in with a volume or folders of
17 material, loose-leaf folder, containing materials that
18 survived from the administrative records of the Flossenburg
19 concentration camp in the spring of 1945. These records
20 were captured when the Flossenburg concentration camp was
21 liberated by units of the U.S. Army's 90th Infantry
22 Division in April of 1945, and were held in American
23 custody, were in the United States for some period of time,
24 and then were restituted to the Federal Republic of Germany
25 in the 1960s, and have been housed in the German National

Sydnor Direct

1 Archives since then.

2 Q. Dr. Sydnor, is there anything about this document
3 that causes you to doubt its authenticity?

4 A. No, sir.

5 Q. I'd like to move to Plaintiff's Exhibit 8, which is
6 the daily duty roster for Flossenburg. I believe that's in
7 Volume 2.

8 A. Yes, sir.

9 Q. Let me know when you have it.

10 A. I have it. Daily duty assignments for October the
11 4th, 1944, dated October the 3rd, 1944.

12 Q. Have you seen this document before, Dr. Sydnor?

13 A. Yes, sir.

14 Q. Would you please identify this document for the
15 record?

16 A. Yes, sir. This is a daily assignment sheet issued by
17 the headquarters of the Flossenburg concentration camp for
18 October the 4th, 1944, called a small guard details, that
19 is, the specialized guard details that were to be assigned
20 to prisoners who were working at different tasks in various
21 locations in and around the Flossenburg concentration camp.

22 Q. I'm looking about two-thirds of the way down the page
23 at the far right edge. Can you please tell us who is
24 identified?

25 A. I'm sorry, you were asking me from the German. Did

Sydnor Direct

1 you ask me to read the German or the English?

2 Q. The German is fine, Dr. Sydnor.

3 A. All right. Looking at the German then --

4 MR. DRIMMER: Your Honor, I'd state for the
5 record we had this original in Court yesterday, as well.

6 THE COURT: All right.

7 A. Well, in this copy of the German, looking down,
8 two-thirds down the page on the right, it says bunker
9 construction detail. What else?

10 Q. Do you see any individual names were identified as
11 being assigned to the bunker construction detail?

12 A. Yes, sir.

13 Q. Can you please state who they are?

14 A. Well, there is an SS man named Pfeiffer, P F E I F F
15 E R, and then indicated with a rifle. There's an SS man
16 named Froehlich, spelled F R O E H L I C H. And then on
17 the far right is the name Demenjuk, D E M E N J U K, with
18 an identity number after it in the original German, that
19 number is 1393. On this copy you cut off the last number,
20 it's only 139.

21 Q. I apologize. In your expert opinion, is that same
22 person, that Demenjuk 1393, is that the same person listed
23 on Plaintiff's Exhibit 3 through 7 you have been talking
24 about?

25 A. In my opinion, it's the same person who is on the

Sydnor Direct

1 Flossenburg transfer roster of October 1st, 1943, yes, sir.

2 And I believe it's the same person who is also in the

3 weapons and equipment log of April the 1st, 1944.

4 Q. What is the basis of that opinion, Dr. Sydnor?

5 A. Well, the basis of the opinion is the service

6 identity number 1393 that's on the daily duty assignment

7 roster, which contains the names of a lot of other men who

8 were also on the Flossenburg transfer roster of October the

9 1st, 1943, and the ID numbers that are on the Flossenburg

10 transfer roster match the ID numbers that are on the daily

11 duty assignment roster for the small details only, at

12 Flossenburg, on October the 4th, 1944.

13 THE COURT: Let's take a break, Mr. Drimmer,

14 ten minutes.

15 MR. DRIMMER: Thank you, Your Honor.

16 (Recess had.)

17 BY MR. DRIMMER:

18 Q. Dr. Sydnor, I believe we were talking about

19 Plaintiff's Exhibit 8, the daily duty roster, when we

20 broke.

21 A. Yes, sir.

22 Q. And can you tell me, do you have an opinion as to

23 whether the Demenjuk 1393 listed on this document is the

24 same individual listed on the service identity pass,

25 Government's Exhibit 3?

Sydnor Direct

1 A. Yes, sir.

2 Q. And what is that opinion?

3 A. I think it's the same individual. The spelling of
4 the name is different, but the identity number is the same,
5 1393.

6 Q. And what does this document, Plaintiff's Exhibit 8,
7 the daily duty roster, what does it show regarding
8 Demjanjuk identification number 1393?

9 A. Well, it shows that as of the 3rd of October, the
10 date of this document's creation, the individuals listed on
11 the document were assigned for the following day to guard
12 details of prisoners who were to be working at different
13 things in and around the Flossenburg concentration camp,
14 and the individuals who were to guard the bunker
15 construction detail led by an SS sergeant whose name is not
16 clearly legible on the document, but who elsewhere has been
17 identified as Sergeant Schmalacher and an SS man named
18 Pfeiffer and an SS man named Froehlich and a guard named
19 Demjanjuk, with the identity number 1393, were to guard a
20 detail of prisoners working on the bunker construction.

21 Now, the bunker in Flossenburg is the long
22 building on the southwestern side of the camp that was the
23 detention cell building, where the prisoners were held and
24 where people were executed. And the guards assigned to
25 this detail are, in the case of Froehlich and Demjanjuk,

Sydnor Direct

1 are carrying rifles, Pfeiffer is carrying a sub machine
2 gun.

3 Q. Dr. Sydnor, have you seen other daily duty rosters
4 similar to this one?

5 A. Yes, sir.

6 Q. Have you seen the original of this document?

7 A. Yes, sir.

8 Q. Where did you see that original?

9 A. The original of this document is bound in the same
10 volume of loose-leaf materials that survive from the
11 administrative records of the SS concentration camp at
12 Flossenburg that are housed in the Bundesarchiv, that is
13 the archive, the National Archive of Germany that is
14 located in the city of Berlin in the suburb of
15 Lichterfelde.

16 Q. Is that a place you would expect to find the original
17 of this document?

18 A. Yes, sir.

19 Q. And why is that?

20 A. Well, all of these, all the Flossenburg records that
21 survived that we captured are housed together, and this
22 roster is with the other materials in that same collection
23 of material, and it's in the same bundle of material that
24 was restituted to the Germans in the 1960s.

25 Q. Restituted by whom?

Sydnor Direct

1 A. By the United States.

2 Q. Is there anything about this daily duty roster that
3 causes you to doubt its authenticity?

4 A. No, sir.

5 Q. Dr. Sydnor, I'd like to turn to Plaintiff's Exhibit
6 9, which is the undated roster, and I'll state for the
7 record that we had the original of this in court yesterday,
8 Your Honor.

9 THE COURT: All right.

10 Q. Do you have that, Dr. Sydnor?

11 A. Yes, sir.

12 Q. Have you seen this document before?

13 A. Yes, sir.

14 Q. Can you very briefly identify it for the record,
15 please?

16 A. Yes, sir. This is an undated roster, personnel
17 inventory of Trawniki-trained guards. It's contained in
18 the files, the administrative records of the Flossenburg
19 concentration camp. It's in the same folder with these
20 other documents, the daily duty assignment roster and the
21 weapons log of April the 1st, 1944. This document is in
22 the same volume with these other documents, and it is a
23 list by name and by identity number of a group of
24 Trawniki-trained guards at the Flossenburg concentration
25 camp.

Sydnor Direct

1 Q. Dr. Sydnor, is this a fragment of a complete
2 document?

3 A. Yes.

4 Q. Can you please describe in historical terms as a
5 historian what does it mean that a document is a fragment?

6 A. Well, it means there was some other material in front
7 of this of some other kind, bound or assembled in some way.
8 You'll note at the top right hand of the first page of
9 this, it says page 17, and the annotation fragment, I
10 believe, is the translator's notation which is on the cover
11 of the exhibit, the certification cover of the exhibit.

12 Q. Dr. Sydnor, are you able to discern whether this
13 document relates to Flossenburg?

14 A. Yes, sir.

15 Q. How?

16 A. Well, the men listed on this document are also
17 listed, an overwhelming number of the men on this document
18 are also listed on the transfer authorization of October
19 the 1st, 1943. Some of the men on this roster are also on
20 the daily duty assignment roster, and the overwhelming
21 number of the men on this roster are also listed in the
22 weapons log and inventory of April the 1st, 1944.

23 This is what I would call like an overlapping
24 cohort. You get four documents that are beginning to show
25 substantial number of the same names and the same identity

Sydnor Direct

1 cards -- same identity numbers, excuse me.

2 Q. Does the location where this document is housed, does
3 that have any bearing on your opinion that this is a
4 Flossenburg document?

5 A. No. It's found in the Bundesarchiv with the other
6 Flossenburg documents.

7 Q. Does that inform on your opinion in some way that
8 this is a Flossenburg document?

9 A. Yes, sir.

10 Q. Dr. Sydnor, have you been able to determine
11 approximately when this document was created?

12 A. Yes, sir.

13 Q. When?

14 A. This document was created sometime after the 10th of
15 December, 1944, and sometime before the 15th of January,
16 1945.

17 Q. Dr. Sydnor, I'd like you to turn to entry number 44
18 on this document. What is the name that appears?

19 A. The first letter of the name by entry 44 is not
20 clearly legible. The rest of the name is like -emenjuk, E
21 M E N J U K. The rank shown is guard private, and the
22 service identity number shown is 1393 with a checkmark next
23 to it.

24 Q. In your expert historical opinion, is the man
25 identified at 44 the same person, Demenjuk, that's been

Sydnor Direct

1 identified on Government's Exhibits 3 through 8?

2 A. Yes, sir.

3 Q. What is the basis?

4 A. It's the same identity number. Again, the spelling
5 of the name is different on this exhibit than on the
6 previous exhibits, but the identity number is the same,
7 1393.

8 Q. Dr. Sydnor, did you see the original of this
9 document?

10 A. Yes, sir.

11 Q. And where did you see it?

12 A. In the German National Archives in Berlin, the
13 Bundesarchiv.

14 Q. Is that a place you expect to find it?

15 A. Yes, sir.

16 Q. Is there anything about this document that causes you
17 to doubt its authenticity?

18 A. No, sir.

19 Q. The reason you expect to find this document in the
20 Bundesarchiv is what?

21 A. Well, this is in the same folder of material as the
22 other Flossenburg documents that we have just been talking
23 about. This is a fragmentary collection of the
24 administrative records of the documents that survived the
25 evacuation of the camp by the SS in April of 1945 and the

Sydnor Direct

1 liberation of the camp by units of the U.S. Army, and I
2 mean it's in the same place with the other Flossenburg
3 documents. And the men listed on this roster, many of them
4 are men who have been listed on the preceding exhibits that
5 we have talked about from Flossenburg.

6 Q. Dr. Sydnor, from the seven documents that we have
7 just been talking about, Government's Exhibits 3 through 9,
8 what can you conclude about Demjanjuk, identification
9 number 1393's wartime activities?

10 A. 3 through 9. Now, 3 is the Trawniki service identity
11 pass.

12 Q. That's correct.

13 A. Okay. For the historian using these documents, you
14 can reconstruct a chronological framework or a
15 chronological skeleton around which you can conclude that
16 if these documents are authentic, and I believe they are,
17 and if the information on them is accurate, and I believe
18 it is, then you take the service identity pass. That
19 pass --

20 MR. TIGAR: Excuse me, Your Honor. I object
21 to the remark "if the information is accurate," and "I
22 believe it is," and ask that it be stricken. He's not
23 shown to be an expert on the accuracy of information on
24 business records.

25 THE COURT: Objection sustained. We'll

Sydnor Direct

1 strike that reference.

2 THE WITNESS: May I continue?

3 THE COURT: Yes.

4 A. The Trawniki service identity pass was issued at some
5 time before September the 22nd, 1942, because that's the
6 date on the inside of the first service deployment listed.
7 The person who is the Iwan Demjanjuk who had that ID number
8 assigned to him was therefore in the Trawniki training camp
9 sometime before the 22nd of September, 1942.

10 The person who signed the clothing
11 distribution list on that ID card was an SS corporal and
12 then an SS sergeant whose name was Ernst, E R N S T,
13 Heinrich, H E I N R I C H, Teufel, T E U F E L. Teufel was
14 promoted from the rank of SS corporal to the rank of SS
15 sergeant on or about the 19th of July, 1942, and he signs a
16 number of cards, and he signs the cards with his different
17 ranks. And this card is signed in his hand with his rank
18 as SS corporal.

19 So if you look at the dates that are fixed on
20 that card, there's a birth date for the bearer of the card.
21 There's a date of the first duty deployment assignment,
22 which is the 22nd of September, and there is a way to
23 identify the rank and the change in the date of the rank of
24 one of the people who signed that card.

25 So the card was issued or at least signed by

Sydnor Direct

1 the 19th of July, 1942. The bearer of that card was
2 deployed out to an estate on the 22nd of September, 1942.
3 The card also indicates that the bearer was assigned or
4 deployed to Sobibor on the service identity card, the date
5 is annotated as March the 27th, 1943, which is a day after
6 the Sobibor transfer authorization document which is dated
7 March the 26th, 1943.

8 So beginning with Government's Exhibit 3 as
9 the basis, you then come forward chronologically, and you
10 can conclude that the person whose name is in these
11 documents was in the Trawniki training camp by July, 1942;
12 was assigned out of the Trawniki camp to a first deployment
13 in September of 1942; was then assigned back out of the --
14 returned at some point from the deployment on the 22nd of
15 September, 1942, and was reassigned or redeployed to the
16 Waffen SS prisoner of war camp at Lublin sometime before
17 January the 20th, 1943, because his name is on the
18 disciplinary report in the Lublin Majdanek concentration
19 camp, different spelling of the name, same identity card
20 from Trawniki.

21 And there are other documents that
22 corroborate the presence of people from that unit in that
23 camp at that time. And subsequent to that, there is a
24 document that -- there are two documents that would
25 indicate deployment to Sobibor in March of 1943, and then

Sydnor Direct

1 another document, the next government exhibit documents the
2 deployment to Flossenburg on the 1st of October, 1943. And
3 then the next document, the weapons inventory and log
4 documents, the presence in Flossenburg by April the --
5 still the presence in Flossenburg on April the 1st, 1944,
6 when that document was created, because the weapons
7 assigned to the men were recorded as having been
8 distributed earlier on the 8th of October, 1943.

9 The next government exhibit is then the daily
10 duty assignment roster, which tells me that the person
11 whose identity number is 1393 and whose name is Demjanjuk
12 or Demyanyuk is still serving in Flossenburg as of October
13 the 4th, 1944.

14 And finally, the undated roster of late
15 December, early January, 1945, tells me that the same
16 person is still there as of the end of December, 1944, the
17 beginning of January, 1945.

18 So you conclude that beginning with Trawniki
19 in the summer of 1942, the person who has this same ID
20 number, 1393, is first at Trawniki. Then the first known
21 thing that you can conclude after that is that he is sent
22 to Okzow, O K Z O W. Then he shows up at Lublin Majdanek,
23 then he shows up at Sobibor. Then he shows up at
24 Flossenburg, and he's at Flossenburg from October, on or
25 before the 8th of October, 1943 until sometime after the

Sydnor Direct

1 10th of December, 1944 and before the 15th of January,
2 1945, and that's the chronological framework that I believe
3 these exhibits permit you to construct.

4 Q. Dr. Sydnor, I'd like to talk for a second about the
5 spellings of the name, the entry Demjanjuk on these
6 different documents. Do the different spellings of the
7 name Demjanjuk create any doubt in your mind the person
8 identified as Iwan Demjanjuk on the service pass,
9 Government's Exhibit 3, is the same person named on
10 Plaintiff's Exhibit 4 through 9?

11 A. No. The assignment of identity numbers in the case
12 of Trawniki was partially a fail-safe mechanism because of
13 the difficulty that the Germans had with nonGermanic
14 Eastern European names, Russian names, Ukrainian names,
15 Polish names, Lithuanian names, and also because there is
16 on any of these documents, there is no consistent pattern
17 to the spelling of the name. The name is misspelled almost
18 as many different ways as you can misspell it.

19 The same kind of thing happens with other
20 names in the list. The Germans are not just having trouble
21 with this name. The SS clerks who are recording this
22 information, they are having trouble with the other names,
23 too.

24 So no, the additional point of reference for
25 the Germans, of course, in places where you have something

Sydnor Direct

1 like a formal transfer authorization is the date of birth
2 of the individual.

3 Q. Dr. Sydnor, I think that you mentioned that four of
4 these documents were found in archives that were in the
5 former Soviet Union; is that right?

6 A. Yes, sir.

7 Q. Does that fact create any doubt in your mind as to
8 the authenticity of those four documents?

9 A. No, sir. They are captured German records.

10 Q. And why doesn't it impact at all on your view as to
11 their authenticity?

12 A. Well, the Soviets treated the documents, knowing what
13 we know about the Soviet Union, the Soviets treated the
14 documents in a way that I, as an historian, I find to be,
15 you know, crude and vandalous. I wouldn't take a
16 historical document and write on it. They defaced the
17 documents, but --

18 MR. TIGAR: I'm sorry, Your Honor. I didn't
19 hear the word after "crude and" -- vandalous?

20 THE WITNESS: Vandalous, yeah.

21 MR. TIGAR: Thank you.

22 A. They defaced the documents, but they were using them
23 for investigative purposes, and then they used them for
24 prosecutorial purposes.

25 Q. In your experience, have you seen any instances in

Sydnor Direct

1 which the KGB has forged documents to inculcate an American
2 citizen?

3 A. No.

4 Q. Are you aware of any instance in which the KGB --

5 MR. TIGAR: Excuse me, Your Honor. I object
6 to the answer and ask it be stricken. He's not shown to be
7 an expert on what the KGB has done with respect to American
8 citizens or anyone else.

9 MR. DRIMMER: Your Honor, he's exactly
10 independent in his qualifications, it is established he's
11 examined wartime documents for 33 years, and he's done
12 archival research in numerous archives, including those in
13 the former Soviet Union. And as the defense itself has
14 argued, he did examine a significant number of Russian
15 documents.

16 THE COURT: The question was, "In your
17 experience have you ever seen any instances," and he may
18 answer that. He's not testifying that that's impossible.
19 He's simply testifying as to whether he has seen any.

20 A. I'm not aware of any instance in which anyone -- if
21 your question was in matters of these kinds, in my
22 experience have I ever seen an instance in which documents
23 that were in the Soviet Union were forged in some way to
24 incriminate someone in the United States, the answer is no.
25 I'm not aware of that. I haven't seen it in my experience.

Sydnor Direct

1 Q. In your experience, have you seen any instance in
2 which the KGB has forged documents of the types that we
3 have been talking about this morning, Government's Exhibits
4 3 through 9?

5 A. No, sir. In my experience, I haven't seen that.

6 Q. Does it inform on the authenticity of the seven
7 documents we have been talking about in some way that some
8 were found in the former Soviet Union while others were
9 found in Germany, former West Germany?

10 A. Does it inform on the authenticity?

11 Q. Does that impact your view on --

12 THE COURT: Is that an east coast phrase?
13 I've never heard the word "inform" used that way before.

14 MR. DRIMMER: I will strike it from my
15 vocabulary, Your Honor.

16 Q. In your view, does it strengthen or lessen the
17 authenticity of the documents in some way, in your opinion,
18 that some were found in the Soviet Union, while others were
19 found in former West Germany?

20 A. No, sir, it doesn't.

21 Q. Can you please explain?

22 A. Well, when you look at the materials that were found
23 in Vilnius, the disciplinary report that was found in
24 Vilnius, the materials that were found in Moscow, the card
25 that -- the bearer 1393 that comes originally out of

Sydnor Direct

1 Vinnitsa, and the other materials without a frame of
2 reference naturally you would have questions about these
3 documents, particularly in the political context of the
4 cold war and before the collapse of the Soviet Union, and
5 all of the infamous things for which the Soviet secret
6 police were known and suspected of having done and been
7 capable of. But put into the context now where you can
8 look at these documents and put them down beside another
9 group of documents that come from the National Archive of
10 Germany and which have never been out of either American or
11 German custody since the liberation of Flossenburg in April
12 of 1945, these documents in many respects contain
13 information that matches or can be superimposed upon the
14 personnel information in the documents that have come out
15 of the archives of the KGB and the former Soviet Union.

16 I mean the names are the same with variations
17 in the spelling, the identity numbers are the same, and
18 there is a wealth of evidence in other SS and concentration
19 camp records that have been in German or American custody
20 since 1945 that document the presence of Trawniki-trained
21 guard units not only at Flossenburg, but at Mauthausen,
22 M A U T H A U S E N, at Gusen, G U S E N, which is a
23 subcamp of Mauthausen, at Buchenwald, B U C H E N W A L D,
24 and at Auschwitz also, beginning in the spring and summer
25 of 1943 as the Operation Reinhardt camps where these men

Sydnor Direct

1 had been serving as guards were being closed down, a great
2 number of these men who had been serving as guards in those
3 camps were incorporated into the camp structure of the main
4 SS economic and administrative office in Berlin, and they
5 were transferred to regular German concentration camps,
6 including Flossenburg. And you put all the documents
7 together now, and in my opinion, they show you where the
8 men were in 1942 and 1943 and where they were transferred
9 to after the summer of 1943.

10 Q. We were talking this morning about identification
11 numbers. Was the issuance of identification numbers
12 standard in most German units?

13 A. Yes, sir.

14 Q. And why were identification numbers issued?

15 A. Well, I mean it's a form of identity check or a form
16 of reference.

17 MR. TIGAR: Objection, Your Honor, asked and
18 answered. He testified they had trouble with names, Your
19 Honor. It wasn't a fail-safe mechanism.

20 MR. DRIMMER: Pardon me, Your Honor --

21 THE COURT: Objection overruled.

22 MR. DRIMMER: Thank you.

23 Q. I believe the question pending was, was it standard
24 in most German units to issue identification numbers?

25 A. Yes, sir. If you were an SS unit, you had some sort

Sydnor Direct

1 of identification number if you carried an SS identity
2 card. If you carried a Waffen SS pay book after July or
3 August of 1943, you had an identity number. If you were an
4 Army unit, you were assigned an identity number. Germans
5 used different combinations of ID numbers.

6 Q. Trawniki, were the identification numbers
7 particularly important in identifying the men?

8 A. Yes, sir, I believe they were.

9 Q. And very briefly, can you state the reason for that?

10 A. As I said before, because of the difficulty that the
11 clerks had with the spelling of nonGerman, Eastern European
12 names.

13 Q. At Trawniki, how long would a guard, a Wachmann, keep
14 his identification number?

15 A. In my opinion, the numbers once assigned were kept
16 permanently as long as the guard -- as long as the
17 Trawniki-trained guard was still present in the unit and
18 serving or still alive, or still a person whose final
19 disposition had not been determined, that number was kept.
20 And by that I mean deserters, because there were
21 Trawniki-trained guards, a large number of them who
22 deserted at different times during the war. And you look
23 at the personnel files and for guards who deserted, the
24 file would be kept open until such time as their fate was
25 known or they were presumed to be gone for good, and then

Sydnor Direct

1 the file would be closed.

2 Guards who were killed accidentally, the same
3 thing, the file, that was kept open until such time as they
4 were killed. And I have not seen anything that indicates
5 that the number was reassigned to anybody else after that.
6 So my conclusion is that once you were processed into the
7 unit and assigned an ID number that when on your service
8 identity pass, you kept that number.

9 Q. Let me ask you one clarification question. You said
10 you saw no indication that the numbers would be reassigned.
11 Was that after a guard died or deserted they wouldn't be
12 reassigned?

13 A. I've never seen that a number -- in the documents
14 I've seen for identity, personnel sheets for
15 Trawniki-trained guards who were killed in action or who
16 were executed or who were killed by partisans, or something
17 like that, I've never seen any evidence that the number was
18 reassigned to somebody else.

19 Q. Have you ever seen any instances in which the Germans
20 at Trawniki assigned the same number to two different
21 people?

22 A. No, sir.

23 MR. DRIMMER: Your Honor, at this time I
24 would like to read into the record one of the defendant's
25 answers to the Plaintiff's requests for admission which

Sydnor Direct

1 were signed by the defendant on January 14th, 1980, and
2 this is the second set of requests for admissions, and it
3 starts on page 2.

4 Q. Question number 1: "The date of your birth is April
5 3rd, 1920.

6 "Answer: Admit."

7 Dr. Sydnor, is the birth of Iwan Demjanjuk,
8 identification number 1393 on the service identity card,
9 Plaintiff's Exhibit 3.

10 A. Yes. It's April the 3rd, 1920.

11 Q. Is the birthday of Iwan Demjanjuk, identification
12 number 1393, listed in entry 30 on the Sobibor transfer
13 roster?

14 A. Yes, sir. It's April the 3rd, 1920.

15 Q. Is the birth date of Iwan Demjanjuk, identification
16 number 1393, listed at entry 3 on the Flossenburg transfer
17 roster?

18 A. Well, it's not an entry 3 at the Flossenburg --

19 Q. I'm sorry, entry 53?

20 A. It's entry 53, yes. The date of birth is April the
21 3rd, 1920.

22 MR. DRIMMER: Your Honor, I'd like to read
23 into the record another answer in response to requests for
24 admission. It's the same set. This is question number 2
25 in 1980.

Sydnor Direct

1 Q. "The place of your birth is Dub Macharenzi," D U B,
2 second word M A C H A R E N Z I, "Ukraine."

3 "Answer: Admit."

4 Dr. Sydnor, is the town of birth for Iwan
5 Demjanjuk listed on the service identity card, Government's
6 Exhibit 3?

7 A. Let me get Government 3. Could you please repeat the
8 question?

9 Q. Is the town of birth for Iwan Demjanjuk,
10 identification number 1393, listed on Government 3, the
11 identity card?

12 A. I'm going to read it as it is on the card. It says
13 "born in," and it is spelled D U B O I M A C H A R I W Z I,
14 and then there is a slash mark, and it's S A P O R O S C H
15 E. And that's whoever typed, this is their attempt to
16 spell in the Latin alphabet something that would
17 approximate --

18 MR. TIGAR: Excuse me, Your Honor. He's not
19 qualified as a mind reader.

20 THE COURT: Objection sustained.

21 Q. Is the town of birth for Iwan Demjanjuk,
22 identification number 1393, listed on the Sobibor transfer
23 roster, which I think is Government 5?

24 A. I'm sorry, ask the question again.

25 Q. The town of birth, is the town of birth for Iwan

Sydnor Direct

1 Demjanjuk --

2 A. Is the town of birth listed? Yes.

3 Q. And can you turn to it?

4 A. Yes, sir.

5 Q. What is the town of birth?

6 A. Dub Macharenzi.

7 Q. On the Flossenburg transfer roster, is the town of
8 birth listed for Iwan Demjanjuk, identification number
9 1393?

10 A. Yes, sir.

11 Q. What is it?

12 A. Dub Macha- -- part of it is obscured, the last part
13 of it is obscured, and then there appear to be two more
14 words, parts of which are legible and parts of which are
15 not.

16 Q. Okay. I'd like to read one more, a few more of the
17 answers to interrogatories from this same document, January
18 14th, 1980. "Number 3: Your father's name in Ukrainian
19 was Mikola, M I K O L A?

20 "Answer: Admit."

21 Number 4, "The russified form of Mikola is
22 Nikolai, N I K O L A I?

23 "Answer: Admit."

24 Dr. Sydnor, on the service identity pass is
25 the name of the bearer, Iwan Demjanjuk's father, listed?

Sydnor Direct

1 A. Yes, sir.

2 Q. What is it?

3 A. Nikolai.

4 MR. DRIMMER: Your Honor, I'm going to read
5 the next few answers from the requests for admissions from
6 the same document. I'm skipping one, going to number 6.

7 "Question: In Soviet military service you
8 received a back wound from shrapnel?

9 "Answer: Admit."

10 Number 7, "As a result of that back wound,
11 there remains at least through the end of World War II a
12 scar on your back?

13 "Answer: Admit."

14 Q. Dr. Sydnor, on Government 3, the service pass for
15 Iwan Demjanjuk, does it list any distinguishing marks?

16 A. Yes, sir.

17 Q. What are they?

18 A. Scar on the back.

19 MR. DRIMMER: Your Honor, I'd next like to
20 read from the defendant's visa application from December,
21 1951. The defense, in response to requests for admission,
22 admitted the authenticity of this document. And it's
23 number -- it's Exhibit 2.2. It asks for the color of eyes
24 for Iwan Demjanjuk, and the answer is gray.

25 Q. Dr. Sydnor, is the color of Iwan Demjanjuk's eyes

Sydnor Direct

1 stated on the service pass?

2 A. Yes, sir.

3 Q. What does it say?

4 A. Gray.

5 Q. Continuing on with Exhibit 2.2, which is the visa
6 application for the defendant, it states in the middle of
7 the page, "Residences since the age of 14." One of the
8 entries, 1934 to '43, is Sobibor, Poland. The bottom of
9 this document, it says that the defendant, Iwan Demjanjuk,
10 swore the truth to the information on this form.

11 I'd next like to read from Plaintiff's
12 Exhibit 1.5, which is the preparatory admission for the
13 international refugee application that the defendant filled
14 out in 1948, and the defense also admitted that this
15 document is authentic in response to requests for
16 admission. At number 11 the form asks for employment for
17 the last four years. It's at the bottom of the page. The
18 second location listed for the period April, 1937 to '43
19 is, quote, Sobibor dash Chelm, C H E L M, dash Poland, end
20 quote, where the defendant claimed he worked as a driver
21 with, quote, Frima, F I R M A, Auto, A U T O, end quote.

22 Dr. Sydnor, does the Trawniki service pass
23 indicate that Iwan Demjanjuk, ID number 1393, was ever at
24 Sobibor?

25 A. Yes, sir.

Sydnor Direct

1 Q. What does it say?

2 MR. TIGAR: Excuse me, Your Honor. Under
3 Federal Rule of Evidence 106, I would like to present to
4 the Court matters which we believe should be read in
5 conjunction with this. I don't mean to interrupt the
6 examination. I can do it when he's done, as the Court
7 pleases.

8 THE COURT: What do you have in mind?

9 MR. TIGAR: With respect to the same request
10 for admission, "On your application for visa, you knowingly
11 misstated several of your places of residence from 1940 to
12 '45.

13 "Answer: Denied. Misstatements if any were
14 made in conjunction with and upon the advice of IRO
15 officials to prevent repatriation of the defendant to the
16 Soviet Union.

17 "12. On the visa application referred to in
18 11 above, you knowingly failed to state several of the
19 places where you were resident from 1940 to 1945.

20 "Answer: Denied. Omissions if any were made
21 in conjunction with and upon the advice of IRO officials to
22 prevent repatriation of the defendant to the Soviet Union.

23 "13. The photograph attached to the
24 above-mentioned application for an immigration visa is a
25 photograph of you.

Sydnor Direct

1 "Answer: Denied. Unable to tell from Xerox
2 copy."

3 MR. DRIMMER: Your Honor, the defense will be
4 able to present a case when we are done.

5 THE COURT: Yes.

6 MR. DRIMMER: And they are certainly able to
7 ask any questions of Dr. Sydnor and put in requests for
8 admissions as they see fit. I think it's improper for
9 counsel to interrupt at this time for this purpose.

10 THE COURT: We will wait for the
11 cross-examination to put the additional information in.

12 MR. TIGAR: Thank you, Your Honor. I hope
13 you don't think I did anything wrong. Rule 106 gives the
14 Court an option.

15 THE COURT: No, that's fine.

16 MR. TIGAR: Thank you.

17 BY MR. DRIMMER:

18 Q. Dr. Sydnor, I believe question pending was: Does the
19 Trawniki service pass indicate that Iwan Demjanjuk was ever
20 at Sobibor?

21 A. Yes, sir, it does.

22 Q. What does it say?

23 A. It says, "Commanded on the 27th of March, 1943, to
24 Sobibor."

25 Q. Does the Sobibor transfer roster indicate that Iwan

Sydnor Direct

1 Demjanjuk was assigned to Sobibor?

2 A. Yes, sir, it does.

3 Q. What does it say?

4 A. It says this group of men listed below were assigned
5 to the SS special commando at Sobibor as of March the 26th,
6 1943.

7 Q. Dr. Sydnor, during World War II, was Sobibor a large,
8 populous city?

9 A. No, sir.

10 Q. Was there -- was the German extermination camp there
11 a well-known entity during World War II in Poland?

12 A. No, sir.

13 Q. I'd like you to turn to Plaintiff's Exhibit 77. Your
14 Honor, it's volume 5.

15 THE COURT: Yes. I see it.

16 Q. Have you seen this document before, Dr. Sydnor?

17 A. Yes, sir.

18 Q. Would you please identify it?

19 A. This is the interrogation protocol. I'm looking at a
20 translation, certified translation in English of the
21 interrogation protocol of March the 2nd, 1949, from the
22 city of Dniepropetrowsk, spelled D N I E P R O P E T R O W
23 S K, Dniepropetrowsk, of Ignat Danilchenko.

24 Q. Where is the original of this document held, if you
25 know?

Sydnor Direct

1 A. The original of this document is in the city of Kyiv,
2 I believe, in Ukraine, which is a former republic of the
3 Soviet Union.

4 Q. Is that a place where you would expect to find this
5 document?

6 A. Yes, sir.

7 Q. Do you have any questions as to this document's
8 authenticity?

9 A. No, sir.

10 Q. Turning to page 6 of this document. What is the name
11 of the person that Danilchenko identifies at line 19?

12 A. At line 19, number 4, Demjanjuk, Ivan.

13 Q. Where does Danilchenko say he met Demjanjuk, Ivan?

14 A. He says he met him in March, 1943, at the Sobibor
15 death camp, Poland.

16 Q. In your opinion, Dr. Sydnor, is that the same Sobibor
17 listed on the service identity pass and the Sobibor
18 transfer roster?

19 A. Yes, sir.

20 Q. What is the basis of that?

21 A. Well, we have the service identity card for
22 Mr. Danilchenko, which I believe is also a document -- I'm
23 sure it's a document that I've seen, and it also lists the
24 command to Sobibor, and there was now, but not then, now a
25 well-known German death camp at Sobibor in the Government

Sydnor Direct

1 General Poland of March of 1943.

2 Q. Is Danilchenko listed on the Sobibor transfer roster?

3 A. Yes, sir.

4 Q. I'd like to turn to the next page of this document,
5 line 22. How does Danilchenko describe the Demjanjuk he
6 knew?

7 A. Line 22, his description, tall, solid build, light
8 hair. On his left arm above the elbow on the inside he has
9 a tattoo, the blood type, done by the Germans in the city
10 of Flossenburg, Germany.

11 MR. TIGAR: Excuse me, Your Honor. May I --
12 I don't want to interrupt. I'd like to know where he's
13 reading from.

14 MR. DRIMMER: I identified for the record,
15 Mr. Tigar, page 7, the next page after 6, line 22.

16 THE WITNESS: Right here.

17 MR. TIGAR: Thank you. I had the wrong page,
18 Your Honor.

19 THE COURT: All right. The page numbers,
20 apparently there are two sets of page numbers because above
21 that part with the description, it says end of page 11.

22 MR. DRIMMER: Yes, Your Honor. That's the
23 translation. My mistake. I will try to identify that for
24 the record more clearly.

25 Q. I believe -- you read down to Flossenburg?

Sydnor Direct

1 A. Yes, sir.

2 Q. Do you have an opinion as to whether Mr. Danilchenko
3 was at Flossenburg?

4 A. Yes, sir. I believe he was.

5 Q. What is the basis of that opinion?

6 A. The basis of the opinion is his Trawniki service pass
7 that annotates Sobibor, and the Sobibor transfer
8 authorization has his name on it.

9 Q. I apologize. My question was Flossenburg. Do you
10 have an opinion as to whether Danilchenko was at
11 Flossenburg?

12 A. Yes, sir.

13 Q. What is the basis of that opinion?

14 A. I believe he is on the Flossenburg transfer
15 authorization, too.

16 Q. I'd like to read from what is Plaintiff's Exhibit 89.
17 That's defendant's 1980 deposition, and I'm reading from
18 page 80. I'm at line 20.

19 "Question: Do you remember whether" --
20 excuse me. I'm at page 79, Your Honor. And I'm on line
21 20.

22 "Question: Do you remember whether the
23 Germans ever marked or tattooed either of your arms while
24 you were a POW?

25 "Answer: Yes, in the division."

Sydnor Direct

1 I'd like to turn to the next page, line 7.

2 "What type of mark is it? What does it symbolize?" The
3 interpreter says, "A, blood group."

4 "Question: I would like the record to
5 reveal that Mr. Demjanjuk has indicated that the mark is on
6 his upper left arm on the inside of his arm.

7 "The witness: Yes."

8 Dr. Sydnor, on the service pass, Plaintiff's
9 Exhibit 3, is there a place for the bearer to sign his
10 name?

11 A. Give me just a minute to go back.

12 (Pause.)

13 A. Yes, sir.

14 Q. And where is that on the document?

15 A. It is in the lower right-hand corner of the open-face
16 portion of the document that has the photograph affixed in
17 the upper left-hand corner.

18 MR. DRIMMER: I'm going to read again, Your
19 Honor, from Government's Exhibit 89, which is defendant's
20 1980 deposition, and I'm on page 76. And at this point
21 they are talking about Exhibit 6 to the deposition, which
22 is the service pass. This is just after the defendant does
23 deny having ever signed this document. I will say that for
24 completeness.

25 "Question: Can you say without a doubt that

Sydnor Direct

1 that's not the way you wrote your name in 1942?

2 "Answer: It is like I wrote my name."

3 Q. Dr. Sydnor, do you see a photograph on the service
4 identity pass?

5 A. Yes, sir.

6 MR. DRIMMER: Your Honor, I'd like to read
7 into the record the defendant's testimony from 1981. This
8 is Plaintiff's Exhibit 92. I'm on page 1107 at line 9. At
9 this point in the questioning, as Your Honor will see, the
10 defendant is being asked about the photograph that we are
11 talking about.

12 "Question:" --

13 MR. TIGAR: I'm sorry, what page?

14 MR. DRIMMER: 1107. It's volume 6, just for
15 the record.

16 "Question: Is that you, Mr. Demjanjuk?

17 "Answer: Looks like me, but I am not 100
18 percent certain.

19 "Question: Oh, you indicated that the photo
20 on this card looks like you, is that correct?

21 "Answer: I have never seen such a photograph
22 taken of me, and so I am not certain.

23 "Question: But it looks like you, doesn't
24 it?

25 "Answer: Yes, possibly."

Sydnor Direct

1 THE COURT: I don't see "yes."

2 MR. TIGAR: I don't see "yes" there.

3 MR. DRIMMER: I'm on the line down. I'm
4 sorry, Mike. I'm misreading. "I have never seen such a
5 photograph taken of me, so I'm not certain.

6 "Question: But it looks like you, doesn't
7 it?

8 "Answer: Possibly.

9 "Question: Very similar to you, isn't it?

10 "Answer: Yes, possibly."

11 Q. Dr. Sydnor, if you would turn to Plaintiff's Exhibit
12 87, I think that's in volume 5.

13 MR. TIGAR: If Your Honor please, since these
14 are admissions of a party opponent, we have no basis to
15 object to them, but I do not know why they are being read
16 while Dr. Sydnor is on the stand and whether they are in
17 service of the direct examination now being conducted.

18 THE COURT: I believe it's simply their way
19 of getting them into the record at this point.

20 MR. DRIMMER: That's exactly what it is, Your
21 Honor.

22 Q. Let me know when you have Exhibit 87.

23 A. I have it.

24 Q. Would you please identify this document for the
25 Court?

Sydnor Direct

1 A. Exhibit 87, reading in the English, is the record of
2 presentation of photographs for identification of an
3 individual dated November 22nd, 1979, the city of Tyumen,
4 spelled T Y U M E N.

5 Q. Who is the person giving the statement?

6 A. The person giving the statement is Ignat Danilchenko.

7 Q. Is this the same Danilchenko we talked about earlier,
8 Dr. Sydnor?

9 A. Yes, sir.

10 Q. Can you please state what this document is?

11 A. This is the record of the procedure for identifying
12 photographs presented to Mr. Danilchenko as a witness.

13 Q. And what does Mr. Danilchenko say?

14 A. Turning to page 2, using the page number at the
15 bottom center of the page, turning to page 2, reading from
16 the middle, "After examining the nine photographs presented
17 to him for identification, witness I. T. Danilchenko stated
18 that in photograph number 3 on sheet of photographs number
19 1, he recognized Iwan Demjanjuk from facial features, oval
20 face, chin, shape of eyes and protruding ears.

21 "On sheet of photographs number 2, he
22 identified Iwan Demjanjuk in photograph number 2 from the
23 same features as on sheet of photographs number 1.

24 "On sheet of photographs number 3, he
25 identified Iwan Demjanjuk from general facial features in

Sydnor Direct

1 photograph number 3."

2 MR. DRIMMER: Your Honor, for the record,
3 they have the photographs in photocopy form at the back of
4 the document attached to the original.

5 THE COURT: Yes, I see that.

6 Q. Dr. Sydnor, are you aware that the defendant in this
7 case claims he had a cousin named Ivan Andreevich
8 Demjanjuk?

9 A. Yes, sir.

10 Q. Have you seen any German wartime documents mentioning
11 an Ivan Andreevich Demjanjuk?

12 A. Mentioning Ivan Andreevich, no, I haven't.

13 Q. German wartime documents?

14 A. No, sir, I haven't seen any wartime documents, no,
15 sir.

16 Q. I'd like to read into the record the testimony of the
17 defendant from his deposition of the proceeding in this
18 case, July 12th, 2000, it's Plaintiff 100, and I'm reading
19 from page 161, line 17, and this is in volume 10. This
20 part of the deposition, we are talking about Ivan
21 Andreevich Demjanjuk.

22 "Question: What color was his hair?

23 "Answer: At that time I think it was sort of
24 darkish, blackish."

25 My question to you, Dr. Sydnor -- oh, let me

Sydnor Direct

1 read one more thing, Your Honor. This is on page 170, and
2 this is line 17.

3 "Question: Do you have any pictures of Ivan
4 Andreevich?

5 "Answer: No.

6 "Question: Have you ever seen any pictures
7 of him?

8 "Answer: No."

9 I'd also like to read into the record from
10 the defendant's testimony, trial testimony of August 5th,
11 1987, this is Plaintiff's Exhibit 98, page 7634, line 22.

12 MR. TIGAR: Excuse me, Your Honor.

13 THE COURT: Yes.

14 MR. TIGAR: This is the defendant's trial
15 testimony from where?

16 MR. DRIMMER: This is from Israel, 1987.

17 MR. TIGAR: Your Honor, I'm going to object
18 to the reading into the record of any evidence taken in the
19 proceedings in Israel from the defendant, whether they
20 result from police interrogation or trial testimony. My
21 objection is based upon the fact that Mr. Demjanjuk was
22 transferred to Israel under fraudulent papers, based on a
23 fraud on the court.

24 He was held in Israel on solitary
25 confinement, the lights were on 24 hours a day. During his

Sydnor Direct

1 interrogation by Israeli police he was denied access to
2 counsel although he repeatedly requested it. He was kept
3 awake through systematic sleep deprivation, and therefore
4 his statements were obtained in violation of the peremptory
5 norm of international law respecting torture as interpreted
6 most recently by the South African Constitutional Court on
7 Monday in its decision CCT/17, Mohammad versus The
8 Republic, and the two opinions of the European Court of
9 Human Rights cited in that opinion.

10 MR. DRIMMER: Your Honor, I had --

11 MR. TIGAR: Is it also our position, Your
12 Honor, that because the United States is now a party to the
13 Convention Against Torture that -- and I'm making my
14 record here, if Your Honor wishes I can explain how it is
15 that the reasoning of the unanimous constitutional court
16 supports our position, but our objection is to the
17 admission of any evidence from that proceeding.

18 THE COURT: Okay.

19 MR. DRIMMER: Your Honor, I was going to
20 ask -- if it talks about his hair color. The statement
21 deals with the defendant's hair color.

22 MR. TIGAR: I object to it all, Your Honor.
23 There are a lot of exhibits in these books that come from
24 there. If I don't make my objection at the first
25 opportunity, I could be considered to have waived it.

Sydnor Direct

1 MR. DRIMMER: May I proceed, Your Honor?

2 THE COURT: This is the only location where
3 you have any testimony with respect to the defendant's hair
4 color?

5 MR. DRIMMER: It may be elsewhere, Your
6 Honor. I would simply have to go back and check.

7 THE COURT: Are you seeking to introduce an
8 admission with respect to his hair color?

9 MR. DRIMMER: Yes, Your Honor. His hair
10 color as it existed at the time of, roughly the time of the
11 creation of the Trawniki service pass. This became an
12 issue of dispute during the litigation, prior litigations,
13 Your Honor.

14 THE COURT: Without establishing any
15 precedent whatsoever with respect to further testimony from
16 Israel, you may do this question.

17 MR. DRIMMER: Thank you, Your Honor. We are
18 happy to submit any written filings regarding the liability
19 of using testimony from the defendant in Israel if Your
20 Honor so desires.

21 BY MR. DRIMMER:

22 Q. I'm reading from page 7634, line 22. They are
23 talking about the color of defendant's hair when he was
24 younger.

25 THE COURT: This is organized by days. Can

Sydnor Direct

1 you tell me what day that was on?

2 MR. DRIMMER: If you give me a moment, Your
3 Honor, it's August 5th, 1987.

4 THE COURT: What was the page number again?

5 MR. DRIMMER: 7634, Your Honor.

6 THE COURT: Okay.

7 Q. And the question is -- in the question they are
8 talking about his hair color. Line 22, "I think it was
9 blond, but here I was told it was dark blond. Maybe that
10 is what it was. But when you look at the photograph on the
11 Ausweis there I am fair headed, blond."

12 Dr. Sydnor, what color does Plaintiff's
13 Exhibit 3, the service pass, indicate that Iwan Demjanjuk's
14 hair color was?

15 A. On the Trawniki service identity pass, which is
16 Exhibit 3 --

17 THE COURT: Looks like a German abbreviation
18 for dark blond.

19 A. Yes, sir. The third line down next to the photograph
20 asks for hair color, and it is the abbreviation of the
21 German for dark blond.

22 Q. If you could turn to Plaintiff Exhibit 102. It's
23 Volume 10, Your Honor. Are you able to identify this
24 document?

25 A. Yes, sir. This is a translation entitled "entry from

Sydnor Direct

1 birth registry," dated 9 February 1921.

2 Q. And is that the date of birth that's given, 9
3 February 1921?

4 A. Yes, that's the date given. The date is shown on the
5 translated copy of the form of the certificate in line 5 in
6 the box, date of birth, looks like 9, with quotation marks
7 around it, 9 February 1921.

8 Q. And who is the person identified as this being the
9 birth record for?

10 A. The first name of the person in the translated
11 version is Ioann, I O A N N.

12 Q. And what is the last name?

13 A. Demyanyuk, D E M Y A N Y U K.

14 Q. And are you aware of what the term Andreevich means
15 in the name Ivan Andreevich Demjanjuk?

16 A. It's the patronymic, it's the father's name.

17 THE COURT: In other words, son of Andrey?

18 THE WITNESS: Right, the son of Andrey.

19 Q. Is the father's name listed on this birth record?

20 A. Yes, in line 12, under father's data, the first name
21 of the father is Andrey, spelled A N D R E Y.

22 Q. Is that the father's name for the bearer of the
23 service identity pass?

24 A. Yes, sir.

25 Q. The service identity pass, Government's Exhibit 3, is

Sydnor Direct

1 that the same name as the father identified? Can you
2 please check?

3 A. Yes, sir. Service identity, from Exhibit 3, which is
4 what you asked me about, the service identity pass, the
5 father's name is Nikolai.

6 Q. Changing subjects but sticking with Government 3, you
7 said before this is a Trawniki service identity pass, I
8 believe?

9 A. Yes, sir.

10 Q. Do you have an opinion as to whether Iwan Demjanjuk,
11 identification number 1393, was a Trawniki-trained Wachmann
12 or guard?

13 A. Yes, sir.

14 Q. What is that opinion?

15 A. That he was.

16 Q. And what is the basis of the opinion?

17 A. The basis of the opinion is the service identity pass
18 and the other documents that we've been discussing as
19 exhibits here from Trawniki, Lublin Majdanek, the document
20 and transfer to Sobibor and then to Flossenburg.

21 Q. Dr. Sydnor, what was the Trawniki training camp?

22 A. The Trawniki training camp was established as an SS
23 facility in the autumn of 1941, and set up for the purpose
24 of training foreign nationals of Eastern European ethnicity
25 who were being recruited by the Germans, specifically by

Sydnor Direct

1 teams of SS and police officials who were combing the
2 Soviet prisoner of war compounds on the Eastern Front
3 beginning in late July, 1941.

4 Trawniki was set up for the purpose of
5 processing, organizing, equipping and training these people
6 who would be SS auxiliaries that would provide manpower to
7 help carry out the objectives and the agenda established by
8 the leader of the SS, Heinrich Himmler, and his
9 subordinates, the SS and police leader from the Lublin
10 District of the General Government of Poland where Trawniki
11 was located, SS General Odilo Globocnik, to create a series
12 of SS and police strong points in the new eastern
13 territories.

14 This was one of Globocnik's mandates in the
15 fall of 1941, and subsequent to the decision, finalized in
16 Berlin at a high-level conference on January the 20th,
17 1942, to undertake the complete physical extermination of
18 the Jews of Europe. The Guard Forces that were being
19 trained at Trawniki were subsequently to provide the
20 manpower to guard the extermination camps that were created
21 in German-occupied Poland to assist in the physical
22 extermination of the Jews.

23 Q. What was the organizational entity that ran Trawniki?

24 A. The organizational entity that ran Trawniki was the
25 office of the SS and Police Leader, the SS duty station or

Sydnor Direct

1 the SS Garrison Administration. The formal title is SS
2 Garrison Administration. It's part of Globocnik's
3 administrative office in the city of Lublin.

4 Q. You mentioned the SS. Can you please state what the
5 SS was?

6 A. Well, the SS was --

7 MR. TIGAR: If Your Honor please, we have or
8 will, if we are not regarded as having done so, agree that
9 this is true, what the SS was, what Trawniki was about,
10 what these camps were about.

11 MR. DRIMMER: Your Honor, I haven't had ample
12 opportunity to review the defendant's amended answer to the
13 complaint. What I have been able to look at, and obviously
14 last night as Dr. Sydnor was admonished not to consult with
15 us, I wasn't able to talk to him about that answer, but
16 from my own layperson's knowledge, I disagree with several
17 of the answers regarding the answers specifically on the
18 historical points.

19 One of the points I was able to see that I
20 don't agree with historically is their version of the SS,
21 the Schutzstaffel, which Dr. Sydnor will spell for you
22 because I don't want to try, so I would like to inquire
23 into this matter for the record.

24 THE COURT: We have to establish at least a
25 minimal amount of information in the record. I agree that

Sydnor Direct

1 we can dispense with most of it, but there needs to be at
2 least a minimal basis.

3 MR. TIGAR: Very well, Your Honor. We
4 certainly understand that.

5 BY MR. DRIMMER:

6 Q. Dr. Sydnor, what was the SS, and could you please
7 spell it and help the court reporter, because I can't.

8 A. Well, the formal noun in German is Schutzstaffel, and
9 it's spelled S C H U T Z S T A F F E L. It's all one word.
10 A literal translation would be protection squads. It's
11 more commonly known by the acronym or the abbreviation, the
12 SS, and during the war it was more commonly known by the
13 two lightning bolts or lightning strikes that substituted
14 for the symbols SS.

15 The SS was the ideological and -- the
16 ideological and organizational core of Adolf Hitler's
17 dictatorship. It controlled the concentration camp system
18 that was built before the Second World War began. It
19 gained control of all of the police in Germany before the
20 Second World War began.

21 It created an enlarged organization to extend
22 its own police powers into the territories that Germany
23 would conquer and occupy during the Second World War,
24 especially in the east. It was responsible for the
25 programs of mass murder in the special action commandoes

Sydnor Direct

1 that were sent into the Soviet Union behind the German
2 armies in June of 1941, and it was responsible for
3 building, running, staffing the extermination camps that
4 were created in the German-occupied east throughout the
5 Second World War, particularly in Poland.

6 It became involved in a number of industrial
7 and economic enterprises that were tied to the
8 concentration camps and to slave labor, and it was involved
9 in a number of economic ventures related to the looting of
10 the valuables and personal property of the victims of Nazi
11 war aggression and mass murder.

12 Q. Why was the SS involved in Trawniki, Dr. Sydnor,
13 specifically?

14 A. Well, the SS was involved in Trawniki because --
15 well, for several reasons. First of all, the tasks that
16 Heinrich Himmler envisioned for the SS in the
17 German-occupied east were such that he envisioned the SS
18 becoming the predominant and most important German source
19 of authority in the east.

20 He wanted to create a series of Germanic
21 settlements and strong points. He wanted to uproot and
22 deport to other areas of the east a good bit of the Polish
23 population from the areas of the general government that
24 were under German occupation. And of course, the Germans
25 planned to exterminate all the Jews they could get their

Sydnor Direct

1 hands on, as well as to eliminate gypsies, asocials,
2 foreign nationals like Poles and others who resisted Nazi
3 rule, and there simply wasn't enough manpower available.
4 Given the demands of wartime on the SS and the Waffen SS,
5 there wasn't enough manpower available to accomplish all of
6 those objectives.

7 Globocnik, the SS and Police Order in Lublin,
8 who was one of Himmler's most trusted subordinates, was
9 invested with the assignment to undertake the physical
10 extermination of all the Jews living in Poland during the
11 war, and Globocnik needed manpower to carry that out, so
12 the Trawniki-trained men who were recruited, and they
13 included not only prisoners of war captured from Soviet
14 units in 1941 and 42, they also included civilian recruits
15 from among the populations of Poland and Ukraine and the
16 Baltic states, these men were to carry out the functions of
17 what became known as Operation Reinhardt, which was the SS
18 code name for the physical extermination of the Jews of
19 Poland.

20 The code name for the operation was bestowed
21 on the memory of Reinhardt Heydrich, who was assassinated
22 by Czech commandoes and died on June the 4th, 1942. That's
23 where the name Operation Reinhardt comes from.

24 So the Trawniki-trained guards were involved
25 in providing physical security for the SS estates in

Sydnor Direct

1 Poland. They were responsible for rounding up Jews in
2 smaller villages in the rural areas of occupied Poland and
3 moving them into the big cities. They were responsible for
4 clearing the Jews out of the big cities' ghettos and
5 loading them onto the trains that took them to the death
6 camps. They were responsible for guarding the trains on
7 the way to the death camps, and Trawniki-trained guards
8 provided, of course, the guard contingents that served in
9 the death camps themselves.

10 Belzec, Sobibor and Treblinka all had
11 contingents of 120 to 150 Trawniki-trained guards at any
12 one time, and a permanent administrative group of 20 to 30
13 Germans, SS officers and noncommissioned officers, who ran
14 the camps. But the Trawniki-trained guards provided the
15 security and handled the incoming transports and assisted
16 the Germans in the physical extermination of the victims
17 who were transported to the camps.

18 Q. Dr. Sydnor, you mentioned the term Operation
19 Reinhardt. Can you please describe that operation and its
20 relation to the description you've just given?

21 A. Well, Reinhardt was undertaken as a part of the
22 comprehensive plan to exterminate all the Jews in Europe.
23 I was originally aimed specifically at the Jewish
24 population in Poland, which numbered somewhere between 2
25 and 3 million in the late 1930s. Poland had one of the

Sydnor Direct

1 largest populations of Jews as a percentage of total
2 population of any of the countries in eastern Europe, and
3 in Hitler's view, Eastern European Jews were even more
4 despicable and worse than Western European Jews. They were
5 the sort of physical embodiment of what the Nazis
6 considered to be subhumanity.

7 And to get rid of this many Jews, and to do
8 it in circumstances of relative secrecy and to do it
9 efficiently and on a cost effective basis, Himmler turned
10 to Globocnik, and Globocnik with Himmler's permission and
11 assistance set up the camps at Belzec, B E L Z E C, and
12 Sobibor beginning in the fall of 1941.

13 Belzec was organized first in the fall of
14 1941, and then Sobibor, which was built in the spring of
15 1942 and put on line in late May or June, and then
16 Treblinka. There were two camps at Treblinka, unlike
17 Belzec and Sobibor, there was only one camp. There was an
18 extermination camp at Belzec and an extermination camp at
19 Sobibor. At Treblinka there were two camps. There was a
20 labor camp that had been built in the spring of 1941 for
21 Polish political prisoners to serve sentences as slave
22 laborers. That facility was expanded after April of 1942
23 with the construction of the Treblinka extermination camp,
24 which was --

25 MR. TIGAR: Your Honor, we are far afield.

Sydnor Direct

1 This is not the Treblinka case.

2 THE COURT: I know. I understand. I think
3 we are getting more information than we need here.

4 Q. Dr. Sydnor, sticking with Operation Reinhardt, can I
5 direct your attention to Plaintiff's Exhibit 65, please?
6 It's in Volume 4. Volume 4, Your Honor.

7 Can you please identify this document for the
8 Court when you get there?

9 A. Yes, sir.

10 Q. Can you please identify this document for the Court?

11 A. Yes, sir. This is the report that Globocnik prepared
12 for Heydrich Himmler on the completion of Operation
13 Reinhardt. It should be noted that Himmler misdated the
14 report. He dated it January 5th, 1943. The year is
15 actually 1944. This was sent to Himmler, cover letter
16 dated January 5th, 1943, or misdated, sent to Himmler with
17 a summary, and then with an accompanying narrative
18 description of the four phases of Reinhardt -- looking at
19 page 4 -- of the evacuation, which means the deportation of
20 the Jews involved themselves; the exploitation of manpower,
21 which is a reference to the use of slave labor of the
22 victims; the exploitation of material, which is the
23 property taken away from those who were murdered; and then
24 the acquisition of the hidden assets, which is the transfer
25 of other tangible or usable material goods, money, et

Sydnor Direct

1 cetera, that could be confiscated by the SS in Poland.

2 Q. Dr. Sydnor, I'd like you to turn back to Government's
3 Exhibit 3, the service identity card.

4 A. Yes, sir.

5 Q. On the front of the card, on my translation anyway,
6 it says that Iwan Demjanjuk was a member of the Guard
7 Forces, et cetera. Do you see that?

8 A. Yes, sir. Are you looking at the translation?

9 Q. I am.

10 A. Yes, sir.

11 Q. What does that mean?

12 A. The commissioner of the Reichsfueher SS for the
13 establishment of SS and police bases in the new eastern
14 territories is a title or special authority or title that
15 Himmler had given to Globocnik for the purpose of expanding
16 Globocnik's authority and allowing him to confiscate
17 property and other things that he needed to create supply
18 dumps, weapons and ammunitions stores, and other facilities
19 for SS settlements in and around Lublin.

20 Q. And what does it mean that somebody is a guard in the
21 Guard Forces of that unit?

22 A. Those were the foreign nationals that Globocnik's
23 officers, primarily Karl Streibel, who became the
24 commandant of the Trawniki training camp, recruited from
25 the beginning of autumn of 1941.

Sydnor Direct

1 Q. Will you describe that recruitment of men for
2 Trawniki?

3 A. I'm sorry?

4 Q. Could you describe that recruitment of men for
5 Trawniki?

6 A. Well, very briefly, the recruitment was based on a
7 written authorization that Himmler gave Globocnik on July
8 25th, 1941 which was accompanied by two operational orders
9 that Heydrich had signed in July directing special units of
10 the security police to comb through the Soviet prisoner of
11 war camps and search out and liquidate commissars,
12 politruks, P O L I T R U K S, and communists and communist
13 agents.

14 At the same time the security police were to
15 look for ethnic Germans and others who might potentially be
16 recruited as collaborators to serve in what was called a
17 reconstruction of the German east. So armed with this
18 authority, with Streibel set out to visit many of the same
19 POW camps that were being combed at the same time, and to
20 begin recruiting people who had been identified. And the
21 first cadres of ethnic German recruits come into Trawniki
22 in the late summer, and then groups of other men begin
23 arriving throughout the fall. They are organized into
24 companies, and they begin training under the command
25 authorization of the ethnic Germans who serve as

Sydnor Direct

1 noncommissioned officers in this camp.

2 In dealing with the language problem in the
3 camp, the SS looked for ethnic Germans or, as they called
4 them, Volga Germans who were citizens of the Soviet Union,
5 serving in the Red Army, but who were of German ethnicity
6 and culture and language, who, when captured, were
7 theoretically the most reliable collaborators.

8 But beginning in the fall of '41, there were
9 so many Soviet POWs captured, hundreds of thousands and
10 then over a million, that there were lots of other recruits
11 who could be identified and pulled out of the Soviet POW
12 compounds and transported to Trawniki and placed in these
13 guard units.

14 Q. Dr. Sydnor, after one of these recruits arrived at
15 Trawniki, would he receive pay?

16 A. Yes, sir.

17 Q. Was he eligible for leave and benefits?

18 A. Yes, sir.

19 Q. After a recruit arrived at Trawniki, did the Germans
20 follow an administrative process and routine?

21 A. Yes, sir.

22 Q. Would you describe that routine as existed in the
23 middle of 1942?

24 A. Well, generally the recruits who arrived, and
25 recruits arrived in periodic waves that can be tied to

Sydnor Direct

1 German military operations on the Eastern Front, recruits
2 arrived in large groups or waves. They are processed in.
3 If they are still in Soviet uniform, the clothing is taken
4 away from them. They are given a bath. They are deloused,
5 they are issued clothing and equipment. They are fed. In
6 some cases, they are quarantined for several days, and then
7 they begin being organized and trained by their ethnic
8 German noncommissioned officers at Trawniki.

9 The training includes language instruction.
10 It includes drill. It includes beginning to learn how to
11 guard. And in the process of recording who these men are,
12 the camp administration creates a personnel sheet, which
13 has basic information on it about the individual. The
14 personnel sheet is a form created for this administrative
15 office or operation. It has the name of the individual,
16 pertinent family information, space for a photograph, space
17 for a thumbprint, space for any kind of special language
18 abilities that the individual has or military knowledge, or
19 things of that nature.

20 And on the reverse side of the sheet, there's
21 space for a service declaration on which the individual is
22 supposed to swear that he is of Aryan ancestry, that he
23 does not have any Jewish forebearers, and that he's never
24 been a member of the communist party or the youth
25 organization of the communist party.

Sydnor Direct

1 And at some point in the process of
2 administration, a service identity pass is created for the
3 Trawniki-trained recruits. The personnel sheet stays in
4 the camp administrative office in the records at Trawniki,
5 and the service identity pass goes with the man if he's
6 deployed on an assignment somewhere outside of Trawniki.
7 That's basically how the administrative processing was
8 accomplished and how the training began.

9 Q. Dr. Sydnor, I'm going to show you a binder,
10 Plaintiff's Exhibit 44. I'm told Plaintiff's Exhibit 44
11 is in Volume 2, Your Honor.

12 Dr. Sydnor, looking at Government's Exhibit
13 44, can you please describe that exhibit to the Court?

14 A. I'm sorry, I don't have a 44 in this book.

15 THE COURT: You broke it down into
16 sub-numbers, 44.1, 44.2.

17 Q. 44.1 through 12.

18 A. I'm sorry, 44.12?

19 Q. 44.1 through 44.12. It's a group exhibit.

20 A. Oh, okay.

21 Q. Can you please describe or identify what these
22 documents are for the Court?

23 A. Give me just a minute, please.

24 Q. Please take your time.

25 (Pause.)

Sydnor Direct

1 THE COURT: Mr. Drimmer, when you come to a
2 place that you consider convenient for breaking for lunch,
3 let me know.

4 MR. DRIMMER: Okay. Five minutes, Your
5 Honor?

6 THE COURT: Sure.

7 MR. DRIMMER: Your Honor, as Dr. Sydnor is
8 leaving through Plaintiff's Exhibit 44, we actually do have
9 two original Personalbogens. Copies are in Government 44,
10 and I'm told that they are 44.2 and 44.3.

11 MR. TIGAR: May the record reflect I am being
12 shown two documents identified as Personalbogen, which I
13 gather is the same thing as the personnel record to which
14 the witness is testifying. He's nodding yes.

15 THE WITNESS: Yes, sir, that's it.

16 MR. TIGAR: That's different from the service
17 pass, which in German is Dienstaussweis.

18 THE WITNESS: That's correct. Yes, sir.

19 MR. DRIMMER: You'll have an opportunity to
20 cross.

21 MR. TIGAR: No, I --

22 MR. STUTMAN: I'll go over that.

23 MR. TIGAR: Thank you.

24 A. To your question, Mr. Drimmer, the answer is 44.1 is
25 the Trawniki personnel file number 569 for a recruit named

Sydnor Direct

1 Kusma Sokur. 44.2 is a Trawniki personnel file or form
2 number 941 for Samuel Prischtsch. 44.3 is the Trawniki
3 personnel form 1280 --

4 MR. TIGAR: If Your Honor please, the
5 documents speak for themselves, there is no Demjanjuk
6 Personalbogen. I respectfully suggest this is unnecessary.

7 Q. Dr. Sydnor --

8 A. These are personnel sheets from the Trawniki training
9 camp. These the permanent personnel records.

10 THE COURT: What is the purpose of this since
11 there is not one of these for Mr. Demjanjuk?

12 MR. DRIMMER: We are showing, basically they
13 will be offered for other evidence, circumstantial evidence
14 regarding the movement of men, including arrival dates and
15 assignments, that will corroborate other of our documents
16 that we do claim name him. For instance, on some of these
17 personnel documents there are places where the outside
18 assignment of men -- and for some of the personnel
19 documents we have there are similar assignments to
20 Mr. Demjanjuk's, and therefore they are going to be used
21 for corroboration to the documents we claim name him.

22 THE COURT: If there is such a connection,
23 why don't you cut to the chase immediately on that then.

24 MR. DRIMMER: How about if we take our lunch
25 break and we start with that after lunch? Is that

Sydnor Direct

1 acceptable?

2 THE COURT: Sure. All right. We will recess
3 for lunch, and we'll reconvene at 1:30.

4 MR. TIGAR: Your Honor, without -- may I just
5 inquire to counsel through the Court about how much longer
6 the direct will be so I'll know how nervous to get about
7 when I'm supposed to start my cross.

8 THE COURT: If Mr. Drimmer can estimate that.

9 MR. DRIMMER: I don't think we are going to
10 be finishing today, Mike, I don't think, the way the pace
11 is going.

12 THE COURT: So you can have a relaxed
13 afternoon.

14 MR. TIGAR: Thank you, Your Honor.

15 (Whereupon, at 12:21 p.m., the luncheon
16 recess was had, to reconvene at 1:30 p.m., the same day.)

17

18

19

20

21

22

23

24

25

Sydnor Direct

1 AFTERNOON SESSION, THURSDAY, MAY 31, 2001 1:30 P.M.

2 MR. DRIMMER: Dr. Sydnor, when we broke for
3 lunch we were talking about Plaintiff's Exhibit 44, which
4 is a group exhibit of personnel files, and I'd just like to
5 very quickly, if I might, Your Honor, close out that
6 portion of this exam.

7 THE COURT: All right.

8 Q. Approximately how many Trawniki personnel files did
9 the Germans create?

10 A. The Germans created a personnel file for each
11 Trawniki recruit who was processed into the camp. We don't
12 know exactly how many were created. On the basis of what
13 is known at this point of the numbers that were assigned,
14 there were about 5,000, maybe a few more than 5,000.

15 Q. Roughly what proportion of those 5,000 are known to
16 have survived World War II?

17 A. Between one-fifth and one-fourth of the 5,000 or so
18 cards that were created have survived from the end of the
19 Second World War until now.

20 Q. Have you seen a personnel file, a Trawniki personnel
21 file for Iwan Demjanjuk, identification number 1393?

22 A. No, sir.

23 Q. Would such a file have been created for Iwan
24 Demjanjuk, identification 1393?

25 A. Yes, sir.

Sydnor Direct

1 Q. Does the fact that you have not seen such a personnel
2 document for Demjanjuk, ID 1393, cause you to question
3 whether he actually served at Trawniki?

4 A. No, sir.

5 Q. Dr. Sydnor, we have been talking a lot about
6 Government's Exhibit 3, which is the service identity pass.

7 A. Yes, sir.

8 Q. Could you please describe how service identity passes
9 were used at Trawniki?

10 A. Yes, sir. In the years, the last decade that the
11 numbers of these things that are known to exist have grown
12 and the additional documentation about the system has come
13 to light, it's clear that these are used as service
14 identity passes that were carried by the Trawniki-trained
15 guards when they were deployed outside of the Trawniki
16 complex. If they went to Warsaw or if they went to one of
17 the other camps, Poniatowa or Sobibor or someplace else,
18 the service identity pass was put into the custody of
19 someone who went with them, a noncommissioned officer, and
20 was actually physically present with them while they were
21 at the place of their deployment.

22 And it was used by them during the period of
23 that deployment and for times that they were not inside the
24 place where they were stationed. If sent to Lublin, for
25 example, and assigned to the labor camp in the city of

Sydnor Direct

1 Lublin, which is distinct from the concentration camp at
2 Majdanek, and the guard for some reason left the compound
3 of the camp, they carried a service identity pass with him,
4 and when they returned to Trawniki, the passes returned
5 with them.

6 Q. Dr. Sydnor, I'm going to ask you to take a look at
7 another group exhibit. It's Government's Exhibit 45.1 to
8 45.42.

9 MS. JOHNSON: It's in Volume 3.

10 THE WITNESS: Your Honor, is it okay if I lay
11 these up here?

12 THE COURT: Yes. Certainly.

13 Q. Dr. Sydnor, what are these documents?

14 A. Please ask me again. The numbers I don't --

15 Q. 45.1 to 45.42 is a group exhibit, Dr. Sydnor.

16 A. Okay.

17 Q. Are these examples of Trawniki service passes?

18 A. Yes, sir.

19 Q. Have you seen these documents before?

20 A. Yes, sir.

21 Q. Did the Germans ever modify the underlying format for
22 the Trawniki service passes?

23 A. Yes, sir.

24 Q. How many formats were there?

25 A. There were at least two that we know of. The first

Sydnor Direct

1 form or incarnation of this is the form that on the front
2 lists the command authority as the commissioner of the
3 Reichsfueher SS for the establishment of SS and police
4 bases in the new eastern territories. That is consistent
5 with the special commission that Himmler gave Globocnik in
6 1941. I'm looking for an example of the second form.

7 The second form may be seen as Exhibit 45.7,
8 where the title authority is listed as the SS and Police
9 Leader in the Lublin District, the Trawniki training camp,
10 and the SS and Police Leader is Globocnik, and the Trawniki
11 training camp is one of the installations in his command
12 authority.

13 Q. In looking at the documents that are group exhibit
14 45, do you also see other differences among the various
15 service passes, for instance, between the stamps that were
16 used or the persons who signed these documents?

17 A. Yes, sir. There are different variations of stamps
18 that were used, and then there are -- the officer signing
19 the passes, which is to make them valid, in many cases the
20 signature is that of Karl Streibel, S T R E I B E L, who is
21 the commander of the Trawniki training camp.

22 There are also identity cards that are signed
23 by an SS officer who was a captain whose name was Herman
24 Hoefle, H O E F L E. He was Globocnik's deputy who was
25 responsible in tandem with Trawniki for organizing the

Sydnor Direct

1 clearing of the ghettos of Jews in the Lublin District.

2 And then as in the case of the exhibit I had
3 just opened, which is 45.7, which is the service identity
4 pass for Ignat Danilchenko, Trawniki ID number 1016, the
5 signature -- the authorizing signature on the front of his
6 service identity pass is that of Johann Schwarzenbacher,
7 who was also a long time -- as an SS officer, a long time
8 member of the Trawniki command authority.

9 Q. Dr. Sydnor, does the fact that you see varying
10 features on these service passes, different formats,
11 different signatures, et cetera, does that create any
12 suspicion in your mind that these documents are authentic?

13 A. No, sir.

14 Q. And why not?

15 A. Well, all of the people who signed the documents, for
16 example, Streibel, Hoefle, Schwartzbacher, and there's
17 another one, at least one other I've seen that's signed by
18 an SS junior officer named Franz, Willi Franz, we know who
19 he was, all of these men are in positions of command
20 authority at Trawniki, so their identity is not a matter of
21 question.

22 And then for reasons that have to do with the
23 end of Globocnik's assignment, and there is a document from
24 Himmler that officially relieves him of this assignment of
25 being the commissioner for the establishment of the SS and

Sydnor Direct

1 police bases in the new eastern regions, the issuing title
2 of the command authority on the front of the card is
3 changed.

4 And then there are different signatures on
5 the part of the noncommissioned officer or SS man who is
6 issuing the clothing on the cards.

7 Q. Dr. Sydnor, referring back to Government's Exhibit 3,
8 the service identity card for Demjanjuk.

9 A. Yes, sir.

10 Q. I believe you mentioned earlier in your testimony
11 that a man named Teufel signed this document?

12 A. Yes, sir.

13 Q. Dr. Sydnor, could you turn to Government's Exhibit
14 42, which is in Volume 2?

15 A. Yes, sir.

16 Q. Could you identify that document for the Court?

17 A. Yes, sir. This is an SS pay record card for Ernst
18 Teufel.

19 Q. Does this document indicate when Teufel was
20 promoted -- does it indicate when Teufel received any
21 promotions?

22 A. Yes, sir. In the top left-hand column, in the column
23 of four places for information, under his name, which his
24 last name is Teufel, first name Ernst, they mistakenly put
25 his date of birth where his rank should be, but -- and then

Sydnor Direct

1 they have his rank where his date of birth should be, under
2 number 6, there's one promotion listed, 19 July 1942, to
3 the rank of SS sergeant.

4 Q. Is that the rank for Teufel listed on Government's
5 Exhibit 3, the Trawniki service pass?

6 A. No, sir.

7 Q. How does that impact your opinion, if at all, on when
8 the bearer of the 1393 card reached Trawniki?

9 A. Well, the signature on -- the Teufel signature on
10 Government's Exhibit 3 lists his rank as that of an SS
11 corporal, and according to the pay record card, he was
12 promoted to unterscharfuehrer, I'm sure -- U N T E R S C H
13 A R F U E H R E R. He was promoted SS sergeant on the 19th
14 of July, 1942. Before that, he was an SS corporal.

15 So I believe he signed the card sometime
16 before the 19th of July, 1942. You also have his name on a
17 recommended list for promotion, and we know from other
18 documentation that the occasion for his promotion on the
19 19th of July, 1942 was a special inspection visit to the
20 Trawniki training camp made by Heinrich Himmler and
21 Himmler's entourage on the 18th or 19th of that month that
22 day, July 18 or 19, 1942.

23 Q. And so based on that promotion, what is your opinion
24 about the date the bearer of 1393 card reached Trawniki?

25 A. I believe that the bearer of card number 1393 was

Sydnor Direct

1 issued that card sometime before the 19th of July, 1942.

2 Q. Dr. Sydnor, are you familiar with the Battle of
3 Kerch?

4 A. Yes, sir.

5 Q. K E R C H. And when was that battle?

6 A. In May of 1942.

7 Q. Were any of the Trawniki-trained guards former Soviet
8 soldiers who had been taken prisoner of war by the Germans
9 in 1942?

10 A. Yes, sir.

11 Q. Would you please turn to Exhibit 34, which is a
12 summary exhibit that's also in Volume 2, Dr. Sydnor.

13 A. Volume 2?

14 Q. Yes. 34.

15 A. I have it.

16 Q. Dr. Sydnor, have you examined the summary exhibit?

17 A. Yes, sir.

18 Q. Have you examined the documents underlying this
19 exhibit?

20 A. Yes, sir, I have.

21 Q. Does this exhibit fairly and accurately reflect
22 information in the documents regarding when men captured in
23 May, 1942 reached Trawniki?

24 A. Yes, sir.

25 MR. TIGAR: If Your Honor please, this is a

Sydnor Direct

1 1006 document that the government did tender to us in
2 timely fashion, based upon other exhibits which may or may
3 not be introduced in evidence. Given Your Honor's ruling
4 that he may testify and given that what he refers to need
5 not itself be admissible in evidence, then I would just
6 like a continuing objection to his referring to it based on
7 what I earlier said.

8 THE COURT: Okay. You may.

9 MR. TIGAR: Thank you, Your Honor.

10 THE COURT: What did you mean by 1006?

11 MR. TIGAR: I'm sorry, Federal Rule of
12 Evidence 1006, Your Honor. It's a summary document. I
13 don't mean to throw numbers at the Court.

14 THE COURT: No, I thought you were giving a
15 document number.

16 MR. TIGAR: No.

17 BY MR. DRIMMER:

18 Q. Dr. Sydnor, what does this document show regarding
19 men captured in May who arrived at Trawniki?

20 A. Well, the summary document, which is this Exhibit 34,
21 shows several different dates on which groups of men were
22 documented as having arrived in Trawniki as a result of
23 information entered on their Trawniki personnel sheets.

24 You can see in the left-hand column the men
25 beginning with Constantine -- well, his card is actually

Sydnor Direct

1 not annotated, but his number 443 is for Constantine
2 Demida. The first group of four men arrived on the 26th of
3 June. The next group of men down to the third from the
4 bottom arrived on the 13th of June. Then you have another
5 group that arrived on the 26th, and then there are four
6 entries on the bottom of the right-hand column for men who
7 were processed into the camp and assigned numbers on the
8 16th of July and the 21st of July, 1942.

9 So you have in this summary four different
10 dates for the arrival of groups of men who were captured in
11 May of 1942 and processed through the POW camps, according
12 to the general information collected from the post-war
13 Soviet statements, through the POW camp at Rovno and
14 brought, selected out of the camp and brought to Trawniki.

15 Q. Looking at the identification numbers on this chart,
16 Dr. Sydnor, is the identification number 1393 consistent
17 with an arrival date of June or July, 1942, in your
18 opinion?

19 A. Yes, sir, I believe it is.

20 Q. Would you please state the basis of that opinion?

21 A. Well, you have anomalies in the assignment of numbers
22 in a sequential fashion, but sometime in June or July a
23 number 1393 could have been assigned, because you have
24 numbers beginning with 557 --

25 MR. TIGAR: Excuse me, Your Honor. I object

Sydnor Direct

1 to "could have been assigned," and the basis of my
2 objection, Your Honor, is that we see this date, 6/26/42,
3 and we have 557, that's the number of this man Sucharyba,
4 and then also that same date, 6/26/42, we have a number as
5 high as 1986 in the next column, Ruban, and then 6/26, we
6 have 1983.

7 In short, the conclusion is simply "could
8 have" is too speculative, even by Your Honor's standards.

9 THE COURT: I agree. We don't need any
10 "could haves."

11 Q. Do you have an opinion as to whether the bearer of
12 the Trawniki service pass identification number 1393 was a
13 former Soviet soldier who had been captured by the Germans
14 before entering into German service?

15 A. Yes, sir.

16 Q. What is that opinion?

17 A. That he was.

18 Q. What is the basis of that opinion?

19 A. Because of the time of the arrival that can be fixed
20 approximately by the other information that's on the
21 service identity pass and the fact that in the summer of
22 1942, in June and July, a number of new recruits into the
23 Trawniki system were being processed through the camp,
24 having been brought from the Soviet POW camps.

25 Q. Dr. Sydnor, I'd like you to turn to Government's

Sydnor Direct

1 Exhibit 101, which is Volume 10, which is a letter from the
2 Ukrainian Procuracy General.

3 Can you just identify the date of this
4 document and to whom it was sent and from whom it was sent?

5 A. This is a letter from the General Procuracy of
6 Ukraine to the U.S. Embassy in Kyiv dated 7 May 2001.

7 Q. In the third paragraph on page 1 --

8 MR. TIGAR: Excuse me, Your Honor. We have
9 not been provided with an expert report by Dr. Sydnor with
10 respect to any of these Ukrainian documents that were in
11 the late production. I therefore object to any expression
12 of opinion by him with respect to them.

13 MR. DRIMMER: Your Honor, I don't intend to
14 ask Dr. Sydnor his opinion on this particular exhibit. I'm
15 simply going to ask him to read two of the paragraphs that
16 are stated thereon.

17 THE COURT: Well --

18 MR. TIGAR: If that's all he's going to do,
19 Your Honor, the government can publish it any way they
20 want, but I would respectfully suggest the document speaks
21 for itself.

22 THE COURT: All right. The document does
23 speak for itself, but in order to clarify things for the
24 Court, we'll allow him to answer this question without
25 giving any opinion.

Sydnor Direct

1 Q. The third paragraph on page 1 of the translation
2 begins, "According to a report." Could you please read
3 that paragraph, Dr. Sydnor?

4 A. Yes, sir. Beginning at the third paragraph on page 1
5 of Exhibit 101, "According to a report from the USBU in
6 Vinnitsa, Oblast, no information that would indicate a
7 call-up of I.A. Demjanjuk to serve in the Soviet Army
8 during the great patriotic war was ascertained by a review
9 of materials in the archive of the USBU in Vinnitsa,
10 Oblast, in the story files of Vinnitsa State Archive, or in
11 the Kozyatyn Rayon military commissariat."

12 Q. On the next page, Dr. Sydnor, if you wouldn't mind
13 reading one more paragraph, the one that is the second
14 paragraph on the page which begins "Absolutely no."

15 A. Reading at the second paragraph on page 2 of Exhibit
16 101, "Absolutely no mobilization, call-up or demobilization
17 documents related to Ivan Andreevich Demjanjuk were
18 discovered by the review conducted in the Kozyatyn Rayon
19 military commissariat."

20 MR. TIGAR: Now that we see the paragraphs, I
21 would simply, A, lodge my objection to any consideration
22 for the truth of the matter asserted in them, and I'll make
23 that objection later at more length if necessary; and B,
24 that we will flag the fact that we will have a Rule 106
25 response at a later time.

Sydnor Direct

1 THE COURT: All right.

2 Q. Dr. Sydnor, a little bit earlier in your testimony
3 you talked about the training at Trawniki training camp.
4 Was there a hands-on or practical training of some sort at
5 Trawniki in the summer of 1942?

6 A. Yes, there was.

7 Q. Would you please describe that practical training?

8 A. Yes, sir. There was a Jewish forced labor camp that
9 had been created on the grounds of the Trawniki training
10 camp complex in the spring of 1942 when the deportation of
11 Jews from Germany from the occupied part of -- the German
12 occupied part of Czechoslovakia or Bohemia and other areas
13 began, and the Jewish laborers in that camp, which is
14 adjacent to the Trawniki training camp, within the same
15 complex, were guarded by members of the Trawniki training
16 camp cadre of recruits.

17 Q. Did men who trained in the summer of 1942 also
18 perform any type of field operations?

19 A. Yes, sir.

20 Q. Can you describe those, please?

21 A. Groups of men were deployed from Trawniki to take
22 part in the clearing of Jewish ghettos in Lublin in the
23 spring of 1942, in Warsaw in July, and in the Polish city
24 of Czestochowa in August or September of 1942.

25 Q. Were the field operations that were conducted at

Sydnor Direct

1 Trawniki in the summer of 1942 part of the training of
2 recent recruits?

3 A. Yes, sir.

4 Q. Can you state with confidence that Iwan Demjanjuk,
5 identification number 1393, necessarily guarded Jews at the
6 forced labor camp you just described?

7 A. No, sir, I cannot state that he did.

8 Q. Can you state with any confidence or can you state
9 with full confidence actually -- let me strike. Can you
10 state with full confidence that Iwan Demjanjuk,
11 identification number 1393, participated in these outside
12 field operations as part of his training at Trawniki?

13 A. No, sir, I cannot.

14 Q. Why, for both, why not?

15 A. There's no documentation that exists that indicates
16 specifically that he did.

17 Q. Have you seen evidence that men who trained at
18 Trawniki or arrived at Trawniki in May were sent on outside
19 assignments at some time in July?

20 MR. TIGAR: Your Honor, I object to
21 description of outside assignments, however brutal they
22 certainly were, unless it's going to be coupled with an
23 opinion with respect to number 1393. We had a whole
24 description of outside assignments and then the historian
25 is stating, well, he doesn't know whether 1393

Sydnor Direct

1 participated.

2 THE COURT: Well, he says he doesn't know
3 whether 1393 participated. As a historian, he can say
4 whether he knows whether any of the guards were engaged in
5 those operations.

6 THE WITNESS: May I answer the question?

7 THE COURT: Yes.

8 A. Trawniki-trained guards did deploy to assignments in
9 the summer of 1942, yes, and according to post-war
10 statements and, I believe, annotations in the personnel
11 sheets of men who were processed in the summer of 1942,
12 they were deployed on outside assignments.

13 Q. If you would return to Government Exhibit 44.7, which
14 is the personnel file for Bondarenko, have you seen this
15 document before, Dr. Sydnor?

16 A. Yes, sir.

17 Q. Would you identify it for the Court?

18 A. Government's Exhibit 44.7 is the Trawniki personnel
19 form for Nikolai Bondarenko, Trawniki identification number
20 1926.

21 Q. What does the personnel file say about Bondarenko's
22 arrival date and his first assignment?

23 A. Mr. Bondarenko arrived in Trawniki on June the 13th,
24 1942, and the first outside service deployment listed for
25 him on the back of the personnel sheet is 20 July 1942, to

Sydnor Direct

1 the Lublin detachment.

2 Q. What is the Lublin detachment, Dr. Sydnor?

3 A. The Lublin detachment is the detachment of
4 Trawniki-trained guards guarding the Trawniki forced labor
5 camp in the city.

6 MR. TIGAR: May I have a continuing objection
7 to evidence of personnel holdings which are not
8 Mr. Demjanjuk's or don't have his name on it, don't relate
9 to 1393, none of the above. There is no Personalbogen as
10 to number 1393, and activities of others whose
11 Personalbogen we do happen to have, with respect, do not
12 appear relevant to this proceeding.

13 THE COURT: I understand your objection.
14 I'll overrule it.

15 Q. Where else besides Lublin detachment, Dr. Sydnor, do
16 personnel files show men being assigned in July of 1942?

17 A. To the Belzec extermination camp, and also, I
18 believe, to Warsaw.

19 Q. What were Bondarenko's assignments after Lublin
20 detachment?

21 A. Subsequent to the deployment noted on the personnel
22 sheet to Lublin on 20 July 1942, he was deployed to the
23 Poniatowa detachment, which is at the Poniatowa labor camp,
24 on November 3rd, 1942. He was then deployed back to
25 Trawniki on 24 February 1943, and then he was deployed from

Sydnor Direct

1 Trawniki to the Treblinka labor camp on 22nd March 1943.

2 Q. Dr. Sydnor, if I could ask you to juggle binders for
3 just one second, would you please turn to Plaintiff's
4 Exhibit 45.17, which is the Trawniki service pass for
5 Bondarenko? That's Volume 3.

6 MR. DRIMMER: Your Honor, we have the
7 original of this document.

8 THE COURT: Yes, I know.

9 A. I'm sorry, what number did you say?

10 Q. 45.17. 45.17.

11 A. I'm sorry. I have it.

12 Q. Could you please identify this document for the
13 Court?

14 A. This is the service identity pass for Mykola
15 Bondarenko, Trawniki identification number 1926, signed by
16 Karl Streibel.

17 Q. Dr. Sydnor, in looking on this document in front of
18 you, the outside assignments --

19 A. Yes, sir.

20 Q. How many are listed on the service pass?

21 A. There's only one listed on the service pass.

22 Q. And which one is that?

23 A. The assignment on 3rd November 1942 to the Poniatowa
24 detachment.

25 Q. So Dr. Sydnor, if Iwan Demjanjuk, identification

Sydnor Direct

1 number 1393, had left Trawniki in July on one of these
2 outside assignments, would his service pass necessarily
3 have reflected that outside assignment?

4 A. No, sir.

5 Q. Why not?

6 A. There is a great deal of variation in the number of
7 outside assignments listed on the service passes that are
8 elsewhere listed. Some service passes have all of them
9 listed, some have some listed. I've seen a handful, I
10 believe, that have no listings on them for outside
11 assignments, or at least a few that have no outside
12 assignments listed.

13 Q. Dr. Sydnor, returning to Government Exhibit 3, which
14 is the Trawniki service pass, what's the first outside
15 assignment listed on that document?

16 A. Give me just a minute here.

17 Q. Take your time.

18 A. I feel like I'm lifting weights.

19 The first outside assignment listed on
20 Trawniki service identity pass number 1393 is dated 22nd,
21 September, 1942, to Okzow manorial estate.

22 Q. Based on your preceding testimony, Dr. Sydnor, do you
23 have an opinion as to whether Okzow necessarily was Iwan
24 Demjanjuk's first assignment?

25 A. Not necessarily. It's the first one listed on the

Sydnor Direct

1 service identity pass.

2 Q. Dr. Sydnor, turning to Okzow, what was Okzow?

3 A. It was one of the estates confiscated by the SS and
4 run as an agriculture enterprise. It was near the town of
5 Chelm that you mentioned earlier, C H E L M. It's in
6 eastern Poland in the Lublin District and is in the
7 vicinity of Trawniki. In fact, it's between Trawniki and
8 Sobibor on this map.

9 Q. You are pointing to Government's Exhibit 19. I hope
10 that's the map. Dr. Sydnor, why did the Germans send
11 guards to Polish estates such as Okzow?

12 A. For several reasons. In the fall of 1942, there's a
13 group of documents available now that illustrate how the
14 Germans were deploying guards to these estates to guard
15 laborers who were bringing in the harvest in this portion
16 of Poland. This is a very rural, agricultural part of the
17 Government General Poland, and they were also guarding the
18 estates against attacks by bands of Polish partisans and
19 were assisting in the work of gathering in the harvest
20 themselves.

21 Q. Have you seen evidence that other men from Trawniki
22 were sent to Okzow on or about September 22nd, 1942?

23 A. Yes, sir.

24 Q. Would you please turn to, first, Plaintiff's Exhibit
25 44.6, which is the personnel file for Chapajew, C H A P A J

Sydnor Direct

1 E W. That would be Volume 2. Dr. Sydnor, on 44.6, looking
2 on the outside assignments, is Okzow identified there?

3 A. Yes, sir. On the -- it's the second page of the
4 English translation of the personnel, the Trawniki
5 personnel sheet, number 1687 for recruit named Ivan
6 Chapajew. The third entry under transfers is annotated the
7 22nd of September, 1942. The translation here says Okraw,
8 O K R A W, manorial estate.

9 Q. If I could ask you to turn to another exhibit, 45.9,
10 which is a Trawniki service pass for a man named
11 Kutschnijtschuk, that's in Volume 3, K U T S C H N I J T S
12 C H U K.

13 A. Yes, sir.

14 Q. Do you see any outside assignments for that man on
15 this document, 45.9?

16 A. 45.19, the service identification pass, number 1123,
17 for Ivan Kutschnijtschuk, and under deployments, there's
18 one listed, 22nd September 1942 to Okzow manorial estate.

19 Q. Dr. Sydnor, in your expert historical opinion, is the
20 evidence that the Trawniki men guarded Jewish prisoners at
21 Okzow conclusive?

22 A. No, sir.

23 Q. Dr. Sydnor, does the evidence that you have seen
24 indicate when Iwan Demjanjuk left Okzow?

25 A. No, sir.

Sydnor Direct

1 Q. Is there some point by which he must have left Okzow?

2 A. Yes, sir.

3 Q. What is that point?

4 A. Point would be the next chronological dated reference
5 that would appear in the documents that have come to light,
6 and that is the discipline -- the report submitted by the
7 guard dog detachment at the Lublin Majdanek concentration
8 camp of an incident that occurred on 18 January 1943, which
9 was reported on 20 January 1943, involving three
10 Trawniki-trained -- four Trawniki-trained guards who had
11 violated the quarantine of the camp.

12 Q. Dr. Sydnor, what was a prisoner of war camp of the
13 Waffen SS at Lublin?

14 A. It was a concentration camp that Himmler had
15 authorized Globocnik to organize in the autumn of 1941.
16 Its official title was the Prisoner of War Camp of the
17 Waffen SS at Lublin. The title was given specifically
18 because Globocnik wanted to exclude the civilian governor
19 of the Lublin District, whose name was Z O E R N E R,
20 Zoerner, from interfering in the running of the camp.

21 The plans were drawn up for the camp.
22 Himmler appointed as the first commandant a man named Karl,
23 K A R L, Otto Koch, K O C H, who had been the commandant of
24 the prewar concentration camp at Buchenwald. Koch came in,
25 assembled a staff. The camp was put under construction,

Sydnor Direct

1 and between the autumn of 1941 and the spring of 1942, it
2 took shape in the southeastern quadrant of the city of
3 Lublin, and it became a concentration camp, and in October
4 of 1942 an extermination facility as well, where Jews,
5 Polish political prisoners, other undesirables, prisoners
6 of war, were brought for the purpose of slave labor and for
7 the purpose of being killed.

8 The camp was subordinated to -- subordinated
9 formally through Globocnik to the Higher SS and Police
10 Leader of the Government General of Poland, SS General
11 Krueger, K R U E G E R, whose office was in Cracow. The
12 camp originally was planned to hold as many as 150,000
13 prisoners of war primarily. Those plans were drastically
14 scaled back in 1942 as the German military reverses on the
15 Eastern Front caused all sorts of problems, but the camp
16 continued to function as a concentration camp, officially
17 titled as a POW camp, but in actuality run by the SS
18 through Globocnik's office and the SS camp commandants
19 rather than the other POW camps which were under the
20 jurisdiction of the German armed forces.

21 Q. Dr. Sydnor, I want to show you what's been marked as
22 Plaintiff's Exhibit 31, which is in Volume 2. Dr. Sydnor,
23 what does this exhibit depict?

24 A. This is an illustration of the camp complex of the
25 concentration camp at Majdanek. This illustration could be

Sydnor Direct

1 dated as of 1944, because it shows six compounds instead of
2 five. Originally five were built in 1941 and '42.

3 If you tried to establish a north arrow on
4 this camp to get an orientation of it, you would have to
5 turn it over like this because this is north, this is
6 south, and this is east and this is west. So the diagram
7 is out of orientation to the points on the compass.

8 It's an illustration of what the facility
9 looked like and how it was enclosed at the time Majdanek
10 existed.

11 Q. Dr. Sydnor, who were the prisoners at Majdanek?

12 A. Well, there were Soviet prisoners of war, there were
13 Polish political prisoners, there were Jews, there were
14 gypsies, there were a large number of Slovak Jews brought
15 to Lublin Majdanek in the summer and fall of 1942. There
16 were Jews from Germany who were brought to Majdanek. The
17 whole gamut of undesirables in the Nazi political lexicon
18 were represented in the prisoner population at Majdanek.

19 Q. Dr. Sydnor, would you very briefly describe the
20 conditions for the prisoners?

21 A. Well, the conditions in Majdanek were like they were
22 in any other concentration camp. Insufficient diet --

23 MR. TIGAR: We have agreed that the
24 conditions in the concentration camps were atrocities.

25 THE COURT: I understand, and I don't think

Sydnor Direct

1 that we need to hear testimony on that.

2 MR. DRIMMER: Your Honor, I would like to
3 just state for the record, and not to belabor the point, we
4 did ask for many stipulations, requests for admissions on
5 things like personal details and background facts, and we
6 didn't receive any type of acknowledgment until the amended
7 answer was just filed. And as you know, we were only
8 served with that a couple of days ago.

9 THE COURT: Well, even beyond the amended
10 answer, though, I believe there's been a stipulation.

11 MR. DRIMMER: Thank you, Your Honor. One more
12 question on this point, Your Honor, and I'm sure Mr. Tigar
13 will tell me if he doesn't want me to ask it.

14 BY MR. DRIMMER:

15 Q. All in all --

16 MR. TIGAR: I object to the side-bar comment,
17 Your Honor.

18 THE COURT: That's all right.

19 Q. How many prisoners died at Majdanek during World War
20 II, Dr. Sydnor?

21 A. Several hundred thousand.

22 Q. In January of 1943, what unit guarded the prisoners
23 at Majdanek?

24 A. The principal personnel contingent of guards for the
25 camp came from the SS Death's Head battalion assigned to

Sydnor Direct

1 the prisoner of war camp at -- the Waffen SS at Majdanek.
2 They were supplemented or reinforced by units of a
3 Lithuanian auxiliary police battalion, at first the 252nd
4 Lithuanian Police Battalion and by, I believe, a couple of
5 companies of Trawniki-trained guards that were assigned to
6 the camp.

7 Q. Would you describe the routine for the assignment of
8 guards at Majdanek and concentration camps like it in
9 January, 1943?

10 A. Guards who were posted to a camp were trained and
11 expected to serve most or all of the guard responsibilities
12 in the camp, guarding from a watchtower, walking patrol
13 around the barbed wire, guarding work details, escorting
14 groups of prisoners who were being processed into the
15 concentration camp, escorting work details that were
16 working on projects outside of the concentration camp. The
17 guards were there to prevent the prisoners from escaping.

18 Q. Were there standing orders on what the guards should
19 do if they believed a prisoner was escaping?

20 A. Yes, sir.

21 Q. What were those orders?

22 A. Shoot.

23 Q. Is that consistent throughout the SS practice in
24 concentration camps?

25 A. Yes, sir.

Sydnor Direct

1 Q. And were there gas chambers in operation in Majdanek?

2 A. Yes, sir.

3 Q. Were they operational in January, 1943?

4 A. Yes, sir, they were.

5 Q. Coming back to Plaintiff's Exhibit 4, which is the
6 Majdanek punishment document, would you please explain the
7 substance of this document, what's going on?

8 A. Exhibit 4 is a report signed by Hermann Erlinger, who
9 was an SS noncommissioned officer, who had come to Majdanek
10 with a group of Trawniki-trained guards from the Trawniki
11 training camp, and he had been notified by a report from
12 the guard dog detachment of the SS Death's Head battalion
13 at the camp that on the 18th of January, 1943, four guard
14 privates -- and the German noun is the rank usually used to
15 describe Trawniki-trained guards -- four of these men,
16 despite being warned repeatedly about the camp quarantine
17 orders, left their quarters and the campgrounds without
18 permission and went into a nearby village, according to
19 them, for the purpose of buying salt and onions.

20 This report was submitted to the -- the
21 incident described took place on the 18th of January. The
22 report was prepared on the 20th of January. Erlinger
23 requested advisement or instructions. On the same day, an
24 SS officer, a captain named Walter Langleist, W A L T E R,
25 L A N G L E I S T, who was the commander of the SS Death's

Sydnor Direct

1 Head guard battalion, indicated on this document "25 blows
2 with a stick." He dated it January the 20th, 1943, and
3 initialed it.

4 And on January -- on or after January 21st,
5 Erlinger annotated the document at the bottom, "25 blows
6 administered with a stick on January the 21st, 1943." So
7 the document references dates beginning with the 18th of
8 January, 1943 and inclusive of the 21 of January, 1943.

9 Q. Dr. Sydnor, you mentioned that this was a quarantine
10 at Majdanek?

11 A. Yes, sir.

12 Q. What were the dates of that quarantine?

13 A. Well, there was a typhus epidemic in the camp, and a
14 quarantine was ordered by the commandant of the Majdanek
15 concentration camp, and that commandant in January of 1943
16 was an SS officer named Herman Florstedt,
17 F L O R S T E D T. Quarantine was ordered on January the
18 6th, and it remained in effect until March the 4th.

19 Q. Dr. Sydnor, do you have an opinion as to whether the
20 four names of men, the four men being punished, were
21 Trawniki-trained guards?

22 A. Yes, sir.

23 Q. What's the base -- what is that opinion?

24 A. First of all, they have identification numbers.
25 Person listed as number one, Demjanjuk, has ID number 1393.

Sydnor Direct

1 The person listed as number 4, whose name is Tuktarov, has
2 identification number 1730. Both of those names and both
3 of those numbers appear on subsequent documentation dealing
4 with the movement and assignments of Trawniki-trained
5 guards.

6 In addition, all four are listed as having
7 the rank of guard private, and the German noun used is
8 commonly used to describe Trawniki-trained guards.

9 Q. Dr. Sydnor, do you have an opinion as to what the
10 role of the Trawniki-trained guards at Majdanek was?

11 A. They were there to guard.

12 Q. Dr. Sydnor, have you seen other similar disciplinary
13 reports from Majdanek?

14 A. Yes, sir.

15 Q. Would you please examine Exhibit 55?

16 A. Which volume is that in?

17 Q. I'm going to guess it's 4: It is in fact 4.

18 A. Yes, sir, I have it. Exhibit 55, which is about
19 halfway through Volume 4 that I have.

20 Q. Dr. Sydnor, have you seen this document before?

21 A. Yes, sir.

22 Q. Would you identify this document to the Court?

23 A. This is a document similar to the exhibit I just
24 described created in the Lublin Majdanek concentration
25 camp, also on the 20th of January, 1943, also signed by

Sydnor Direct

1 Hermann Erlinger, and also describing an incident that
2 occurred as reported by the guard dog unit of the SS
3 Death's Head battalion on 30 January 1943 concerning two
4 men who again had, without permission, left their quarters
5 and the campgrounds and gone to a nearby village. The two
6 men are listed by name and identification number, and also
7 by the rank designation commonly used to describe
8 Trawniki-trained guards.

9 Erlinger advises, this is addressed to the
10 commandant's headquarters at Majdanek, asks for -- asks the
11 recipient to take note, and again, this document is
12 annotated in the lower left side with the note "25 blows
13 with a stick." It's dated January the 20th, 1943. It's
14 initialed by Walter Langleist, who is the commander of the
15 SS Death's Head guard battalion, and it is also annotated
16 by Erlinger, "25 blows administered with a stick on 21
17 January, 1943."

18 So this document, like the previous document,
19 describes a series of events of a disciplinary nature, in
20 this case report on the 13th of January as the first date
21 referenced in the document, inclusive of the 21st of
22 January.

23 Q. Dr. Sydnor, in your opinion as a historian, does the
24 information on this document corroborate the information on
25 Plaintiff's Exhibit 4, the disciplinary report?

Sydnor Direct

1 A. Yes, sir.

2 Q. And how does it do that?

3 A. Well, these guys are violating the quarantine, they
4 are leaving the camp and they are being caught, and the SS
5 sergeant who is involved with them is reporting them and
6 then administering the punishment that the commandant's
7 office decides to mete out.

8 Q. Dr. Sydnor, where is the original of this document
9 housed, if you know?

10 A. The one I'm looking at now?

11 Q. Government Exhibit 55?

12 A. 55 is in the archive of the museum and memorial at
13 the Lublin Majdanek concentration camp in Poland.

14 Q. Does the fact that this document was found in the
15 Majdanek museum, Exhibit 55 was found in the Majdanek
16 museum, and Plaintiff Exhibit 4, the disciplinary report
17 that we have talked about before, was found in Lithuania,
18 does that cause you to have any doubts as to the
19 authenticity of either document?

20 A. No, sir.

21 Q. Why not?

22 A. Well, the documents are created at the same time,
23 they bear similar stamps, they describe similar events.
24 They are prepared in the same color green ink in what
25 appears to be the handwriting of the same individual. They

Sydnor Direct

1 are initialed by the same men, Erlinger and Langleist, and
2 they are from Lublin Majdanek at the same period of time.

3 Q. Dr. Sydnor, I'd ask you now to turn to Government
4 Exhibit 56, which should be the next document. Have you
5 seen that document before, sir?

6 A. Yes, sir.

7 Q. Would you identify it for the Court?

8 A. This is a document created at Lublin Majdanek on 24
9 January 1943. Subject, violation of restrictions to camp,
10 Ukrainians frequenting a Polish cat house. It's a report
11 prepared identifying two men who are described to be
12 Ukrainians, Wladas Amanawitschius, identification 1640, and
13 Paul Makarenko, identification number 445, who have been
14 going outside of the boundaries of the camp regularly.

15 And it describes the purpose for their forays
16 outside the camp and requests instructions or a decision on
17 what to do with these men and what to do -- what, if
18 anything, to do with the people who are in the house
19 outside of the camp. And this is initialed again by Walter
20 Langleist, who is a commander of the SS Death's Head
21 battalion.

22 Q. In your expert historical opinion, does any
23 information in this document corroborate the information in
24 the previous two disciplinary reports that we've been
25 talking about?

Sydnor Direct

- 1 A. Yes, sir.
- 2 Q. Could you describe how?
- 3 A. Well, again, the problem is continuing of people in
4 the -- this particular contingent of guards at Lublin
5 violating the quarantine that is in effect in the camp, and
6 one of the subjects mentioned in this document, Wladas
7 Amanawitschius, identification number 1640, was not in fact
8 a Ukrainian, was a Lithuanian, and he survived the war, and
9 in Belgium, at some time after the Second World War, he was
10 interrogated and acknowledged service at a place that is
11 Lublin, the Lublin Majdanek concentration camp.
- 12 Q. Dr. Sydnor, in your opinion, were the men, Ukrainians
13 as they are referred to on this document, Amanawitschius
14 and Makarenko, were they Trawniki guards?
- 15 A. Yes, sir, they were referred to by the rank that's --
16 well, they are called Ukrainians, but they are referred to
17 with the identification number that's assigned to men who
18 were Trawniki-trained guards.
- 19 Q. Dr. Sydnor, you testified earlier that the Trawniki
20 guards at Majdanek were there to perform guard duty. Have
21 you seen any German wartime documents showing that the men
22 were actually guarding?
- 23 A. Yes, sir.
- 24 Q. Dr. Sydnor, would you please turn to Government
25 Exhibit 57, which should be the next document in sequence

Sydnor Direct

1 in the binder? Have you seen this document before, Dr.
2 Sydnor?

3 A. Yes, sir.

4 Q. Would you please describe what it is for the Court?

5 A. This is --

6 MR. TIGAR: Your Honor, I'm going to object
7 to this. This is far afield. This is about somebody from
8 Moscow, not even Ukrainian, of course it mentions
9 Mr. Demjanjuk and has to do with smoking.

10 THE COURT: Seems to me it's getting pretty
11 far afield.

12 MR. DRIMMER: I believe Dr. Sydnor will
13 testify that this is a document showing that the Trawniki
14 guards at Majdanek were performing guard duty.

15 MR. TIGAR: We concede that, Your Honor. We
16 concede that Trawniki-trained guards were performing guard
17 duty. We don't concede what any individual did except as
18 the evidence otherwise shows.

19 THE COURT: I understand that.

20 MR. STUTMAN: At Majdanek.

21 MR. TIGAR: At Majdanek. That's what I said.

22 Q. Returning back to then Government Exhibit 4, which is
23 the Majdanek disciplinary report we were talking about --

24 MR. TIGAR: Excuse me, Your Honor. There
25 will be a terminological question. The name Majdanek was

Sydnor Direct

1 applied to the camp after the war, so our concession is
2 that the -- my concession refers to a place that after the
3 war became known as Majdanek.

4 MR. DRIMMER: The place we are talking about
5 now.

6 MR. STUTMAN: As of the date of the document.

7 MR. DRIMMER: May I have a moment, Your
8 Honor?

9 THE COURT: Yes.

10 (Pause.)

11 MR. DRIMMER: The clarification, I think,
12 that we were seeking was that the Trawniki guards were
13 performing guard duty at Majdanek as of the date of
14 Government's Exhibit 4, the disciplinary report. Is that
15 what the defense is saying?

16 MR. TIGAR: As of the date of the
17 Government's Exhibit Number 4, that disciplinary report, we
18 will concede that guards trained at Trawniki were
19 performing guards' duties. That place was after the war
20 called Majdanek.

21 THE COURT: Okay.

22 MR. TIGAR: And Dr. Sydnor is nodding his
23 head yes. Majdanek is an after-the-war name, correct?

24 THE WITNESS: Yes, sir, it's called the
25 Waffen SS Prisoner of War Camp at Lublin, and after the war

Sydnor Direct

1 it's more commonly known as Majdanek.

2 BY MR. DRIMMER:

3 Q. Do you have Exhibit 4 in front of you, Dr. Sydnor?

4 A. Yes, sir.

5 Q. Have you seen any evidence that any of the other men
6 besides Demjanjuk were, in fact, guards at Majdanek
7 besides this document -- let me withdraw it, this question,
8 and think about it for a second.

9 Have you seen any other German wartime
10 documents relating to other men named on this particular
11 document, Government's Exhibit 4?

12 A. Have I seen any other German wartime documents?

13 Q. Yes, sir.

14 A. Yes, sir.

15 Q. And can you tell us very briefly what that is?

16 A. I believe I testified earlier that two of the people
17 mentioned on this document are mentioned in documents later
18 with the same identity numbers from Flossenburg. The
19 person mentioned as number 1, Demjanjuk, ID 1393, and the
20 person mention under number 4, Tuktarov, identification
21 number 1730.

22 Q. Dr. Sydnor, would you turn to Plaintiff's Exhibit 82?
23 I'll get you a binder number in just a second. 5. Do you
24 have it?

25 A. Yes, sir.

Sydnor Direct

1 Q. Have you seen this document before, Dr. Sydnor?

2 A. Yes, sir.

3 Q. Could you please identify it for the record?

4 A. I'm looking at the English -- Government's Exhibit
5 82, which is the English translation of the interrogation
6 protocol of Zaki Tuktarov dated 1 February 1965.

7 Q. Does Tuktarov admit serving at Majdanek in this
8 interrogation?

9 A. Yes, sir. At the bottom of page 2 of the English
10 translation, he indicates in the summer of 1942 that he was
11 sent along with a detachment of guards for further service
12 in the Majdanek concentration camp.

13 Q. And Dr. Sydnor, on Plaintiff's Exhibit 4, who was the
14 fourth Wachmann named?

15 A. On Plaintiff's Exhibit 4, the name is Tuktarov,
16 identification number 1730.

17 Q. Dr. Sydnor, do you have an opinion as to whether
18 Mr. Iwan Demjanjuk, identification number 1393, was a guard
19 at Majdanek?

20 A. Yes, sir.

21 Q. What is that opinion?

22 A. That he was.

23 Q. And the basis of that opinion?

24 A. Is the exhibit that we referred to, which I believe
25 is Government's Exhibit 4, which is the disciplinary

Sydnor Direct

1 report, dated January the 20th, 1943, and stamped with the
2 seal, the emblem -- stamped with the stamp of the Waffen SS
3 prisoner of war camp at Lublin.

4 Q. Dr. Sydnor, what does the historical evidence show
5 about how long Demjanjuk, ID number 1393, was an armed
6 guard at Majdanek?

7 A. Well, the historical evidence taken directly from
8 this does not show exactly how long. At some point after
9 the events described in this document, the person who we
10 are talking about, the Iwan Demjanjuk who was carrying card
11 number 1393, was transferred from the Waffen SS prisoner of
12 war camp at Lublin back to Trawniki.

13 We know that the quarantine was lifted on
14 March the 4th, 1943, because we have Florstedt's order
15 lifting the quarantine and permitting the presumption of
16 movement in and out of the camp complex.

17 And then the next document we have is the
18 Sobibor transfer roster dated March 26th, 1943, which shows
19 the deployment of the group of men named on that roster
20 from Trawniki, that is, from the Trawniki complex on March
21 the 26th, to Sobibor. So sometime after the 21 of January,
22 1943 and before the 26th of March, 1943, in my opinion, the
23 people who were named on that exhibit were transferred from
24 Lublin Majdanek back to Trawniki.

25 Q. Dr. Sydnor, do you have an opinion as to the minimum

Sydnor Direct

1 length of time that Demjanjuk, 1393, was a guard at
2 Majdanek?

3 A. Yes, sir.

4 Q. What is that opinion?

5 A. Minimum amount of time, I believe, is the date on
6 that document, beginning with the 18th of January and
7 including the 21st of January, 1943.

8 Q. Dr. Sydnor, do you have an opinion as to what the
9 duties of Demjanjuk, ID number 1393, would have been at
10 Majdanek?

11 A. It would have been performing guard duties as
12 assigned by the camp authorities.

13 MR. DRIMMER: Your Honor, if it would be
14 convenient, this would be a good time for us to take a
15 quick break.

16 THE COURT: Okay. Let's take a ten-minute
17 break.

18 (Recess had.)

19 BY MR. DRIMMER:

20 Q. Dr. Sydnor, do you have an opinion as to whether
21 Demjanjuk, identification number 1393, returned to Trawniki
22 at some point after serving at Majdanek?

23 A. Yes, sir.

24 Q. What is the basis of that opinion?

25 A. The basis of the opinion is that the Sobibor transfer

Sydnor Direct

1 roster, which is dated Trawniki March 26, 1943, listing the
2 men to be transferred to the SS special detachment or
3 special command at Sobibor is dated Trawniki.

4 Q. Do you have an opinion as to whether Demjanjuk,
5 identification number 1393, thereafter served at the
6 Sobibor extermination camp?

7 A. Yes, sir.

8 Q. What is your opinion?

9 A. That he did.

10 Q. Would you please describe or state the basis of that
11 opinion?

12 A. Well, in the document itself, there is the first
13 indicator that the men who were actually listed on the
14 transfer authorization did go to Sobibor in an annotation
15 that the first four men of the list, there's a note placed
16 on the document, the first four men on the list were not,
17 in fact, to be transferred but did stay behind.

18 In addition, there is other documentation in
19 the Trawniki administrative records that men who were on
20 the transfer roster of March 26, 1943, were present and
21 were serving in Sobibor. In the personnel roster for SS
22 recruit Trawniki-trained guard named Myron Flunt,
23 M Y R O N, F L U N T, there is on his personnel sheet and
24 in the other documentation that was prepared describing the
25 event and dealing with the event that Mr. Flunt was killed

Sydnor Direct

1 by Jewish inmates on Sobibor on the 23rd of July, 1943.

2 That information was annotated on his
3 personnel sheet as a way of closing out his personnel
4 sheet, and the incident in Sobibor is also documented by
5 other correspondence, a report sent by the commandant at
6 Sobibor, who was an SS officer named Franz Reichleitner,
7 R E I C H L E I T N E R. He had to prepare a report on the
8 incident. Flunt was killed by two Jews who were working in
9 the woodcutting detail in the forest outside the Sobibor
10 camp. And the woodcutting detail which had to be guarded
11 was cutting wood to be placed on the grates that were used
12 to burn the bodies of the people who were being gassed. So
13 Flunt was killed in Sobibor, and that incident generated a
14 lot of paper, and some of that paper survived.

15 In addition, there's another man whose name
16 is on that list of March the 26th, his name is Konstantin
17 Dimida, D I M I D A, I believe. He deserted from the
18 Sobibor detachment sometime around the 1st of July. His
19 desertion is annotated on the top of his personnel sheet
20 from the Sobibor detachment as of July the 1st, 1943.

21 So if you look at the roster of 26 March and
22 ask did the people on this roster actually go to Sobibor,
23 the first indication that they did is the annotation on the
24 roster itself, that four men didn't go and stayed behind.
25 The second annotation is the killing of Myron Flunt. The

Sydnor Direct

1 third is the desertion of Konstantin Dimida.

2 And then there is additional documentation
3 dealing with the medical problems that were encountered or
4 incurred by men who were serving at Sobibor who were also
5 on the transfer authorization dealing with various
6 problems, and one person who is on the list suffered an eye
7 injury, and there's paperwork about that.

8 So there is that, in the fragmentary records
9 that survive in the documentation, there is information
10 about at least three people on that transfer roster of
11 March the 26th.

12 Q. Dr. Sydnor, does Government's Exhibit 3, the Trawniki
13 service pass, does that indicate in any way that Demjanjuk,
14 identification number 1393, who is identified on the
15 Sobibor transfer roster, in fact, served at Sobibor?

16 A. The service identity pass is annotated Sobibor,
17 commanded to Sobibor with a date March the 27th, 1943.

18 Q. And does that indicate in some way that the Demjanjuk
19 named on Government Exhibit 5, the Sobibor roster, in fact
20 served at Sobibor?

21 A. Yes, sir.

22 Q. And can you explain how?

23 A. Well, the service pass, the service identity pass for
24 the Iwan Demjanjuk who had identity number 1393 can be
25 placed next to two other service identity passes that we

Sydnor Direct

1 have in the documentation here, the service identity pass
2 for a Trawniki-trained guard named Ignat Danilchenko, whose
3 Trawniki identification number was 1016, and I believe
4 Mr. Danilchenko's service identity pass also bears the
5 annotation that he was assigned to Sobibor as of March the
6 27th, 1943.

7 In addition to Mr. Danilchenko's, there is a
8 service identity pass of a Trawniki recruit named Nurgali,
9 N U R G A L I, Kabirow, K A B I R O V. His Trawniki
10 identification number is 1337. His service identity pass
11 also indicates that he was commanded to or assigned to the
12 Sobibor camp as of March 27th, 1943.

13 And then in the -- so there are other -- and
14 I can't recall exactly the names, but there are other
15 recruits on that list whose personnel sheets also bear the
16 annotation of 26 March 1943. Personnel sheets were
17 documents that were created in the Trawniki training camp.
18 The Sobibor transfer roster is a document created in the
19 same place, and the transfer roster bears the date of March
20 the 26th, 1943. The personnel sheets that we have from the
21 camp also bear the transfer date of March the 26th, 1943.

22 The three service identity cards all bear the
23 date March the 27th, 1943. Looking at two different dates,
24 Trawniki March 26, 1943, Sobibor March 27, 1943, what's the
25 explanation? The explanation is provided in the

Sydnor Direct

1 requirement to prepare the list, to gather the men
2 together, to provide them with whatever provisions they are
3 going to take, and to physically move them from Trawniki to
4 the Sobibor detachment. And then once in Sobibor, to
5 annotate the service identity cards, which in my opinion
6 were annotated at Sobibor and not at Trawniki.

7 Now, in the post-war Soviet interrogation
8 statements, there is one, and I believe the gentleman's
9 name is Gontscharenko, who is also on the list of March
10 26th, 1943, who says in a post-war interrogation statement
11 that it took them -- the day they left Trawniki, it took
12 them all the rest of the day to get to Sobibor.

13 Q. I'd like to turn to just a couple of the documents
14 that you've mentioned. Let's start with Government's
15 Exhibit 45.14.

16 A. 45.14.

17 Q. Volume 3.

18 A. Okay.

19 Q. Have you seen this document before, Dr. Sydnor?

20 A. Yes, sir, I have.

21 Q. What is this document?

22 A. This is the Trawniki service identity pass for
23 Nurgali Kabirow.

24 Q. Could you please state briefly of what significance
25 this has in determining if Mr. Kabirow, in fact, served in

Sydnor Direct

1 Sobibor?

2 A. In the inside of the service identity pass on the
3 left side of the document, below where the photograph is
4 located, look under the -- if you are looking at the
5 English translation, look at the annotations "deployed on,"
6 the second annotation, "Deployed on the 24th of March, 1943
7 to Trawniki," which indicates that Mr. Kabirow was sent to
8 Trawniki either from Radom or from an interim assignment
9 that was not annotated. And then on the 27th of March,
10 1943, he is deployed to Sobibor.

11 Q. Dr. Sydnor, do you find Kabirow's name on Plaintiff's
12 Exhibit 5, the Sobibor transfer roster?

13 A. Yes, sir.

14 Q. Let me direct you to line or entry 27 on that
15 document.

16 A. I'm sorry, can you give me the exhibit number again,
17 please?

18 Q. 5.

19 A. Yes, sir, line 27, Nurgali Kabirow. The first two
20 digits of his identification number are legible on the
21 translation. Below his name is the indication that he was
22 born on 10 September 1919 in a place I cannot pronounce,
23 and that is the same date of birth that is shown on the
24 service identity pass, and it is an approximate spelling of
25 the place of birth that's also on the Sobibor transfer

Sydnor Direct

1 roster.

2 Q. And based on that identifying information, do you
3 have an opinion as to whether the Kabirow whose service
4 identity card is Plaintiff's Exhibit 45.14 is the same
5 Kabirow as entry 27 on the Sobibor transfer roster?

6 A. Yes, sir, I believe it's the same person.

7 Q. Now, Dr. Sydnor, staying with Kabirow for just one
8 more minute, it says on his service pass that he is
9 deployed to Sobibor on the 27th of March, 1943. Is that
10 what you testified to?

11 A. Yes, sir.

12 Q. Does the fact that the identity pass says "Sobibor,
13 March 27th" and the transfer authorization says "March
14 26th" cause you to doubt whether Kabirow actually served at
15 Sobibor?

16 A. No, sir.

17 MR. TIGAR: Your Honor, he already explained
18 the discrepancy in dates five minutes ago. I object to
19 repetition.

20 MR. DRIMMER: I apologize, Your Honor, I may
21 be getting a little tired.

22 THE COURT: Okay. I understand that.

23 MR. DRIMMER: Can he answer?

24 THE COURT: I'll let him answer.

25 A. I'm sorry, please forgive me. I'm confused. Can we

Sydnor Direct

1 go back and have the question again, please?

2 (Record read.)

3 A. No, sir.

4 Q. So based on the documents we've looked at,
5 Plaintiff's 5, the Sobibor transfer roster and Kabirow's
6 service identity pass, what can you conclude regarding
7 Kabirow's assignment to Sobibor?

8 A. That he went to Sobibor from Trawniki.

9 Q. Dr. Sydnor, I believe you also named a man called
10 Myron Flunt a few minutes ago?

11 A. Yes, sir.

12 Q. Would you turn to 44.8, which is in Volume 2?

13 A. Yes, sir.

14 Q. Have you seen this set of documents before?

15 A. Yes, sir.

16 Q. Is this the set of documents to which you were
17 referring before as Flunt's personnel file?

18 A. Yes, sir.

19 Q. And what was your testimony, very quickly, regarding
20 what happened to Flunt at Sobibor?

21 A. Well, the annotation on the top of the card under the
22 Trawniki date of November 24, 1942, that means the card was
23 filled out in Trawniki on November the 24th, 1942. The
24 annotation under that indicates that Mr. Flunt was murdered
25 by two Jews on the 23rd of July, 1943 at the Sobibor

Sydnor Direct

1 detachment. Burial took place on July 24th, 1943 at the
2 Hero Cemetery in Trawniki, and this is signed by an order
3 police official whose name is Drechsel, and he was in
4 charge of the personnel records in the camp administration
5 office at the Trawniki training camp.

6 And then you see the mark made on the left
7 that looks like an upside down Y. That indicates that
8 Mr. Flunt is dead, so this file is closed. And then on the
9 inside of the file of the English translation on page 2,
10 third line down under transfers, the annotation is 26 March
11 1943 to Sobibor.

12 Q. Dr. Sydnor, is Flunt's name on the Sobibor transfer
13 roster, Plaintiff's Exhibit 5?

14 A. Yes, sir, it is.

15 Q. Let me direct you as a matter of expedition to Number
16 77.

17 A. Yes, sir. Number 77 is Myron Flunt, whose Trawniki
18 service identity number is 2804, which is the same service
19 identity number listed on his personnel sheet from the
20 files of the personnel office at the Trawniki training
21 camp.

22 The date of his birth on the Sobibor transfer
23 roster is given as 5 November 1910. The date of his birth
24 on the Trawniki personnel sheet is given as 5 November
25 1910. The place of his birth on the Trawniki -- on the

Sydnor Direct

1 Sobibor transfer authorization is given as Drohobytsch,
2 which is in Poland. The place of birth on his personnel
3 form is given as Drohobytsch, which is also in Poland, and
4 they are spelled the same way on both documents.

5 There is, in addition, correspondence from
6 both Sobibor and Trawniki in the form of documentation from
7 the commandant at Sobibor, Frans Reichleitner, and from the
8 commandant at Trawniki, Karl Streibel, to Mr. Flunt's
9 father informing him that his son has been killed, and it's
10 addressed to his father in the same place.

11 Q. And how was Flunt killed?

12 A. He was a guard responsible for guarding an outside
13 work detail at Sobibor of work Jews, and on the afternoon
14 of July the 23rd, 1943 --

15 MR. TIGAR: Excuse me, Your Honor, the
16 relevance of this -- I object.

17 THE COURT: We have also heard it before,
18 too.

19 Q. Let me just close out this line then. Do you have an
20 opinion as to whether the Myron Flunt whose Trawniki
21 personnel file is Plaintiff's 44.8 is the same Myron Flunt
22 listed on the Sobibor transfer roster?

23 A. Yes, sir.

24 Q. What is that opinion?

25 A. I believe they are the same person.

Sydnor Direct

1 Q. Dr. Sydnor, I'd like you to turn to Plaintiff's
2 Exhibit 45.7, which should be in Volume 3. I believe we
3 talked about this document earlier, is that correct?

4 A. Yes, sir.

5 Q. Turning to page 2 of the translation, what did this
6 document indicate regarding Danilchenko's service at
7 Sobibor?

8 A. This is the -- this exhibit, 45.7, is the service
9 identity pass of Ignat Danilchenko, Trawniki identification
10 number 1016. On the inside on the left-hand side of the
11 document below the photograph and the other personal
12 information, the third annotation under "deployed on" is 27
13 March 1943 to Sobibor.

14 Q. Do you see Danilchenko's name on the Sobibor transfer
15 roster, which is Exhibit 5?

16 A. Yes, sir.

17 Q. I would direct you to entry 22 to expedite the
18 process.

19 A. Yes, sir. Entry number 22 on the Sobibor transfer
20 roster dated March 26, 1943 is Ignat Danilchenko, whose
21 date of birth on the Sobibor transfer roster the given as
22 26 April 1943, and whose date of birth on his Trawniki
23 service identity pass is given as 26 April 1943. His place
24 of birth on the Sobibor transfer roster of March 26, 1943
25 is listed as Gretschina, G R E T S C H I N A; his place of

Sydnor Direct

1 birth on the service identity pass is listed as the village
2 of Gretschina, and it's spelled the same way.

3 Q. Dr. Sydnor, based on his personal identification
4 information, do you have an opinion as to whether the
5 Danilchenko on Plaintiff's Exhibit 5 is the same
6 Danilchenko as is listed on Plaintiff's 45.7?

7 A. Yes, sir. I believe it's the same Trawniki-trained
8 guard or person, same person.

9 Q. Dr. Sydnor, I'd like you to turn to Plaintiff's
10 Exhibit 70.

11 A. Okay.

12 Q. Volume 5. Have you seen this document before?

13 A. I'm sorry. Did you say Plaintiff's Exhibit 70?

14 Q. I did, and I think I might be mistaken with my
15 numbering.

16 MR. DRIMMER: Your Honor, if I might confer
17 for a second.

18 THE COURT: Yes.

19 (Pause.)

20 Q. It's Plaintiff's Exhibit 60. I apologize. And
21 that's in Volume 4. Have you seen this document before?

22 A. Yes, sir.

23 Q. Can you identify this document for the record?

24 A. Yes, sir. This is a report sent to the headquarters
25 office of Operation Reinhardt, which is located physically

Sydnor Direct

1 in the city of Lublin, dated July 1, 1943, indicating that
2 two of the guards assigned to Sobibor had fled or deserted,
3 and noting that enclosed with the report were the two
4 service identification documents which are the service
5 identity passes of the two guards.

6 The first one's name is Ivan Kakarasch,
7 service identification number 1790, and the other subject
8 was Konstantin Dimida, the same person I referred to
9 earlier, whose service number is 443. And they ran away
10 sometime during the night of June 30th, July 1st, from
11 Sobibor.

12 Q. Are these two men named on the Sobibor transfer
13 roster, Government Exhibit 5?

14 A. Yes, sir, they are. If you would give me just a
15 minute, I'll find them.

16 Q. Okay.

17 A. Constantine Dimida, his name is entry number 10 on
18 the Sobibor transfer roster of March 26, 1943. On that
19 roster, his Trawniki service identity number is given as
20 443. It's the same number given in the report from Sobibor
21 on 1 July 1943. His date of birth on the Sobibor transfer
22 roster is 25 October 1919. The date of birth given for him
23 on the report of his desertion from Sobibor dated 1 July
24 1943 is 25 October 1919. The place of birth listed on both
25 documents, the Sobibor transfer roster of March 26, 1943

Sydnor Direct

1 and the Sobibor desertion report of 1 July 1943, is
2 Janutschina, J A N U T S C H I N A. Is it spelled the same
3 way on both documents.

4 The other subject, Mr. Kakarasch, is entry
5 number 47 on the Soviet -- on the Sobibor transfer
6 authorization of 26 March 1943. His identity number is the
7 same on that document and on the desertion report of 1
8 July.

9 His date of birth, 22nd March, 1922, is the
10 same on both documents, and his place of birth is the same
11 on both documents, although the spelling varies with the
12 substitution of an I in the report of July 1 for the E that
13 shows in the report of -- in the transfer authorization of
14 March 26, 1943.

15 So the two men who are the subjects of the
16 report, of the desertion report, of July 1 are the two men
17 who are on the transfer authorization of 26 March 1943.

18 Q. Dr. Sydnor, would you please turn to Plaintiff's
19 Exhibit 35, which is a summary exhibit, Volume 2.

20 A. Yes, sir.

21 Q. And have you examined this document before, Dr.
22 Sydnor?

23 A. Yes, sir.

24 Q. Have you examined the underlying documents that were
25 used to create this chart?

Sydnor Direct

1 A. Yes, sir, I have.

2 Q. Is the information in this chart a type reasonably
3 relied on by historians in forming opinions and
4 conclusions?

5 A. Yes, sir.

6 Q. Does the chart fairly and accurately reflect
7 information in documents regarding men on Plaintiff's
8 Exhibit 35?

9 A. Yes, sir.

10 Q. What does this document show regarding whether the
11 men on the Sobibor transfer roster --

12 MR. TIGAR: Your Honor, I heard the magic
13 words of the lawyer laying the foundation. Under our
14 previous agreement, I'll defer my examination of the
15 witness with respect to it until later, but I don't wish to
16 be seen as conceding that it's admissible for any purpose.

17 THE COURT: All right. That's fine.

18 MR. TIGAR: Thank you.

19 Q. Dr. Sydnor, what does Plaintiff's Exhibit 35 show
20 regarding whether the men on the Sobibor transfer roster
21 actually served at the camp?

22 A. Well, the summary in this exhibit illustrates that in
23 addition to the names of the men that are entered on the
24 Sobibor roster of 26 March 1943 there are some who have
25 been named as Sobibor guards by others, that is annotated

Sydnor Direct

1 by an N, that there's a Sobibor entry for them on the
2 service pass, that is the T that's shown in the right-hand
3 column; that the R indicates that there's a report on their
4 desertion from Sobibor as just illustrated in the exhibit
5 we looked at, and the M is used to illustrate men whose
6 names are on the roster of March 26, 1943 for whom there is
7 medical information or medical records also documenting
8 their service at Sobibor.

9 Q. Now, we looked a little bit earlier at the service
10 pass of Kabirow. Are you aware of whether he admits
11 serving at Sobibor in any post-war statements?

12 A. Yes, sir.

13 Q. And does he?

14 A. Yes, sir, he does.

15 Q. We looked at the Danilchenko service pass?

16 A. Yes, sir.

17 Q. Does he admit serving at Sobibor in any post-war
18 statements?

19 A. Yes, sir, he does.

20 Q. Dr. Sydnor, we talked -- let me finish out this line
21 of questioning. So based on your examination of
22 Plaintiff's Exhibit 35 and the other underlying historical
23 evidence, do you have an opinion as to whether the men
24 named on the Sobibor transfer roster in fact served at the
25 camp?

Sydnor Direct

1 A. Yes, sir, I believe they did.

2 Q. And that opinion -- thank you. We talked a lot, Dr.
3 Sydnor, about men serving at Sobibor. Can you tell us very
4 briefly what Sobibor was?

5 A. Well, very briefly, Sobibor was one of the three
6 extermination facilities created under the command
7 jurisdiction of Odilo Globocnik, the SS and Police Leader
8 in the Lublin District, for the purpose of the mass
9 extermination of the Jews of Poland and elsewhere in Europe
10 under Operation Reinhardt.

11 MR. TIGAR: Your Honor, there already appears
12 a very complete description in Government Exhibit 86, which
13 has already been referred to, at page 2, and that we are
14 willing to accept that description as historically
15 accurate.

16 MR. DRIMMER: If the defense is willing to
17 stipulate to the authenticity of the document and put it
18 into evidence, we have no reason to --

19 MR. TIGAR: Your Honor, I am willing to
20 stipulate to the accuracy of the general historical
21 description of the Sobibor extermination facility contained
22 in Government Exhibit 86. I stipulate it is accurate.

23 MR. DRIMMER: I would prefer if the
24 historian, if the expert witness actually told us what
25 Sobibor was about.

Sydnor Direct

1 THE COURT: Well, I don't know what the
2 difference is between having a witness testify to it and
3 having a written description of it.

4 Do you disagree with the description of it
5 that is contained in the document that was referred to,
6 Exhibit 86?

7 MR. DRIMMER: Can I ask the witness if he
8 disagrees with it in any respect?

9 THE COURT: Sure.

10 MR. TIGAR: This is the Danilchenko
11 statement, Your Honor, which has been in this litigation
12 for many, many years, and in all related proceedings.

13 THE COURT: All right.

14 A. May I just have a moment to look at the exhibit?

15 (Pause.) Yes, sir, I agree generally that the
16 description of Sobibor as given by Mr. Danilchenko is, I
17 believe, accurate in its main features. It corresponds to
18 the information in the German edition of The History of the
19 Sobibor Death Camp written by the Dutch survivor of
20 Sobibor, Jules Shelvis, J U L E S, S C H E L V I S, whose
21 work was cited in the report for the statistical data it
22 contained in the Dutch edition about the number of Jews
23 deported from Holland to Sobibor between the end of March,
24 1943 and the end of July, 1943, and the physical
25 descriptions of the camp in there, and also the description

Sydnor Direct

1 in there of the events of July 23rd that we have just been
2 referring to.

3 And I think Mr. Danilchenko's statement
4 generally corresponds to the descriptions contained in the
5 post-war statements given to German courts by several
6 members of the SS detachment that was permanently assigned
7 to the administration of the Sobibor camp, including Erich
8 Bauer, E R I C H, B A U E R, Karl August Wilhelm Frenzel,
9 F R E N Z E L, Hubert Igomerski, I G O M E R S K I, and
10 Karl-Heinz Bollender, B O L L E N D E R.

11 I think in the main features they are pretty
12 consistent, and I'll accept Mr. Danilchenko's statement as
13 generally accurate.

14 MR. DRIMMER: I have a small logistical
15 question, Your Honor. If the defense is objecting to the
16 authenticity of this exhibit, other than reading it into
17 the record or having the court reporter type it in
18 directly, I'm uncertain about the method.

19 THE COURT: I don't know that it matters at
20 this point. They have stipulated to the description of
21 Sobibor that is contained in that document. They have not
22 agreed to the rest of the document. And as far as I'm
23 concerned, that puts the stipulation into the record as to
24 what Sobibor is, and only that stipulation.

25 MR. DRIMMER: Okay. Thank you, Your Honor.

Sydnor Direct

1 Q. Would you turn to Plaintiff's Exhibit 32, Dr. Sydnor?

2 A. Yes, sir. Are we at Volume 2?

3 THE COURT: Yes.

4 Q. Yes. Would you identify that document for the
5 record, please?

6 A. Yes, sir. This is a diagram of the ground plan of
7 the Sobibor extermination camp drawn according to the
8 recollections of SS Sergeant Erich Bauer, one of the men I
9 just mentioned, and a survivor of Sobibor, Mr. Thomas
10 Blatt, B L A T T.

11 Q. Is there any reason, Dr. Sydnor, why this layout may
12 not be 100 percent accurate?

13 A. Yes, sir.

14 Q. What's that reason?

15 A. Well --

16 MR. TIGAR: Once again, I object. Unless
17 there's some reason to know why it's a little bit accurate
18 or not too much accurate or whatever, I think that it's not
19 relevant to what we are to decide here.

20 MR. DRIMMER: Let me lay a foundation then,
21 Your Honor.

22 THE COURT: All right.

23 Q. In your opinion, is this a reasonably accurate
24 representation of the layout of Sobibor?

25 A. Yes, sir.

Sydnor Direct

1 Q. Using this plan, would you please describe the
2 process generally by which the victims at Sobibor were
3 killed?

4 MR. TIGAR: Once again, Your Honor, I object.
5 We have a whole page of that description.

6 THE COURT: I think we have covered this. I
7 think the prior stipulation covers that.

8 MR. DRIMMER: Thank you, Your Honor.

9 Q. Dr. Sydnor, what was the role of the Trawniki guards
10 at Sobibor?

11 A. At the Sobibor camp, the Trawniki-trained guards were
12 relied upon to perform all of the different types of guard
13 functions that were essential to the main purpose for the
14 construction and the running of the camp.

15 MR. TIGAR: Excuse me, Your Honor. Once
16 again we stipulate the guards guarded the prisoners from
17 the moment the freight cars, et cetera, et cetera, it's
18 right in the middle of that page, Your Honor. I object.

19 MR. DRIMMER: If the defense is going to
20 stipulate that all of the Trawniki-trained guards guarded
21 prisoners at Sobibor we don't have a problem skipping this
22 piece.

23 MR. TIGAR: No, I'm not willing to stipulate
24 that all the Trawniki-trained guards guarded prisoners.
25 That is contrary to the historical evidence. If Dr. Sydnor

Sydnor Direct

1 wishes to express that opinion, then I have no objection to
2 him doing so, and I will cross-examine him at the
3 appropriate procedural hour.

4 THE COURT: Okay. I think you should
5 probably proceed and let Mr. Drimmer question him. Let's
6 don't be repetitious.

7 MR. DRIMMER: Could you read the question
8 back to Dr. Sydnor, please?

9 (Record read.)

10 A. Yes, sir. And those included being ready when the
11 trains arrived at Sobibor carrying people who were shipped
12 there, they performed, a group of them performed the
13 unloading of the trains, they helped force people out of
14 the trains. They then helped move the people from the
15 platform to the place in the center of the complex where
16 people were ordered to disrobe and hand in their valuables.

17 The guards then were involved in moving
18 people along from the undressing stations to through what
19 was called the tube to the gassing facility itself, which
20 was located in Camp 3. Other Trawniki-trained guards
21 guarded the gassing facility itself and the detail of work
22 Jews that worked in Camp 3 removing the bodies from the
23 camps.

24 Other groups of Trawniki-trained guards were
25 involved then in shooting the elderly and the sick and the

Sydnor Direct

1 disabled people who had been unable to walk from the train
2 at the time they were unloaded, and in the spring of 1943
3 were taken from the unloading ramp on a narrow gauge
4 railroad in small little open hopper cars, loaded in those
5 cars, and taken from the unloading ramp to the pits in Camp
6 3, where they were then shot.

7 And the guards also then guarded the detail
8 of work Jews who cleaned the ramp after the freight cars
9 were unloaded. They also guarded the internal groups of
10 work Jews who were sorting clothing, valuables, and other
11 effects, and they guarded the perimeter of the camp from
12 the towers and along the barbed wire, and they also guarded
13 the camp to make sure that strangers and unwelcome visitors
14 did not intrude upon what was going on.

15 Q. Dr. Sydnor, I'd like to turn back to Demjanjuk,
16 identification number 1393. Does the historical evidence
17 indicate precisely when he left Sobibor?

18 A. No, sir.

19 Q. Is there at some point by which he must have left
20 Sobibor?

21 A. Yes, sir.

22 Q. And what is that point?

23 A. That point would be on or before, really before
24 October the 1st, 1943, because of the listing of the
25 Demjanjuk whose service identification number is 1393 and

Sydnor Direct

1 whose date and place of birth are listed also on the
2 Flossenburg transfer roster which is dated Trawniki
3 training camp, October the 1st, 1943, so sometime before
4 the 1st of October, 1943.

5 Q. Do the names of other men on the Sobibor transfer
6 roster also appear on the Sobibor -- the Flossenburg
7 transfer roster?

8 A. Yes, sir, they do.

9 Q. Would you please turn to Plaintiff's Exhibit 36,
10 binder 2. Can you identify this document for the record?

11 A. Yes, sir. This exhibit is a summary of a correlation
12 of names between the Sobibor transfer roster of March 26,
13 1943 and the Flossenburg transfer roster of October the
14 1st, 1943.

15 Q. Will this chart help to illustrate your testimony
16 regarding the men from Sobibor who went to Flossenburg?

17 A. Yes, sir.

18 Q. What does this chart show, Dr. Sydnor?

19 A. It shows that the men who are listed on this page and
20 the following page were men who were both on the transfer
21 roster to Sobibor and transfer roster to Flossenburg on or
22 after the 1st of October, 1943.

23 Q. What's the historical significance of seeing this
24 number of men appearing on both documents?

25 A. Well, this number of men who had been listed as

Sydnor Direct

1 transferred to Sobibor on March the 26, 1943 had come back
2 to Trawniki before October the 1st, 1943 because they are
3 listed on the Flossenburg roster as well as the Sobibor
4 roster.

5 Q. Have you seen any evidence about when any of the men
6 on this list, this summary exhibit, left Sobibor?

7 A. Yes, sir, I have.

8 Q. Would you turn to Plaintiff's Exhibit 47, Volume 4.
9 Have you seen these documents before, Dr. Sydnor?

10 A. Yes, sir.

11 Q. Please identify them.

12 A. This is the medical record of a Trawniki-trained
13 guard named Anatoli Gontscharenko, which indicates -- well,
14 his date of birth, his place of birth, the unit to which he
15 was assigned, the SS detachment at Sobibor, and the reason
16 for his hospitalization, illness or injury; that he had had
17 scratch wounds to the left eye, to the left half of the
18 face, the eye injury from a blow, and that he was to be
19 discharged for further military treatment at the Reserve
20 Hospital II in Lublin. That document is dated 19 August
21 1943. So Mr. Gontscharenko was still officially attached
22 to the Sobibor detachment as of August 19, 1943.

23 And then the second page indicates that
24 Mr. Gontscharenko was admitted to this hospital facility on
25 19 August 1943 and discharged to return to the unit at

Sydnor Direct

1 Sobibor on September the 15th, 1943. So he's sent back to
2 Sobibor as of the middle of September, 1943 after
3 recovering from the eye injury.

4 Q. Dr. Sydnor, did you say that this document was a WAKt
5 document?

6 A. It is a WAKt document. It's known by the acronym
7 capital W, capital A, capital K, small T.

8 Q. And what is that?

9 A. It means Armed Forces Information Center. It's a
10 German institution or organization that has information,
11 medical information compiled during the Second World War on
12 members of the German armed forces and on members of the
13 Waffen SS and other units, medical information about
14 hospitalization, about wounds, that type of stuff. It was
15 all assembled during the war, and what survived the Allied
16 bombing and the destruction of war has been maintained and
17 preserved in Germany since the Second World War.

18 Q. Does Gontscharenko appear on Government's Exhibit 5,
19 the Sobibor transfer roster?

20 A. Yes, sir, it does, but I've lost them here. I'm
21 sorry, I went right over top of them. He is number 12 on
22 the Sobibor transfer roster of March 26, 1943.

23 Mr. Gontscharenko is entry number 12.

24 Q. Does he also appear on Plaintiff's Exhibit 6? And to
25 expedite matters, I'd ask you to look at entry number 20.

Sydnor Direct

1 A. Yes, sir, he is entry number 20 on the Flossenburg
2 transfer roster of 1 October 1943. His ID number, his
3 Trawniki identification number is listed as 561. His date
4 of birth is 10 June 1919, and that is the same date of
5 birth as is on the Sobibor transfer roster. On the Sobibor
6 roster, only the first two digits of his identification are
7 legible, 56.

8 Q. Dr. Sydnor, is the fact that some of these
9 Gontscharenko documents were found in the western archives
10 and the Sobibor transfer roster and the Flossenburg
11 transfer roster were found in the Soviet archives, does
12 that affect your evaluation in any way of their reliability
13 and authenticity?

14 A. No, it doesn't diminish my estimation of their
15 reliability. This is one way that the historians can
16 evaluate whether or not something is accurate or reliable.
17 These are documents that come from two widely separate
18 independent sources of residence and reservation in the
19 decades since the Second World War. The Sobibor roster of
20 March the 26th, 1943 and the Flossenburg roster of October
21 1st, 1943 come out of the former KGB archive in Moscow, and
22 the medical report on Mr. Gontscharenko's incident comes
23 out of a German archive.

24 Q. Dr. Sydnor, based on Plaintiff's Exhibit 47, the
25 medical records for Gontscharenko, what do you conclude

Sydnor Direct

1 about when he returned from Sobibor to Trawniki before
2 going to Flossenburg?

3 A. Well, since he's on the Flossenburg roster which is
4 dated the 1st of October, and since the WAKt record, the
5 medical record indicates that he was discharged on the 15th
6 of September to go back to his unit in Sobibor, sometime
7 between the 15th of September and the 1st of October, 1943
8 he returned from Sobibor to Trawniki.

9 MR. TIGAR: I object, Your Honor, to any more
10 about this person who's not a party to the litigation.

11 THE COURT: What is it you're trying to show?

12 MR. DRIMMER: I'm trying to show, Your Honor,
13 that the information on the documents is reliable and
14 authentic. You have documents down in western archives
15 that have information corroborating documents found in
16 Soviet archives and the time frames match. As Dr. Sydnor
17 said, the authenticity and reliability is in part based on
18 documents we found at different places where you can
19 compare the information.

20 One of the issues that I believe the
21 defendant put into claim in this case is the reliability of
22 these documents and establishing not only the existence,
23 but the wartime movements of these men through other
24 sources does help to show the reliability of the Demjanjuk
25 1393 who is named on the questioned documents.

Sydnor Direct

1 THE COURT: Well, none of these other
2 documents have any connection to the name Demjanjuk, so it
3 seems to me that you don't need to go into all of them.

4 MR. DRIMMER: Yes, Your Honor.

5 Q. Dr. Sydnor, in your opinion -- are you doing okay,
6 Dr. Sydnor?

7 A. It's getting late.

8 Q. I'll finish this line of questioning, if that's okay.
9 When, in your opinion, did the men on Government's Exhibit
10 5, the Sobibor roster, return from Sobibor?

11 A. Sometime in the period between the middle and the end
12 of September, 1943.

13 Q. And can you please state the basis for that opinion?

14 A. The basis for that opinion is the earlier documents
15 that I referred to that indicated that men on the list were
16 in service at Sobibor as of 1 July 1943, the two men who
17 deserted. As of the 23rd of July, 1943, when Mr. Flunt was
18 killed by the two Jewish workers in the forest detail, and
19 as of the middle of August, 1943, when Mr. Gontscharenko
20 received the eye injury that required his hospitalization,
21 these indicate to me that the men in that cohort that had
22 gone to Sobibor were still serving there.

23 Q. Other than the men you just mentioned, Gontscharenko
24 and Flunt and the deserters, how many men on the Sobibor
25 transfer roster are known to have left Sobibor before

Sydnor Direct

1 mid-September?

2 A. I don't know and have not seen any documentation that
3 indicates that anybody left before the middle of September.

4 Q. Dr. Sydnor, I'd like to return to the period when the
5 men on Government's Exhibit 5 first arrived at Sobibor.
6 Would you please describe what was happening in Sobibor
7 immediately after March 27th, 1943?

8 A. Well, the facility underwent a very active period of
9 processing arriving transports beginning with two
10 transports of French Jews that were dispatched at the end
11 of March, 1943 and reached Sobibor at about the end of the
12 month, Convoy 52, which left the deportation center at
13 Drancy near Paris, I think, on or about the 23rd of March,
14 got to Sobibor about the 27th or 28th.

15 Convoy 53, which left about the 26th of
16 March, got to Sobibor about the 1st or 2nd of April, and
17 there followed a period in which at pretty frequent
18 intervals, transports from western Europe, mainly of Jews
19 from Holland, were shipped to Sobibor in April, in May, and
20 June and July of 1943. And Mr. Schelvis, whom I referred
21 to earlier, was in a transport that left the deportation
22 center at Westerbork in Holland, that's W E S T E R B O R
23 K, on June 1st, 1943, and arrived at Sobibor on June 4, so
24 the facility was very busy.

25 Q. And focus on the transports from France that you

Sydnor Direct

1 mentioned. What happened to the prisoners on those two
2 transports?

3 MR. TIGAR: Once again, Your Honor, we are
4 not talking about the conduct of guards. We are talking
5 about what happened in the camp. As to that, we have
6 conceded and stipulated as strongly as possible, these
7 convoys of people were killed there, and that's what that
8 camp was about. It was a killing center. We have conceded
9 that.

10 THE COURT: Aside from stipulations, it seems
11 repetitious to me.

12 MR. DRIMMER: I'll finish up this line of
13 questioning, Your Honor.

14 THE COURT: All right.

15 MR. DRIMMER: May I have one moment?

16 THE COURT: Yes.

17 (Pause.)

18 BY MR. DRIMMER:

19 Q. Dr. Sydnor, do you have an opinion as to whether Iwan
20 Demjanjuk, identification number 1393, was an armed guard
21 at Sobibor?

22 A. Yes, sir.

23 Q. What is that opinion?

24 A. Well, the opinion is that he was.

25 Q. Is it your opinion he was an armed guard there when

Sydnor Direct

1 the transports from France arrived you just spoke of?

2 A. Well, certainly the Convoy 53, which arrived after
3 the 27th of March, 1943, would have arrived after the men
4 who are listed on the transfer roster to Sobibor of March
5 the 26th arrived in Sobibor, according to the three service
6 identity passes we have on March 27th, 1943.

7 Q. In your opinion, Dr. Sydnor, was he an armed guard
8 when the transports from Holland arrived?

9 A. Yes, sir.

10 Q. Dr. Sydnor, how many total people were killed at
11 Sobibor between March 27th and mid-September, 1943?

12 A. If I remember correctly, approximately 30 to 35,000.

13 Q. And roughly how many prisoners of Sobibor survived
14 the war?

15 A. I think a grand total of about 50 people who were
16 prisoners of Sobibor survived the war. There was an inmate
17 revolt in the camp on the 14th of October, 1943, and with
18 the exception of Mr. Schelvis and several other people who
19 had been selected as Jewish arrivals to work, the survivors
20 were those who managed to break out of the camp on the 14th
21 of October and then survive after the revolt. So about 50,
22 I believe.

23 Q. How are you doing, Dr. Sydnor?

24 A. It's late.

25 Q. Would you like a break? Would you like to stop?

1 A. If we could.

2 MR. DRIMMER: Your Honor?

3 THE COURT: Well, we can take a break. We
4 will take a ten-minute break.

5 MR. DRIMMER: Can we take a ten-minute break?

6 THE COURT: Yes.

7 (Recess had.)

8 MR. DRIMMER: Your Honor, I have spoken with
9 Dr. Sydnor, and he's expressed that he is exhausted and
10 he's having a little bit of trouble concentrating at this
11 late hour. I would ask, we have other things we certainly
12 can do, we can put interrogatory answers on the record this
13 afternoon, we can do other ministerial things, but I would
14 ask, and I'm not going to finish with his direct this
15 afternoon. I do expect to finish it tomorrow.

16 THE COURT: All right. That's fine. You may
17 step down.

18 THE WITNESS: Thank you.

19 MR. DRIMMER: Your Honor, at this time we
20 would like to read into the record some of the
21 interrogatory answers and request for admissions, if that's
22 okay.

23 THE COURT: Okay.

24 MR. DRIMMER: Michelle Heyer will be doing
25 that.

1 MS. HEYER: Your Honor, I'm going to begin
2 with the defendant's supplemental responses to the
3 Plaintiff's second set of requests for admissions, and
4 these were filed on April 14th of 1980.

5 I'd also like to note for the record, Your
6 Honor, that the responses that I'm going to read now are
7 amended responses which were filed subsequent to the
8 responses that Mr. Tigar read this morning and which
9 replace and supplant them.

10 Question number 11: "On your application for
11 United States immigration visa dated December 27th, 1951,
12 you knowingly misstated several of your places of residence
13 from 1940 to 1945.

14 "Answer: Admit. Misstatements were made in
15 conjunction with and upon the advice of IRO officials to
16 prevent repatriation of the defendant to the Soviet Union."

17 MR. TIGAR: I'm going to object to all of
18 this. The nonmaterial failures to describe where he was
19 were already the subject of the proceedings before Judge
20 Battisti. The government did not at that time contend they
21 were a basis for denaturalization. The Judge did not
22 denaturalize based on that. The government did not take
23 an appeal from Judge Battisti's order.

24 These are minor things, they were explained
25 of course, and therefore the government is precluded as a

1 matter of res judicata from introducing them in an attempt
2 to gain the defendant's denaturalization. They are bound
3 by the judgment.

4 THE COURT: I read the complaint in this
5 case, and the complaint involves misstatements on
6 applications, and I think we are starting fresh here, so --

7 MR. TIGAR: If Your Honor please --

8 THE COURT: I overrule your objection.

9 MS. HEYER: I'll read the entire answer
10 again. This is the answer to supplemental response to
11 Plaintiff's second request for admissions, question 11,
12 second set, question 11.

13 "Answer: Admit. Misstatements were made in
14 conjunction with and upon the advice of IRO officials to
15 prevent repatriation of the defendant to the Soviet Union."

16 Question number 12: "On the visa application
17 referred to in 11 above, you knowingly failed to state
18 several of the places where you were a resident from 1940
19 to 1945.

20 "Answer: Admit. Omissions were made in
21 conjunction with and upon advice of IRO officials to
22 prevent repatriation of the defendant to the Soviet Union."

23 Question number 13: "The photograph attached
24 to the above application for an immigration visa dated
25 December 27th, 1951 is a photograph of you.

1 "Answer: Admit."

2 Skipping number 14 and continuing on with
3 number 15: "On your application for assistance to the
4 International Refugee Organization dated March 3rd, 1948,
5 you knowingly misstated, B, several of your places of
6 residence during the period of World War II; C, your
7 employment and employers during the period of World War II.

8 "Answer: To B and C, admit. Misstatements
9 were made in conjunction with and upon the advice of IRO
10 officials to prevent repatriation to the Soviet Union.

11 "Number 16: On the above-mentioned
12 application for assistance to the International Refugee
13 Organization, you knowingly failed to state, A, several of
14 the places where you were a resident from 1940 through
15 1945; B, the nature of your employment from 1940 to 1945.

16 "Answer: To A and B, admit. Admissions were
17 made in conjunction with and upon the advice of IRO
18 officials to prevent repatriation to the Soviet Union."

19 And I will continue on with the government's
20 second set of interrogatories to the defendant, and these
21 were filed in the current litigation. This is question
22 number 9, interrogatory number 9: "Identify any and all
23 persons to whom you spoke or with whom you communicated who
24 resided between and including 1939 and 1945 in Trawniki,
25 Poland, excluding witnesses from the prior litigations

1 unless you have spoken to such witnesses after 1993,
2 including the dates of such conversations or
3 communications, and the addresses of such persons.

4 "Answer: None.

5 "Number 12: Identify any and all persons to
6 whom you spoke or with whom you communicated who resided
7 between and including 1939 and 1945 in or around the
8 Majdanek concentration camp, including the dates of such
9 conversations or communications and the addresses of such
10 persons.

11 "Answer: None.

12 "Number 15: Identify any and all persons to
13 whom you spoke or with whom you communicated who resided
14 between and including 1939 and 1945 in Sobibor, Poland,
15 excluding witnesses from the prior litigations unless you
16 have spoken to such witnesses after 1993, including the
17 dates of such conversations or communications and the
18 addresses of such persons.

19 "Answer: None.

20 "Question 18: Identify any and all persons
21 to whom you spoke or with whom you communicated who resided
22 between and including 1939 to 1945 in or around the
23 Flossenburg concentration camp, including any of its
24 subcamps, including the dates of such conversations or
25 communications, and the addresses of such persons.

1 "Answer: None.

2 "Number 21: Identify any and all persons to
3 whom you spoke or with whom you communicated in or after
4 1976 who resided in the Rovno prisoner of war camp,
5 including the dates of such conversations or
6 communications, and the addresses of such persons.

7 "Answer: None.

8 "Number 23: Identify any and all persons to
9 whom you spoke or with whom you communicated in or after
10 1976 who resided in the Chelm prisoner of war camp,
11 including the dates of such conversations or
12 communications, and the addresses of such persons.

13 "Answer: None.

14 "Number 25: Identify all persons who state
15 or have stated that defendant resided in Chelm in or around
16 1942 to 1944, including the dates of such conversations or
17 communications, and the addresses of such persons.

18 "Answer: None.

19 "Number 32: Identify any and all persons to
20 whom you spoke or with whom you communicated in or after
21 1976 who resided in Graz, Austria, including the dates of
22 such conversations or communications, and the addresses of
23 such persons.

24 "Answer: None.

25 "34: Identify all persons who state or have

1 stated that defendant resided in Graz, Austria, in or
2 around 1942 to 1944, including the dates of such
3 conversations or communications and the address of such
4 persons.

5 "Answer: None, other than defendant.

6 "48: Identify all documents recording,
7 memorializing or summarizing the statements of all persons
8 with whom you have spoken or communicated who resided in
9 Heuberg.

10 "Answer: None."

11 Continuing onto defendant's response to
12 Plaintiff's third request for admissions, and this was
13 filed in this current litigation, signed and dated August
14 25th, 2000.

15 "Number 3: To be eligible for IRO services,
16 a person had to be of concern to the IRO.

17 "Answer: Admit."

18 "Number 4: Annex 1, part 1 of the IRO
19 constitution defined persons who would be of concern to the
20 IRO, and included displaced persons.

21 "Answer: Admit.

22 "Number 5: The IRO constitution defined a
23 displaced person as a person who had been deported from or
24 had been obliged to leave his country of nationality or a
25 former habitual residence, such as persons who were

1 compelled to undertake forced labor or who were deported
2 for racial, religious or political reasons.

3 "Answer: Admit.

4 "Number 6: Part 2 of Annex 1 of the IRO
5 constitution defined categories of persons who were not of
6 concern to the IRO and included persons who assisted the
7 enemy in persecuting civil populations.

8 "Answer: Admit."

9 These are defendant's response to Plaintiff's
10 fourth request for admissions filed in the present case,
11 and these are also dated August 25th, 2000.

12 "Number 12: Application for immigration visa
13 and alien registration, December 27th, 1951, at Bates
14 number 25 to 26," and these are questions requesting that
15 the authenticity of these documents be admitted.

16 "Answer: Admit."

17 Question relating to the authenticity of
18 number 17, "ITS file for Iwan Demjanjuk, D E M J A N J U K,
19 at Bates number 321 through -26.

20 "Answer: Admit."

21 "Number 26," and this is again regarding the
22 authenticity of this document, "Statement by I V A N
23 Demyunyk, D E M Y U N Y U K, 12 March 1986 at Bates number
24 353 through -55.

25 "Answer:" --

1 MR. TIGAR: Excuse me, I don't understand the
2 reference. This is a statement of 1986.

3 MS. HEYER: It's the statement you admitted
4 the authenticity of in response to our forth
5 interrogatories.

6 MR. TIGAR: But this is a statement taken in
7 Israel. I admit the authenticity of the statement, Your
8 Honor.

9 MS. HEYER: That is simply what I'm reading
10 into the record, Your Honor.

11 MR. TIGAR: We certainly are not -- we
12 certainly object to the contents of it.

13 MS. HEYER: I'm simply reading your admission
14 to its authenticity to it in the record.

15 THE COURT: Right.

16 MS. HEYER: I'll continue. Number 26,
17 "Statement by Ivan, I V A N, Demyanyuk, D E M Y A N Y U K,
18 12 March 1986, at Bates number 353 to -55.

19 "Answer: Admit that this document was
20 written by the defendant."

21 And I'm also going to read answers from
22 defendant's answers to interrogatories, and these were
23 filed with this Court in the previous litigation, and I
24 believe they were from 1979, although the date on them is
25 illegible on this copy.

1 Question number -- interrogatory number 28,
2 "State whether while in the military service you received
3 any wounds or injuries.

4 "Answer: Yes."

5 Number 29: "If the answer to the preceding
6 interrogatory was in the affirmative state," number B, "the
7 nature and extent of your wound or injury.

8 "Answer: To 3, hernia.

9 "C: How the wound or injury was received.

10 "Answer: 3. Lifting railroad track," in
11 parentheses, "POW."

12 And "D: The nature and extent of treatment
13 of the wound or injury, such as hospital attended and
14 length of hospitalization.

15 "Answer: 3, Regensburg," R E G E N S B U R
16 G, "and Badreichenhall," B A D R E I C H E N H A L L."

17 And that concludes the interrogatories that
18 we wanted to read into the record, Your Honor.

19 THE COURT: All right.

20 MR. TIGAR: Your Honor, we will reserve until
21 our case the Rule 106 supplementation.

22 THE COURT: That's fine.

23 MR. TIGAR: I'm sure the Court is not going
24 to draw any conclusions until we have completed the record.

25 THE COURT: No. Believe me, I'm not.

1 MR. DRIMMER: Your Honor, we would be
2 prepared to pick up with Dr. Sydnor first thing in the
3 morning.

4 THE COURT: No, it's 1:30. We will adjourn
5 until 1:30 tomorrow.

6 MR. DRIMMER: Thank you, Your Honor.

7 (Trial adjourned at 4:38 p.m.)

8

9

C E R T I F I C A T E

10

11

12 I certify that the foregoing is a correct
13 transcript from the record of proceedings in the
14 above-entitled matter.

15

16

17

18

Bruce A. Matthews, RDR-CRR

Date

19

20

21

22

23

24

25

1 VOIR DIRE EXAMINATION OF CHARLES W. SYDNOR, JR. (Resumed)
2 BY MR. TIGAR..... 368:9
3 REDIRECT EXAMINATION OF CHARLES W. SYDNOR, JR.
4 BY MR. DRIMMER..... 372:12
5 VOIR DIRE EXAMINATION OF CHARLES W. SYDNOR, JR.
6 BY MR. TIGAR..... 379:16
7 DIRECT EXAMINATION OF CHARLES W. SYDNOR, JR. (Resumed)
8 BY MR. DRIMMER..... 405:8

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25