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RE: JOUZAS BRAZAITIS

Dear Mr. Gochin,

I have been a licensed attorney in the State of California for the last 16 years.

I am a graduate of the UCLA School of Law (Class of 2002), and have my own law practice in which I practice exclusively criminal defense.

You have asked me to review an almost 44 year old letter, dated January 13, 1975, from then-Congressman Josua Eilberg (D-Pennsylvania) of the Judiciary Committee of the United States House of Representatives and to give you my opinion about its contents with regard to whether it "exonerates" Jouzas Brazaitis, one of the two individuals referenced in that letter.

First, this letter references another letter from the United States Immigration and Naturalization Service (presumably also from the year 1975) which is said to state that Juozas Brazaitis was, at that time, removed from the active list of Alleged Nazi War Criminals residing in the United States and that investigations relating to him had stopped. This action is said to have been based on the INS' determination at that time there was "no evidence of anti-Jewish or pro-Nazi activities" with regard to Mr. Brazaitis' past. The stated purpose of this 1975 letter from Congressman Eilberg was to "serve to relieve the pressures and frustrations" that Mr. Brazaitis and his "friends" (and another named individual) had purportedly been living under because of the charges which had been brought against them.

The term "exonerated" has a very specific definition in American legal discourse. To be "exonerated" of a crime in American legal terminology is to be conclusively proven *not to have committed that act*. That legal term, "exonerated", is nowhere written in this January 13, 1975 letter nor is it referenced as being in the associated INS letter. When a criminal investigation is terminated, and charges are "dropped" against an individual accused of a crime, that does *not* mean that the person has been "exonerated". For a person to be "exonerated" there has to be specific and credible objective evidence that they *did not commit the crime*.

Thus, this January 13, 1975 letter described a closing of an investigation and “dropping of charges” against Mr. Brazaitis at that time because, by definition, there was insufficient available evidence, at that time, to prove that he was guilty of these crimes. However, in American criminal law, criminal investigations and charges can always be “reopened” when new evidence of the accused’s guilt becomes available, and this letter “left the door open” to the reinstatement of these charges it explicitly referenced them being dropped because no evidence was believed to *then exist to prove them.*

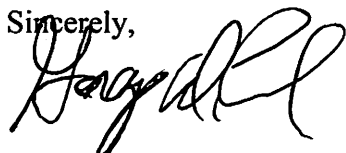
Any attempt by anyone to use this January 13, 1975 letter from Congressman Eilberg (and the INS letter that it references) to claim that Mr. Brazaitis (or anyone else) has been “exonerated of criminal activity” or “exonerated of anti-Jewish or pro-Nazi activities” is wholly misreading this letter and demonstrating an ignorance (willful or unintentional) of American law and the legal terminology of what it means to be “exonerated” of a crime under American law.

It is my understanding that there is significant evidence of Mr. Brazaitis’ anti-Jewish and pro-Nazi activities that has been discovered in the over 40 years since this letter was written in 1975. Congressman Eilberg’s 1975 letter in no way precludes a reexamination of Mr. Brazaitis’ past actions and a reclassification of him as a Nazi War Criminal if the evidence supports such a charge.

The July 13, 1975 letter’s removal of Mr. Brazaitis from classification as an Alleged Nazi War Criminal was based on there *then being “no evidence” of him having prior Anti-Jewish or pro-Nazi activities.* Insofar as this fact is no longer correct (given the extensive evidence uncovered since 1975 of Mr. Brazaitis’ guilt in these matters), the conclusion of this July 13, 1975 letter are null and void and Mr. Brazaitis cannot, under any stretch of the imagination, be said to be “exonerated”. One cannot be exonerated of a crime before evidence of one’s guilty is discovered, to suggest otherwise is simply absurd and illogical. Now that substantial evidence of Mr. Brazaitis’ guilt has been discovered in the decades since 1975, Congressman Eilberg’s 1975 letter is completely irrelevant to a current (in the year 2019) full thorough and unbiased evaluation of the facts to assess Mr. Brazaitis’ culpability for the crimes against humanity that he stands accused of.

Although Holocaust denial is not a crime in the United States, using a letter written many years before evidence of Mr. Brazaitis’ Holocaust related crimes was discovered to argue that this 1975 letter “exonerates” him is simply false under a proper view of American law and legal terminology and suggest that anyone stating such is either ignorant of the meaning of the term “exoneration” or is being willfully deceptive in an effort to distort historical truth and “cover up” alleged wartime atrocities.

Sincerely,



Gary B. Labin
Attorney at Law