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Implementation of the Nazi War Crimes Disclosure Act

Foreword

This report is submitted as required by Section 2(c)(3) of the Nazi War Crimes Disclosure Act (P.L. 105-246) in order to inform the appropriate committees of the Senate and the House of the activities of the Nazi War Criminal Records Interagency Working Group (IWG) and Federal Agencies in identifying and declassifying records under the Act. Specifically, the Act requires the IWG to submit a report "describing all such records, the disposition of such records, and the activities of the Interagency Group and agencies under this section." The following pages fulfill this requirement by, first, setting this report and the effort that led to the legislation in historical context; second, by detailing the IWG's effort to comply with each of the requirements of the law; and, third, through descriptions of the agencies' findings thus far.

This is an interim report. It does not present any account of final findings and does not attempt any assessment of historical evidence. This is a status report of the Government's progress at a very early stage in the lengthy and complex process of identifying and releasing records as required by the Act. The IWG will keep the Congress informed of its progress as it achieves significant milestones in its effort.

Nazi War Criminal Records Interagency Working Group, October 1999

Nazi War Criminal Records Interagency Working Group

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Executive Summary

Background

During World War II and the ensuing Cold War years, the United States Government encountered Nazis and former Nazis in many areas of activity, as well as the evidence and consequences of their misdeeds. In the course of conducting Government business, agencies and programs kept records of these encounters; many of those records were classified and some of them remain classified. The primary mission of the Nazi War Criminal Records Interagency Working Group (IWG), established in accordance with the Nazi War Crimes Disclosure Act of 1998 by Executive Order 13110 of January 11, 1999, is to identify any still-classified records and recommend their declassification and release to the American public.

President Clinton appointed three public members to the Working Group and also designated the heads of seven key executive agencies as members. Those agency heads have named high-level officials to represent them. The National Archives and Records Administration (NARA) provides project management and administrative support to the IWG.

The law and the executive order direct the IWG to carry out the following functions:

- Locate, identify, inventory, recommend for declassification, and make available all classified Nazi war criminal records, subject to certain specified restrictions,

- Coordinate with Federal agencies and expedite the release of such classified records to the public, and
- Complete work to the greatest extent possible and report to Congress one year after passage of the legislation.

Activities of the Interagency Working Group The Working Group first met on January 12 and subsequently has held regular meetings, in addition to special public forums in Los Angeles and New York City to solicit information from experts, historians, Holocaust scholars, and the general public.

The public members and Chair have conferred with FBI Director Louis Freeh and Director of Central Intelligence George Tenet, and are planning a meeting with Secretary of Defense William Cohen to discuss specific issues related to compliance with the Act.

The IWG has a website that provides minutes of meetings, reference materials, and other important information concerning this effort. The site, www.archives.gov/iwg, will be used to notify the public as documentation is declassified and opened to the public.

Working cooperatively with the agencies that hold relevant documentation, the IWG has accomplished the following initial milestones toward implementing the act:

- All agencies completed preliminary surveys of their records holdings categories of classified records that potentially could contain relevant documents. The agencies identified more than 600 million pages in 127 file categories to be further searched for responsive documents. Records at the CIA, Department of Defense, FBI, and archival records at NARA appear to contain the most responsive documents.
- Agencies then conducted more detailed surveys to identify specific bodies of records among the large groups first identified that must be reviewed under the act. This second survey, essentially complete by July 30, generated information that the agencies submitted via an IWG database reporting mechanism which will allow the IWG to track progress. In addition, agencies provided resource and workload estimates and an implementation plan outlining their proposed actions to comply fully with the Act.

Having identified the universe of records that require further review under the Act, IWG efforts now focus finding actual responsive documents and on their declassification and release to the fullest extent possible before the statutory deadline of October 2001. The IWG is committed to accomplishing this goal. The IWG expects to have nearly 300,000 pages declassified in the Fall of 1999. To date, over 126,000 pages have been declassified. These records will be available for public examination at the National Archives in College Park.

Successful completion of this immense undertaking depends on the availability of resources. Although no one questions the importance of declassifying these records, the IWG estimates that \$38 million and 600 staff years will be needed to complete the declassification review.

Historical Background

During and after the Second World War, the United States Government faced a series of challenges abroad - prosecution of the war, rehabilitation of Europe, a long and tense confrontation with the Soviet Union - in general, the effort to protect the Nation's political and economic well being in a period of cataclysmic change. In all of these broad areas of activity, a multitude of Government departments, offices, and programs created and accumulated large volumes of records. These records reflect the wide range of American involvement with the defeated enemies, its allies, and the postwar geopolitical situation. Many of these records have been and are available for research. But important records of U.S. activities remain security classified. In the areas of intelligence operations; exploitation of scientific, industrial, and business expertise; investigation of war criminals; the search for looted assets; accommodation of refugees and displaced persons; and maintenance of relations with allies, former allies, new adversaries, and defeated adversaries, there remains information to be brought to light.

The Nazi War Crimes Disclosure Act mandates that the Government now take the steps necessary to declassify and open remaining classified records related to war criminals and criminality.

To implement this Act, the essential first step is locating pertinent classified records among the billions of pages of records in the National Archives of the United States, Federal Records Centers, and agency storage areas. To accomplish this task, it is necessary to understand something of the histories and functions of the agencies and programs that created and collected records about Nazi war crimes, war criminals, persecution, and looting. A brief overview of the major functions within Government that generated such records is therefore provided here.

Attempts to Apprehend War Criminals and Return Looted Assets

During the war the Allies issued declarations warning countries and individuals against committing war crimes and looting. After the war the Allies established organizations and assigned functions to implement policies on war crimes and looting. Each of these functions and organizations created records, many of them classified.

Beginning in early 1942, with the issuance of the Declaration of St. James, and throughout the war, the Allies declared the punishment of those responsible for Nazi crimes to be among the major war aims. After learning of systematic atrocities in Europe the Allies issued the Declaration on the Punishment of War Crimes, published on November 1, 1943. Late in 1944, working with the British, the United States Government launched the SAFEHAVEN Program that for two years tried to locate looted assets and facilitate their return. During the postwar period the U.S. Army and other agencies continued to restitute property to victims, heirs, or successor organizations.

To help identify war criminals the Allies created the United Nations Commission for the Investigation of War Crimes (subsequently the United Nations War Crimes Commission, or UNWCC). The U.S. Army established the Central Registry of War Crimes and Security Suspects

(CROWCASS) that within three years of its creation in 1945 processed 85,000 "wanted" reports, transmitted 130,000 detention reports to investigative teams from a dozen countries, and published registries of persons being sought for crimes against humanity. The U.S. Army Counter Intelligence Corps (CIC) had the major responsibility in the U.S. Zone of Occupation to identify and apprehend war criminals. During just the first ten months of occupation in Germany the CIC apprehended some 120,000 Germans listed for automatic arrest. This group included top Nazi leaders, members of the SS and Gestapo, high ranking officers of the armed forces, and suspected war criminals. The CIC was equally busy in the American Zone of Occupation in Austria.

War Crimes Trials and Denazification Trials

The Allies established the International Military Tribunal (IMT) at Nuremberg which rendered its judgment on twenty-one top officials of the Third Reich on October 1, 1946. The Americans later tried an additional 177 men at twelve subsequent proceedings at Nuremberg. In addition, the four-power Control Council for Germany authorized each of the powers to hold subsequent trials in its zone of occupation. Consequently, the U.S. Army tried over 1,700 individuals at Dachau for concentration camp crimes and other crimes, as well as extradited numerous suspects to Poland and other countries to stand trial.

The Control Council adopted Law No. 10, based on the same principles as the Nuremberg Charter which defined "crimes against humanity" and "war crimes." The Nuremberg Tribunal declared the SS to be a criminal organization guilty of persecuting and exterminating Jews; of brutalities and killings in the concentration camps; of excesses in the administration of the slave labor program; and of mistreatment and murder of prisoners of war.

In defining a war criminal Law No. 10 stated that "a person is declared to have committed a crime if he was a principal; or was an accessory to the commission of any such crimes or; abided or abetted the same or; took a consenting part therein or; was connected with plans or enterprises involving its commission or; was a member of any organization or group connected with the commission of any such crime..."

It is important to note that the Allies did not distinguish between Germans and non-Germans or Nationalist Socialist German Workers Party (NSDAP), i.e., Nazi Party, status. As later events have proven, the bulk of "Nazi war criminals" in the United States were neither German by birth nor Nazi Party members. The Third Reich drew upon the support of large numbers of foreign collaborators who aided the German war effort and took part in the campaign to exterminate Jews and others.

In addition to the Nuremberg and Dachau trials, the Allied Control Council authorized each of the four powers to hold "denazification" trials. The Allies registered over 13 million people who were subject to denazification because of their membership in proscribed and criminal organizations. The Allied Control Council operated the denazification tribunals until May 1948 when the German Lander (provincial) courts took over under the general supervision of the

Council. The tribunals eventually sentenced over 600,000 individuals to some form of punishment. Some 3,600 were deemed "major offenders" and received prison or labor camp sentences.

Allied interest in pursuing war criminals waned dramatically as the decade of the 1940s came to a close and the Cold War intensified. By 1949, less than 300 of the "major offenders" were still serving their sentences. And in May 1951, the German Bundestag passed a law requiring the reinstatement of all German civil servants who had been dismissed from their posts by the Allies as punishment for criminal activities. Before the end of the year, nearly 130,000 were back in the civil service with salaries paid for the years that they had been barred from service.

Utilizing Nazis and War Criminals

On May 10, 1945, the Joint Chiefs of Staff (JCS) issued a directive to General Dwight Eisenhower, commander of U.S. forces in Europe, to arrest and hold all war criminals. The JCS tempered its instructions by advising him that "in your discretion you may make such exceptions as you deem advisable for intelligence and other military reasons."

As early as the summer of 1945, U.S. intelligence agencies in occupied Germany and Austria began using Germans and other nationalities as sources of information. Initially, the Americans employed these individuals, including former German military and intelligence personnel, as sources of information to search for those persons subject to "automatic arrest" or to quash suspected German resistance movements. The U.S. Army Counter Intelligence Corps (CIC) and the Office of Strategic Services (OSS) were both active in these early post-war intelligence operations.

With tensions mounting between East and West, the Americans, as did others, began to use former enemy personnel to learn more about the Soviet Union. The U.S. Army, for example, extensively debriefed German military personnel who had served on the Eastern Front. The Army's G-2, the intelligence component, sought information about Soviet military organization, equipment, tactics, and combat effectiveness. Eventually, the Army provided extensive assistance to General Reinhard Gehlen, the former chief of the *Fremde Heere Ost*, the German Army staff responsible for intelligence on the USSR. Gehlen, in turn, employed his former staff officers and others to form a large German intelligence service, known as the Gehlen Organization.

The Army's CIC, which had the primary responsibility for security in the American zones in Germany and Austria, became involved with many Germans and others knowledgeable about the Soviet Union and its intelligence services. By the late 1940s, the CIC had established many agent networks within the occupation zones and extending into Eastern Europe. These networks employed numerous agents, some of whom had tainted wartime backgrounds. The CIC in Germany, for example, recruited as an agent and sheltered Klaus Barbie, an SS officer

later convicted for his role in rounding up Jews in France and for suppressing the French resistance. The Army smuggled Barbie out of Europe, thereby enabling him to escape justice for over 30 years in his South American hideouts.

The Central Intelligence Agency, formed in 1947, inherited intelligence operations and agents in Europe from several organizations that had succeeded the OSS after it was disbanded in 1945. The demands of American policymakers for intelligence on the Soviet Union, coupled with significant expansion of CIA's worldwide missions and personnel, led to the rapid acceleration of agent recruitment after 1948. The establishment of the Office of Policy Coordination in 1948, for example, created a new organization within CIA and placed it in competition with CIA's Office of Special Operations (OSO). The later 1940s and early 1950s, particularly after the outbreak of the Korean War, saw a great expansion of projects targeted against the Soviet Union. These projects used many anti-Communists in Europe, some of whom had also collaborated with the Nazis only a few years earlier.

Within months after World War II, OSS and later U.S. intelligence agencies were faced with the issue of how to handle intelligence assets who could not safely remain in Europe. In some cases, the Army used a "rat line" to evacuate these individuals (mainly Soviet Army defectors and Soviet Bloc refugees) to South America. This clearly was an inadequate measure that was subject to misuse, as was later demonstrated with the Barbie case. To overcome the problems of defector resettlement, Congress, in the CIA Act of 1949, authorized the Director of Central Intelligence, with the agreement with the Attorney General and the Commissioner of Immigration, to authorize the entry of up to 100 persons a year if their entry was determined to be in "the interest of national security or essential to the furtherance of the national security mission." These individuals were to be "given entry into the United States...without regard to their inadmissibility under immigration or any other laws or regulations."

Section 8 of the CIA Act of 1949, the so-called "One Hundred Persons Act," was used primarily to resettle defectors and spoiled agents into the United States to save them from kidnapping or even murder at the hands of the Soviet intelligence service operating throughout Europe. Many of these people could not be admitted under normal immigration channels because of the limited immigration quotas or, more importantly, because U.S. immigration laws prohibited the entry of aliens who were, or had been, Communist party members. In at least one instance, the provisions of the "One Hundred Persons Act" were used to permit a Nazi collaborator and possible war criminal to remain in the United States.

The War Department commenced a major effort to bring German and Austrian scientists and engineers to the United States. On July 6, 1945, the Joint Chiefs of Staff specifically authorized an effort to "exploit...chosen rare minds whose continuing intellectual productivity we wish to use" under the top secret project code named OVERCAST. The JCS directed that up to 350 specialists, mainly from Germany and Austria, should be brought immediately to the United States.

By 1946 the Pentagon's Joint Intelligence Objectives Agency (JIOA) began pushing for a revised and larger program of recruiting German and Austrian scientists and technicians. It wanted 1,000 former enemy scientists and sought authority to grant them American citizenship. The JIOA needed presidential authority because so many of the German scientists and technicians had been members of Nazi organizations; at least one, Wernher von Braun, had been an SS officer. President Truman authorized the JIOA's plan in September 1946, insisting that only "nominal" Nazis (and no "active supporters" of Nazism) be permitted to participate in the program, which took the code name Paperclip. It was left to a panel consisting of representatives of the Departments of Justice and State to rule on each scientist that the JIOA wanted to bring to the United States. This panel in early 1947 began reviewing dossiers prepared in Germany by the Office of Military Government United States (OMGUS). These dossiers were based on earlier CIC investigations. If the person had been classified as an actual or potential threat to the security of the United States, there was little chance of the scientist being allowed to immigrate to the United States. Some of the scientists were so identified on the bases of Nazi pasts and the review panel duly rejected the Pentagon's request that those individuals be permitted to immigrate. Consequently, the JIOA director wired the director of intelligence at the U.S. European Command (EUCOM) and requested that "revised" security reports be prepared, in some cases, so scientists could participate in Paperclip.

Between 1945 and 1955, 765 scientists, engineers, and technicians were brought to the United States under Overcast, Paperclip, and similar programs. It has been estimated that at least half, and perhaps as many as 80 percent, of the imported specialists were former Nazi Party members. By the end of the mid-1980s three of them had left the country for various reasons relating to their wartime activities. One of them was Arthur Rudolph who had been a V-2 project engineer and worked first for the Army and then NASA developing the Saturn V rocket. Rudolph left the United States in 1984 and surrendered his U.S. citizenship following the Office of Special Investigations' discovery of his role in the persecution of slave laborers at an underground V-2 missile factory at the Nordhausen Concentration Camp, where thousands of prisoners died.

While some Nazis and collaborators entered the United States with the assistance of the United States Government, many more are known to have come to this country without any formal intercession. The Displaced Persons Act of 1948 authorized the immigration of over 400,000 Europeans to the United States over a four-year period. Many of these immigrants came from Eastern Europe, especially the Baltic States and from Ukraine, while others were of ethnic German background. The law specifically denied eligibility to war criminals and other persons who assisted the enemy in persecuting civil populations as well as members of movements hostile to the United States.

In addition to conducting counterintelligence and positive intelligence operations in Europe, the Army's CIC screened all applicants who wished to come to the United States under the 1948 Displaced Persons Act and later the 1953 Refugee Relief Act. U.S. authorities rejected thousands of visa applicants for suspected wartime activities; however, the Army could not collect

sufficient information on all applicants because the majority of the immigrants hailed from Communist eastern European countries that were not cooperating with U.S. authorities. War criminals succeeded in evading identification by simply not telling American officials about their activities between 1933 and 1945 or by altering their pasts.

The United States had other programs that admitted foreigners in the years after 1945. The Lodge Act of 1950 as amended, for example, authorized the U.S. Army to recruit 12,000 alien nationals outside of the United States in exchange for citizenship after five years. The Immigration and Nationality Act (INA) of 1952 did not explicitly prohibit Nazi war criminals and collaborators from entering the United States; this legal loophole was not closed until the enactment of the 1978 "Holtzman Amendment" to the INA. That revision of the law declared ineligible for entry into the United States (a similar provision made deportable an alien already in the country) any alien who "ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion" between March 23, 1933 and May 8, 1945.

Searching for Nazis in the United States It was the responsibility of the Immigration and Naturalization Service (INS) to investigate allegations about aliens in this country who might be subject to deportation. Prior to 1973, the INS filed only nine deportation cases against alleged Nazi collaborators, only one of which was successfully prosecuted to actual deportation. Why so few? The INS until the 1970s, had no centralized effort devoted to identifying Nazi war criminals. According to a 1978 General Accounting Office report entitled *Widespread Conspiracy To Obstruct Probes of Alleged Nazi War Criminals Not Supported By Available Evidence-Controversy May Continue*, INS investigations of most cases before 1973 "were deficient or perfunctory," and in some cases "no investigation was conducted." The GAO noted that the INS did not know how many allegations of Nazi war criminals it had received. With the public eye now focused on it, the INS increased its identification efforts. By April 1978, it had a list of 252 allegations and those cases on which actions had been taken before 1973 were re-evaluated and investigations on some were reopened. In addition the Government instituted legal proceedings against 13 individuals.

In the United States the process of "Nazi hunting" was initiated on a comprehensive basis with the creation of the Office of Special Investigations within the Criminal Division of the Department of Justice. OSI was formed on September 4, 1979, to enforce Public Law 95-549, passed by Congress the previous October 30th. The mission of OSI was and is to identify and bring legal proceedings to denaturalize and deport individuals who participated in Nazi- and other Axis-sponsored acts of persecution. By September 1999, OSI had succeeded in denaturalizing 63 participants in Nazi acts of persecution and in removing 52 such individuals from this country. Its efforts to date have resulted in the stopping of more than 150 suspected Nazi persecutors at U.S. ports of entry and their exclusion from the United States.

In addition to its investigations of Nazi war criminals and collaborators, OSI has conducted several investigations of allegations that the United States employed Nazi war criminals as intelligence informants. OSI's 1983 Klaus Barbie investigation publicly documented the role played by the CIC in Barbie's successful evasion of justice for more than thirty years. In June 1988, OSI issued a public report which revealed that at least 14 suspected Nazi war criminals, a number of whom likely were involved in the murder of Jews in occupied Europe, had been employed as intelligence informants by the CIC in Austria.

On May 17, 1982, the Chairman of the House Committee on the Judiciary, following allegations made on a television program that Federal agencies made a conscious effort to bring Nazi war criminals into this country and protect them once they were admitted, requested the General Accounting Office to reopen its 1978 investigation to determine whether there were any U.S. Government programs to help Nazi war criminals and Axis collaborators immigrate to the United States and to conceal their backgrounds, and, in particular, to investigate whether U.S. agencies worked with and protected Klaus Barbie.

In a report entitled *Nazis and Axis Collaborators Were Used To Further U.S. Anti-Communist Objectives In Europe--Some Immigrated To The United States*, the GAO informed Congress in June 1985 that it had found no evidence of any U.S. agency program to aid Nazis or Axis collaborators to immigrate to the United States. However, it did identify five Nazis or Axis collaborators with undesirable or questionable backgrounds who received some individual assistance in entering the country. Two of them, the GAO noted, were subsequently protected from investigation. In addition, the GAO observed that it could not be sure that it obtained all relevant information or identified all Nazis or Axis collaborators whom U.S. agencies helped to immigrate. With respect to U.S. agencies' involvement with Klaus Barbie, the GAO reported that it did not find any discrepancies between what it found and OSI's 1983 public report that confirmed that Barbie had been employed and protected by the CIC.

The declassification of more postwar records during the late 1980s and early 1990s prompted the publication of several books about American intelligence agencies' use of and assistance to war criminals. With the end of the Cold War, former Congresswoman Elizabeth Holtzman, author of the Holtzman Amendment to the Immigration and Nationality Act, urged the CIA in particular to open its files on Nazi collaborators and criminals. In his 1998 book **Official Secrets**, historian Richard Breitman wrote that "Governments that withhold critical information from the historical record and the public long after the events do their countries and the world no service. But the habit of secrecy is very hard to break." Desiring to open the records to research and break the habit of secrecy, Congresswoman Carolyn Maloney in 1996 began pushing for a law that would provide for the declassification of records relating to Nazi war criminals, Nazi persecution, Nazi war crimes, and Nazi looted assets. Senator Michael DeWine introduced a similar bill in the Senate. Such legislation was passed in late 1998, and signed by the President on October 8th of that year.

Searching for Assets 1996-1999

Research in Europe by the World Jewish Congress in 1995 resulted in important discoveries about the holdings of Swiss banks and in a campaign to learn the full truth about the disposition of bank accounts and other assets of victims of Nazi persecution. The search for information on looted assets among U. S. Government records began in March 1996, when researchers from the World Jewish Congress working with Senator Alfonse D'Amato's office went to the National Archives and Records Administration (NARA) looking for records relating to World War II-era dormant accounts of Jews in Swiss banks. Within weeks the research expanded into issues surrounding looted gold and other assets of victims of Nazi persecution. By midsummer 1996, there were scores of researchers looking into "Nazi Gold" records at the National Archives, as well as in other archives around the world. The records at the National Archives, most of which had been publicly available for some time, are contained within 30 record groups and comprise some 15 million pages of documentation.

In the early fall of 1996, President Clinton asked then Under Secretary of Commerce Stuart E. Eizenstat, who also served as Special Envoy of the Department of State on Property Restitution in Central and Eastern Europe, to prepare a report that would "describe, to the fullest extent possible," efforts to recover and restore gold the Nazis had taken from the central banks of occupied Europe, as well as gold taken from individual victims and other assets stolen by Nazi Germany. This request was made in the context of President Clinton's stated desire that one of the aims of his Administration was to "bring whatever measure of justice might be possible to Holocaust survivors, their families, and the heirs of those who have perished."

On May 7, 1997, the Interagency Group issued its report entitled ***U.S. and Allied Efforts to Recover and Restore Gold and Other Assets Stolen or Hidden by Germany During World War II: Preliminary Study***. The report was based primarily on NARA's holdings of the records of agencies involved with assets questions during the War and post-War period (mainly the State Department, the Treasury, the Army, and the Office of Strategic Services). The report presented the first-ever definitive proof that victim-origin gold had been transferred during the war by the German Reichsbank to the Swiss National Bank and that other victim-origin gold had been incorporated by the Allies after the War into the gold stocks of the Tripartite Gold Commission (TGC). That proof, discovered by OSI historians, working with NARA personnel, resulted in millions of dollars of TGC gold being sold and the proceeds used to benefit victims of Nazi persecution. Serving as an appendix to the report was a NARA-produced 300-page finding aid to relevant records. A revised and expanded finding aid, some 750 pages, was placed on the United States Holocaust Memorial Museum's website in March 1998.

In the wake of the interagency report, more researchers, including claimants, foreign commissions, and congressional staff, continued to seek information about dormant bank accounts and looted gold and related topics, but the boundaries of research were also widened to include questions relating to looted securities, looted works of art, unclaimed and unpaid insurance policies, slave labor practices, wartime trade between the neutrals and the Axis powers, and the role of the Vatican.

Within days of issuing its first report, the Interagency Group on Nazi Assets was asked by political leaders to prepare another report. In 1997, researchers from the Departments of State, Defense, and Justice, the Central Intelligence Agency, the National Security Agency, the U. S. Holocaust Memorial Museum, and other agencies representing the Interagency Group on Nazi Assets, began further research in Government records to expand the report.

While broadened research proceeded, there was an increasing international awareness of the Holocaust-era assets issue. Beginning with Switzerland in December 1996, at least seventeen countries created commissions to undertake research to right the monetary/financial wrongs, to the extent possible, of the Holocaust. The first international meeting on the subject was held in Ascona, Switzerland in October 1997. At the conference, research methodology and archival resources were among the primary topics of discussion. In December 1997, hundreds of representatives from 41 nations met in London to discuss looted gold and the disposition of the remaining gold held by the Tripartite Gold Commission.

Based primarily on archival research at NARA and the knowledge gained from the international conferences the Department of State issued the so-called Second Eizenstat Report in early June 1998. The report was entitled ***U.S. and Allied Wartime and Postwar Relations and Negotiations with Argentina, Portugal, Spain, Sweden, and Turkey on Looted Gold and German External Assets and U.S. Concerns About the Fate of the Wartime Ustasha Treasury.***

Because of the increased international interest in the various issues related to Holocaust-era assets, a second major international conference was held in Washington, D.C. from November 30 to December 3, 1998, to discuss research on the various topics and to provide ideas that would facilitate bringing justice to the victims of Nazi property crimes. The conference, which was sponsored by the State Department and the U.S. Holocaust Memorial Museum, was attended by representatives of 44 countries and 13 Non-Governmental Organizations. On December 4, 1998, the National Archives sponsored a Symposium on Records and Research Relating to Holocaust-Era Assets. This event was attended by over 400 individuals. In March 1999, NARA issued a 1,200-page finding aid entitled **Holocaust-Era Assets: A Finding Aid to Records at the National Archives at College Park, Maryland**. Classified documents withdrawn from or related to records described in this finding aid provide a starting point for the search for records covered by the Nazi War Crimes Disclosure Act that relate to looted assets.

Lingering questions about Holocaust-era assets that may have come under the control of the United States Government resulted in Congress creating, in June 1998, a Presidential Advisory Commission on Holocaust Assets in the United States. In the fall of that year the President appointed Edgar Bronfman to chair the commission. Among the commission members are members of Congress and Holocaust survivors. In the late spring of 1999, the Commission began conducting its research, primarily at NARA.

Efforts to identify and track Nazi war criminals and trace stolen assets depend largely on the documentary record. The foregoing is meant to give some indication of the governmental functions that may have created records relevant to the Nazi War Crimes Disclosure Act and an outline of the effort thus far to discover the documentary record. The Act rounds out this effort by attempting to remove the remaining formal barrier to the full official record of the Holocaust as it exists in the records of the United States Government.

Implementation of the Act

Records and Documentation

The subject of this act, Nazi war criminals and crimes, was not the original reason for the Government's accumulating most of the records that will be located, identified, inventoried and recommended for disclosure under this law. The transaction of Government business--diplomacy, military deployment and defense, intelligence, criminal investigation, and many other governmental functions--results in the production of records. These records are created and accumulated in order to accomplish the specific task, the specific program, the specific function authorized by governing laws and regulations. Records reflect the nature of the operations from which they originate. Diplomatic records are organized in a manner appropriate to conducting diplomacy; investigative records reflect the nature of the investigatory process.

The difficulties and complexities associated with fulfilling the requirements of the Nazi War Crimes Disclosure Act stem directly from the nature of the documentation that is subject to the Act. There is no one system that provides access to the relevant records since these records come from more than a dozen agencies and represent a multiplicity of functions exercised and filing systems used over a period extending from 1933 to 1998.

Achieving intellectual control over many file systems is a labor-intensive process. Agencies holding classified records must undertake extensive searches among hundreds of thousands of files and millions of pages of documentation filed in a variety of file systems. No agency has maintained its records in a manner that will easily accommodate the multitudinous inquiries resulting from this Act. In order to meet the requirements of the Act, for instance, it may be necessary to conduct a subject search of an intelligence message file that is arranged chronologically. Thus page-by-page review is the only possible comprehensive search strategy for many files.

Establishment and Operation of the Nazi War Criminal Records Interagency Working Group

In accordance with the Act, the President established, through Executive Order 13110 an interagency working group to oversee and coordinate implementation of the Act. The President named members from the major agencies holding classified records and three members to represent the public. Representatives of other agencies have attended IWG meetings as necessary.

Including its first meeting on January 12, 1999, the IWG has met 8 times, has held open forums in New York and Los Angeles to solicit information from scholars and the public at large, and has met with selected agency heads to resolve agency-specific compliance issues. In its effort to inform the public, make use of nongovernmental expertise and experience, the IWG has enjoyed the generous support of the Simon Wiesenthal Foundation and the World Jewish Congress. The minutes of most of the meetings are, or will be, available at the IWG web site, www.archives.gov/iwg (see Appendix A).

A staff of 5 individuals, employees of the National Archives and Records Administration (NARA), carries out the daily work of the IWG under the immediate direction of the Chair in accordance with general guidance set forth by the IWG. Additional staff and administrative support is also provided as needed by NARA. Funding for travel and contractor support of the IWG has been generously provided to NARA by the Department of Justice, Office of Special Investigations.

The IWG meets regularly to deliberate matters of policy, to monitor implementation, to receive reports from the staff and individual agency members, and to develop and approve issuance of instructions to Executive Branch agencies regarding compliance. In addition, the IWG staff has held interagency meetings to elaborate on written instructions and answer specific questions. To date, the IWG has taken the following actions as required by the Act in fulfillment of its prescribed functions.

Statutory Functions of the Nazi War Criminal Records Interagency Working Group The legislation presents the Nazi War Criminal Records Interagency Working Group with several specific tasks. On February 25, Samuel Berger, Assistant to the President for National Security Affairs, issued the basic compliance order drafted by the IWG on how the statutory tasks would be accomplished. This "tasker" outlined the approach to implementing the Act and set forth agency reporting requirements (see Appendix B).

The overall function of the IWG, as specified in Section (2)(c)(2), is to "coordinate with agencies and take such actions as necessary to expedite the release of such records to the public." All of the actions taken by the IWG as detailed in this report support the goal of release of information to the public as efficiently and as rapidly as possible. In support of this goal, the Act provides that the IWG undertake five specific tasks. Section (2)(c)(1) of the Act requires the IWG to "locate, identify, inventory, recommend for declassification, and make available to the public at the National Archives and Records Administration, all classified Nazi war criminal records of the United States." The following describes progress toward fulfillment of each of these specific tasks. (See Appendix C for a flow chart of the overall process)

Task 1. Locate all classified Nazi war criminal records of the United States. As required by the Berger tasker and related guidance issued by the IWG, all agencies that might possibly hold relevant records were required to conduct a preliminary survey of their records holdings and to submit a report on that survey by March 31, 1999. Each agency undertook a preliminary survey of the agency's classified records to locate any bodies of records that could reasonably be believed to contain information that (1) pertains to any individual who the U. S. Government

has grounds to believe ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion, during the period of Nazi rule in Germany (1933-45); or (2) involves assets taken during that period from persons persecuted by the Nazi regime or governments associated with it.

For purposes of this preliminary survey, agencies were to include any records that were likely to contain information on war crimes, war criminals, acts of persecution, or assets taken by, under the direction of, or in association with the Nazi government of Germany or any government of a European country allied with, occupied by, or established with the assistance or cooperation of Nazi Germany. Associated guidance identified such countries.

Agencies were directed to take an expansive view of the Act in making this survey and in subsequent identification of records and declassification review. They were enjoined to take special notice of U. S. Government policy and operational records relating to war criminals and war crimes generally, in addition to those that relate to specific war crimes, individual war criminals, acts of persecution, or specific transactions involving taken assets.

As a result of the survey, a universe of more than 600 million pages was identified, consisting of bodies of records that might contain responsive documents under the Act.

It should be emphasized that this initial page count represents only the materials that must be further searched in order to identify records that must be reviewed for declassification. The number does not represent the number of pages that have been found responsive to the Act. It is expected that responsive documents will amount to a very small portion of the universe of records being searched.

Among the bodies of records located in the survey, those held by the following agencies are likely to contain the most responsive documents:

Central Intelligence Agency

Records among the files of the Directorates of Operations and Intelligence, 1947-1998, including operational, personality, country, and project files; analytical products, source material, and biographic reports. Estimated 2 million pages to be identified by screening a much larger body of records.

Files of organizations that were predecessors of CIA , 1941-1947. Records of Coordinator of Information, Office of Strategic Service, Strategic Services Unit, and the Central Intelligence Group. 2.1 million pages

Department of the Army

Department of the Army Investigative Records Repository (Army Intelligence and Security Command) Foreign Personnel and Organizations Files, 1900-1975, 61,000 dossiers

Department of the Army Investigative Records Repository (Army Intelligence and Security Command) Army Unit Records, 1941-1975, 11,400 reels of microfilm (ca. 11,400,000 pages)

Federal Bureau of Investigation

Select Security Case Files (File Classification 134), 1922-1998. ca. 5,300,000 pages

National Archives and Records Administration

Records of the Joint Intelligence Objectives Agency Foreign Scientist Case Files, 1945-1958. 241,800 pages.

Records of the Army Office of the Assistant Chief of Staff for Intelligence, G-2, 1944-1975. ca. 410,000 pages.

Records of the Office of Strategic Services and the Strategic Services Unit. Withdrawn records from various series previously transferred to NARA, 1941-1947. 1,407,352 pages. Withdrawn records are those documents that have previously been withheld from files that were reviewed for declassification because the documents were judged to warrant continued protection for reasons of national security. It is unlikely that more than five percent of the withdrawn records will be in any way related to Nazi war crimes, Nazi war criminals, or Holocaust-era assets.

Task 2. Identify all classified Nazi war criminal records of the United States. After locating bodies of records likely to contain Nazi war criminal documents through the preliminary survey submitted on March 31, the next step in implementation was to more closely identify exactly which files or documents from among the larger bodies of material are relevant to the Act and must be reviewed for declassification. This further definition is necessary because declassification review is often a complex and time-consuming process, involving multiple agencies. Limited declassification resources must be reallocated to focus on responsive documents in order to meet the extremely tight time limits of the law.

The process of identifying for review specific classified records subject to the Act began with an additional, more detailed survey of those bodies of relevant records already located. This survey by the records-holding agencies, originally due to the IWG on June 30, was extended until July 30, 1999 because of the difficulty and size of this task.

For agencies keeping files on individuals, the major file identification strategy was to locate files on individual war criminals found in files accessible to searches by name. In order to aid agencies in identifying files related to individual war criminals, the agencies were provided with a list compiled by the Office of Special Investigations of the Justice Department containing the names and birth dates of over 56,000 suspected Nazi war criminals. The list was comprised of SS officer names from Berlin Document Center lists held by NARA and names from the U. N. War Crimes Charge files. Agencies were also instructed to search for relevant names in other files, those not accessible by name, through other search strategies such as page-by-page review and subject matter searches of functional records. In addition, agencies were directed to identify records related to Holocaust-era misappropriated assets and records relating to war crimes that are not necessarily related to specific individual war criminals. The approaches to searching for these files necessarily varied with the types of records being searched. In order to aid these

searches the IWG is engaged in an ongoing process of providing historical bibliographies, furnishing lists of operational terms and codewords for keyword searches, briefing agency personnel on the historical context of the records, and consulting with historians at IWG meetings and public forums (see Appendix D for list of terms).

This initial location and identification phase was substantially completed by July 30, 1999. By that date, agencies submitted a status report and an implementation plan to the IWG. The report and plan described and quantified the results of the agency's effort to that point and set forth a program for complying with the law. The status report identified the records searched and those identified as likely to be relevant and requiring further review. (see Appendix E)

The status report on the progress of the agency in identifying records covered by the act, including an accounting of agency resources expended as of the date of the report in FTEs and dollars and an assessment of whether further effort is necessary to identify files that must be reviewed under the act. The implementation plan also included an estimate of the total FTE and dollars necessary to comply fully with the act, including identification, review, and declassification of relevant records, and a realistic schedule for completion. Resources issues are dealt with below. A summary of the information provided by the agencies in response to Tasks 1 and 2 is collected in Appendix F.

Task 3. Inventory all classified Nazi war criminal records of the United States. In the broadest sense, inventorying encompasses all description of the responsive records that will make the records useful to researchers. At its most complete, this description will include enough information to set the documents in historical and organizational context and to understand why the records were kept and how they were collected. This archival description will not interpret the documents or attempt to present a historical interpretation. Rather, archival description will make the documents accessible to allow historians and other researchers to interpret and draw conclusions.

The first step of the inventory process was to locate the bodies of records within which responsive records may be found, to discover the names of those files, determine their provenance, and estimate their volume. After this, each step is intended to narrow the focus to concentrate on responsive documents and responsive bodies of records, describing them more closely as more details are learned. The end products of the inventory process will range from single document descriptions to descriptions of whole, large file series of records, depending on what level is most appropriate and possible for the records in question.

After initial location, data collection forms were completed by the agencies on each body of records identified as requiring review under the Act. Agencies submitted this information in electronic form as a relational database capable of maintaining descriptive information and tracking progress on the completion of the necessary reviews and releases in accordance with instructions issued at an interagency meeting. These submissions were entered into a IWG database that will allow the IWG to track declassification reviews, reviews for privacy, reviews for interest by the Office of Special Investigations, and any IWG challenges to agency decisions

to retain security classification. The initial data collection may be enhanced as the body of records or the single document that is the subject of the description progresses through the review process. The resulting descriptive information will form the basis of the description provided to the public when the material is opened for research at the National Archives.

After initial development by the IWG staff, maintenance of the IWG database was assumed by a private contractor well acquainted with the Federal declassification system. The contractor will maintain, add to, and draw reports from the database for the life of the IWG, until October 2001.

Task 4. Recommend for declassification all Nazi War Criminal Records of the United States. As a general rule, the IWG is recommending that all Nazi war criminal records as defined by the Act be reviewed for declassification, no matter what the subject or circumstance of their creation. The Act states that "there shall be a presumption that the public interest in the release of Nazi war criminal records will be served by disclosure and release of the records." Accordingly, the Administration has directed the agencies to take an "expansive view" both in identifying records as responsive to the Act and in conducting the declassification review.

The IWG maintains that under this statute there are no sufficient *a priori* reasons for continuing security classification of relevant records absent a thorough declassification review by appropriate authorities. Should any records be judged to require continued security classification, the burden for justifying this will lie with the agency wishing to continue classification. Absent appropriate justification for continued classification, the IWG will challenge that decision to the agency head and report any decisions to retain classification in the face of such a challenge to the Congress. The operation of the declassification review process under this Act will parallel and complement the declassification system established under Executive Order 12958 as described below.

Once specific documents have been identified as relevant under the Act and appropriate for declassification review, a number of factors can either delay or prevent release of the documents to the public. Under IWG guidance, a document may be declassified in whole or only in part. By judicious use of redactions, information that remains sensitive is to be deleted without causing withholding of the entire document. This process, of course, is very time-consuming in that a line-by-line review must be done.

The agency that created a document is responsible for declassification review of the document and for notifying any other agency that may have an interest (equity) in the document. Each organization with equity in a document is entitled to conduct its own review of the document. This additional step can delay the process, particularly if, as often happens, there are multiple agencies that have equities in an item.

Documents frequently contain sensitive information that has either been provided by a foreign government or is descriptive of another government's activities. In the past, such information has been withheld in absence of express approval by the foreign government to release the information. If this precedent is followed, consultation with other governments may become

necessary, which could cause considerable delay in the review process. The IWG is encouraging agencies to negotiate general agreements with their foreign counterparts that will allow the agencies to release certain classes of information without consultation in each instance.

The Act allows an agency head to exempt from release nine categories of national security information. Among these categories are material concerning U.S. foreign relations and diplomatic activities, intelligence sources and methods, and certain military matters. The test for several of the exemptions is that clear and demonstrable damage to national security would result from disclosure of the information. When an agency head determines that an exemption applies, the agency head is required to report this to appropriate committees of Congress. These exemptions, and thus the declassification review process under the Act, are identical to the exemptions allowed for 25-year-old material under Executive Order 12958, the order that governs treatment, classification, and declassification of U. S. Government information generally.

Some material identified as responsive under the act may also require review by the Department of Energy (DOE) under the Kyl Amendment to assure that it does not contain Restricted Data or Formerly Restricted Data, that is, sensitive nuclear information. Because the DOE is heavily burdened by review of a very large volume of other government records intended for declassification, this review of material under the Act may encounter delay.

The IWG has encouraged agencies to implement the Act and EO 12958 in concert. Thus implementation of the Act can take advantage of the requirements of the Executive Order to accomplish declassification review. This is particularly useful for classified material that is over 25 years old, which must be reviewed before April 2000 or it will be automatically declassified without review, although an amendment to the Executive Order extending that deadline is in preparation. Implementation of the War Crimes Disclosure Act can take advantage of the Executive Order review by requesting the agencies to schedule an early review of material scheduled for automatic declassification if not reviewed by the deadline.

Task 5. Make available to the public at the National Archives and Records Administration all classified Nazi war criminal records of the United States.

Additional reviews of declassified materials

Prior to release to the public, many of the declassified records will undergo additional reviews and otherwise be prepared before they may be released.

In accordance with Section 3(b)(2)(A) of the Act, privacy considerations must be taken into account before a declassified document can be released to assure that release would not "constitute a clearly unwarranted invasion of personal privacy." Legal constraints that protect an individual's privacy rights must be weighed against the public interest in being informed. At the request of the IWG, the Office of the General Counsel at NARA has prepared guidance to be

used by the agencies in making determinations regarding exemptions from disclosure based on privacy grounds. This privacy review will be based on the same considerations as those taken into account in Freedom of Information Act review.

Section 3(b)(4) of the Act contains special provisions for records that relate to investigations and other activities of the Office of Special Investigations (OSI). Certain records, although declassified, must be referred to OSI for further review before a final decision on their release is made. This provision is meant to assure that ongoing investigations of Nazi war criminals that would be harmed by premature disclosure will be protected. OSI has informed the IWG that it will waive its statutory exemption in appropriate cases. Although the IWG, in cooperation with OSI, has established a screening process to avoid sending all declassified materials to OSI for a final review, OSI will still carry a significant review burden as agencies review and declassify millions of pages of documents.

Preparation and release of materials

The IWG has not yet fully confronted the complications of preparing for the orderly release of millions of pages of documents from hundreds of sources. Normal archival documentation about a body of publicly available records consists of a description of the nature of the records, their origin (provenance), a description of the office or function that created the records, a description of the relationship of the records to other records, and a description of their arrangement and how they may be accessed.

Normally, archival description relates to a body of records that has been accessioned and transferred intact from the agency of origin. The body of records is kept in an archives as it was created at the agency. The Nazi War Crimes Disclosure Act, however, will result in many cases in records being selected, on the basis of their subject, from larger bodies of records not yet declassified. Further, many of those records will be redacted, that is, released only in part. All such selected records, where the body of original records may not be transferred to the Archives *in toto*, will be copies of selected records. The result will be the creation of artificial collections of copies of records. These artificial collections will require additional descriptive work in order to set them in their institutional, archival, and historical context so that they are useful to researchers.

Highlights of Declassifications to Date

The following are brief descriptions of records that have been located, identified, and declassified in accordance with the Nazi War Crimes Disclosure Act. Some of the records below must be cleared by the Office of Special Investigations before they may be released to the public. Only a small proportion of the records described below relate directly to the subject of the Act. Those records that are responsive to the Act remain among the larger bodies of records with which they were filed when created or received by the agency. Where possible, the Government will open entire series of records together, thus providing the context that is

necessary to understanding historical evidence and at the same time opening associated records relating to other topics and thus benefiting all researchers. Records will be opened to research at the National Archives and Records Administration.

RECORDS OF THE DEPARTMENT OF STATE

SUBJECT FILES OF THE ASSISTANT LEGAL ADVISOR FOR CULTURAL RELATIONS AND PUBLIC AFFAIRS, 1943-1972.

This series consists of records accumulated and created by the Department's Assistant Legal Advisor for Cultural Relations and Public Affairs. The records include files relating to the recovery of cultural objects dispersed during WW II and programs for the return of historic objects to countries of origin. These files consist of various types of records that concern the work of interdepartmental committees and international conferences that address subjects such as looted art, the disposition of German Libraries, settlement of cultural properties that were under U. S. control, and the protection of artistic and historic property. (5,600 pages)

RECORDS OF THE TRIPARTITE COMMISSION FOR THE RESTITUTION OF MONETARY GOLD, 1946-1998

This series contains copies of selected official records of the Tripartite Gold Commission (TGC) that were sent to the State Department when the TGC was terminated on September 9, 1998, for transfer to NARA. Another set of these selected records was sent to the Public Records Office in Great Britain. All of the official TGC records were transferred to the French National Archives in Paris.

Established on September 27, 1946, the TGC was composed of representatives of the United States, Great Britain, and France. Its mandate was to control monetary gold recovered by the Allies and/or received from neutral nations and to provide for the return of the gold to claimant nations.

The records in this series include copies of TGC meeting minutes, for which there is a gap from May 1988 to June 1995 between the 220th and the 221st meetings. This is because the Commission met in formal session when business required, rather than regularly. It was not required to do so during this time, but Commissioners maintained contact.

Other records include copies of correspondence and memorandums sent among the Commission, claimant nations, and other interested parties concerning the distribution of gold and adjudication of claims, and a copy of the Gold Book. The Gold Book was a record of gold movements into and out of the TGC's accounts. The records also contain copies of two key Commission reports, the 1971 Report documenting the Commission's activities since its inception, and the TGC's Final Report to the three Governments in 1998. (5,800 pages)

RECORDS OF THE ASSISTANT LEGAL ADVISOR (LOT 86 D 269)

Files accumulated by the Assistant Legal Adviser relating to the Department's participation in postwar Allied negotiations with wartime neutral nations regarding the restitution of gold looted by the Nazi regime and other external German Assets.

(12,500 pages)

RECORDS OF THE OFFICE OF ALIEN PROPERTY

Miscellaneous Classified Records, 1941-1963

These records are arranged by subject and consist of reports, letters, memoranda, microfilm, and other records that relate to the various functions and responsibilities of the Office of Alien Property during and after World War II. Topics include treaties, foreign assets control, international conferences on reparations and German debt, Allied-Swiss accords, Swiss bank secrecy, Swiss banks, Safehaven negotiations with the Swiss and Swedes, Interhandel litigation, policies relating to the return of seized German documents, and individual claims. The records concern FBI activities, licenses for vested motion pictures assigned to the CIA, Contibank and American Potash and Chemical Corporation, General Aniline and Film Corporation (GAF), reports on Deutsches Kalisyndikat from British sources, the Japanese peace treaty, the German Debt Conference, Bank Waedenswil, and Allied negotiations with the Swiss and Swedes in 1946, and the final report on the Paris Conference on Reparations.

Also there are files on important personalities including Otto Skorzeny (German SS officer), Paul Otto Schmidt (Hitler's interpreter and German Foreign Office official), and Emil Georg Buehrle (Swiss industrialist and noted art collector). (10,000 pages)

NATIONAL ARCHIVES COLLECTION OF FOREIGN RECORDS SEIZED

BERLIN DOCUMENT CENTER (BDC) COLLECTION

There are miscellaneous administrative records relating to the programs and activities of the BDC in the years immediately before its closing (1984-1986). Most of the records concern routine operational activities and matters pertinent to arrangements to close the center and place its holdings in the hands of the German government. (530 pages)

"HIMMLER COLLECTION"

This is a miscellaneous collection of card files, all in German, providing general information on persons in Germany and other European countries which apparently had been gathered by the German Foreign Intelligence Service (Ausland SD) 1935-1945 and card files relating to German intelligence informants. There are also miscellaneous documents in German concerning foreign intelligence personnel. (9,192 pages)

Records of the Office of the Secretary of Defense

JOINT INTELLIGENCE OPERATIONS AGENCY (JIOA) POLICY FILE ON PROJECT PAPERCLIP, 1944-1960.

File details the policy development and implementation by the Joint Chiefs of Staff (JCS) of the program to bring captured German and Austrian scientists to the United States. (200 pages)

FOREIGN SCIENTIST CASE FILEs 1945-1958.

Personnel dossiers on German scientists, engineers and technicians who were brought to the U.S. under PROJECT PAPERCLIP and similar programs. PAPERCLIP operated from 1945 into the early 1960's although the major effort to move selected scientists from German and Austria to the U. S. ended in 1958. Frequently the subjects had been members of the Nazi Party and on occasion members of its special elements such as the SS and thus not normally eligible for immigration to the U.S. but individuals who were not necessarily "war criminals." (80,000 pages)

RECORDS OF THE U. S. ARMY

Field Information Agency, Technical (FIAT) General Administrative Files (Decimals) 1945-1947

Includes records relating to war criminals, use of German scientists, exploitation of German scientists, minutes of meetings regarding the Ministerial Collecting Center, specific German scientists, dealings with the Joint Intelligence Objectives Agency and the Technical Industrial Investigations unit of the Department of Commerce, Control Council meetings, and reports and investigations of external assets. (1,000 pages)

U.S. Foreign Claims Commission Reports 1944-1945

U.S. Foreign Claims Commission reports of claim officer files (CC Form 30A) from various base sections in the European Theater of Operations. The records are arranged alphabetically by the name of claimant. (10,000 pages)

Miscellaneous General Administrative Files of the U.S. Forces, European Theater 1943-1946

Includes records relating to the dealings of the Office of the Assistant Chief of Staff with the Foreign Economic Administration, the Office of Strategic Services, the State Department, the Office of Scientific Research and Development, and the Office of War Information, and other agencies. Also includes information on war crimes trials and Operation TALLY HO, a Counter Intelligence Corps operation in July 1945 to speed up the apprehension of Nazi war criminals. (1,000 pages)

Command Reporting Files of the U.S. Forces Austria and the Vienna Area Command, 1945-1955

Includes reports of operations in Vienna and in Austria, historical reports, and historical summary of the Office of the Commanding General. (3,000 pages)

FOREIGN PERSONNEL AND ORGANIZATION DOSSIERS

Dossiers for Gestapo Chief, Heinrich Mueller and German rocket scientist Arthur Rudolph include records relating to the CIC's investigations of these two notorious Nazi personalities. Mueller has been the subject of numerous studies by historians and journalists seeking to trace his whereabouts and activities following the end of WW II. Rudolph came to the United States under PROJECT PAPERCLIP, served in various capacities in Army, Air Force, and NASA programs, including development of the Saturn V rocket. He left the United States and renounced his citizenship in the mid-1980's following an OSI investigation of his role in the use of slave labor at Mittelwerk.

(292 pages)

Estimate of Resources Required to Implement the Act

Estimated Agency Direct Costs

These figures are based on agency reports of June 30, 1999. Cost entries are blank for agencies not reporting. Because agencies are continuing to search for responsive records and are formulating review procedures, these cost estimates should be considered preliminary.

Agency	Estimated Cost	FTE (Full-Time Equivalent)
CIA	\$6,600,000	75.00
DOD		
Army	8,040,000*	134.00
Navy		
Air Force	<i>Negligible</i>	
JCS	17,797	0.25
NSA	14,000,000**	245.00
DIA		
DOJ		
Civil	16,200	0.25

Criminal	120,000	1.00
INS	243,000	23.00
FBI	4,000,000	70.00
FED	12,600	0.30
NARA	1,300,000	16.00
NASA	<i>Negligible</i>	
NSC	200	0.10
State	556,000	10.00
Treasury	24,230	0.35
TOTAL:	\$34,930,027	575.50

*IWG extrapolation of cost from Army estimate (6/30/99) of 134 FTE totals \$8 million. Some Army estimates range as high as \$40 million. Army's report of 10/14/99 states that resource estimate is "impossible at this time."

**DOD's revised estimate of \$18 million provided at SSCI hearing (9/16/99) was revised to \$1,790,000 as of 10/14/99.

Direct Costs of Nazi War Criminal Records Interagency Working Group

The costs for FY 1999 and the anticipated costs for FY 2000-2001 are partially funded by a transfer of \$430,000 from the Department of Justice Office of Special Investigation from an appropriation to support increased workload occasioned by the Nazi War Crimes Disclosure Act and by a commitment of \$180,000 by the National Archives and Records Administration. Costs below are funded except where noted.

FY 1999 Costs

Working Group travel	\$23,000
Book purchases	1,300
Staff costs (contracting support, website development, other support reimbursement)	27,700
Contract with Records Engineering, Inc. for statement of work, contract monitoring	25,000
Database engineering contract	129,000
Total	\$206,000

FY 2000 Costs	Amount
Contractor database support for FY2001	\$146,000
Specialist to produce annotated guide	100,000
Contractor declassification monitoring	100,000
Travel and meeting costs	30,000
Staff costs (website, scanning, contracting)	15,000
Total	\$371,000

FY 2001 Costs	Amount
Contractor declassification monitoring	\$100,000
Specialist to produce annotated guide	100,000
Travel and meeting costs	30,000
Description, internet, publication	50,000
Total FY 2001	\$280,000

Total Cost	\$857,000
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Total Unfunded	(\$247,000)
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N.B. Amounts above do not include National Archives and Records Administration costs for IWG staff: FY1999, \$364,000; FY2000, \$516,000; FY2001, \$531,000

The U.S. National Archives and Records Administration

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