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Chapter Fifteen

Unfinished Business (U)

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NAZI WAR CRIMES DISCLOSURE ACT
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With Eichmann's dramatic capture in Argentina and his well-publicized trial in Israel, the American public slowly realized that some Nazis had not been brought to justice before the International Military Tribunal in Nuremberg or the numerous other postwar trials.¹ Some of these criminals had actually taken up residence in the United States. The Immigration and Naturalization Service, charged with the enforcement of American immigration laws, appeared powerless to act on allegations of wartime Nazi activity or collaboration committed by now-American citizens or resident aliens. (U)

The Federal government's abortive attempts in the 1950s to deport Andrija Artukovic, Croatia's minister of the interior, and Nicolae Malaxa, a chief Romanian industrialist and financier of the fascist Iron Guard, highlighted the ineffectiveness of the US policy toward war criminals in the United States. By 1973, the INS had received nearly 60 reports of immigrants who had worked for the Germans during the war, but had actively pursued less than a dozen cases, and only three people were actually deported from the United States.² The INS failed to take more effective action in part because it lacked centralized planning and funding to investigate allegations of Nazi war crimes. In

¹A summary of the Army's less famous war crimes trials can be found in Frank M. Buscher, *The US War Crimes Trial Program in Germany, 1946-1955* (New York: Greenwood Press, 1989).

(U)

²Ryan, *Quiet Neighbors*, pp. 29-42. (U)

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addition, these investigations were assigned a low priority due to poor evidence and the Service's belief that Soviet propaganda prompted many of the allegations.³ (U)

In the wake of Vietnam and Watergate, many Americans grew disillusioned with the US government. The specter of deliberate coverups by Federal authorities related to Nazi war criminals did not seem so farfetched as one scandal after another erupted in the 1970s. Charles R. Allen, a journalist and editor of *The Nation*, was among the first Americans to question the presence of Nazi war criminals and collaborators in the United States. In a series of articles (later republished as *Nazi War Criminals Among Us*), Allen uncovered a number of individuals with Nazi pasts in the United States. He also revealed that the inspector general of West German *Bundeswehr* had previously served in the *Wehrmacht*. Allen's activities attracted the attention of US intelligence, leading the CIA to open his mail from the Soviet Union in a clandestine program known as HTLINGUAL.⁴ (S)

Elizabeth Holtzman, a Democratic member of Congress from Brooklyn, soon became the chief critic of the government's policies concerning the presence of Nazi war criminals in America. Elected in a stunning victory in 1972 as the youngest woman to hold office in the US Congress, she earned a national reputation on the House Judiciary

³1978 GAO Report, pp. 13-18; Ryan, *Quiet Neighbors*, p. 4. (U)

⁴Allen learned about the Agency's illegal letter opening program in 1981 when the CIA released its records in response to his Privacy Act request in 1978. Allen filed suit against the CIA and the US government for violation of his constitutional rights later that year and he also submitted an administrative tort claim. The court denied his HTLINGUAL suit because the statute of limitations had expired, but the Federal government settled the suit for \$1000 in damages and \$66 in legal fees. The government, however, admitted no liability. See Charles R. Allen, Jr. v. United States of America and the Central Intelligence Agency, Civil Action CV-81-2606, in Office of General Counsel Records, [redacted], Box 1, CIA ARC. Interestingly, Oleg Kalugin, a Soviet KGB officer posted in New York under journalist cover and later a major general, claims that he provided Allen with material to use for his book. Oleg Kalugin with Fen Montaigne, *The First Directorate: My 32 Years in Intelligence and Espionage Against the West* (New York: St. Martin's Press, 1994), pp. 54-55. (U)

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Committee during the Watergate hearings two years later. Starting that same year, Holtzman also spearheaded the movement to uncover the extent of the government's involvement with Nazi war criminals. Holtzman and Joshua Eilberg of Pennsylvania, the Democratic chairman of the House Subcommittee on Immigration, Citizenship, and International Law, demanded that the Commissioner of Immigration and Naturalization provide updated reports on the Service's investigations of Nazi war criminals. The representatives also pressed the Department of State for better cooperation in working with foreign governments to obtain evidence against suspected war criminals.⁵ (U)

In May 1974, Holtzman condemned a new INS Nazi war criminal task force in New York as having conducted its investigations with "appalling laxity and superficiality." Holding news conferences in Washington and New York, Holtzman told the press that "despite the 'high priority' nature of I.N.S.' investigation, its administration and conduct can only be described as haphazard, uncoordinated, and unprofessional."⁶ By the end of the year, Holtzman complained that the promised INS investigations had fizzled.⁷ The INS project control office, a one-man operation, had proven simply incapable of directing full-scale investigations as well as coordinating with other government agencies and foreign countries.⁸ (U)

Frustrated by the poor progress on the part of the INS, Holtzman's subcommittee suspected that other agencies of the US Government deliberately obstructed the Nazi war

⁵Holtzman's activities as one of the leading proponents of the Nazi war criminal investigations are found in Saidel, *The Outraged Conscience*, pp. 104-121. See also, Elizabeth Holtzman with Cynthia L. Cooper, *Who Said It Would Be Easy?: One Woman's Life in the Political Arena* (New York: Arcade Publishing, 1996). (U)

⁶Ralph Blumenthal, "Rep. Holtzman Calls US Lax on Nazi Inquiries," *New York Times*, 21 May 1974, p. 8. (U)

⁷Ralph Blumenthal, "Drive on Nazi Suspects A Year Later: No US Legal Steps Have Been Taken," *New York Times*, 23 November 1974, p. 48. (U)

⁸Ryan, *Quiet Neighbors*, pp. 52-53. (U)

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criminal investigations.⁹ The Central Intelligence Agency soon became a target because of the perception (largely fostered by two highly publicized Congressional investigations in 1975) that it was a “rogue elephant.”¹⁰ In the fall of 1976, for example, Eilberg and Holtzman questioned the commissioner of the INS whether the CIA had shielded at least one man suspected of war crimes from prosecution. Reacting to a published report, the two members of Congress found “the willingness of the CIA to employ and contact the Immigration Service on behalf of a person alleged to have committed war crimes under the Nazis an intolerable affront to the decency of the American people.” Congress demanded to know the extent of the Agency’s communications with the INS and whether the INS had previous contact with other Federal organizations, including the Office of Strategic Services.¹¹ (U)

Starting in 1976, the Agency began to work with the INS on the Nazi war criminal investigations after it received the first request to trace suspected Nazi war criminals. On 19 October 1976, Lucien N. Nedzi, Democratic congressman from Michigan and then chairman of the House Armed Services Special Subcommittee on Intelligence, asked George L. Cary, CIA’s Legislative Counsel, to determine the “flap potential” of the CIA’s

⁹“Nazi War Criminals: Chronology of Activities of the Subcommittee on Immigration, Citizenship, and International Law,” provides a detailed account of the Subcommittee’s interest in the topic during the years 1974 through 1977. Chronology found in DO Records, [redacted]

[redacted], Box 8, Folder 154, CIA ARC. (U)

¹⁰For further detail about the various investigations, see [redacted] [redacted], *William E. Colby as Director of Central Intelligence 1973-1976*, CIA History Staff, 1993, (S) and [redacted] [redacted] *The CIA and Congress: Years of Change 1966-1980*, CIA History Staff draft manuscript, 1993, (S). Senator Frank Church’s “rogue elephant” comment gave credence to the public’s perception that the CIA was an agency out of control. For further information on the “rogue elephant” illusion, see Rhodri Jeffreys-Jones, *The CIA and American Democracy* (New Haven: Yale University Press, 1989), pp. 193, 208, and 214-215. (U)

¹¹Elizabeth Holtzman and Joshua Eilberg to Leonard F. Chapman, Commissioner, Immigration and Naturalization Service, 15 October 1976, in DO Records, [redacted] [redacted] Box 1, Folder 1, CIA ARC. As will be discussed below, this letter pertained to the case of Edgars Laipenieks. (C)

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contact with 141 "war criminals" known to INS "who might be subjected to reinvestigation and possible deportation."¹² Working from limited information (initially a simple list of names), both the Office of Security and the Directorate of Operations determined that they possessed records on a number of these individuals, including documents that indicated that the Agency had employed at least a dozen of these subjects over the years.¹³ (S)

Even before Nedzi had finished reviewing the name traces, Congress ordered an investigation by the General Accounting Office.¹⁴ Years of foot-dragging by the INS and, indeed, by the entire Federal government, prompted Rep. Eilberg, as chairman of the House subcommittee, to request the General Accounting Office "to determine if Immigration personnel deliberately obstructed active prosecution of these cases or engaged in a conspiracy to withhold or quash any information in its possession."¹⁵ Although Eilberg opened the investigation in January 1977, Frank C. Conahan, Associate

¹²George L. Cary, Legislative Counsel to [redacted] Chief, DDO/Information Services Staff, "Agency Contact with War Criminals," 26 October 1976, (S), in DO Records, [redacted] [redacted], Box 8, Folder 154, CIA ARC. (S)

¹³[redacted] Chief, External Inquiries Section to Chief, IP/Reference Branch, "Background Information on Alleged Nazi War Criminals," 16 February 1977, (S), enclosing [redacted] to Chief, Security Analysis Group, "Alleged Nazi War Criminals in the United States," 21 December 1976, (C), in DO Records, [redacted] [redacted], Box 8, Folder 154, CIA ARC. See also unsigned, Memorandum for Record, "Search to Determine Any Agency Connection with Individuals on IN&S List of 'Alleged Nazi War Criminals,'" 19 November 1976, in the same job as above. (S)

¹⁴[redacted] Assistant Legislative Counsel to Special Assistant for External Oversight, "Request by the House Judiciary Committee for Agency Documents Related to Nazi War Criminals Immigrating to the United States," 21 March 1977, OLC 77-1076, (C), in DO Records, [redacted] [redacted], Box 8, Folder 154, CIA ARC. (C)

¹⁵1978 GAO Report, pp. 44-45. (U)

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Director of the GAO's International Division, did not formally approach CIA for its cooperation until September of that year.¹⁶ (U)

The First GAO Investigation (U)

The CIA, the State Department, the INS, and the FBI jostled with both GAO and the House Judiciary Subcommittee over arrangements to handle "third agency" material contained in the files of the Immigration and Naturalization Service. Three agencies (the CIA, the FBI, and the State Department) refused to grant GAO investigators direct access to INS records if they contained documents from their respective agencies.¹⁷ []

[] the point of contact in the Directorate of Operations working with the GAO investigation, met with other agency officials, GAO investigators, and Congressman Eilberg in April 1977. [] [] "made clear that such documents would be reviewed by the Agency to excise any references to source, methodology, collection, or operations" before the GAO investigators could inspect them.¹⁸ Under the guidelines established by

¹⁶Frank C. Conahan, Associate Director, International Division, General Accounting Office to Office of the Comptroller, 2 September 1977, Compt 77-1334, in DO Records, [] [] Box 8, Folder 154, CIA ARC. (U)

¹⁷Various Office of Legislative Counsel journals for 18, 23 February, 18 March, and 5 April 1977, (C), provide details of conversations between CIA, GAO, and the House Subcommittee for access to CIA records. See DO Records, [] [] Box 8, Folder 154, CIA ARC. (C)

¹⁸[] [] Memorandum for Record, "GAO's Investigation of Immigration and Naturalization Service's Handling of the Immigration into the US of Alleged Nazi War Criminals," 6 April 1977, OLC 77-1368, (S), in DO Records, [] [] , Box 8, Folder 154, CIA ARC. [] [] was formally appointed CIA's point of contact following CIA's official notification of the investigation by GAO in September 1977. See James H. Taylor, Comptroller to DDO, "GAO Review of Evidence of Fraudulent Entry into the United States of Alleged Nazi War Criminals," 14 September 1977, Compt 77-1334, and [] [] Office of the Special Assistant to the DDO for External Oversight to [] [] Office of the Comptroller, "GAO Review of Evidence of Fraudulent Entry into the United States of Alleged Nazi War Criminals," 27

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the INS and GAO, the investigators coordinated directly with individual agencies about reviewing third-agency documents.¹⁹ The CIA and the GAO did not reach a formal understanding regarding access to classified Agency material and its use until April 1978—only a month before the GAO issued its report.²⁰ (S)

In November 1977, the GAO launched its formal examination of the Central Intelligence Agency when it submitted a list of 111 persons to the Agency (see Appendix F).²¹ The GAO's names, essentially an abbreviated version of the list given to the Agency by Congressman Nedzi in 1976, consisted of INS cases of suspected Nazi war criminals and collaborators residing in the United States. The GAO placed particular emphasis on two suspects, Edgars Laipenieks and Tscherim Soobzokov, both of whom had already attracted substantial media interest. (U)

The Agency responded to GAO's request a month later, promising, "we will cooperate to the fullest extent possible in this investigation."²² Upon finding records of any of the 111 suspects, the Agency prepared a summary of the information on each individual for Daniel F. Stanton and John Tipton, the GAO's primary investigators. The

September 1977, both documents in DO Records, [] [] Box 8, Folder 154, CIA ARC. (S)

¹⁹A copy of "Availability of Immigration and Naturalization Service Files to GAO in Connection with its Investigation of IN&S Delays in Institution of Denaturalization and Deportation Proceedings Against Alleged Nazi War Criminals," which outlines the general procedures for access to INS records, is found in DO Records, [] [] Box 8, Folder 154, CIA ARC. (U)

²⁰[] [], Acting Legislative Counsel, CIA, and Victor L. Lowe, Director, General Government Division, GAO, "Memorandum of Understanding between the General Accounting Office and the Central Intelligence Agency," signed 5 and 7 April 1978, in DO Records, [] [] Box 8, Folder 154, CIA ARC. (U)

²¹Conahan, GAO to Office of Legislative Counsel, 3 November 1977, in DO Records, [] [] Box 8, Folder 154, CIA ARC. (U)

²²Cary to Conahan, 6 December 1977, OLC 77-4776/a, DO Records, [] [] Box 8, Folder 154, CIA ARC. (U)

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two investigators, in turn, determined which records to examine in greater detail and informed [] of their requirements. Agency reviewers then performed "appropriate sanitization to remove personal identities, intelligence sources and methods, and any other information not related to your inquiry" from the relevant documents. Stanton and Tipton reviewed the sanitized copies at CIA Headquarters and took notes of the records, subject to another CIA review and sanitization. In keeping with the "third agency" rule established by INS and GAO, other documents found in the Agency's records, such as Army material, were not shown to the GAO investigators, although the Agency referred these records to their originating office.²³ (U)

Congressional interest in the GAO's investigation, coupled with a separate and somewhat haphazard INS investigation, tested the Agency's ability to cooperate with the General Accounting Office. Not willing to let the GAO conduct its own independent investigation, Congressman Eilberg wrote DCI Stansfield Turner on 4 November 1977 requesting "a detailed report" on the same 111 individuals that the GAO was already investigating.²⁴ Consequently, the Agency permitted two Congressional staff members of the House Subcommittee, Arthur Endres and Peter Regis, to look at the material under review by GAO's Stanton and Tipton.²⁵ With two investigations now underway, the Agency provided a detailed summary of the Agency's records on the 111 suspects to the GAO and House in mid-December 1977.²⁶ (S)

²³Ibid. (U)

²⁴Eilberg to Turner, 4 November 1977, OLC 77-4817, in DO Records, [] Box 8, Folder 154, CIA ARC. (U)

²⁵[] to [] DCI Security Officer, "Request for Certification of Security Clearances," 16 November 1977, OLC 77-5029, (S), in DO Records, [] Box 8, Folder 154, CIA ARC. (S)

²⁶A series of memoranda provide a summary of the Agency's activities during this time. See especially [] to [] and [] [], Office of Legislative Counsel,

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While the GAO and House Subcommittee reviewed CIA's records (both sets of investigators examined Agency material in late 1977 and again in early 1978), the Immigration and Naturalization Service tried to enhance its bruised reputation by establishing the Special Litigation Unit (SLU) to investigate and bring to trial Nazi war criminals. Formed in the late summer of 1977, SLU, under Martin Mendelsohn, did not really get off the ground until the spring of 1978 when it launched a new investigation in the wake of the GAO and House Subcommittee.²⁷ By the spring of 1978, the CIA juggled three separate investigations, all essentially examining the same material and asking similar questions. (U)

As early as February 1978, the House Subcommittee pressed the GAO to testify at a public hearing the following month about the progress of the investigations.²⁸ Congressional pressure mounted throughout the spring of 1978, forcing the GAO to wrap up its investigation in April. Later that same month, CIA officials, primarily [redacted]

[redacted] and [redacted], reviewed the preliminary draft report and added two paragraphs emphasizing that the CIA did not knowingly employ any war criminals during a period of intense need for intelligence about the Soviet Union.²⁹ (S)

"Alleged Nazi War Criminals in the United States," 15 December 1977, (S), in DO Records, [redacted] Box 8, Folder 154, CIA ARC. (S)

²⁷The formation of SLU is discussed in the 1978 GAO Report, pp. 26-27. (U)

²⁸[redacted] Memorandum for the Record, "Nazi War Criminals," 3 February 1978, (S), in DO Records, [redacted] Box 8, Folder 154, CIA ARC. (S)

²⁹Copies of the GAO drafts with portions highlighted by CIA reviewers are found in DO Records, [redacted] Box 8, Folder 169, CIA ARC. See also "[redacted] to [redacted] GAO Draft Report of War Crimes Investigation," 21 April 1978, OLC 78-0357/8, (S), and "[redacted] to [redacted]," 21 April 1978, (S), in DO Records, [redacted] Box 8, Folder 154, CIA ARC. The Office of Security also expressed concerns about the language of the draft, especially the GAO's criticism of the use of prepared summaries and sanitized documents by the CIA and the FBI. See [redacted] to Chief, Security Analysis Group, "Nazi War Criminal Investigation," 4 May 1978, (C), in same job as above. (S)

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The General Accounting Office submitted to Congress its formal report, *Widespread Conspiracy to Obstruct Probes of Alleged Nazi War Criminals Not Supported by Available Evidence—Controversy May Continue*, on 17 May 1978.

Regarding the CIA's involvement, the GAO found that, in its search for information on 111 individuals, the Agency had no information on 54. Of the remainder, CIA acknowledged having a more substantial relationship with 22 individuals. In one unnamed case, CIA sponsored immigration of "a senior official of the German Foreign Ministry during the Nazi era" to the United States. The remaining 21 individuals had contact with CIA either overseas or after their immigration; some were paid while the Agency declined to utilize others.³⁰ (U)

The Report's Backlash (U)

The report unleashed a storm of criticism about the use of Nazi war criminals by the United States Government. Rep. Joshua Eilberg publicly blasted the CIA and FBI. "This report makes it clear," Eilberg announced, "that the CIA and FBI were more interested in using these people and getting information from them, than in conducting any background investigation as to their wartime activities or pursuing allegations that they were war criminals." He also had harsh words for the Agency and commented, "I'm appalled that so many of these individuals had direct contact with our government officials, and that some actually were assisted by the CIA in entering this country."³¹ The GAO report made national headlines with reporters emphasizing the CIA's role regarding

³⁰1978 GAO Report, pp. 33-34. (U)

³¹Press Release, "Report to Eilberg Charges Nazi Ties with CIA, FBI," 17 May 1978, in DO Records, [] 1, Box 8, Folder 154, CIA ARC. (U)

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Nazi war criminals. In contrast, the investigation's original intent, to ascertain the cause of the lax response by the INS, attracted less attention from the media.³² (U)

The GAO Report was also notable for its hesitant conclusion that there was no evidence of a conspiracy to obstruct justice. The GAO tried to protect itself by stating on the cover of the report that it did not enjoy full access. "GAO's investigation was hindered by the effect of the passage of time on the availability of information and limited access to agencies' records."³³ (U)

The Central Intelligence Agency took this criticism with some disappointment. From its standpoint, the Agency felt that it had been forthright in revealing its files to the GAO and the House Subcommittee. DDCI Frank C. Carlucci wrote the General Accounting Office on 18 May 1978 to protest the report's conclusion. "We would like the record to show that we were prepared at all times to make complete files (appropriately sanitized to protect intelligence sources and methods) available for review by the investigators to validate their conclusions."³⁴ (U)

Trying to shore up relations on Capitol Hill, DCI Stansfield Turner wrote to Edward Boland, the chairman of the House Permanent Select Committee on Intelligence, in June 1978. Turner assured the congressman that the Agency "has never in any way been involved in any attempts to protect alleged Nazi war criminals." He offered the

³²For example, see Associated Press release by Jay Perkins, undated and untitled, which formed the basis for report "CIA Used Alleged Nazis, GAO Says," in *The Washington Post*, 17 May 1978. See also Marjorie Hunter, "Utilization of Nazis Laid to CIA and F.B.I.," *New York Times*, 17 May 1978. Copies of various articles found in DO Records, [redacted], Box 8, Folders 154 and 169, CIA ARC. (U)

³³Cover statement, 1978 GAO Report. For further details, see the Report's "Scope of Review," pp. 4-6. (U)

³⁴Carlucci to J.K. Fasick, International Division, GAO, 18 May 1978, OLC 78-0357/E, in DO Records, [redacted], Box 8, Folder 154, CIA ARC. (U)

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members of the oversight committee full access to CIA's records relating to the GAO investigation.³⁵ (U)

New Hearings (U)

Eilberg convened his subcommittee in July 1978 to hear new testimony from the GAO, various researchers, and former officials responsible for immigration policy and enforcement. Following up on the hearings conducted in August 1977, this second round of hearings focused on the published GAO report, but also delved into questions of actual US immigration policies after the war, including the Displaced Persons Act of 1948.³⁶ In discussing the report with Victor L. Lowe, GAO's director of the General Government Division, Eilberg and Elizabeth Holtzman questioned why the House Subcommittee had better access to the CIA's records than the GAO investigators. Lowe responded that the CIA's summarized reports were unsatisfactory. "Bear in mind," Lowe reminded the Subcommittee, "we could only ask for the documents supporting the summary they gave us. We do not know what they put in the summary. You wouldn't know what to ask for, you see, so the summary document is what you had to go by."³⁷ (U)

Charles R. Allen, the journalist who in the early 1960s had exposed the fact that Nazis and their collaborators came to the United States, was the star witness of the 1978

³⁵Turner to Boland, 17 June 1978, OLC 78-0357/G, in DO Records, ☐ ☐ Box 8, Folder 155, CIA ARC. (U)

³⁶US Congress. House. Subcommittee on Immigration, Citizenship, and International Law of the Committee on the Judiciary. *Alleged Nazi War Criminals*. 95th Cong., 2nd sess., 19-21 July 1978 (hereafter cited as the 1978 Hearings). See also US Congress. House. Subcommittee on Immigration, Citizenship, and International Law of the Committee on the Judiciary. *Alleged Nazi War Criminals*. 95th Cong., 1st sess., 3 August 1977 (hereafter cited as the 1977 Hearings). (U)

³⁷1978 Hearings, pp. 20-21. (U)

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hearings. He grabbed headlines again by criticizing the Agency for its failings ranging from illegal spying on American citizens, drug testing, and criminal actions in Vietnam. "Against such a background," Allen dramatically exclaimed, "need there be any surprise that, as I have charged and can demonstrate, some 10 US Intelligence Agencies—headed by the CIA and the FBI—have over the past 33 years utilized at least provable Nazi war criminals who, taken together, are charged with responsibilities for the genocide of some 2.4 million women, children, and men between 1939 and 1945?"³⁸ By the end of the three days of hearings in the summer of 1978, the House Subcommittee branded the Central Intelligence Agency's intransigence as a major reason why the GAO investigation had failed.³⁹ In Eilberg's opinion, "it is just regrettable that so much time and man-hours and money was expended and we have so little to show for it."⁴⁰(U)

The House Subcommittee (with Eilberg and Holtzman as its two leading advocates) demanded that the US Government provide more answers about its use of Nazis and their collaborators after World War II. In late June 1978, Eilberg and the other Subcommittee members signed a memorandum of understanding with the CIA to permit House staff members to examine Agency material. Similar in nature to the agreement reached with the GAO in April, the memorandum codified the working arrangement

³⁸Ibid., p. 61. (U)

³⁹Ironically, the GAO dispatched its two investigators to visit CIA immediately prior to the summer hearings. The investigators reexamined some Agency records and discussed some of the questions that the House Subcommittee had provided in advance. The CIA's use of the summary reports was not mentioned in the House's preliminary questions. See [redacted], Memorandum for Record, "General Accounting Office Meeting," 10 July 1978, enclosing "Points to be Covered at GAO Meeting," in DO Records, [redacted] Box 8, Folder 155, CIA ARC. A CIA official attended the hearings and provided some feedback. See [redacted], Memorandum for the Record, "House Judiciary Subcommittee on Immigration, Citizenship, and International Law Hearings on Alleged Nazi War Criminals, 19-20 July 1978," 20 July 1978, OLC 78-0357/28, in the same job as above. (U)

⁴⁰1978 Hearings, p. 29. (U)

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between the CIA—primarily the DO—and the House investigators.⁴¹ In mid-August, Eilberg called a meeting of representatives from the CIA, the GAO, and the Departments of Defense, Justice, and State that established the guidelines for Eilberg's investigation and hailed the CIA's Memorandum of Understanding with the Subcommittee as a model working tool.⁴² The Subcommittee's new investigation retraced the steps of the GAO investigation in examining records of the 111 suspects. James Black, an investigator from the GAO (who had not worked on the earlier investigation) was detailed to assist the House in examining the Agency's records. Like the GAO study, the House still had to submit to the CIA's rules (as stated in the Memorandum of Understanding) that allowed investigators to review documents only after removal of names of CIA personnel or other information concerning sources or methods.⁴³ (S)

The Holtzman Amendment (U)

Congresswoman Elizabeth Holtzman assumed the chair of the House Immigration Subcommittee after Eilberg lost his bid for reelection. Her rise to Congressional

⁴¹ [redacted] [redacted], Acting Legislative Counsel, to Eilberg, 22 June 1978, enclosing Memorandum of Understanding between the Director of Central Intelligence and the House Judiciary Subcommittee on Immigration, Citizenship, and International Law, in DO Records, [redacted]

[redacted] Box 8, Folder 155, CIA ARC. An account of a meeting between CIA and the House concerning the MOU is found in [redacted] [redacted] Memorandum for Record, "Meeting with Chairman Joshua Eilberg (D., Pa.), House Judiciary Subcommittee on Immigration, Citizenship, and International Law," 19 June 1978, OLC 78-2409, in the same job as above. (U)

⁴² [redacted] [redacted] Assistant Legislative Counsel, Memorandum for Record, "Multiagency Meeting with House Judiciary Subcommittee on Immigration, Citizenship and International Law Chairman Joshua Eilberg (D., Pa.) on 17 August 1978," 17 August 1978, OLC 78-0357/30, enclosing list of participants, statement by Eilberg, and "Scope of Subcommittee Investigation," in DO Records, [redacted] [redacted] Box 8, Folder 155, CIA ARC. (U)

⁴³ [redacted] [redacted] Chief, Policy and Coordination Staff, Policy Guidance and Legal Affairs, Litigation Branch, to Chief, Information Management Staff, "Nazi War Criminals," 1 November 1978, (S), in DO Records, [redacted] [redacted] Box 8, Folder 155, CIA ARC. (S)

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leadership was enhanced by growing Congressional interest in Nazi war criminals and in the previous fall when Pres. Jimmy Carter signed the amendments to the Immigration and Naturalization Act of 1952.⁴⁴ The new law incorporated the language and intent of the 1948 Displaced Persons Act and the 1953 Refugee Relief Act to “exclude from admission into the United States aliens who have persecuted any person on the basis of race, religion, national origin, or political opinion, and to facilitate the deportation of such aliens who have been admitted into the United States.”⁴⁵ Holtzman’s bill closed a loophole that had hindered the government from taking legal action against these individuals.⁴⁶ (U)

Holtzman hailed the new law and exclaimed, “the presence of Nazi war criminals in the United States constitutes the unfinished business of World War II. By taking an forthright stand against allowing these mass murderers a haven in this country, we will not only reaffirm our commitment to human rights but we will be making it clear that persecution in any form is repugnant to democracy and to our way of life.”⁴⁷ (U)

⁴⁴Growing Congressional interest in Nazi war criminals in response to constituent requests can be seen in letters from Sen. Max Baucus about Nicolae Malaxa, a Romanian financier with ties to both the Nazis and communists. Likewise, Rep. Lamar Gudger also expressed concern about CIA’s ties to war criminals. He called for the DCI to support the Congressional and Justice Department investigations. See various correspondence in DO Records, [C] [] Box 8, Folder 155, CIA ARC. (U)

⁴⁵*United States Code, Congressional and Administrative News, 95th Congress-Second Session 1978*, vol. 4: *Legislative History* (St. Paul: West Publishing Company, 1979), pp. 4700-4716. (U)

⁴⁶The 1948 DP Act and the 1953 Refugee Relief Act excluded those immigrants from entering the United States who “have assisted the enemy in persecuting civil populations” (language derived from the Constitution of the International Relief Organization). The Immigration and Naturalization Act of 1952, however, did not incorporate this wording; thus, the government could deport war criminals admitted under the 1948 and 1953 acts, but not those that entered the United States under the 1952 law. (U)

⁴⁷*Congressional Quarterly, Almanac 95th Congress 2nd Session....1978*, vol. XXXIV (Washington, DC: Congressional Quarterly, 1979), pp. 8-9. (U)

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As the new Subcommittee chair, Holtzman immediately pushed for a stronger organization within the Federal government to investigate and prosecute Nazi war criminals. In late March 1979, the Associate Attorney General bowed to her wishes and announced that the Department of Justice would transfer the Special Litigation Unit from the Immigration and Naturalization Service to the Criminal Division of the Department of Justice. At the same time, the Justice Department planned to expand the new organization's staff, now called the Office of Special Investigations (OSI), to nearly 40 personnel with a budget of \$2 million.⁴⁸ Martin Mendelsohn remained as the head of the new OSI until early May 1979 when Walter J. Rockler, a prominent lawyer and a former prosecutor at the Nuremberg war crimes trials, accepted a temporary position as the director of the fledgling office.⁴⁹ (U)

The Holtzman Amendment, in combination with the Office of Special Investigations, transformed the Federal government's ability to investigate, prosecute, and deport Nazi war criminals and their collaborators. In the deportation of aliens residing in the United States, the Office of Special Investigations had to show that the defendant had advocated, assisted, or participated in Nazi-sponsored persecution on the basis of race, religion, national origin, or political belief. In denaturalization cases of American citizens, however, OSI still had to prove that the defendant obtained American citizenship by means of fraud or misrepresentation of a material fact.⁵⁰ (U)

⁴⁸A.O. Sulzberger, Jr., "Agency Studying Nazis is Upgraded," *New York Times*, 29 March 1979, P. A18. (U)

⁴⁹For biographical information on Rockler, see Adam Bernstein, "Nuremberg Prosecutor Walter Rockler," *The Washington Post*, 12 March 2002, p. B6, and "Walter Rockler, War-Crimes Agency Chief, Dies at 81," *New York Times*, 21 March 2002, p. A31. (U)

⁵⁰A fact is considered to be material when, if it had been revealed at the time of immigration or naturalization, it might have induced the US Government to institute further investigation that could have revealed that the individual was ineligible for an immigrant visa and/or US

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By the end of the 1970s, Congressional interest had forced the investigations to accelerate—although not without some confusion and misunderstandings, as seen by the GAO and Congressional investigations during 1977-78. Over the next ten years, the Office of Special Investigations would handle a number of important cases while the General Accounting Office conducted another controversial investigation. The Central Intelligence Agency clearly remained the focus of these new investigations. (U)

citizenship. Information provided by Dr. Elizabeth B. White, historian with the Office of Special Investigations, 3 September 1996. (U)