

DO/IMS 89-1651

~~ADMINISTRATIVE - INTERNAL USE ONLY~~

28 April 1989

STAT

MEMORANDUM FOR: Office of Congressional Affairs

FROM :   
Acting Chief, Information Management Staff/DO

SUBJECT : Comments Re Views Letter on H.R. 940 (Commission to Investigate Nazi Immigration to U.S.)

REFERENCE : OCA 1386-89, 25 April 1989

1. Reference requested comments on a draft letter being forwarded to Congressman Jack Brooks concerning H.R. 940. This bill is intended to establish a commission to investigate Federal involvement with the immigration of Nazi collaborators.

2. The proposed commission would duplicate a very thorough investigation already conducted on the same subject. In May 1982 Chairman Peter W. Rodino, Jr. of the House Committee on the Judiciary requested the General Accounting Office to investigate allegations that Federal agencies aided the immigration of Nazi war criminals and collaborators to the United States and concealed their backgrounds once they were admitted. GAO issued a final report on the investigation on 28 June, 1985. This Office cooperated fully with the GAO investigators and we continue to cooperate with Justice's Office of Special Investigations, through OGC, on miscellaneous Nazi matters of continuing interest to that Office.

3. We agree with the content of your draft letter to Congressman Jack Brooks.



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~~ADMINISTRATIVE - INTERNAL USE ONLY~~

Paul,

Can't these guys think up any better ways to waste the public's money than this? We had two guys from GAO in the DO for over a year. The DDO told us to show them anything and everything they wanted to see. We had both of them initial each page they read and they read thousands. They fished like this for over a year and found nothing. Their report came out over four years ago and it was a big waste. This really sounds like a chance to put people on a big payroll with unlimited travel expense to "see the world". Let them join the Navy!

Lou

25 April 1989  
OCA 1386-89

MEMORANDUM FOR: General Counsel  
DGC/IO ✓  
C/PCS/DDO ✓  
C/IMS/DDO ✓  
SA/CONG/DDO  
C/OSD/OGC  
AA/OSD/OGC  
D/HA/OCA

FROM:

Legislation Division  
Office of Congressional Affairs

STAT

SUBJECT:

Request for Comments: Views Letter on  
H.R. 940 (Commission To Investigate Nazi  
Immigration to U.S.)

1. Attached for your comment is a draft letter to Chairman Jack Brooks of the House Judiciary Committee. The letter sets forth proposed views on H.R. 940, also attached. This bill would establish a Commission to investigate Nazi immigration to the U.S. after World War II and the role of the federal government, including intelligence agencies, therein.

2. As part of your comments, please provide any further information on the OSI, GAO, Holtzman and other investigations in this area that may be of use in responding to Chairman Brooks.

3. You will note that one of the bill's cosponsors is Representative Solarz, a new Member of the House Permanent Select Committee on Intelligence (HPSCI). Prior to his HPSCI membership, Mr. Solarz submitted a number of inquiries to the Agency concerning Kurt Waldheim. To date, though we have no indication of an active effort on Mr. Solarz's part to push this legislation.

4. Receipt of your comments by 1 May 1989 is most appreciated.

STAT

Attachments.

**DRAFT**

Central Intelligence Agency



Washington, D.C. 20505

The Honorable Jack Brooks  
Chairman  
Committee on the Judiciary  
House of Representative  
Washington, D.C. 20515

Dear Mr. Chairman:

I write in response to your request for the views of the Central Intelligence Agency on H.R. 940, the "Commission to Investigate Federal Involvement with the Immigration of Nazi Collaborators Act".

H.R. 940 would establish a seven member Commission, composed of members designated by the executive and legislative branches, to investigate any efforts by the federal government to assist Nazi war criminal and Axis collaborators to enter the United States (Section 3 (a)). As part of this investigation, the Commission would be specifically charged to determine the extent to which the intelligence agencies of the federal government "used deception or violated the laws of the United States in bringing these individuals to the United States and the extent to which these agencies provided false or misleading information to Congress concerning their activities in this respect" (Section 3 (b) (3)). The Commission would be vested with subpoena power (Section 4 (c)) and all federal agencies would be required to provide any information requested by the Commission in connection with its duties (Section 4 (b)). Eighteen months after its creation, the Commission would issue a report to the President and the Congress (Section 3 (c)) and then go out of existence (Section 6).

The Agency is sensitive to the issue of the unlawful entry by Nazi collaborators into the United States. In this regard,

**DRAFT**

**DRAFT**

**The Honorable Jack Brooks**

the Agency has cooperated and will continue to cooperate with the work of the Department of Justice's Office of Special Investigations. We have also cooperated with similar past efforts by the General Accounting Office and the Committee's own Subcommittee on Immigration, Refugees and International Law under the chairmanship of then-Representative Holtzman. The Agency believes H.R. 940 would unnecessarily duplicate these efforts and thus, we cannot support the legislation.

The Office of Management and Budget advises that there is no objection to the submission of this report from the Administration's standpoint.

Sincerely,

  
Acting Director of Congressional Affairs

STAT

**DRAFT**

101ST CONGRESS  
1ST SESSION

# H. R. 940

To establish a Commission to Investigate Federal Involvement With the  
Immigration of Nazi Collaborators.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 1989

Mr. FRANK (for himself, Mr. SOLARZ, Mr. LANTOS, Mr. GALLO, Mr. SAXTON,  
Mr. CARDIN, and Mr. MORRISON of Connecticut) introduced the following  
bill; which was referred to the Committee on the Judiciary

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## A BILL

To establish a Commission to Investigate Federal Involvement  
With the Immigration of Nazi Collaborators.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the "Commission to Investi-  
5 gate Federal Involvement With the Immigration of Nazi  
6 Collaborators Act".

7 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

8       (a) **IN GENERAL.**—There is established a commission to  
9 be known as the Commission to Investigate Federal Involvement

1 ment With the Immigration of Nazi Collaborators (herein-  
2 after in this Act referred to as the "Commission").

3 (b) MEMBERS.—(1) The Commission shall be composed  
4 of seven members, who shall be appointed within ninety days  
5 after the date of the enactment of this Act, as follows:

6 (A) Three to be appointed by the President.

7 (B) Two members to be appointed by the Presi-  
8 dent from a list transmitted by the Speaker of the  
9 House of Representatives.

10 (C) Two members to be appointed by the Presi-  
11 dent from a list transmitted by the President pro tem-  
12 pore of the Senate.

13 (2) Each list transmitted under paragraph (1) shall con-  
14 tain the names of at least six individuals. In preparing such  
15 lists the Speaker of the House of Representatives shall con-  
16 sult with the minority leader in the House of Representatives  
17 and the President pro tempore of the Senate shall consult  
18 with the minority leader in the Senate.

19 (3) No individual who is an officer or employee of the  
20 Federal Government is eligible to serve as a member of the  
21 Commission.

22 (c) TERMS AND VACANCY.—Members shall be appoint-  
23 ed for the life of the Commission. Any vacancy occurring in  
24 the membership of the Commission shall not affect its powers

1 and shall be filled in the same manner in which the original  
2 appointment was made.

3 (d) MEETING.—The first meeting of the Commission  
4 shall be called by the President within one hundred and  
5 twenty days after the date of the enactment of this Act, or  
6 within thirty days after the date on which legislation is en-  
7 acted making appropriations to carry out this Act, whichever  
8 date is later. Thereafter, the Commission shall meet at the  
9 discretion of its Chairman or at the call of a majority of its  
10 members.

11 (e) QUORUM.—Four members of the Commission shall  
12 constitute a quorum, but a lesser number may hold hearings.

13 (f) CHAIRMAN.—The Commission shall elect a Chair-  
14 man and Vice Chairman from among its members. The term  
15 of office of each shall be for the life of the Commission.

16 (g) NO COMPENSATION BUT TRAVEL EXPENSES.—No  
17 member of the Commission shall be paid any compensation  
18 by virtue of service performed as a member of the Commis-  
19 sion. However, while away from their homes or regular  
20 places of business in the performance of services for the Com-  
21 mission, members of the Commission shall be allowed travel  
22 expenses, including per diem in lieu of subsistence, in the  
23 same manner as persons employed intermittently in the Gov-  
24 ernment service are allowed expenses under section 5703 of  
25 title 5, United States Code.



1 SEC. 3. DUTIES.

2 (a) GENERAL INVESTIGATION.—The Commission shall  
3 conduct a full and complete investigation of any efforts by the  
4 Federal Government to assist Nazi war criminals and Axis  
5 collaborators in entering the United States, including any  
6 such efforts to conceal their backgrounds and any knowledge  
7 by Federal officials of their backgrounds.

8 (b) SPECIFIC REVIEW.—In particular, the Commission  
9 shall determine—

10 (1) how many Nazi war criminals and Axis  
11 collaborators entered the United States with the  
12 assistance or knowledge of officials of the Federal  
13 Government,

14 (2) the nature and extent of such assistance and  
15 knowledge, including the levels of the officials who  
16 provided that assistance or had such knowledge, and

17 (3) the extent to which intelligence agencies of  
18 the Federal Government used deception or violated the  
19 laws of the United States in bringing these individuals  
20 to the United States, and the extent to which these  
21 agencies provided false or misleading information to  
22 Congress concerning their activities in this respect.

23 (c) REPORT.—The Commission shall submit a written  
24 report of its findings and recommendations to the President  
25 and the Congress as soon as practicable, but not later than  
26 eighteen months after the date of the first meeting of the

1 Commission under section 2(d). Such report may include rec-  
2 ommendations for such changes in law or regulations as may  
3 be required to safeguard against unlawful assistance in simi-  
4 lar cases.

5 **SEC. 4. POWERS OF COMMISSION.**

6 (a) **MEETINGS AND HEARINGS.**—For purposes of carry-  
7 ing out this Act, the Commission or, on the authorization of  
8 the Commission, any subcommittee or member thereof, may  
9 hold such hearings, sit and act at such times and places, take  
10 such testimony, and receive such evidence as it considers  
11 appropriate.

12 (b) **OBTAINING INFORMATION FROM FEDERAL AGEN-**  
13 **CIES.**—The Commission may secure directly from any de-  
14 partment or agency of the United States such information as  
15 the Commission may require to carry out its duties under this  
16 Act. Upon request of the Chairman of the Commission, the  
17 head of such department or agency shall furnish such  
18 information to the Commission.

19 (c) **SUBPOENAS.**—(1) In carrying out this Act, the  
20 Commission may require, by subpoena or otherwise, the at-  
21 tendance and testimony of such witnesses and production of  
22 any evidence that relates to any matter which the Commis-  
23 sion has the authority to investigate. A subpoena may be  
24 authorized and issued by the Commission in the conduct of its  
25 investigations only when authorized by a majority of its

1 members voting, a majority being present. Subpoenas may be  
2 issued over the signature of the Chairman of the Commission,  
3 or any member of the Commission designated by that Chair-  
4 man. The Chairman of the Commission, and any member of  
5 the Commission designated by the Chairman, may administer  
6 oaths to any witness.

7 (2) If a person issued a subpoena under paragraph (1)  
8 refuses to obey such subpoena or is guilty of contumacy, any  
9 court of the United States within the judicial district within  
10 which the hearing is conducted or within the judicial district  
11 within which such person is found or resides or transacts  
12 business may (upon application by the Commission) order  
13 such person to appear before the Commission to produce evi-  
14 dence or to give testimony relating to the matter under inves-  
15 tigation. Any failure to obey such order of the court may be  
16 punished by such court as a contempt thereof.

17 (3) The subpoenas of the Commission shall be served in  
18 the manner provided for subpoenas issued by a United States  
19 district court under the Federal Rules of Civil Procedure for  
20 the United States district courts.

21 (4) All process of any court to which application may be  
22 made under this section may be served in the judicial district  
23 in which the person required to be served resides or may be  
24 found.

1 (5) The Commission is deemed to be an agency of the  
2 United States for the purpose of applying part V of title 18,  
3 United States Code (relating to immunity of witnesses) to  
4 proceedings before the Commission.

5 **SEC. 5. ADMINISTRATIVE PROVISIONS.**

6 (a) **STAFF.**—(1) The Commission may appoint and fix  
7 the compensation of such personnel as may be necessary,  
8 without regard to the provisions of title 5, United States  
9 Code, governing appointments in the competitive service, and  
10 without regard to the provisions of chapter 51 and subchap-  
11 ter III of chapter 53 of such title relating to classification and  
12 General Schedule pay rates, except that the compensation of  
13 any employee of the Commission may not exceed a rate  
14 equivalent to the rate payable under GS-18 of the General  
15 Schedule under section 5332 of such title.

16 (2) Upon request of the Commission, the head of any  
17 Federal agency is authorized to detail to the Commission, on  
18 a reimbursable basis, any of the personnel of such agency to  
19 assist the Commission in carrying out its duties under this  
20 Act and such detail shall be without interruption or loss of  
21 civil service status or privilege.

22 (b) **USE OF EXPERTS AND CONSULTANTS.**—The Com-  
23 mission may obtain the services of experts and consultants in  
24 accordance with the provisions of section 3109 of title 5,  
25 United States Code, but at rates for individuals not to exceed

1 the daily equivalent of the minimum annual rate of basic pay  
2 payable for GS-16 of the General Schedule.

3 (c) ADMINISTRATIVE SERVICES.—The Commission  
4 may enter into agreements with the Administrator of Gener-  
5 al Services for procurement of necessary financial and admin-  
6 istrative services, for which payment shall be made by reim-  
7 bursement from funds of the Commission in such amounts as  
8 may be agreed upon by the Chairman of the Commission and  
9 the Administrator.

10 (d) SUPPLIES.—The Commission may procure supplies,  
11 services, and property by contract in accordance with the  
12 applicable laws and regulations and to the extent or in such  
13 amounts as are provided in advance in appropriations Acts.

14 (e) GIFTS.—The Commission may accept, use, and dis-  
15 pose of gifts or donations of services or property.

16 **SEC. 6. TERMINATION OF COMMISSION.**

17 The Commission shall terminate ninety days after the  
18 date on which the report of the Commission is submitted to  
19 the Congress under section 3(c).

20 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS; RESTRICTION**  
21 **ON CONTRACT AUTHORITY.**

22 (a) AUTHORIZATION OF APPROPRIATIONS.—To carry  
23 out the provisions of this Act, there are authorized to be  
24 appropriated such sums as may be necessary.

9

1       (b) RESTRICTION ON CONTRACT AUTHORITY.—Any  
2 authority under this Act to enter into contracts shall be effec-  
3 tive only to such extent or in such amounts as are provided in  
4 advance in appropriation Acts.

○

OCA 1386-89

**SUBJECT:** Request for Comments: Views Letter on H.R. 940  
(Commission To Investigate Nazi Immigration to U.S.)

OCA/LEG/ [redacted] (25Apr89)

STAT

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ONE HUNDRED FIRST CONGRESS

# Congress of the United States

## House of Representatives

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General Counsel  
89-01719

April 11, 1989

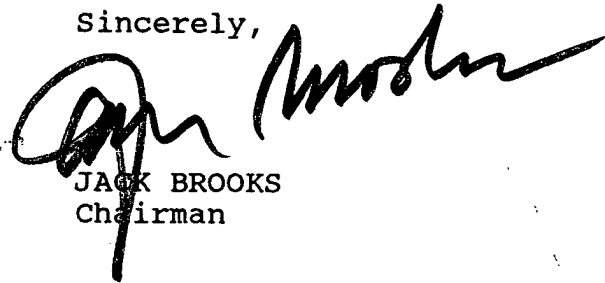
Honorable William H. Webster  
Director  
Central Intelligence Agency  
Washington, D.C. 20505

Dear Mr. Director:

Enclosed is a copy of H.R. 940, a bill pending before this Committee.

I shall appreciate your furnishing the Committee with an expression of your views on the proposed legislation.

Sincerely,



JACK BROOKS  
Chairman

cc: Office of Management and Budget  
Legislative Reference Division  
Room 7201, NEOB  
Washington, D.C.



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REPORT BY THE  
**Comptroller General**  
OF THE UNITED STATES

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## Nazis And Axis Collaborators Were Used To Further U.S. Anti-Communist Objectives In Europe--Some Immigrated To The United States

The Chairman, House Committee on the Judiciary, requested GAO to inquire (1) 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 (2) whether U.S. agencies worked with and protected Klaus Barbie, former Gestapo chief in Lyon, France.

GAO did not find evidence of any U.S. agency program to aid Nazis or Axis collaborators to immigrate to the United States. However, GAO did identify five Nazis or Axis collaborators with undesirable or questionable backgrounds who received some individual assistance in their U.S. immigrations. Two of them were subsequently protected from investigation. GAO cannot 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, GAO did not find any discrepancies between what it found and the Department of Justice's 1983 report which stated that Barbie had been employed and protected by a U.S. intelligence agency.



GAO/GGD-85-66  
JUNE 28, 1985

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COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON D.C. 20548

B-125051

The Honorable Peter W. Rodino, Jr.  
Chairman, Committee on the Judiciary  
House of Representatives

Dear Mr. Chairman:

This report is in response to your May 17, 1982, request that we investigate allegations that federal agencies aided the immigration of Nazi war criminals and collaborators to the United States and concealed their backgrounds once they were admitted. The report describes the conditions that existed following World War II and the actions U.S. intelligence agencies took in response to those conditions. These actions included the utilization of the above types of individuals, some of whom immigrated to the United States.

As arranged with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from the date of the report. At that time we will send copies to the Department of Justice, the Department of Defense, the Department of State, the Central Intelligence Agency, congressional committees with a jurisdictional interest, and other interested parties. Additionally, we will make copies available to others upon request.

Sincerely yours,

A handwritten signature in cursive script that reads "Milton J. Jordan".

Acting Comptroller General  
of the United States

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**EXECUTIVE SUMMARY**

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Allegations that Nazi war criminals immigrated to the United States have been publicly raised since the end of World War II. At the request of the Chairman, House Committee on the Judiciary, GAO addressed two questions:

--Were there any U.S. government programs to help Nazi war criminals and collaborators immigrate and to conceal their backgrounds?

--Did U.S. intelligence agencies work with and protect former Lyon, France, Gestapo chief Klaus Barbie?

---

**BACKGROUND**

After World War II, some 550,000 refugees and other displaced persons entered the United States under the Displaced Persons Act and the Refugee Relief Act. These acts, as amended, as well as other postwar legislation, prohibited immigration of war criminals and other persecutors. (See p. 1.)

Before World War II ended, the Allied nations of the United States, the United Kingdom, and the Soviet Union began planning to prosecute individuals who were believed to have committed war crimes. The Army's Counter Intelligence Corps was the U.S. military's primary group for finding and arresting Nazis. (See pp. 8 and 9.)

Although the United States and Soviet Union made agreements and cooperative efforts to bring Nazis to justice, postwar rifts between the two countries developed over such issues as the makeup of Eastern Europe and Middle East oil concessions. By mid-1946, U.S. intelligence units were being asked to obtain military and political data on the Soviet Union in the shortest time possible. The growth of Communist parties in France, Italy, Germany, and Greece further increased U.S. suspicion and mistrust of the Soviet Union. In March 1947 President Truman, addressing the Congress, asked Americans to make a global commitment against communism. (See pp. 13 and 14.)

U.S. intelligence units found themselves ill-prepared to obtain the information needed on Soviet intentions and capabilities. Wartime intelligence units had been disbanded and many experienced personnel had returned to private

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**EXECUTIVE SUMMARY**

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careers. Efforts began to build new organizations (the CIA was established in 1947) and to increase U.S. covert intelligence capabilities. (See pp. 14 to 16.)

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**RESULTS IN BRIEF**

As the Cold War began, U.S. intelligence units knowingly employed alleged Nazis and Axis collaborators in order to obtain information about Soviet intentions and capabilities. (See pp. 19 to 21.) GAO did not find evidence of any specific program to help such persons immigrate to the United States, and most of those used remained in Europe. (See pp. 25 and 26.) However, GAO did find some evidence that intelligence agencies aided Nazis and Axis collaborators to immigrate on an individual basis. Two of them were subsequently protected from investigation. (See pp. 29 to 35.)

A special 1983 Department of Justice report on Klaus Barbie found that U.S. Army Counter-Intelligence Corps officers had employed him, protected him from extradition to France where he was wanted for war crimes, and organized his escape to South America. The report commented that often there is a need for information that necessitates dealing with criminals, former enemies, and other undesirable persons.

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**GAO's ANALYSIS**

Lacking an intelligence network targeted against its former ally, the Soviet Union, U.S. intelligence units turned to European anti-Communist resources to fill information gaps. These resources included former German and East European intelligence operatives and East European emigre political groups. Among them were Nazis (including Gestapo and SS members) and members of East European Fascist organizations. They were considered invaluable as informants. For example, GAO was told that in order to learn more about German Communists, U.S. intelligence officers decided to question former Gestapo and SS members who had worked against such Communists. (See pp. 19 to 21.) GAO did note instances in which use of some Nazis and collaborators was rejected on the basis of their pasts. (See pp. 23 and 24.)

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**EXECUTIVE SUMMARY**

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**Immigration  
Assistance**

GAO analyzed the files on 114 Europeans (see pp. 5 and 6 for selection methodology) and identified 12 Nazis or Axis collaborations who immigrated to the United States and who appeared to have undesirable or questionable backgrounds. (See p. 18 for definition.) Of the twelve identified, GAO found that five received assistance; four of these had assisted U.S. intelligence agencies; and the fifth may have. Among the five were two alleged war criminals, a Nazi SS officer, a convicted conspirator in an assassination, and a traitor. (See p. 29.) The level of assistance varied. For example, one individual was brought into the United States under an assumed name (see p. 34); another was accompanied to the consular office by an intelligence officer whose agency followed up on the immigration. (See pp. 32 and 33.) The other seven immigrants, who were associated with U.S. or allied intelligence, were not given immigration assistance. (See pp. 35 to 40.) GAO could not generalize as to the total number of individuals whose immigrations were so assisted.

During the course of the review GAO had access to thousands of classified and nonclassified documents at all of the departments and agencies. GAO was not denied access to any documents requested; however, intelligence agencies often assign projects innocuous names which do not reflect the projects' purposes and, therefore, GAO cannot assure that it requested all relevant projects' files. In addition, some documents requested could not be located or had been destroyed. However, these instances were the exception rather than the rule. The deaths of certain officials and unclear recollections of others made it impossible to reconstruct certain situations and events. GAO cannot be sure that it obtained all relevant information or identified all Nazi and Axis collaborators whom U.S. agencies helped immigrate. However, GAO believes its review was sufficiently broad and unrestricted to state that this report fairly portrays the conditions that existed following World War II.

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**EXECUTIVE SUMMARY**

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Protection of  
Klaus Barbie

GAO detected no discrepancies between what it found in its independent evaluation of the documentation relating to Barbie and its own interviews and what was in the Department of Justice report. (See pp. 21 to 23.)

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**RECOMMENDATIONS**

This report is to provide information only. GAO is making no recommendations as the result of this work.

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**AGENCY  
COMMENTS**

The Department of State, the CIA, the Department of Justice, and the Department of Defense reviewed the report and had no comments or substantive suggestions for revising the report. (See p. 7.)

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### ABBREVIATIONS

|       |  |
|-------|--|
| CIA   | Central Intelligence Agency                        |
| CIC   | Counter Intelligence Corps                         |
| FBI   | Federal Bureau of Investigation                    |
| GAO   | General Accounting Office                          |
| INS   | Immigration and Naturalization Service             |
| OPC   | Office of Policy Coordination                      |
| OSI   | Office of Special Investigations                   |
| OSS   | Office of Strategic Services                       |
| SHAEF | Supreme Headquarters Allied Expeditionary<br>Force |

### GLOSSARY OF TERMS

Abwehr - The foreign and counterintelligence department of the German High Command of the armed forces.

Allies - The nations aligned against the Axis during World War II, consisting principally of the United States, Great Britain, and the Soviet Union.

Axis - The nations aligned against the Allies during World War II. It originally applied to Nazi Germany and Fascist Italy but later included Japan.

Gestapo - A secret police force dedicated to the maintenance of the Nazi regime by identifying and eliminating all dissidents, complainers, and opponents.

SS - Originally the black-shirted personal guard of Hitler, the SS served as a political police organization of the party dedicated to maintaining Nazi principles. It was also assigned the duty of administering concentration camps and extermination camps.

Allgemeine-SS - The overall body of the SS.

Waffen-SS - The military arm of the SS which became noted for its tough fighting qualities.

SD - The intelligence branch of the SS. The SD was responsible for the entire security of the Third Reich and included several police forces including the Security Police and the Criminal Police.

CHAPTER 1

INTRODUCTION

The Chairman, House Committee on the Judiciary, requested that we investigate allegations that federal agencies aided the immigration of Nazi war criminals and collaborators to this country and concealed their backgrounds once they were admitted. The term "alleged Nazi war criminal" has been a commonly used but somewhat misused term. The majority of the individuals investigated for illegally entering the United States, against whom war crimes allegations have been made, were not German Nazis but Axis collaborators. These collaborators came from countries which allied themselves with Nazi Germany or Fascist Italy, many of which are now under Communist rule, e.g. Latvia, Estonia, Rumania, Poland, and Hungary.

DISPLACED PERSONS AND REFUGEE  
LEGISLATION PROHIBITED IMMIGRATION  
OF WAR CRIMINALS AND OTHER PERSECUTORS

To help resolve the problem created by the presence in Europe of more than 1 million postwar displaced persons, measures were taken to facilitate the immigration of aliens to the United States. On December 22, 1945, President Truman issued a directive allowing 40,000 displaced persons to be admitted to this country. After studying this problem, Congress passed the Displaced Persons Act of 1948. Through June 30, 1953, 339,698 persons were admitted to the United States under the act, as amended.

The continuing concern of the United States about the displaced persons problem and the increasing numbers of refugees and escapees from behind the Iron Curtain led to the enactment, on August 7, 1953, of the Refugee Relief Act of 1953. This act permitted 214,000 aliens to become permanent residents of the United States above and beyond the admissions authorized under the then existing law (Immigration and Nationality Act, 1952). Of these 214,000 aliens, the vast majority were refugees and escapees from Communist persecution or from natural calamity or military operations.

The Refugee Relief Act and the Displaced Persons Act, as amended, contained provisions for barring entry to those who had advocated or assisted in the persecution of other persons on the basis of race, religion, or national origin. Section 13 of the Displaced Persons Act, as amended on June 16, 1950, provided that

"No visas shall be issued under the provisions of this Act, as amended, . . . to any person who advocated or

assisted in the persecution of any person because of race, religion, or national origin."

ALLEGED WAR CRIMINALS AND COLLABORATORS  
WERE ABLE TO ENTER THE UNITED STATES  
UNDER THE IMMIGRATION AND NATIONALITY ACT, 1952

In practice, it was difficult to exclude alleged war criminals and collaborators from immigrating into the country under the Immigration and Nationality Act, 1952, the permanent immigration law of the United States. Accordingly, the Immigration and Nationality Act, 1952, was amended on October 30, 1978, to exclude from admission into and to deport from the United States all aliens who, between March 23, 1933, and May 8, 1945, persecuted any person on the basis of race, religion, national origin, or political opinion under the direction of or in association with the Nazi government of Germany; any government in any area occupied by Nazi Germany; any government established with the assistance or cooperation of Nazi Germany; or any government which was an ally of Nazi Germany.

CONTROVERSY CONCERNING ALLEGED  
NAZIS IN UNITED STATES TRIGGERS  
GOVERNMENTAL RESPONSES

Since the end of World War II there have been allegations that of the thousands of displaced persons as well as others who entered the United States, a number of these people had participated in Nazi war crimes.

The Congress received testimony in the early 1950s that a number of aliens appeared to have been admitted to the United States despite adverse reports in the Berlin Document Center (a repository for captured Nazi records) of membership in the Nazi Party or its auxiliaries. Since the 1950s, newspaper articles, various publications, radio commentaries, and television programs have addressed allegations of war criminals in the United States.

In 1973 in response to continuing allegations, the Immigration and Naturalization Service (INS) established a Project Control Office in its New York district to give emphasis and priority to alleged Nazi war criminal cases. The Office began to more actively investigate, both domestically and overseas, alleged war criminals who resided in the United States.

In 1977 INS established within its headquarters the Special Litigation Unit. The unit's function was to coordinate and process all pending cases in which persons residing in the United States had been accused of having participated in war crimes and other forms of persecution. The creation of this unit was the culmination of a renewed emphasis placed on alleged

Nazi war criminals beginning in the early 1970s, largely as a result of the House Committee on the Judiciary's interest in these cases.

In September 1979 the Attorney General transferred the functions of the Special Litigation Unit to the Criminal Division of the Department of Justice which created the Office of Special Investigations (OSI). OSI has the primary responsibility for detecting, investigating, and, where appropriate, taking legal action to deport, denaturalize, or prosecute any individual who was admitted as an alien into or became a naturalized citizen of the United States and who had assisted the Nazis by persecuting any person because of race, religion, national origin, or political opinion.

Justice officials told us that the majority of the approximately 500 individuals investigated by OSI and the 26 cases in active litigation, as of June 1, 1985, concern individuals who were admitted under either the Displaced Persons Act or the Refugee Relief Act. Also, these officials told us that the 1978 amendment to the 1952 act has been used to charge individuals in all deportation proceedings filed by OSI.

GAO Previously Reported on United States' Involvement with Alleged Nazi War Criminals

In 1977 the Chairman, House Subcommittee on Immigration, Citizenship, and International Law, asked us to investigate allegations that federal agencies had obstructed investigations and/or prosecutions of alleged Nazi war criminals. In 1978 we issued a report<sup>1</sup> based on our review of the investigations of 111 individuals against whom allegations had been made. Although we could not find any widespread conspiracy to obstruct investigations, we could not rule out instances of undetected and isolated deliberate obstructions.

In that report, several agencies informed us that they had employed or had been associated with several of the individuals investigated. The Central Intelligence Agency (CIA) told us that it had contacted 22 of the individuals as sources of information, 7 of whom were paid for information or services provided. The CIA said its contacts with some of them came at a time when there was an acute shortage of intelligence on Soviet intentions and on developments in Eastern Europe. The Federal Bureau of Investigation (FBI) told us that it had a confidential relationship with two of the individuals. The Department of

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<sup>1</sup>Widespread Conspiracy To Obstruct Probes Of Alleged Nazi War Criminals Not Supported By Available Evidence--Controversy May Continue (GAO/GGD-78-73).

State had employed one individual as a consultant. The Department of Defense also had employed one individual. Of the 111 individuals, at least 3 had been assisted by federal agencies in entering the United States.

#### OBJECTIVES, SCOPE, AND METHODOLOGY

On May 17, 1982, the Chairman, House Committee on the Judiciary requested us to reopen our 1978 investigation. The Chairman's request followed allegations made on a television program that federal agencies made a conscious effort to illegally bring Nazi war criminals into this country and protect them once they were admitted.

Further discussions with the Chairman's office more specifically defined our objectives. As a result, we focused our efforts on whether there were any U.S. government programs to aid the U.S. immigration of suspected Nazi war criminals and conceal their backgrounds once they were admitted. In subsequent meetings, the committee expressed its concern that our investigation be "uninhibited" and that the resultant report be as detailed and complete as possible.

During our investigation there was extensive media coverage about the return of the former Gestapo chief of Lyon, France, Klaus Barbie, to France which raised the issue of collaboration between United States intelligence agencies and Nazi war criminals. There were allegations that United States agents protected Barbie from French officials, assisted his escape to South America, and paid him for information on other Nazis and for other intelligence information. Subsequently, the Committee requested us to include an investigation of this allegation in our evaluation. About the time we began our investigation of Barbie, the Department of Justice began a similar investigation. To avoid any duplication of effort, an agreement was reached with the OSI whereby OSI would conduct the investigation but would make all documentation available to us. This agreement was approved by the Committee.

In our 1978 report, the term "Nazi war criminal" was used in a generic sense. Most of the allegations and subsequent investigations that have been made over the years of aliens alleged to be Nazi war criminals in actuality involved Europeans who were Axis collaborators. For purposes of this report, collaborators are aliens from European countries that were allied with and supported by the World War II European Axis powers. They are referred to in this report as "Axis collaborators." As used in this report, the term "Nazi war criminal" refers only to aliens who were members of Nazi organizations and accused of war crimes. Also the term "alien" is used in this report to refer to individuals who were not native-born Americans although some eventually obtained naturalized citizenship.

Our investigation sought evidence that U.S. intelligence agencies brought certain Nazis and Axis collaborators into this country in contravention of the immigration laws. As part of our effort, we sought evidence of any program specifically developed to aid the immigration of these types of aliens into the United States. It was not our purpose to investigate whether Nazis or Axis collaborators, acting on their own, entered illegally.

Under the Displaced Persons Act and the Refugee Relief Act, over 550,000 immigrants entered the country. As noted on page 3, the majority of cases investigated by OSI concern aliens who entered through legitimate channels--displaced persons and refugee acts. We have no basis for estimating how many who entered by this means were ineligible due to past Nazi or Fascist activities.

We performed work in the headquarters offices of the FBI, CIA, INS, the National Archives, and the Departments of Defense, State, and Justice. Information was also acquired from the National Archive's Federal Record Center in Suitland, Maryland, and the U.S. Army's Central Security Facility at Fort Meade, Maryland.

We requested that the departments and agencies identify for us records or other sources of information on (1) alleged Nazi war criminals assisted by federal agencies into the U.S.; (2) any federal program or activity to assist alleged Nazi war criminals to enter the U.S. or aid them after their entry; (3) any efforts to withhold such information from the Justice Department, the Congress, or the General Accounting Office; and (4) any investigations or mutual studies related to the above. Additionally, we requested any and all information the departments or agencies had concerning the Office of Policy Coordination (OPC), a postwar covert intelligence agency.

Initially, we judgmentally selected 11 aliens to review from information provided by two private sources on 13 aliens. It had been alleged that six of these aliens had been war criminals or collaborators who may have been assisted by agencies of the federal government to enter the United States and that other federal agencies were cognizant of their entry. Also, in nine instances the aliens may have been sources of information for federal agencies. We asked the departments or agencies listed above for any information they had concerning the aliens in question, including those documents in their files that were originated from third parties, (i.e., documents obtained from sources outside the agencies holding the file).

We also reviewed U.S. intelligence personnel files on 103 other aliens including the 2 aliens not reviewed from the

initial allegations, in addition to organization and project files such as Radio Free Europe project files. Information in the agencies' files pertaining to the initial 11 aliens reviewed identified many of the other aliens. In reviewing their files, other aliens were identified but not all were reviewed. We reviewed only those files where other information indicated that the aliens may have been Nazis or Axis collaborators or members of Nazi or Fascist organizations who either (1) had contact with or participated in U.S.-sponsored intelligence operations, (2) had immigrated or sought to immigrate to the United States, or (3) were notorious aliens who had an association with a Nazi or Axis collaborator who had been a contact of U.S. intelligence agencies. In addition, some aliens were selected for review because information obtained from intelligence agencies' project or operation files indicated that they were East European or German and were aided by U.S. agencies in immigrating to the United States during the 10-year period from 1950 to 1960 and were old enough to have participated in World War II. Before our review of their files there was no indication of Nazi or Axis affiliations.

Files at the agencies relating to our investigation were not catalogued by whether a person had a Nazi or Axis collaborator past. As a result, there was not a universe of pertinent files by which, for example, a sample of Nazis or Axis collaborators could be drawn. Selection of files to review, therefore, became more an investigative process than an audit process.

Our work also included

- discussions with agencies' officials;
- discussions with 37 former government officials including intelligence personnel; and
- a review of literature and government publications on post World War II history as it related to the development of U.S. intelligence agencies.

During the course of the review we had access to thousands of classified and nonclassified documents at all of the departments and agencies. We were not denied access to any documents requested; however, intelligence agencies often assign projects innocuous names which do not reflect the projects' purposes and, therefore, we cannot assure that we requested all relevant projects' files. In addition, some documents requested could not be located or had been destroyed. However, these instances were the exception rather than the rule. The deaths of certain officials and the unclear recollections by others of events from the post World War II era made it difficult and/or impossible to reconstruct certain events, circumstances, and situations. As a result, we cannot be completely sure that we have obtained all

relevant information or that we have identified all Nazis and Axis collaborators assisted by U.S. agencies to immigrate to the United States. However, our review was sufficiently broad and unrestricted and we believe it fairly portrays the conditions that existed following World War II.

With the exception of Klaus Barbie, we have not disclosed the identities of the aliens reviewed. In addition, except where it was necessary to present certain information, we have not revealed the federal agencies involved with the aliens or the countries where such involvement took place. Disclosure of certain information identifying the agencies with the aliens, the locations of their activity, and the activities with which they were involved is classified and we wanted to issue an unclassified report. In addition, accusations of wrongdoing against most of the aliens are alleged, not proven. We discussed the aliens and their activities with OSI for possible investigation and prosecution. In no instance do we believe the nondisclosure of agencies, aliens, or locations of their activities detract from presenting accurately the nature of U.S. involvement with the aliens or any assistance provided their immigration.

#### AGENCY COMMENTS

This report was sent for review and comment to the Department of Justice with copies for the FBI and INS; the Department of State; the CIA; and the Department of Defense. The agencies had no comments or substantive suggestions for revising the report.



## CHAPTER 2

### POSTWAR RESOLVE TO DESTROY NAZISM IS

#### SUBORDINATED TO COLD WAR FEARS

Initially following World War II, the allies cooperated for the most part in seeing that Nazi war criminals were brought to justice and that alleged war criminals and Axis collaborators were returned to countries where they had been sought for crimes. Within 2 years of the war's conclusion, the United States perceived the Soviet Union and the spread of communism to be the greater and more immediate threat. A series of rifts with the Soviet Union resulted in a deterioration in East-West relations and the spread of communism in Eastern and Western Europe led President Truman to declare a global commitment to fight communism.

The United States, meanwhile, found itself ill-prepared to apply the tactics and strategy demanded by the Cold War. As it returned to a postwar peacetime economy, many of its most experienced intelligence officers had returned home and been discharged. Additionally, the United States' principal wartime espionage and covert action unit, the Office of Strategic Services (OSS), was being dismantled. What intelligence capability remained in Europe generally had been trained in counterintelligence techniques not in the espionage techniques<sup>1</sup> required by the Cold War, as were their less experienced counterintelligence replacements. Furthermore, the United States lacked extensive intelligence sources and networks targeted against the Communist threat. As concerns over the Soviets grew, so did the pressure on U.S. intelligence agencies in Europe to determine what Soviet intentions were.

While intelligence agencies in Europe tried to determine Soviet intentions, officials in Washington were identifying gaps in U.S. intelligence capabilities. To help fill those gaps, two new organizations were created--the CIA and the Office of Policy Coordination (OPC). These two intelligence entities were charged with developing clandestine intelligence collection and covert action capabilities, respectively.

#### ALLIES COMMITTED TO PUNISHING WAR CRIMINALS

As the war in Europe marched toward its conclusion, the allied nations prepared to prosecute individuals who were

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<sup>1</sup>Espionage is the act of spying to learn the secrets of another government. Counterintelligence refers to the efforts taken to prevent another government from succeeding in its espionage.

believed to have committed war crimes, including the European Axis leaders and their principal agents and accessories. As early as 1943 the United States, the United Kingdom, and the Soviet Union had agreed (Moscow Declaration) to return for prosecution alleged Axis war criminals to the country where their crimes had been committed. For several years, the allied governments had knowledge of Axis war crimes and each nation had its own list of wanted war criminals. The United Nations War Crimes Commission was established to centralize the listing of alleged war criminals.

As the allied armies advanced toward Germany, each captured prisoners of war among whom might be persons wanted by other nations for war crimes. In early 1945, the Supreme Headquarters Allied Expeditionary Force (SHAEF) recognized the need for a clearinghouse to exchange information among nations about individuals wanted for crimes and individuals in custody. As a result, SHAEF created the Central Registry of War Criminals and Security Suspects.

Each allied nation submitted information to create a centralized listing. This listing, periodically updated and distributed to all the allies, contained known particulars such as nationality, rank, military unit, and if applicable, date and place of crime about all security suspects<sup>2</sup> and alleged war criminals. The first list published in July 1945 contained approximately 70,000 names. At that time officials estimated that the number of security suspects alone numbered more than 200,000.

The Counter Intelligence Corps (CIC) was the U.S. military's principal group for hunting and arresting Nazis. Color coded cards, referred to as SHAEF cards, identified individuals wanted as security suspects or war criminals and were distributed to all CIC regions to alert them to individuals subject to arrest. However, individuals who belonged to certain organizations such as the SS, Gestapo, or Nazi Party and/or were of a certain rank or higher were subject to automatic arrest whether or not they had been identified on a SHAEF card. Immediately following Germany's collapse, the CIC's primary missions were processing displaced persons and hunting and arresting Nazis.

According to an ex-CIC officer, many Nazis sought to evade arrest. Some used false identity documents. In anticipation of Germany's collapse, the Nazi intelligence services prepared false documents and distributed them to selected individuals. In the case of Waffen-SS members, who had a small "SS" tattoo

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<sup>2</sup>Security suspects included members of the Nazi SS, SD, Gestapo, and various other Nazi organizations.

under one arm, false documents could not provide complete anonymity. The CIC was aided in locating and identifying Nazis by non-Nazi Germans and other Nazis, including former SD and Gestapo Nazis, who informed on those who hid from arrest or who carried false documents.

Individuals arrested were kept in detention facilities or prisoner of war camps until their wartime backgrounds could be verified, possible involvement in crimes determined, and their subjectibility to prosecution decided. Prosecutions were accomplished at various levels and by various courts or tribunals. For example, the International Military Tribunal at Nuremberg tried the principal Nazi officials and war criminals;<sup>3</sup> military tribunals of the various allied governments conducted trials for crimes committed against its country's personnel; various national courts tried Nazis who had committed crimes within the respective nation as well as accused traitors and collaborators; and denazification proceedings were held in Austria and Germany to purge those countries of all traces of Nazism.

Although the CIC was hunting and arresting Nazis, the following indicates that U.S. authorities may have protected some. In 1950, a U.S. intelligence officer in a cable to another intelligence officer stated that some Nazis were protected by U.S. intelligence at the end of the war. He stated,

"At the end of the war we tried to be very smart and changed the names of several members of the SD and Abwehr in order to protect them from the German authorities and the occupation authorities. In most cases these persons were so well known that the change in name compromised them more than if they were to face a denazification court and face the judgments which would have been meted out to them. In the meanwhile, the developments in Germany and probably also in Austria have been such that membership in the SS, or in the SD, or in the Abwehr no

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<sup>3</sup>The International Military Tribunal at Nuremberg found the SS to be a criminal organization guilty of persecuting and exterminating Jews, of brutalities and killings in concentration camps, of excesses in the administration of occupied territories, of administration of the slave labor program, and of mistreatment and murder of prisoners of war. The Allgemeine-SS was a part of the SS specifically cited by the Nuremberg Tribunal to be criminal. Both the SD and Gestapo were declared to be criminal organizations by the Nuremberg Tribunal because of their programmatic and massive participation in the commission of war crimes and crimes against humanity.

longer is regarded as a strike against any personality."

We interviewed the former intelligence officer who authored the 1950 cable. He could not recall any aspect of his statements. Several other former intelligence officers we interviewed about these statements denied any knowledge of such postwar actions.

AXIS COLLABORATORS WERE  
DIFFICULT TO IDENTIFY  
AND NOT VIGOROUSLY PURSUED

Although the allies were committed to punishing Nazi war criminals, East European Axis collaborators were not pursued as vigorously because the allies could not easily identify them. Reasons given by several ex-CIC officers interviewed include the following.

- Collaborators often camouflaged themselves among the masses of displaced persons and those persecuted by the Nazis. Except for some of the more prominent or notorious collaborationist leaders, collaborators were not well known. Collaborators, especially less prominent ones, who infiltrated displaced persons camps, often assumed false identities and/or backgrounds. In addition, the documentation that supported or refuted displaced persons' backgrounds, if it existed, was located in areas now under Communist control and was unavailable to the CIC. Extensive personnel records like those which the allies established for the Nazis did not exist for the collaborators.
- Following the war, many CIC personnel were inexperienced and lacked necessary skills. Experienced CIC personnel returned home and their replacements generally were believed to be politically naive, especially as to their knowledge of East European political groups. Furthermore, few interrogators were skilled, a necessary requirement given the absence of bona fide identity documents. Injecting further difficulty into an already difficult interrogation (given a collaborator's inclination to lie about his past) the CIC investigators often did not speak East European languages. As a result, investigators used displaced persons who spoke some English or German but who were not trained interpreters.
- Time constraints and the large volume of persons desirous of immigrating overwhelmed the CIC investigators. Pressures caused by humanitarian concerns were placed on investigators by relief agencies, U.S. relatives, and the Congress to expedite their investigations. At some point, a goal was set to complete investigations within

30 days. As a result, the investigations were often shallow and cursory.

Several ex-CIC officers told us that they would not be surprised if Axis collaborators used the displaced persons camps as a steppingstone to gaining U.S. admission. One ex-officer said gaining admission by this route would have been relatively easy.

United States Reluctant to Return  
Some Alleged War Criminals and  
Collaborators for Trial

Despite the Moscow Declaration and U.S. policy which authorized forcible repatriations of war collaborators requested by their governments, the United States, in at least three instances we identified, was reluctant or refused to return wanted war criminals and collaborators. As early as July 1945, U.S. officials sought policy guidance regarding requests for alleged war criminals where demands for their return were motivated by purely political reasons. Officials also questioned the fairness of trials accused criminals would receive once repatriated because some European governments were relatively unstable. And lastly, officials refused to return alleged criminals to one country with whom the United States had not granted political recognition.

U.S. officials were sensitive that United States reluctance to repatriate accused criminals and collaborators could be viewed by some requesting countries as harboring war criminals. Despite this concern, some State Department officials, responding to information on the lack of justice in Yugoslavia, advocated a policy that would refuse to deliver accused individuals to countries where trials were unfair. The information the State Department received on Yugoslavia in November 1946 asserted that

"There is no justice here in our sense of the term. Accused often has no access to counsel, courtroom crowd is hostile, judges prejudiced and in attitude indistinguishable from prosecutor, defense prevented from introducing documents or witnesses."

Responding to these concerns, U.S. authorities established a policy that required requesting countries to submit documentation establishing both the accused's identity and his/her prima facie guilt. Officials hoped that careful screening of requests would prevent repatriating political refugees. In the case of Yugoslavia, the screening policy meant that, of its 700 surrender requests, the United States, as of December 1946, had agreed to surrender 110 individuals, if they could be found in U.S. or allied jurisdictions. Of the 110 individuals, about 20 had been turned over to Yugoslavia.

The United States also believed that many alleged Albanian war criminals were wanted primarily for political reasons. However, this was not the reason alleged war criminals were not repatriated to Albania. Instead, alleged criminals were not returned because the United States had not officially recognized the postwar Albanian government.

U.S.-SOVIET RELATIONS DETERIORATE  
AND THE COLD WAR ENSUES

Immediately after the war, the United States made an effort to maintain good relations with the Soviets. For example, in June 1945, shortly after his capture, a Nazi foreign intelligence officer proposed turning over to American military forces an organized East European intelligence network operating in several countries against Russia. After considering the proposal, OSS officials recognized that any exploitation of the network would have "tremendous political implications" both in Europe and the United States. They believed the German's offer was an attempt to stir up trouble with the Soviets. Therefore, they recommended that every detail of the network be obtained from the officer and provided to the Soviets for counter espionage purposes.

After verifying the network's existence, U.S. authorities contacted the Soviet secret intelligence chief in Moscow and proposed a joint effort to destroy the German network. The proposal to destroy the network was authorized by the Joint Chiefs of Staff.

Despite agreements and cooperative efforts to destroy Nazism, rifts between the United States and the Soviet Union occurred after the war. The makeup of postwar Eastern European governments, Middle East oil concessions, and control of the Dardanelles and with it access to the Mediterranean were among some of the U.S.-Soviet disagreements that grew into crises. In March 1946, concerned over the growing belligerency of the Soviet Union and ignorant of its military strength, U.S. intelligence agencies were directed to "produce the highest possible quality of intelligence on the U.S.S.R. in the shortest time possible." By mid-1946, officials believed that the Soviets were intent on world domination and by late 1946 cabinet officials were preoccupied with the Soviet threat.

By 1947, U.S. counterintelligence officials in Germany were already aware that Soviet and East European intelligence agents were operating against U.S. targets. According to a former intelligence officer, refugees entering the U.S. zone in Berlin claimed to have been recruited by Soviet intelligence, and other refugees, already in the zone, claimed to have been beaten by Soviet agents seeking information on U.S. installations and

personnel. Other former intelligence officials interviewed generally agreed that it was about this time that intelligence priorities began to shift from concerns about Nazi and neo-Nazi activities to concerns about Soviet aims and plans.

Concerns over Soviet aims and plans were further fueled by the rise of Communist parties in France, Germany, Greece, and Italy. These parties had been strengthened politically by their roles in the resistance against the Nazis. U.S. officials feared that the Communist parties in these countries were responsible to and directed by Moscow and, in some areas, were of sufficient strength to assume power. Indeed the first cabinet of the new French Republic, although not controlled by the Communists, contained four Communists including the minister of defense.

The threat of Communist world domination was eventually recognized as a threat to which the United States had to respond. Not only had European Communist parties emerged politically strengthened, but the armies of the Soviet Union stretched across the center of Europe. On March 12, 1947, President Truman addressed the Congress asking Americans to join in a global commitment against communism. Although the United States continued its commitment to repatriate war criminals, the spread of communism had become a greater threat than the reemergence of Nazism. The Cold War had officially commenced.

COLD WAR PRESSURES REVEAL  
WEAKNESSES IN POSTWAR U.S.  
INTELLIGENCE CAPABILITIES

As the Cold War began, U.S. intelligence agencies in Europe found themselves ill-prepared to respond to the Communist threat. At the end of the war, U.S. forces demobilized, the OSS dismantled, and many of the more experienced intelligence agents returned to the United States and resumed their private careers. Their replacements, besides being inexperienced, were believed by some former intelligence officers we interviewed to be philosophically and politically naive. Furthermore, according to former intelligence officers, the majority of intelligence officers then in Europe had been trained in counterintelligence techniques, not in espionage techniques needed for the Cold War. Additionally, because U.S. intelligence had not previously been directed to collect clandestine intelligence or conduct covert operations against the Soviet Union and its allies, it had not developed extensive intelligence sources and networks targeted against the Communist threat. Pressure on intelligence agents in Europe to obtain information on Soviet aims and plans and on West European Communist parties intensified.

Despite the dismantling of the OSS, the War Department maintained a remnant of the OSS' clandestine collection activity which it named the Strategic Services Unit. In a report dated April 23, 1976, the Senate Select Committee To Study Governmental Operations with Respect to Intelligence Activities reported that the Strategic Services Unit in mid-1946 was merged into the Central Intelligence Group--the predecessor of the CIA. The Strategic Services Unit, which was intended to be only temporary, was renamed the Office of Special Operations. This Office provided the Central Intelligence Group with espionage and counterespionage abilities it, heretofore, had lacked. The Central Intelligence Group, as reconstituted, became the CIA in July 1947 when the National Security Act was passed.

In the year that followed the CIA's creation, much occurred to fuel fears caused by the Soviet threat. In August 1947, Communists took over Hungary and in February 1948 Czechoslovakia fell victim to a Communist coup. At the same time, France and Italy were besieged by a wave of Communist-inspired strikes.

According to the 1976 Senate Select Committee report, in March 1948 a war scare gripped the U.S. Government. This scare resulted from a cable sent by General Clay, Commander in Chief, European Command, to the Director of Intelligence, Army General Staff, which stated, "I have felt a subtle change in Soviet attitude which I cannot define but which now gives me a feeling that it [war] may come with dramatic suddenness." The Select Committee reported that, on the basis of intelligence estimates, no evidence existed that the Soviets would start a war. However, the response to Clay's cable had illustrated the suspicion and fear of the Soviet Union that existed in government circles. In June 1948, that fear was heightened further when the Soviets instituted a blockade of the western sectors of Berlin.

Describing the mood that existed in Washington intelligence circles during this period, a former intelligence officer stated that the mood was the same as if the United States were at war. He added that an attitude prevailed during this period that "any SOB who was against the Russians was our SOB." Another former officer said "we would have slept with the devil to obtain information on communists."

The fear that was generated by General Clay's March 1948 telegram was due in large part to the lack of intelligence the United States had on Soviet intentions. The inadequacy of U.S. intelligence at that time is reflected in a March 1948 State Department policy proposal draft. The Department's proposal recognized that U.S. intelligence on the Soviet Union and the Soviet-dominated Iron Curtain countries was deficient and as a result inhibited the United States' ability to engage in a political and psychological conflict with the Soviet Union. To



overcome this problem and close the intelligence gap, the State Department proposed in part that U.S. intelligence systematically screen and utilize refugees from the Soviet world and, in addition, encourage the elite of the Soviet world to defect to the West.

In fact, many former East European government officials and refugees had already offered their services to the United States in the hope of eventually overthrowing the Communist regimes in their countries. According to a former State Department official, some former East European officials sought U.S. political recognition as governments-in-exile and although sympathetic, the political realities, however, demanded that the United States recognize the Communist regimes in power. The official stated that since the State Department had to deal with the Communist governments it could not support organizations which sought to destabilize them. Instead, it favored clandestine support for these groups by an intelligence agency.

While the State Department's proposal was being considered, U.S. officials also recognized that U.S. intelligence needed to significantly improve its covert capabilities. As a result, in June 1948 the National Security Council created the Office of Special Projects which was subsequently renamed the Office of Policy Coordination (OPC). OPC was established as a component of the CIA. However, OPC had its own director, and it received policy guidance directly from the Departments of State and Defense, bypassing the Director of Central Intelligence. In creating OPC, the National Security Council delegated to it responsibility for instituting several of the State Department's March 1948 proposals.

Following its creation, OPC's staff, budget, and the scope of its activities significantly increased. As documented in the 1976 Senate Select Committee report, OPC's staff increased from 302 in 1949 to 2,812 in 1952 plus 3,142 overseas contract personnel. For the same years its budget went from \$4.7 million to \$82 million. At the outset, OPC's activities, which were concentrated in Western Europe, were directed primarily toward four operational areas: refugee programs, labor activities, media development, and political action. Among the projects sponsored by OPC during this period were Radio Free Europe and Radio Liberty.

#### Conflicts Between CIA and OPC Develop but are Settled by Merger

The growth of the OPC led to antagonisms between it and the CIA's clandestine intelligence component, the Office of Special Operations. As reported in the 1976 Senate Select Committee report, organizational rivalry dominated the relationship between

the two organizations. According to the Senate report, the Director of Central Intelligence, Admiral Roscoe Hillenkoetter, resented that he had no management authority over OPC and frequently clashed with the State and Defense Departments as well as the OPC Director over this fact.

On the operating level, the conflicts were also intense. Both the Office of Special Operations and OPC had representatives conducting separate but occasionally overlapping operations at each field station. Given the related missions of the two, OPC and Office of Special Operations were often competing for the same agents and, not infrequently, attempting to wrest agents from each other. One former Office of Special Operations officer told us that in 1950 both he and an OPC counterpart had similar but separate and uncoordinated projects to infiltrate agents into one East European country. He recalled one attempt when both projects parachuted agents into the same area at the same time. He stated that they were practically jumping on one another.

In October 1950, General Walter Bedell Smith was appointed the Director of Central Intelligence. Shortly after his appointment, General Smith was given administrative control of OPC and with it both State and Defense Departments' policy guidance was channeled through him rather than directly to OPC. General Smith made several changes to improve coordination between the Office of Special Operations and OPC but rivalry and antagonism persisted. In August 1952, General Smith decided to settle the rivalry by merging the two offices thereby creating the CIA's Directorate of Plans.

CHAPTER 3NAZIS AND AXIS COLLABORATORS EMPLOYED BY U.S.INTELLIGENCE IMMIGRATED TO THE UNITEDSTATES--SOME WERE ASSISTED BY FEDERAL AGENCIES

The outbreak of the Cold War found U.S. intelligence agencies' ill prepared to respond to it and caused them to seek out resources that could be immediately utilized against the Communists. Included among those employed were former Nazis and East European Axis collaborators. Although we were told by various intelligence officers that war criminals were not supposed to be used, some were. In addition, although most U.S.-employed Nazis and collaborators remained in Europe subsequent to their employ, some were assisted by U.S. agencies to emigrate to other countries including the United States.

Out of 114 aliens selected for review, we identified five with undesirable or questionable<sup>1</sup> backgrounds who were employed by U.S. intelligence agencies and who received some form of assistance to immigrate to the United States. In addition, we identified seven aliens with undesirable or questionable backgrounds who immigrated to the United States without any identifiable assistance. Among the five assisted aliens were the following: two alleged war criminals; a former Nazi Allgemeine-SS officer; a convicted conspirator in an assassination; and a traitor. In each of these five cases, the aliens were aided individually, not as part of a specific aid program for ex-Nazis and collaborators.

Although the above aliens were not assisted as part of a specific program to aid former Nazis, several programs to aid the resettlement of U.S.-employed foreign agents were identified; none of which was specifically established to aid Nazis or

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<sup>1</sup>An alien with an undesirable or questionable background is one who could have been challenged for admission to the United States on the basis of immigration law. Among aliens included in this category are alleged war criminals, Axis collaborators, convicts, and officials in illegal Nazi organizations. In addition, an alien with an undesirable or questionable background is one who may not have been excludable from U.S. immigration under the applicable law then in effect. However, had the alien applied under prior or subsequent immigration laws or other immigration laws in effect at the time of application, he/she could have been excludable. Also included are aliens with alleged derogatory backgrounds which could not be substantiated by investigation.

Axis collaborators. The programs resettled aliens in various countries including the United States. In addition, each program was coordinated with the State and Justice Departments and each alien who immigrated to the United States with assistance appears to have had some pre-immigration review by those agencies.

NAZIS AND THEIR AXIS COLLABORATORS  
WERE EMPLOYED BY U.S. INTELLIGENCE  
AGENCIES

Because of the perceived Communist threat, the resulting time-critical need for intelligence, and the United States' lack of an intelligence espionage network in Eastern Europe, U.S. intelligence used anti-Communist resources that had immediate intelligence potential. These resources included former German and East European intelligence operatives and East European emigre political groups with contacts in Eastern Europe. Although the aliens employed could have been Nazis or other Fascists, former intelligence officers told us that it was generally agreed that alleged war criminals would not be employed. On the other hand, these officers did not know of any guidance prohibiting the use of such aliens and we found none. According to the Department of Justice's 1983 report on Klaus Barbie and the results of our investigation, individuals alleged to be war criminals were used by U.S. intelligence agencies.

Former U.S. intelligence officers told us and our review of intelligence files confirmed that ex-Nazis, including Gestapo, SS, and members of East European Fascist organizations, were employed by U.S. intelligence. However, as one former intelligence officer stated, the use of some of these aliens may have been a mistake but it was a mistake committed without malice. He added that their use was a matter of weighing their present value versus their past history. Another former intelligence officer also endorsed this present value justification. He told us that if a person was a war criminal, the decision of whether or not to use him depended on what he could do for you.

As previously noted in chapter 2, former Gestapo and SD members were used to help locate other Nazis who qualified for automatic arrest. Those former Nazis used in this manner had already been apprehended and in return for their satisfactory performances were promised that such service would be favorably considered in the disposition of their cases. The CIC reported that an appreciable quantity of high-grade arrests were made possible solely through the cooperation of these former Nazis. As a result of their successful use, one CIC detachment's report concluded,

"Their [ex-Nazis] contacts and experiences make them invaluable as informants, and the advantages which

can be derived from putting them to work far outweigh those risks inherent in placing trust in such persons."

A former U.S. intelligence officer told us that around 1947 the German Communist Party was considered a threat and had, therefore, been designated as a principal U.S. intelligence target. At that time U.S. intelligence did not generally know who the German Communists were but did know that the World War II German security services, specifically the Gestapo, also had targeted the Communist Party. U.S. intelligence decided to question former Gestapo and SS members who had experience working against German Communists. Specifically, individuals with experience in running operations and agents were sought, rather than higher level Nazis who had no operational expertise.

According to this officer, Nazis with operational experience against the German Communists were sought from all over Germany. Potential recruits were interrogated to determine, among other things, their knowledge of the German Communist Party and its members and whether during the war they had beaten or tortured Communist prisoners to extract information. He stated that they preferred to question those who had not employed beatings because they were usually the "smart operators." He added that those who were selected were mostly pre-Hitler police professionals who were motivated to join the Nazi party for career betterment rather than ideology or were forced to join. Another former intelligence official confirmed the above but added that some of the former police were not all "clean" and may have employed or threatened violence to extract information.

One former U.S. intelligence officer told us that when the Soviets blockaded Berlin, U.S. intelligence was under tremendous pressures to determine what the Soviet armored divisions were planning. He stated that the information was needed quickly and intelligence networks could not be built in time. As a result, they purchased networks that could be used immediately. He added that morality was not a consideration then. His superiors were only concerned with results, not the ways and means by which results were accomplished.

Several former intelligence officers told us that during the mid-1940s, intelligence officers had a good deal of discretion to operate and to obtain their intelligence sources. Organizationally, operations were decentralized and decisions about using informants were left to the operating groups. When the United States initially recognized and reacted to the Soviet threat, there was little direction in identifying intelligence needs and targets. Additionally, no uniform way had been established for handling agents or for determining their quality and reliability. U.S. intelligence agencies did not institute

standard operating procedures and tighter informant controls until the late 1940s.

We asked a former intelligence officer why U.S. intelligence would employ Nazis to fight Communists. He replied that one could not use Communists to fight Communists but you could use Nazis because they were the Communists' natural enemies. He added that since the war, U.S. targets had changed and, therefore, the use of Nazi SS-types was necessary. However, although he believed they were necessary, he said he did not trust them. He found that some of the former SS-types were experienced "operators" who took advantage of the young, less experienced U.S. agents. Some SS-types were operating "papermills" (preparing fake information or selling information to several different agencies) or were involved in blackmarketeering.

Klaus Barbie aided by  
U.S. intelligence agency

The U.S. intelligence officers we interviewed said they had no knowledge of assistance provided to any war criminal or collaborator to immigrate to the United States. According to former intelligence officers, the services of most aliens and informants were terminated without providing them with assistance to any country.

However, on March 14, 1983, the Attorney General directed the Special Assistant to the Assistant Attorney General, Criminal Division, to conduct an investigation of the relationship between Klaus Barbie, former Gestapo chief in Lyon, France, and the United States Government from the end of World War II to the present. The resultant report<sup>2</sup> found that officers of the U.S. Army's Counter Intelligence Corps (CIC) employed Klaus Barbie, protected him from extradition to France where he was wanted for war crimes, and organized his escape to South America.

The report concluded, in part:

"It is true that the obstruction of efforts to apprehend and extradite Barbie were not condoned in any official sense by the United States government. But neither can this episode be considered as merely the unfortunate action of renegade officers. They were acting within the scope of their official duties. Their actions were taken not for personal gain, or to shield them personally from liability or discipline, but to protect what they believed to be the interests

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<sup>2</sup>Klaus Barbie and the United States Government, a Report to the Attorney General of the United States, August 1983.

of the United States Army and the United States government. Under these circumstances, whatever may be their personal culpability, the United States government cannot disclaim responsibility for their actions. . . ."

. . . . .

"The use of Barbie is a difficult question. But there can be . . . no meaningful or enforceable regulation to define whom intelligence agencies may and may not use as informants. The very nature of intelligence gathering abroad requires the use of informants and it would be grossly unrealistic to require that they be subject to the same standards of character, uprightness and conduct that are required for, say, civil or military service with the United States government. . . ."

"But given the almost infinite variety of circumstances that an intelligence agency encounters in the course of its operations, it would be exceedingly difficult to define a class of eligible informants based on their background or status. And any such line-drawing would require the comparison of . . . two fundamentally dissimilar considerations. . . the need for information of strategic importance versus the repugnance of dealing with criminals, or former enemies, or brutal thugs, or officials of evil institutions. Even if there were a consensus on whom we ought not to deal with, any workable definition would be so broad as to be useless to those who must apply it, or so narrow that it would be of little practical significance.

Such a task would have been easier in the immediate post-war years as applied to those Nazis whom we could agree to exclude. Depending on the breadth of the consensus, it could have excluded use of Nazi party officials, SS officers, Gestapo officers, suspected war criminals, convicted war criminals, or any combination of these or other categories."

In order to evaluate the Department of Justice's investigation and report, we independently interviewed nine former intelligence officers who had been associated with or involved in events surrounding Barbie and reviewed intelligence agencies' files. In addition, we reviewed documentation gathered by the Department. We did not find any discrepancies between the Department's report of August 1983 and documents and files we reviewed and the individuals we interviewed.

Although U.S. intelligence employed former Fascists, some others were unacceptable

Although U.S. intelligence employed former Nazis and their Fascist collaborators, intelligence files showed that the use of some former Nazis and collaborators was eschewed. Although we found no written guidance prohibiting the use of alleged war criminals or collaborators, we did find several instances where the use of some aliens was rejected because their usefulness was compromised by their wartime pasts. In some cases their use was rejected because knowledge of their employment would have been an embarrassment to the United States.

An example of the foregoing was the case of a former Nazi SS intelligence officer who was employed by a U.S. intelligence agency and was a possible war criminal. In March 1948, 3 months after being released from confinement, this former Nazi intelligence officer was in contact with a U.S. intelligence agency for whom he would shortly control two penetration and espionage networks in Eastern Europe. However in June 1949 another U.S. intelligence agency criticized using this former Nazi. It complained that he was a potential security threat, a Nazi ideologue who was bound to attract other nefarious Nazis.

About a month later, both networks were dropped and the former Nazi was let go. (The former Nazi was not resettled.) In a memorandum for the record, the organization's chief of operations wrote the following

". . . although an excellent intelligence man, he is considered dangerous. We have been requested many times by other U.S. intelligence agencies in Europe to discontinue our support . . . since he was an SD leader and is feared by all present intelligence factions . . . The reason that he is feared is that he was a notorious intelligence man in his day and actually a war criminal, who was exonerated at Nuremberg due to the fact that he became a State's witness."

The action was consistent with an April 1947 memorandum provided to another intelligence officer which indicated that one U.S. intelligence organization prohibited the employment of war criminals. (However, we could not find written agency guidance to this effect.) The April 1947 memorandum discussed the possibility of recruiting a former German Abwehr officer, and contained the following instructions:

"It is requested that [intelligence officer] read this report carefully and discuss with you the possibilities of recruiting [Abwehr officer] as an operative . . . We would be willing to finance him



and give him other assistances and would permit him to build his own organization under our supervision. . . . [intelligence officer] should check on [Abwehr officer's] present activities and determine . . . whether or not [he] is disqualified for work with us by virtue of criminal activities during the war, Nazi connections, etc."

Perhaps the quandary intelligence officers encountered over whether or not to use Nazis is best summarized by one officer's 1953 statement concerning their use.

". . . but one thing you can't deny is that the West is fighting a desperate battle with the East--with the Soviets--and we will pick up any man we can who will help us defeat the Soviets--any man no matter what his Nazi record was. Possibly not the worst ones--the war criminals--but a man in [his] category certainly would be acceptable to the West."

Axis collaborators--some  
were not Fascists but  
were anti-Communists

Among aliens employed by U.S. intelligence to fight communism were aliens who belonged to Axis collaborationist groups. We found that Axis collaborators had different reasons for supporting Germany. Although many collaborators were anti-Communist Fascists and pro-Nazi, other collaborators were anti-Communist but not particularly pro-Nazi. U.S. intelligence agencies used both types of collaborators after the war to fight communism.

During World War II, in several countries (e.g., Yugoslavia, Albania, and Czechoslovakia), various political or ethnic factions were fighting civil wars for control of their countries. Some groups aligned with the Allies were Communist-dominated. These Communist-dominated groups received allied aid and material which were used in part for the civil war. Some organizations competing with the Communist partisan groups for their countries' control found themselves in a tenuous position which the Germans exploited. Unable to receive allied aid to fight the Communists, they accepted German aid. Other anti-Communist groups at various times fought against both the Communists and the Germans and at various times received both German and allied aid.

A 1944 U.S. intelligence report on one East European non-Communist group helps to explain the Communist fear prevalent at that time which led people to collaborate with the Germans. The report called the group an agglomeration of individuals held together by their hatred of communism, anarchism, and terrorism

and by their fear of what would happen if the partisans succeeded in imposing their doctrine on the country. The report stated that the group's leaders included men of undoubted patriotism and high principles who knowingly aligned themselves with the Germans against the partisans. The report speculated that perhaps these men believed that the danger of communism was more pressing than the "benevolent" German occupation or perhaps they believed the German propaganda that the allies would join Germany to defeat Russia.

INTELLIGENCE AGENCIES INITIATED  
PROGRAMS TO AID DEFECTORS AND  
FORMER AGENTS TO EMIGRATE

With the exception of Project Paperclip (see p. 28), our review of agencies' files did not disclose any program instituted specifically for assisting Nazis or their collaborators to immigrate to the United States. Our investigation found that while most aliens employed by intelligence agencies did not receive immigration assistance and remained in Europe, many aliens, including some of those employed, were aided in immigrating to the United States and other countries.

One program we identified was established by the CIA in the early 1950s to, among other things, resettle some Soviet and East European defectors and some terminated CIA-employed aliens to other countries from the European area. Resettlement benefits accrued to aliens based on their cooperation, the length of their relationship, and the significance of their contribution to U.S. intelligence and its objectives. The documentation we reviewed showed that roughly 30 percent of these aliens were resettled in the United States and the majority of these were defectors. In addition, the documentation on the program and the cases we reviewed showed that U.S. immigration laws were respected.

Before the establishment of this resettlement program, aliens employed by U.S. intelligence expressed concerns about their future ability to immigrate to the United States. One East European anti-Communist group found itself in a dilemma--should its members continue their anti-Communist efforts or should they emigrate and start new lives? Comparing their situation with postwar emigres who already had started new lives, they believed their sacrifice to aid the anti-Communist struggle placed them at a loss. As a result they sought assurances of U.S. immigration and financial assistance. Many of them had families in their home countries and believed that continuing their anti-Communist activities created constant danger for these relatives.

Intelligence agency officials commiserated with these aliens. In internal memoranda discussing this situation, they

pointed out that members of the group had given up several opportunities to immigrate. One official wrote,

"These men can never return to [their country while the communists are in power] and it is natural for them to desire to immigrate to the country employing them which they regard as the bulwark of democracy. This seems a small commitment to make when comparing the service of these men and the vast majority of immigrants to the U.S. who use their past suffering as a ticket to U.S. citizenship without having, for the most part, rendered any service to the U.S."

In addition to the above resettlement program, the CIA during the mid-1950s initiated a program to bring to the United States aliens whose service had been completed but whose immigration was desirable to maintain the security of intelligence missions and the aliens' safety. A key feature of this program enabled the CIA to conduct the background investigations required to assure the aliens' immigration eligibility. Such investigations normally are conducted by State Department visa personnel; however, in these cases the CIA believed that security concerns warranted a revised procedure. With the cooperation of the State Department and INS, the revised procedure was instituted.

From a listing of aliens resettled, we identified and reviewed the files of all aliens with German or East European backgrounds who were old enough to have participated in the war and who came to the United States under this program, a total of 17 aliens. Our review did not identify any questionable background information that would have disqualified these aliens' immigrations.

ALLEGATIONS ABOUT EMIGRES EMPLOYED BY  
OPC SPONSORED PROJECTS WERE INVESTIGATED

In 1954 in response to numerous allegations about the backgrounds of employees of Radio Free Europe and another project, the CIA initiated an internal review of these OPC initiated projects. An internal review committee investigated allegations that employees were, among other things, communists, fascists, and/or Nazi collaborators. In all, information was gathered on about 100 individuals, including those accused, their accusers, and other controversial emigres. The study recommended that 13 employees be terminated. One of the 13 employees had been alleged to be pro-Nazi and another a Nazi collaborator.

From the internal review committee's files we could not determine whether or not the recommended terminations resulted from the initial allegations or from some other determination. However, in making its recommendations, the review committee

stated that it had become evident that the derogatory information about these aliens could never be proved or confirmed. The committee also believed that few persons sufficiently possessed the historical background and perspective necessary for making a final judgment about these matters.

An early planning document discussing membership in the projects shows that aliens with compromised Nazi pasts were not to be included. A July 1948 memorandum to the CIA Chief for Central Europe discussed the establishment of a national committee of emigres in the United States and its members. The memorandum further discussed two East European emigres, one of whom was acceptable for the committee because he was anti-Communist and anti-Nazi and the other who was unacceptable due to his Nazi past. A January 1954 memorandum to the CIA Chief for Southern Europe shows that ex-Nazis' memberships in national committees were still shunned. In discussing an ex-Nazi collaborator and emigre leader joining a national committee, the memorandum stated that his collaborationist activities made his entry into the national committee impossible.

The 1954 CIA internal review committee found that for years emigres had been dealt with and used although their full histories and ideologies were unknown. The committee found fault with the centralized file system used as the source of emigre background checks. Its review found it necessary to gather and process information from at least 11 other major sources.

A former OPC intelligence officer told us that as early as 1949, questions existed within OPC about the backgrounds of some aliens assisted to enter the United States. The intelligence officer told us that in 1949 and 1950 he was told by another OPC officer that OPC was assisting emigres, some of whom had questionable backgrounds, to enter the United States. The officer interviewed said that back then it was difficult to adequately check an emigre's background. He added that informally and without authority he made checks on some of the emigres who had entered the country. The officer, a former INS officer, could not recall any instance where it appeared that the emigre's entry had been illegal. Subsequently, as a result of the above, the intelligence officer was assigned to oversee alien entries. He stated that he instituted procedures to require in-depth security checks before assisting alien entries.

UNITED STATES GOVERNMENT BROUGHT  
NAZI SCIENTISTS AND ENGINEERS  
TO THE UNITED STATES

In addition to its use of former Nazis for Cold War intelligence, the United States initiated an effort and found itself competing with other allies and the Soviet Union to recruit and employ German scientists and engineers. German scientists and

engineers had been in the forefront of technological advancements in areas such as aeronautics missile guidance, and chemical warfare. As early as July 1945 the Joint Chiefs of Staff approved a project to tap Germany's scientific and technical expertise. This project, initially called Overcast but renamed Paperclip, authorized the recruitment and short-term employment in the United States of 350 German scientists and engineers. The number of scientists authorized for recruitment was later increased to 1,000. At one point the United States had identified 24,000 German scientists. They were to assist in the development of weaponry that could be used against the Japanese in the ongoing war. The recruitment of the German scientists by the United States would not only aid its scientific development but also deny other nations, particularly the Soviet Union, an opportunity to obtain their services.

The Departments of State and Justice, the Joint Chiefs of Staff, and the military services established the procedures for processing the immigration of these scientists and engineers. Prior to their entry the military investigated their backgrounds and aliens who could be considered war criminals or undesirable, including active participants in the Nazi regime, were to be screened out. According to the War Department's Chief for Intelligence, membership in the Nazi party before 1933, party leadership at any time, conviction by a denazification board, charges or conviction of a war crime, or a criminal record were all presumptive evidence of ineligibility under the program. The procedures also required the Department of Justice and the FBI to review the aliens' backgrounds and concur in each case before making a recommendation to the Department of State for a visa issuance.

Although aliens who were active participants in the Nazi regime were not to be brought to the United States, the military's security investigations revealed that the majority of Paperclip recruits were Nazi party members or members of its affiliates. The investigations concluded that with few exceptions, such memberships were due to exigencies that influenced the lives of every German. In April 1948 the Director of the Joint Chiefs of Staff's Joint Intelligence Objectives Agency said that too much emphasis was being placed on the recruits' Nazi affiliations without giving due weight to the circumstances under which the affiliations were formed. He added that Nazism from a security threat standpoint had been destroyed by the war and no longer existed.

The recruitment of German scientists and engineers under Project Paperclip ended on September 30, 1947. Thereafter, only in special cases could aliens be considered for entry and then only in the interest of national security. As of April 1951, the United States had recruited through the project 528 German

scientists and engineers of which 459 had immigrated to the United States.

During the Paperclip recruitment, allegations against some recruits arose. Project policy was that if evidence was uncovered that any recruits still professed Nazi ideology or other objectionable ideologies, they were to be returned to Germany. In 1947, one recruit was returned to stand trial as a war criminal but was found not guilty. Paperclip records show that other scientists were also believed questionable and were closely watched.

In October 1984, OSI announced that one Paperclip recruit, Mr. Arthur Rudolph, returned to Germany voluntarily and renounced his U.S. citizenship rather than face denaturalization and deportation proceedings. Mr. Rudolph, who had been employed by the National Aeronautics and Space Administration, was accused of contributing to the deaths of thousands of slave laborers conscripted to work in the development and production of Germany's V-2 rockets.

ALIENS WITH UNDESIRABLE  
OR QUESTIONABLE BACKGROUNDS  
WERE ASSISTED IN IMMIGRATING  
TO THE UNITED STATES

Although we found no specific program to aid the immigration of undesirable aliens, we identified five aliens with undesirable or questionable backgrounds who were aided in their immigration to the United States. Before their immigration, four of these aliens had assisted U.S. intelligence agencies in some manner. In one case, it is not clear whether he assisted U.S. agencies before he immigrated. The immigration assistance provided by U.S. agencies varied. Among the five aliens were two alleged war criminals, a former Nazi SS officer, a convicted conspirator in an assassination, and a traitor. OSI told us that it is taking appropriate investigative action regarding these five cases and those noted on pages 35 to 40.

In addition to the aid provided the above aliens, we found that two of the aliens were protected from investigation. In one case, the CIA invoked national security reasons to legalize an alien's immigration status. In the other case, we were unable to identify any action taken by an intelligence agency once it learned of derogatory information about one alien's wartime background.

We have no basis for assuming that these aliens represent the universe of such immigrations. The following summarizes these cases.

Subject A

This subject, now deceased, was an operational contact and collaborator for a U.S. intelligence agency beginning in the late 1940s. During World War II, he was a paid Nazi intelligence agent and a cabinet member in a German-sponsored East European government. Following the war, the subject was listed as a wanted war criminal by the United Nations War Crimes Commission based on information submitted by an East European Government that he planned and ordered the executions of suspected Communist sympathizers. In the mid-1950s he immigrated to the United States with the assistance of a U.S. intelligence agency.

U.S. authorities were aware of the charges against the subject as they discussed the legitimacy of the war crimes charge. Additionally, U.S. authorities had reliable wartime intelligence which described his collaboration with the Germans and which contained war crimes accusations.

In 1949, a U.S. intelligence officer contacted the subject. This contact was initiated by another country's intelligence service for whom the subject was a source of information. The officer reported that although headquarters undoubtedly held voluminous files of adverse information on the subject, he found the subject to be a "person of uncompromising personal honor" who was "motivated by purely patriotic considerations." Despite his wartime record, U.S. intelligence officers in Europe found the subject's ardent anticommunism appealing.

Subsequently, the subject became an operational contact and source of information in Europe for a U.S. intelligence agency but was never a paid agent. After several years of collaboration with U.S. intelligence, the subject applied for immigration to the United States as an escapee under the Refugee Relief Act. To assist the subject who was applying through normal immigration channels, the intelligence agency's field office contacted its counterpart office in the city where the subject had applied for a visa. The field office requested the counterpart office's assistance in seeing that the subject's immigration application was processed through the consulate with minimum delay.

Upon learning of the proposed immigration, the intelligence agency's headquarters office cabled the field office stating that it was unaware that the subject had wanted to immigrate to the United States and inquired about his plans after immigrating. Although headquarters knew the subject's background, the memorandum raised no questions about the subject's eligibility for immigration.

Approximately 1 year later, the subject, still seeking a visa, encountered problems after undergoing a routine interrogation at the consulate. He refused to answer certain questions

which would have revealed work he had performed for U.S. intelligence. The interrogators apparently understood his dilemma and explained that they needed some form of assurance in the matter. Subsequently, the field office again contacted its counterpart office. The field office attested to the subject's collaboration with U.S. intelligence and its belief that the subject would make a credible U.S. citizen.

Shortly afterwards, the Department of State contacted the intelligence agency's headquarters asking it to check its files on the subject. The intelligence agency informed the Department about his German collaboration and that he used his position to perpetrate extreme brutalities against the Communist-led partisans. It also informed the State Department that the subject was a leader in the fight against communism and a man motivated by purely patriotic considerations. Six months later, the subject received a visa.

An intelligence agent who thought highly of the subject said that collaboration is somewhat of a misnomer as it is applied to people of this East European country. He stated that the upper classes in this country were always educated in other countries and, therefore, had close ties to those countries. In this particular case, the subject had been educated in Austria, spoke fluent German, and was an acquaintance of some high ranking German officials. Because of the above, his serving with Germany would not be surprising especially considering his staunch anticommunism. The agent stated that he was unaware of war crimes charges against the subject.

### Subject B

Subject B, now deceased, occupied many positions of trust as part of a Nazi-appointed government in Eastern Europe. During this period he was alleged to have been involved in massacres of several thousand civilians, predominately Jews. For such acts he was denounced in 1947 as a war criminal in the U.N. General Assembly.

About 1951, this subject was approached in the U.S. zone of Germany by a Soviet agent who attempted to recruit him. He reported this approach to a U.S. intelligence agency and assisted that agency in the Soviet agent's eventual apprehension and conviction. For his actions, the intelligence agency assisted him in immigrating to the United States several years later.

Before and after his emigration, he was employed on a project that was financed and supervised by another U.S. intelligence agency. Although he held an official position in this project, he was unaware of the intelligence agency's relationship to this project. The intelligence agency, however, was



aware of the subject's background and had established a file on him in 1949.

As the subject advanced to higher positions within the project, the U.S. intelligence agency had to approve him for each position. In a 1961 memorandum considering the subject for a position, one intelligence official after reviewing derogatory information about his past stated,

"The unfavorable information . . . reflects that Subject . . . has been and perhaps remains ardently Fascist in his political orientation. In view of this probability, the concern of this office is . . . that he would manifest anti-American and for that matter anti-democratic sentiment. In view of this probability, this office recommends against the Subject's use . . . It is felt that his continued use might be a source of embarrassment to the Project and/or the [intelligence] Agency."

The intelligence agency, however, approved him for the position but stipulated, among other things that his products, if any, be monitored for any possible anti-American sentiments.

In the late 1970s, OSI initiated an investigation of the subject who, by that time, had acquired naturalized citizenship. Their investigation found that prior to his naturalization, no intelligence agency had provided INS with derogatory information on the subject, although background checks were requested and derogatory information was available in their files. OSI also found that the subject did not provide derogatory background information requested on his naturalization application. Before OSI could initiate prosecutive actions to denaturalize the subject, he died.

#### Subject C

This subject, now deceased was a principal agent for U.S. intelligence beginning in the late 1940s. He was an early member of the Nazi party and an officer in the Allgemeine SS and the SD. During the war's final months, he offered his services to the U.S. military where he assisted in the capture of many high ranking Nazis. In 1947, he was employed by a U.S.-sponsored intelligence agency and in 1949 by a U.S. intelligence agency. As a reward for many years of faithful service, the intelligence agency in the mid-1950s sponsored the subject's immigration to the United States. He immigrated under provisions of the Immigration and Nationality Act, 1952.

Although most details of the subject's Nazi career and his Nazi affiliations were known by the U.S. intelligence agency, the agency was unaware that during the late 1930s he had been

involved in the confiscation of Jewish properties and the resettlement of Jews. During a preimmigration interview, the subject lied about his early Nazi career. Also, captured Nazi personnel records failed to disclose details of his early career. Not until the early 1960s did the intelligence agency, through other captured Nazi documents, learn of his early Nazi assignments. We were unable to identify any action taken as a result of this discovery.

In aiding this subject's immigration to the United States, a U.S. intelligence officer accompanied him to a U.S. consulate where the consular officers considering issuing the visa knew the intelligence officer's agency affiliation. The intelligence officer also had procured, and provided to the consular officers, a military background check on the subject which provided no derogatory information. The intelligence officer informed the consular officers that the subject also had a security clearance from the intelligence agency. In the course of his interview at the consulate, the subject admitted that he had been a Nazi party member. However, he said that he had been an officer in the Waffen-SS rather than admit his membership in the more detested Allgemeine-SS. The visa was granted.

After learning of the visa's issuance, the Department of State queried the consul as to why a visa had been issued to the subject. Shortly after learning of the State Department's query, the intelligence agency cabled its headquarters suggesting that it forestall any State Department orders to cancel the visa. We could not ascertain whether any headquarter's action resulted from this suggestion.

Headquarters did, however, contact the INS and advise it of the subject's entry. Headquarters informed INS that the subject had been employed abroad for several years, that the agency had conducted a full investigation of the subject, had no reason to believe him inadmissible, and requested INS to expedite his entry. Yet, some within the intelligence agency did have questions about his admissibility. Only 5 months earlier, intelligence personnel discussed how to ease the subject's U.S. entry because he was inadmissible due to his Nazi party and SD memberships. Furthermore, they said it was apparent that the Department of State's background investigation would have to be controlled.

Agency correspondence, however, implied that INS would be fully informed of the subject's true background. In one correspondence, the agency headquarters informed the field office that the subject would not be entering the United States under false pretenses and that INS would have information about his past record in a secret file. [Our check at INS failed to identify the existence of any classified file associated with the subject's entry or any ruling allowing his entry.] Headquarters

speculated that his entry into the United States would be legal. Headquarters stated that it was requesting INS to give this case favorable treatment. However, headquarters warned that for both the subject's sake and the agency's, the subject should not apply for any sensitive jobs or government positions, even after becoming a citizen.

#### Subject D

This subject was used by U.S. intelligence in Europe after the war. Documentation reviewed shows that during the 1930s the subject, a member of an underground nationalist revolutionary organization, was convicted for complicity in planning the assassination of a high East European official. Sentenced to death, he appealed the conviction. A higher court upheld the conviction but his sentence was subsequently commuted to life imprisonment. When the Nazis invaded this East European country, he was able to escape from prison. During the war he was alleged to have cooperated with the Germans initially but later fought against them. He was also alleged to have committed terrorist acts and to have fought against the Communists. Following the war, a high German source reported that this nationalist revolutionary organization rendered valuable services to the German war effort.

The subject was considered extremely valuable by U.S. intelligence. Because of fear for his personal safety and his familiarity with U.S. intelligence operations, the CIA brought him to the United States under an assumed name. Before his immigration, the CIA provided INS with some details of the subject's background including that he had been sentenced to death for nationalistic activities. However, his true identity was not disclosed. About 2 years after his entry and after learning his true identity, INS informed the CIA that it was investigating the subject and that the investigation could lead to the subject's deportation. According to the CIA file, INS had learned that the subject's conviction had been for involvement in an assassination and that allegations of terrorism existed against him.

Subsequently, the CIA requested approval for the subject's permanent residence in the United States under Section 8 of the CIA Act of 1949 which allows the CIA to bring 100 individuals a year to the United States for national security reasons regardless of their past. The request included a justification which contained details about the subject's background including his assassination conviction and the alleged terrorism acts. In 1952, the Director of Central Intelligence, the Attorney General, and the Commissioner of INS agreed to admit the subject in the interest of national security without regard to his inadmissibility under any other laws.

Subject E

This subject, an alleged traitor, was brought to the United States by an intelligence agency because of his expertise on the Soviet Union and the Far East. In 1942 he was caught by the Germans when the area where he was located was overrun. Because he spoke German, he acted as an intermediary between the occupying forces and the local populace. Later he traveled to Germany arriving there in May 1943. After his arrival in Germany, he worked at two institutes where he did research on Mongolia. Both institutes were sponsored by the German security service. Information from these institutes was provided to German foreign intelligence.

Upon the collapse of Nazi Germany, the subject was arrested and interrogated. A November 1946 interrogation report by an Allied government concluded that (1) the work he performed in Germany was a long way removed from the "seamier side" of the security service's activities; (2) his description of his capture by the Germans and subsequent contacts with them was truthful; and (3) the accusation that he was a traitor (reduced from war criminal) appeared to be the case.

In May 1947 the allied government approached U.S. intelligence with the suggestion that the subject could be of possible intelligence interest to the United States. This government found the subject to be a source of embarrassment because of a request for his return and accusations against him. The government asked if U.S. intelligence could send the subject to the United States where he could be discreetly resettled.

Discussions about the subject took place in U.S. intelligence circles as early as May 1947, but contact was not made with him until May 1948. In October 1948, a U.S. intelligence agency began efforts to bring the subject to the United States. Among those agencies with knowledge of the efforts to bring the subject to the United States were the State Department, the Joint Chiefs of Staff, and the FBI. Whether the INS was notified at this time is not clear. The subject entered the United States in May 1949 on a displaced person's visa. The FBI was notified of the subject's entry about a week before he entered. Upon his arrival, he was presented to the INS which processed his entry.

ALIENS WITH UNDESIRABLE  
OR QUESTIONABLE BACKGROUNDS  
IMMIGRATED WITHOUT U.S. ASSISTANCE

In addition to those aliens with undesirable or questionable backgrounds who were assisted in some way to immigrate to the United States, we identified seven others with undesirable or questionable backgrounds who immigrated but were not assisted. In each case,

these individuals had an association with U.S. or allied intelligence agencies either before or after their immigration.

We have no basis for assuming that these aliens represent the universe of such immigrations. The following summarizes these cases.

#### Subject F

This subject was appointed leader of the national police by an East European country's prime minister and served in this capacity during what intelligence reports characterized as the cruelest Nazi occupation period. Evacuated to Germany during the Nazi collapse of April 1945, he was soon arrested by U.S. military and placed in a prisoner of war camp. In early 1948, he was employed by U.S. intelligence to gather intelligence in Eastern Europe.

In 1950, the subject attempted to immigrate to the United States. However, his application was turned down after a U.S. intelligence agency provided derogatory information about him. Shortly afterwards, he emigrated to South America. In 1964 under provisions of the Immigration and Nationality Act, he immigrated to the United States. In 1971, he became a citizen. Nothing in the files reviewed indicates that either of his immigrations were aided by U.S. agencies.

Information contained in his immigration file, however, shows that in 1963 a U.S. intelligence agency responding to a Department of State name-check request provided information on his wartime background. Copies of its response to the Department were also sent to the FBI and the INS. Further, the file shows that prior to his 1971 naturalization, an INS Assistant District Director for Citizenship requested a character investigation on the subject based on the 1963 intelligence agency response. That investigation did not establish any evidence or information adverse to the subject's moral character and loyalty to the United States.

#### Subject G

This subject was a Fascist youth leader and the editor of the official newspaper of the youth branch of an East European Fascist party. Additionally, he was a propagandist and commentator on a radio station operated by occupation forces. In late 1946 after lying about the country he resided in during the war on his visa application, he immigrated to the United States as a displaced person.

In 1951 the subject was hired by Radio Free Europe in the United States after providing similar false information on his employment application. His employ brought criticism from

emigre circles which accused the subject of being a Fascist youth leader during the war. An investigation completed in 1953 on the subject and other personalities of Radio Free Europe identified only the subject as having an "unsavory" record. Shortly after the completion of the investigation, the subject's employment was terminated. The subject's file did not disclose the reason for his termination. We could not identify any other actions taken as a result of the investigation.

#### Subject H

This subject, now deceased, was the military representative of an East European political group. He was accused of participating in the planning of the same executions as Subject A. As a result, he was accused by a postwar East European government of being a war criminal. This accusation was confirmed by an allied military mission which identified the subject as one of only a few from this country who could be so classified.

The subject immigrated to the United States from a Middle Eastern country in October 1951. Shortly after his U.S. arrival, a request for a name check solicited the following response from an intelligence agency, in part, "subject's classification as a war criminal by the present [country deleted] government should be evaluated in the light of similar classifications of most of the important wartime anti-Communist leaders. The extent of subject's collaboration with the Germans cannot be determined from file traces at this Headquarters; however, it should be stated that many nationalistic and pro-democratic [nationality deleted] did collaborate with the German war occupation authorities because the latter were less feared than were the leaders of the [Communists]."

This, however, may not have been the case with the subject. In reviewing an interrogation report of a captured Nazi officer responsible for intelligence in this East European country, he described the subject as a leader of one of the national groups formed by the Germans or supported with German armaments and ammunition. The officer stated that, with the exception of the subject, the group leaders collaborated with Germany because of their hate of communism not their love of Germany.

After his arrival in the United States, the subject was, to a limited extent, a source of information for an intelligence agency and a broadcaster over Voice of America.

#### Subject I

This subject, now deceased, was one of the Gestapo's chief agents in an East European country. In 1941, the Germans appointed him mayor of a large city where he had jurisdiction over the municipal, political, and criminal police forces. In 1944

with the Russians approaching he went to Germany where he remained until 1947.

In 1949, the subject emigrated to South America from a West European country where he had gone as a volunteer worker. Soon after his arrival in South America, a U.S. intelligence agency contacted him and proposed a plan for his use as an agent. Before his employment (which had been submitted to headquarters for approval) could be decided, he accepted a position with a South American government.

The subject immigrated to the United States in 1960 under the Immigration and Nationality Act.

### Subject J

This subject served for several months as the Minister of Justice in a Fascist-imposed cabinet of an East European government. Intelligence reports characterized this as the cruelest of this country's Fascist-imposed cabinets. Earlier, however, the subject, a highly respected prewar jurist, helped organize a nationalist resistance group. In February 1949, he immigrated to the United States as a displaced person. Several months after arriving, he became an officer of a committee of the National Committee for Free Europe.

Two years after his admittance to the United States the INS investigated the subject and questioned him about his wartime service in the Fascist cabinet. The subject responded that he accepted the Minister of Justice position as a means to accomplish the goals of the resistance. He stated that the Fascists were unaware that he was a member of the resistance. He stated that he was neither a sympathizer nor a collaborator of fascism. Furthermore, he stated he resigned his position because of Fascist persecution of nationalists. However, shortly after resigning this position, he was appointed to and served in another high-level position on the criminal court. After several years of investigating the subject, the INS closed the investigation due to insufficient evidence.

Before INS' investigation, the subject's wartime record was of concern to officials of the National Committee for Free Europe. One official wrote that his record makes the National Committee vulnerable to attack as supporting a Fascist sympathizer and a collaborator. An intelligence agency official commenting on the above stated that the subject's Fascist sympathies based on his record of several months service in the cabinet is a moot question. He stated that it is believed that he accepted the post as a matter of expediency and not because of any desire to serve the Fascists.

Subject K

This subject, now deceased, was a former official of a German sponsored government. He was an emigre leader after the war who lived in several countries before immigrating to the United States in 1961 under provisions of the Immigration and Nationality Act. He appears to have been associated with an allied intelligence service and later employed by a U.S. intelligence agency.

In January 1948, a U.S. intelligence officer commenting on the emigre groups with whom the subject was associated said in part that some of the old time politicians who were very popular and influential dare not meddle in politics nor even reveal their names and addresses for fear that they may be turned over to their country of origin for their past cooperation with the Germans. The subject was one of the politicians mentioned. In January 1948 another intelligence officer wrote that an evaluation of the reliability of key figures in this particular emigre movement is difficult because many of them have records of having cooperated rather closely, though perhaps under pressure, with the Germans. He added that over time this will become a negligible factor, permitting these people to be approached more safely. In February 1948 the subject told a U.S. intelligence officer that his emigre group's collaboration with the Germans was merely a formal and tactical cooperation.

A U.S. intelligence agency employed the subject in the 1950s despite its knowledge of his German collaboration.

Subject L

This subject, a former East European collaborator who held several cabinet positions including Minister of Interior, was a wanted war criminal, and was admitted as an immigrant to the United States in the late 1950s. The government allowed his immigration despite full knowledge of his background and despite having rejected his entry on two prior occasions. In 1946 the United Nations War Crimes Commission found merit in the charges against this individual and listed him among its wanted war criminals. In 1947 a pre-Communist East European country's court found him guilty in absentia and condemned him to death.

Upon learning of his U.S. entry, a CIA official contacted the Department of State to inquire how this individual could have gained U.S. admission in light of his background. A Department official replied that this individual's visa application had engendered considerable discussion. However, regardless of his background and the opinion of some in the Department of State that his admission was not in the public interest, the visa officer and the consulate found nothing substantial upon which to base a visa refusal.



Department of State records show that in the late 1940s the subject applied on two occasions for a U.S. immigration visa. Both applications were denied because he was found to be ineligible under wartime regulations which precluded the issuance of a visa to anyone whose U.S. entry was deemed prejudicial to the public interests.

After enactment of the Immigration and Nationality Act in 1952 the subject reapplied for admission. The subject's case was examined by officials at the U.S. consulate where the application had been filed and their review found him eligible for a visa. However, before granting the visa, the consulate requested the Department's opinion in the matter. The Department investigated the case and found no basis in the law with which to disagree with the consulate's conclusion.

In a letter to a Congressman explaining its decision, the Department stated, "membership in or affiliation with the defunct Nazi Party in itself does not constitute a ground of ineligibility . . . Therefore, previous collaboration with the Nazi Party in and of itself is no longer a disqualifying factor in considering eligibility for a visa." In addition, the Department did not believe that the subject's conviction in absentia could be considered a basis for exclusion. Elaborating on this point, the Commissioner, Immigration and Naturalization Service replied to a citizen query objecting to the subject's entry, "the settled administrative view which has been applied uniformly by the Department of State and this Service is that a 'conviction in absentia'. . . is regarded as repugnant to Anglo-American concepts of justice. Under this doctrine the provisions of [the Immigration and Nationality Act] did not operate to disqualify [the subject] from admission to the United States."

About 16 months after his entry, the subject departed the United States citing his inability to make a living. Three years later, his permanent residence card expired due to his prolonged absence from the United States.

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