

*A Persistent Emotional Issue*

## CIA's Support to the Nazi War Criminal Investigations

Kevin C. Ruffner

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The story of escaped Nazis after the collapse of the Third Reich in 1945 has long gripped novelists and Hollywood screenwriters and provided the grist for such box office hits as *The Boys From Brazil* and *The ODESSA File*. Since the 1970s, the topic has also provided steady fare for historians and journalists anxious to explore supposed cabals between American intelligence agencies and such personalities as Josef Mengele, the "Angel of Death" at Auschwitz, and former Austrian President Kurt Waldheim, a German intelligence officer in the Balkans during World War II.<sup>1</sup>

Separating fact from fiction about the alleged postwar relationships between American intelligence and its former German enemies and collaborators is both difficult and confusing. The General Accounting Office (GAO), at the request of the US Congress, has conducted two major investigations since 1977 to ascertain whether the US Government assisted in the immigration of these individuals to the United States and later concealed Federal involvement. In addition, the Immigration and Naturalization Service (INS) and, later, the Department of Justice's Office of Special Investigations (OSI) have proceeded with independent inquiries since the mid-1970s. OSI, dedicated solely to the investigation, denaturalization, and deportation of individuals who violated US immigration laws by covering up illegal activities during World War II, has stripped 52 people of their citizenship and removed another 44 since 1979. In addition, OSI has conducted nearly 1,500

investigations and placed the names of some 60,000 individuals on a "watch list" that alerts US immigration officials to prevent their entry into the United States.<sup>2</sup>

### Continuing Suspicions

Despite these efforts, doubts persist in some circles as to whether the United States Government has been fully honest about this emotion-charged issue. For example, Christopher Simpson, in his 1988 book, *Blowback: America's Recruitment of Nazis and Its Effects on the Cold War*, asserts that "US intelligence agencies did know—or had good reason to suspect—that many contract agents they hired during the Cold War had committed crimes against humanity on behalf of the Nazis. The CIA, the State Department, and US Army intelligence," Simpson states, "each created special programs for the specific purpose of bringing former selected Nazis and collaborators to the United States. Other projects protected such people by placing them on US payrolls overseas."<sup>3</sup> The fact that most US intelligence records from this time period are still classified only lends greater mystery to the issue.

The CIA comes under particular scrutiny because of its secrecy and reputation. Over the years, observers have charged that:

- CIA, and its predecessor organizations such as the Office of Strategic Services (OSS, 1942-45), the Strategic Services Unit (SSU, 1945-46), and the Central Intelligence Group

(CIG, 1946-47), employed German intelligence personnel as sources of information. Afterward, the CIA sponsored the new West German intelligence service, an organization under the control of officers of the defunct German general staff. The ranks of the organization sheltered many officers of the German SS and SD whose loyalty to the new West German Government remained in doubt.

- CIA and its predecessor organizations employed former collaborators of the Third Reich, primarily from Eastern and Southern Europe, initially as sources of information and later as operational assets for activities behind the Iron Curtain.
- CIA, including the Office of Policy Coordination (OPC, 1948-52), brought Germans and East Europeans to the United States to provide detailed information on the Soviet Union.
- CIA, including OPC, formed "secret armies" from various émigré groups in Europe and trained them in the United States. The ranks of these groups included numerous former collaborators of Nazi Germany, and some of these people remained active in other CIA projects.
- CIA evacuated Nazi war criminals and collaborators through "rat lines" in southern Europe, allowing them to escape justice by relocating them incognito in South America.
- CIA abused its legal authority to bring Soviet and Soviet Bloc defectors and other persons of interest to the United States.

- CIA covered up its these activities from Congressional and other Federal investigators.

The extent to which the Agency is guilty or innocent of these charges is a matter of continuing debate among historians. Certainly, the Agency's own secretiveness and its previous public scandals color the debate. For decades, the CIA faced little public scrutiny of its operations or the identity of its agents. But the Bay of Pigs debacle in 1961, highlighting the CIA-sponsored, ill-fated invasion of Cuba and the Agency's reliance on Cuban émigrés, cracked CIA's picture-perfect mirror. Controversies in Vietnam later in the decade only increased concern among Americans about CIA's accountability. During the 1970s, a series of Congressional investigations pointed to extensive problems within CIA and presented an image of the Agency as a "rogue elephant."

#### GAO's First Investigation

The Nazi war criminal investigations followed in the wake of these scandals at the instigation of two aggressive Congressional leaders, Representatives Joshua Eilberg and Elizabeth Holtzman. Frustrated by the slow pace of the INS in reviewing its own records, Congress finally demanded that the GAO determine whether the INS or any other government agency had conspired to obstruct legal action against alleged Nazi war criminals living in the United States. Congress made this request in January 1977, marking the beginning of the first GAO investigation. The Special Litigation Unit, a new office within INS and the immediate predecessor to the OSI,

also started its separate investigation at the same time.

In May 1978, the GAO released its formal report, *Widespread Conspiracy To Obstruct Probes of Alleged Nazi War Criminals Not Supported by Available Evidence—Controversy May Continue*. Regarding CIA's involvement, the GAO found that in its search for information on 111 alleged Nazi war criminals, the Agency had no records on 54. Of the remaining 57, CIA had references, such as newspaper articles and general correspondence with other Federal agencies, on 35. That left 22 individuals with whom CIA admitted to GAO investigators that it had a more substantial relationship. In an unnamed case, CIA sponsored the immigration of a "senior official of the German Foreign Ministry during the Nazi era" to the United States. The remaining 21 had contact with CIA either overseas or after their immigration to America; some were paid, while the Agency declined to use others.<sup>4</sup>

GAO noted that the CIA assisted only one person to immigrate to the United States. At the same time, the Agency employed others where "unproven allegations existed indicating that some of the individuals of whom operational use was subsequently made had been members of wartime organizations." The CIA employed these individuals after they had been screened by Federal agencies and permitted to enter the United States. The Agency denied that it employed any individual "against whom allegations of war crimes were well-founded." The report reiterated CIA's contention that these people were "all strongly anti-Communist and their willingness to cooperate and their

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knowledgeability were the definitive factors leading to their use by CIA.”<sup>5</sup>

The 1978 GAO Report unleashed a storm of criticism about the use of alleged Nazi war criminals by the United States. Congressman Eilberg blasted the Federal Government because “this report makes clear that the CIA and FBI were more interested in using these people and getting information from them than in conducting any background investigation as to their wartime activities or pursuing allegations that they were war criminals.”<sup>6</sup> The GAO's investigation, however, denied that there was any evidence of a conspiracy to obstruct justice, although it claimed that it did not enjoy full access to governmental records. “GAO's investigation,” the report stated, “was hindered by the effect of the passage of time on the availability of information and limited access to agencies' records.”<sup>7</sup>

Frank C. Carlucci, then Deputy Director of Central Intelligence, protested to the GAO that “we would like the record to show that we were prepared at all times to make complete files (appropriately sanitized to protect intelligence sources and methods) available for review by the investigators to validate their conclusions.”<sup>8</sup> Despite Carlucci's contention, Congress felt that the GAO report had been a disappointment. Congressman Eilberg, in open hearings later in the summer of 1978, exclaimed that “it is just regrettable that so much time and man-hours and money was expended and we have so little to show for it.”<sup>9</sup> The GAO's failure, in large part, was blamed on CIA's restrictions on access to its records.

#### Formation of OSI

As a result of continuing frustration with the course of the Nazi war criminal investigations, Congresswoman Holtzman strengthened US immigration laws to “exclude from admission into the United States aliens who have persecuted any person on the basis of race, religion, national origin, or political opinion, and to facilitate the deportation of such aliens who have been admitted into the United States.”<sup>10</sup> Holtzman also called for the formation of the Office of Special Investigations in the Criminal Division of the Department of Justice. This made the Justice Department, not the INS, responsible for the Nazi war criminal investigations.

Before OSI was created, the various INS investigations had been haphazard and incomplete. Journalists dominated the field, and allegations were often based on unverifiable sources. While it took OSI some time to establish its working procedures and to resolve the problems of its predecessors, the Department of Justice and CIA reached agreements in 1980 concerning name-trace procedures. After that, CIA and OSI instituted a regular reporting system—a process that continues.

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General Counsel (OGC), the Directorate of Operations, and the Office of Personnel Security are among the primary offices that respond to OSI requests for information. While the Agency and OSI experienced some teething problems during the early years of the investigations, a routine procedure has evolved. OGC's attorneys undertake close consultation with OSI to protect legitimate national security interests if it appears that a CIA asset is involved in an investigation. The CIA has never deflected OSI from any investigation or prosecution of any individual for concealing illegal wartime activities.

The two agencies achieved a major breakthrough in 1981, when a Federal court stripped Otto Albrecht Alfred von Bolschwing of his citizenship. Perhaps the most important Nazi war criminal case involving a CIA asset, Bolschwing had been one of the Agency's leading agents in Austria after World War II. The German-born Bolschwing had previously served as an officer in the SS and was the SD's representative in Rumania in 1941, when Iron Guardists launched a pogrom against Jewish residents of Bucharest. Bolschwing also concealed from his CIA case officers the fact that he had worked in the same office with Adolf Eichmann in the 1930s. CIA learned about Bolschwing's close relationship with Eichmann after the latter's abduction by Israel in 1960. Several years before that event, CIA brought Bolschwing to the United States, and he received American citizenship in 1959.<sup>11</sup>

### Another GAO Investigation

The Nazi war criminal investigations took an unexpected turn in May 1982, when John Loftus, a former OSI attorney, announced on CBS-TV's *60 Minutes* that numerous branches of the US Government, including the Army, the FBI, the CIA, and the State Department, had employed Nazis and brought them to America after the war. Furthermore, Loftus charged that these same agencies had refused to support the GAO's 1977-78 investigation. These allegations sparked an immediate response on Capitol Hill and generated considerable media attention.<sup>12</sup>

The upshot was a new GAO investigation that took another three years and unearthed thousands of documents from numerous agencies. This time, the Agency granted the GAO investigators full access to its records in an effort to avoid the controversy that marred the first GAO examination.

### A Surge of Cases

While the GAO plowed through mountains of records, new events raised further questions about US intelligence activities during the early years of the Cold War. In 1983, Bolivia extradited Klaus Barbie, "the butcher of Lyon," to France to stand trial for his crimes in that country during the German occupation. Reporters quickly ascertained that Barbie had, in fact, escaped from postwar Germany with the assistance of American intelligence.<sup>13</sup> Whether the United States continued to support him in South America remained unclear.

In the spring of 1983, OSI Director Allan A. Ryan, Jr. assumed the lead in the Barbie investigation. Several months later Ryan issued a report that clearly demonstrated that the US Army had employed Barbie as an agent in Germany and had sponsored his escape from Europe. The Ryan report absolved the CIA of any wrongdoing, but it highlighted the entangled webs of the Allied intelligence services in Austria, Germany, and Italy in the decade after 1945. Ryan also explored the Army's use of "rat lines" from Europe—escape routes that apparently served several purposes.<sup>14</sup>

A slew of other major war criminal cases followed the Barbie case—so many that the 1980s can be referred to as the decade of Nazi war criminals. No sooner had the ink dried on the pages of the Ryan report than OSI undertook the examination of Robert Jan Verbelen, a member of a Flemish SS group, and his employment by US Army intelligence in Austria and Germany. While the Verbelen report did not attract as much public attention as the Barbie investigation, it confirmed that American intelligence, especially the Counter Intelligence Corps, had been slipshod in its recruitment of agents.<sup>15</sup>

### GAO's Findings

In the summer of 1985, the GAO released its second report, entitled *Nazis and Axis Collaborators Were Used To Further US Anti-Communist Objectives in Europe—Some Immigrated to the United States*. After years of research through 150,000 files and interviewing numerous surviving American intelligence officers, the GAO concluded that "US intelligence used anti-Communist

resources that had immediate intelligence potential." These "resources" included former Nazi intelligence personnel and collaborators. The GAO investigated some 114 individuals and provided detailed summaries on 12. Of this latter number, CIA was involved with five with "undesirable or questionable backgrounds" who had received aid to move to the United States. The GAO "found no specific program to aid the immigration of undesirable aliens," and it concluded that "its review was sufficiently broad and unrestricted to state that this report fairly portrays the conditions that existed following World War II."<sup>16</sup>

Even so, the GAO's report admitted that while it was "not denied access to any documents requested ... 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." With the passage of time, the destruction of records, and the death of participants, "we cannot be completely sure that we have obtained all relevant information or that we have identified all Nazis and Axis collaborators assisted by US agencies to immigrate to the United States."<sup>17</sup> With this statement, the GAO has left room for further speculation about the US Government's actions during the Cold War.

### Mengele and Waldheim

In 1985, the Mengele investigation created a media frenzy as sightings of the German doctor were reported throughout South America. While the case appeared to be solved with the discovery of Mengele's remains in July of that year in Brazil, questions

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American, Soviet, or Yugoslav intelligence services.

The CIA once again fell suspect and, over the years, there have been demands that the Agency disclose any holdings that it might have regarding the Austrian diplomat/politician.<sup>19</sup> As early as 1980, Congressman Stephen J. Solarz expressed interest in Waldheim's early life, and he put questions in writing to Waldheim and to Director of Central Intelligence William Casey. The Agency's Office of Legislative Counsel told Congressman Solarz that "we believe that Waldheim was not a member of the Nazi Youth Movement, nor was he involved in anti-Jewish activities." In addition, the CIA provided a brief synopsis of Waldheim's military record and said there were no indications that Waldheim had "participated directly or indirectly in anti-Jewish activities."<sup>20</sup>

The Agency's response to Solarz resulted in great embarrassment in both Congressional hearings and during OSI's examination into Waldheim's wartime activities. As a result of OSI's 1987 report, the US Attorney General placed Waldheim's name on the "watch list" to prevent his entry into the United States. OSI concluded that Waldheim had participated in the transfer of civilians to the SS for slave labor; the mass deportation of civilians to death

camps; the use of anti-Semitic propaganda; the mistreatment and execution of Allied prisoners of war; and the reprisal execution of civilians. The report, however, did not address whether Waldheim had postwar intelligence connections with the East or West.<sup>21</sup> Consequently, whether he had any contact with either Western and Eastern intelligence services is still a matter of conjecture.<sup>22</sup>

#### More Cases, More Demands

With the demise of the Warsaw Pact and the fall of the Soviet Union, the Nazi war criminal investigations have been rejuvenated by an influx of new sources and witnesses.<sup>23</sup> The OSI and the CIA continue to cooperate in the form of name traces; in fact, the CIA is a leading source of information for individual Nazi war criminal investigations.

The end of the Cold War also spurred demands that the CIA open its files to the public. Former Congresswoman Holtzman, New York's comptroller and then candidate for the US Senate, wrote the CIA in 1992 and asked for complete disclosure of records concerning Klaus Barbie and Otto von Bolschwing. "In the process of employing these people and bringing them to safe haven in the United States and elsewhere, laws were broken, lies were told, and the President, Congress, and other government agencies and the public were deceived," Holtzman asserted, "but we still don't know the whole story. Forty-seven years after the end of World War II, it is time for the American people to find out the truth."<sup>24</sup>



AP/WIDE WORLD PHOTOS

Joseph Mengele. He used this photo in 1956, when he applied for an identity card in Argentina under his true name.

still lingered concerning his escape from Europe and his postwar activities. Once again, American intelligence, especially CIA, came under close scrutiny. Another OSI investigation cleared the Agency and all other American intelligence organs of any connection with Mengele.<sup>18</sup>

The sensitive nature of the Nazi war criminal investigations is best illustrated by the Kurt Waldheim case in 1986-87, in which an international figure, a former secretary general of the UN and soon-to-be Austrian president, stood accused of hiding his role in World War II. While Waldheim had long admitted his service in the German Army, he had never fully described the extent of his activities in the Balkans, a region marked by numerous Nazi atrocities. The fact that Waldheim rose to such high levels after the war led many observers to question whether he enjoyed a special relationship with

### A Mixed Record

In many ways, however, the truth has already been revealed. A careful reading of the various investigations reports and a thorough inspection of the declassified US intelligence records indicate that CIA and other American intelligence agencies had a mixed track record during the Cold War. Within weeks after Nazi Germany's defeat, American intelligence (not to mention British, French, and Soviet intelligence) embarked on various projects to draw upon the expertise of the German intelligence services. Initially designed to thwart the resurrection of a Nazi underground movement, these sources also proved valuable for information on the USSR as tensions developed between the East and West. By 1947, the use of German intelligence figures and their collaborators had become a fixture of all intelligence services in Europe.

The CIA, perhaps more than its Army counterparts or those of other foreign services, exercised some caution about using these sources. It initially opposed the use of East European émigré groups and the nascent West German intelligence service. It reluctantly worked with these groups, as much to oversee them as to gain intelligence about the Soviets. As the pace of the Cold War picked up, CIA's expansion also brought a tremendous growth in its overseas operations. The quality of these projects varied, and CIA soon abandoned a number of projects as failures, including the recruitment and training of "hot war" contingency forces. A new organization in an old game, CIA needed to learn the ropes, and it made mistakes in the process.

The Nazi war criminal investigations pointed out the government's sloppy recruitment measures in Europe. While CIA and other intelligence agencies used individual Nazis and their collaborators as assets, there is no evidence of a specific program to recruit these people as a group. In bringing such people to the United States, Allan Ryan, in his memoirs as director of OSI, says the government assisted in the immigration of a "small roomful of people at the very most." In Ryan's view, postwar American immigration laws, suffering from imprecise standards and weak enforcement, allowed far greater numbers of Nazi war criminals and collaborators to enter the United States than any covert US intelligence project.<sup>25</sup>

### Cooperation and Controversy

CIA has been straightforward in its dealings with Congress and the OSI over the past 20 years concerning Nazi war criminals. Because of the richness of CIA's records, the Justice Department closely cooperates with the Agency. While it took time to develop this steady working relationship, the investigations have clearly benefited from the Agency's participation. Nonetheless, CIA will not escape from the enduring legacy that preceded its own formation. The public is intrigued by tales of escaped Nazis, and CIA's own mystique lends itself to the belief that it directed classified operations that allowed such people to escape from justice. The media and self-proclaimed Nazi hunters quickly link the Agency to any new rumors of one Nazi fugitive or another.

This controversy will outlive its participants—the accused war criminals

and collaborators as well as their American case officers. Although the World War II generation is fading, the issue lives on. While the bulk of the OSS and SSU records have been declassified and transferred to the National Archives, thorough histories of these agencies and their operations have yet to be written. Likewise, continued classification of CIA's records hampers the efforts of historians to determine the full extent of the Agency's efforts during the Cold War. Many of the Agency's critics will not be satisfied until every document is open for public examination and that, in itself, will raise new questions and further controversies.

### NOTES

1. Public interest in Nazi war criminals can be seen in numerous publications since the mid-1970s, such as: Mark Aarons and John Loftus, *Unholy Trinity: How the Vatican's Nazi Networks Betrayed Western Intelligence to the Soviets* (New York: St. Martin's Press, 1991); Charles Ashman and Robert J. Wagman, *Nazi Hunters: The Shocking True Story of the Continuing Search for Nazi War Criminals* (New York: Pharos Books, 1988); Howard Blum, *Wanted!: The Search for Nazis in America* (New York: Quadrangle/The New York Times Book Company, 1977); John Loftus, *The Belarus Secret*, ed. Nathan Miller (New York: Paragon House, 1989, rev. ed. 1982); Allan A. Ryan, Jr., *Quiet Neighbors: Prosecuting Nazi War Criminals in America* (San Diego: Harcourt Brace Jovanovich, 1984); and Christopher Simpson, *Blowback: America's Recruitment of Nazis and Its Effects on the Cold War* (New York: Weidenfeld and Nicholson, 1988).

2. Rick Atkinson, "Nazi Hunters are Still at War, Fighting a Losing Battle," *The Washington Post*, 27 August 1995, pp. A1 and A22.
3. Simpson, *Blowback*, p. xiv.
4. United States General Accounting Office, Comptroller General of the United States, *Widespread Conspiracy to Obstruct Probes of Alleged Nazi War Criminals Not Supported by Available Evidence—Controversy May Continue*, GGD-78-73 (Washington, DC: General Accounting Office, 1978), pp. 33-34.
5. *Ibid.*
6. Press Release, "Report to Eilberg Charges Ties with CIA, FBI," 17 May 1978.
7. Cover statement, 1978 GAO Report. For further details, see the Report's "Scope of Review," pp. 4-6.
8. Frank C. Carlucci to J. K. Fasick, International Division, GAO, 18 May 1978.
9. US Congress. House Subcommittee on Immigration, Citizenship, and International Law of the Committee on the Judiciary. *Alleged Nazi War Criminals*. 95th Cong, 2nd/ sess., 19-21 July 1978, p. 28.
10. US Congress, House, *PL 95-549 Immigration and Naturalization Act—Nazi Germany*, 95th Cong., 2nd sess., 1978.
11. The best source of information on OSI's early years and the Bolschwing case is found in Ryan, *Quiet Neighbors*.
12. "Nazi Connection," *60 Minutes*, 16 May 1982. For immediate press reaction to Loftus's charges, see Dale Russakoff, "American Officials Accused of Aiding Nazi Collaborators," *The Washington Post*, 17 May 1982, pp. A1 and A6; Thomas O'Toole and Morton Mintz, "US Probes Report Nazi Collaborators Were Helped to Immigrate," *The Washington Post*, 18 May 1982, p. A3; Thomas O'Toole, "Nazis Brought to US to Work against Soviets in Cold War," *The Washington Post*, 20 May 1982, pp. A1 and A20; and Thomas O'Toole, "The Secret Under the Little Cemetery," *The Washington Post*, 23 May 1982, pp. A1 and A5.
13. Ralph Blumenthal, "Ex-Chief of Gestapo in Lyon is Linked to US Intelligence," *The New York Times*, 8 February 1983, pp. A-1 and A-9.
14. US Department of Justice, Criminal Division, *Klaus Barbie and the United States Government: A Report to the Assistant Attorney General, Criminal Division, US Department of Justice* (Washington, DC: US Department of Justice, 1983). For a retrospective look at the CIC's role in Austria during this time, see James V. Milano and Patrick Brogan, *Soldiers, Spies, and the Rat Line: America's Undeclared War against the Soviets* (Washington, DC: Brassey's, 1995).
15. US Department of Justice, Criminal Division, *Robert Jan Verbelen and the United States Government: A Report to the Assistant Attorney General, Criminal Division, US Department of Justice* (Washington, DC: US Department of Justice, 1988).
16. United States General Accounting Office, Comptroller General of the United States, *Nazis and Axis Collaborators Were Used to Further U.S. Anti-Communist Objectives in Europe—Some Immigrated to the United States*, GAO/GGD-85-66 (Washington, DC: GAO, 1985), pp. 29-40.
17. *Ibid.*, pp. 6-7.
18. US Department of Justice, Criminal Division, *In the Matter of Josef Mengele: A Report to the Attorney General of the United States* (Washington, DC: Department of Justice, 1992).
19. A.M. Rosenthal, "The Waldheim File," *The New York Times*, 24 November 1989, p. A35. Rosenthal's columns about Waldheim helped persuade a member of Congress to introduce a bill to open the Agency's records on all Nazi war criminals.
20. Frederick P. Hitz, Office of Legislative Counsel, to Congressman Stephen J. Solarz, 31 December 1980.
21. US Department of Justice, Criminal Division, *In the Matter of Kurt Waldheim* (Washington, DC: US Department of Justice, 1987).
22. For example, see Robert Edwin Herzstein, *Waldheim: The Missing Years* (New York: Arbor House/William Morrow, 1988) and Eli M. Rosenbaum and William Hoffer, *Betrayal: The Untold Story of the Kurt Waldheim Investigation and Cover-Up* (New York: St. Martin's Press, 1993).
23. Michael Isikoff, "Nazi-Hunting Office is Busier than Ever," *The Washington Post*, 3 May 1993, pp. A17, and Jane Mayer, "With Cold War Over, More Escaped Nazis Face US Deportation," *The Wall Street Journal*, 16 April 1991, pp. A1 and A4.
24. Elizabeth Holtzman to Robert M. Gates, 26 March 1992.
25. Ryan, *Quiet Neighbors*, pp. 4-5, 328-329.