Boston museum concedes a Monet may have been taken from Jews in WW II

Conference attempts to keep world spotlight on art stolen by Nazis

By Michael Kilian
WASHINGTON BUREAU

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"As we enter the new millennium, we face a time when the voices of survivors will be stilled, when the moral urgency and imperative only they can bring will be lost to us," said Miles Lerman, chairman of the United States Holocaust Memorial Council, a co-sponsor of the conference.

The meeting, also sponsored by the U.S. State Department, got under way just as the Boston Museum of Art acknowledged that one of the paintings in its current "Monet in the 20th Century" exhibition may have been stolen from Jews by the Nazis during World War II.

The painting, "Water Lilies 1904," is on loan from the Musees Nationaux de France. The World Jewish Congress had faulted the Boston museum for failing to identify the work as a likely part of a collection amassed by Adolf Hitler's foreign minister, Joachim von Ribbentrop, during the 1940 conquest of France.

A spokesman for the Boston museum said it would contact French officials to determine whether they were investigating the painting's provenance and what progress has been made. Similar controversies arose this year over whether two paintings by Austrian artist Egon Schiele on loan to New York's Museum of Modern Art and an Edgar Degas at the Art Institute of Chicago had been looted from Holocaust victims.

"We firmly believe in that as much as we do in the imperative that survivors be compensated for assets stolen from them," Miles Lerman, chairman of the United States Holocaust Memorial Council, will take part as a newly appointed member of President Clinton's Presidential Advisory Commission on Holocaust Assets in the United States.

Secretary of State Madeleine Albright, Undersecretary of State Stuart Eizenstat, Nobel Prize-winning Holocaust scholar Elie Wiesel, Metropolitan Museum Director Philippe de Montebello, National Gallery of Art Director Earl Powell and House International Relations Committee Chairman Benjamin Gilman (R-N.Y.) will be among other Americans making presentations at the meeting.

"This is the first time that 42 governments have come together in recognition that the Holocaust should not become a footnote to history," Lerman said. "We firmly believe in that as much as we do in the imperative that survivors be compensated for assets stolen from them."

He called for nations to pool their information on the Holocaust and the fate of victims and their assets, making use of the huge stores of archival data kept at Washington's United States Holocaust Memorial Museum.

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The four-day assets conference will not involve individual negotiations or disputes but will seek a permanent global acceptance of the moral obligation and the need for cooperative efforts to return confiscated assets to families of victims or to compensate them for their loss, Lerman said.

"The important thing all fine art museums must recognize is accountability," Lerman said. "This is a moral issue, not a material issue. I am convinced that all major institutions do recognize this, and I'm confident a way will be found to resolve these issues. We need to recognize that history will be monitoring us.

The assets conference is headed by former congressman and ex-federal appeals court judge Abner Mikva. Former Chicago alderman and ex-mayoral candidate William Singer will take part as a newly appointed member of President Clinton's Presidential Advisory Commission on Holocaust Assets in the United States.

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In congressional hearings last February, the directors of the Art Institute of Chicago and other leading art museums, acting as members of an Association of Art Museum Directors task force, urged that a special agency be created to resolve disputes and arbitrate compensation for stolen art.

Congress recently passed a Holocaust Victims' Redress Act, which mandates the return of possessions taken by the Nazis, but no separate governmental authority with police or judicial powers was established.

Restitution has been hampered in many cases because some artworks have changed hands several times since the end of World War II. In the Schiele case, the two contested works were found to have been sold by an heir of the original owner years before another relative filed a second claim for them.

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Miles Lerman, chairman of the United States Holocaust Memorial Council
From Albright, a Summons to Remember
Secretary Stirs Holocaust Conference With Her Own Story

By Thomas W. Lippman
Washington Post Staff Writer

Secretary of State Madeleine K. Albright, who lost three Jewish grandparents in Nazi concentration camps, told an international conference yesterday that the quest for belated justice for Holocaust victims "requires that painful memories be revisited, easy evasions confronted and inconvenient questions asked and answered," a process she is going through herself.

The Czech-born Albright, who was raised as a Catholic and has said she learned of her Jewish roots only last year, stirred delegates at a conference on the recovery of art and other assets taken from Holocaust victims and their families by relating its work to her personal history.

"I think of the blood that is in my family veins," she told the gathering, sponsored by the State Department and the U.S. Holocaust Memorial Museum. "Does it matter what kind of blood it is? It shouldn't. It is just blood that does its job. But it mattered to Hitler, and that matters to us all, because that is why 6 million Jews died."

Albright often relates her foreign policy views to her history as a refugee, first from the Nazis, then from communism. But she rarely speaks publicly about her Jewish ancestry, "a subject," as she put it yesterday, "for which I have not yet found, and may never find, exactly the right words."

However, she used her appear-

See HOLOCAUST, A36, Col. 2
Albright Stirs Delegates on Holocaust

HOLOCAUST, From A1

ance before an international audience of Holocaust survivors, leaders of Jewish organizations and government officials to provide one of her most prolonged public reflections to date about her background and its legacy.

"When I was young, I didn't often think about grandparents," she said, "I just knew I didn't have any." Albright, who has said she learned of her Jewish ancestry after a Washington Post reporter uncovered it last year, "was an infant when I was separated from them. Now, I too have become a grandparent, and I look at my children's children, and the love and pride literally overflow. I am sure now that I was once the object of such affection, not only from my parents but from those who gave them life. And as I think of my life, now in my 62nd year, I think also of my grandparent's lives in those final years, months and days."

Her comments prompted a standing ovation from conference participants, many of whom later said they were moved by her explicit linkage of her past and their work.

The conference, chaired by former federal judge Abner Mikva, brought together delegates from 44 countries and 13 private organizations to forge common policies on tracking down networks left by the Nazis, tracing unpaid insurance policies and reclaiming "community property," such as synagogues and cemeteries. The total value of these assets is estimated to be at least tens of millions of dollars.

A similar conference last year led to negotiated settlements involving Swiss bank accounts and looted gold. The delegates here are addressing what Undersecretary of State Stuart Eizenstat, chairman of the U.S. delegation, called "the final chapter in the unfinished business of perhaps the greatest human tragedy of this or any other century."

Mikva said the purpose of the conference is not "to make specific government decisions" but to seek agreements on procedures for settling the remaining issues and to press for commitments to full access to all relevant archives. Holocaust Museum Chairman Miles Lerman described the task as "a financial and moral audit" of the role played by the participating countries during the Holocaust.

Eizenstat said that by some estimates, "fully one-fifth of all the art in Europe was uprooted" by the Germans and their accomplices during World War II. Eizenstat said the U.S. delegation would seek approval of 11 proposed principles and processes for identifying and dealing with the troves of looted art that may exist across Europe, including a commitment by governments to identify stolen works and make information available to possible claimants.

Among the participants were museum directors, including Earl Powell III of the National Gallery of Art, art restorers and dealers, and specialists in evaluating works of art.

Former secretary of state Lawrence Eagleburger is chairing an international commission studying insurance archives in several European countries and is examining policies from the Nazi era, many of which were never paid. Under pressure from state insurance regulators in the United States, which have threatened to limit the right to do business in their states, six European insurance companies already have committed $90 million to a "humanitarian fund" for Holocaust survivors.

Another issue before the conference is "community property," such as cemeteries and synagogues, that was confiscated by the Nazis, nationalized during the communist era in Eastern Europe or both. In Poland there may be as many as 5000 examples of such property, Eizenstat said.

Delegates said restoration of these properties is essential to the survival of religious communities in Europe that are struggling for viability after decades of official hostility, emigration and confiscation of assets.

On Monday, President Clinton named Edgar M. Bronfman, president of the World Jewish Congress, as chairman of a 12-member commission that will study Holocaust assets in the United States.

While Albright urged the delegates to "make the lodger slightly less out of balance," conference participants stressed the difficulty of finding solutions acceptable to survivors, governments, businesses and organizations.

A living symbol of that difficulty was Elzeara Weisshaus, 69, of Brooklyn, N.Y., who lost her family in the German occupation of her native Romania. Weisshaus was the first survivor to sue Swiss banks in U.S. courts to recover family assets but was barred from yesterday's gathering because she lacked the required credential. Standing outside the State Department, accompanied by her lawyer, Weisshaus complained that too many of the recovered assets and compensation payments were going to Jewish groups, not to individual survivors and their heirs.

"Survivors are sick, they're losing hope, and these people are taking the money. It's unbelievable," she said. "This is our money. They have no right to it. They didn't work for it. They are benefiting, and they make fools out of us."
The Dangers of Holocaust Restitution

BY ABRAHAM H. FOXMAN

Now that Swiss banks have reached a settlement on Nazi gold, investigations into that country’s Holocaust-era past are closed and the tide has turned to investigations of other countries, corporations, insurance companies and institutions like museums. This week General Motors and Ford became the latest to be named, for allegedly assisting Hitler’s war effort. Also this week, representatives of 44 nations, Jewish groups and other interested parties gathered in Washington at the Holocaust Memorial Museum to examine a variety of issues related to Holocaust restitution, including insurance, property and stolen art.

Certainly, individuals who had bank accounts, insurance policies or works of art that were stolen have a right to pursue their claims. But when these legitimate claims become the main focus of activity regarding the Holocaust, rather than the unique horror of six million Jews, including 1.5 million children, being murdered simply because they were Jewish, then something has gone wrong. A new “industry” has sprung up, spearheaded by lawyers and institutions, in an effort to get what they call “justice” for Holocaust victims. As a Holocaust survivor, I question for whom they speak and how they define “justice.” The focus must remain on discovering the truth, on revealing and owning up to the past.

Lawyers have filed a civil suit against Ford, accusing it, through its German-based subsidiaries, of aiding the Nazi effort, using slave labor and earning huge profits. Similar charges against GM are being documented in a book to be released next year. Both of the American automotive giants had plants in Germany, established before the war, which flourished under the Nazi regime and continued operations even after the U.S. joined the war. What they “owe” for this in dollars and cents is not yet clear, but they do owe us the truth. While the corporations’ current leaders cannot be held culpable for what transpired during the Nazi era, they will be judged by how they deal with it. They must vigorously, voluntarily and honestly confront that past by opening up their archives.

Seeking restitution is important, but at what price? Look at what happened in Switzerland. Yes, we got a check, but what about morality, reconciliation and confronting the past? The Swiss have yet to come to grips with the realities that their history, not the Jews, is their enemy, and that the settlement was not blackmail but a moral debt they should have paid voluntarily.

What concerns me today is the zealous quest for restitution without regard for consequences. A protracted discussion and debate could bring a high price for the Jewish people, for history and for memory. We need to understand that there is no absolute justice. Full justice could never be obtained from the Swiss, because we cannot put a price on the life of a child whom the Swiss turned back at the border when they saw “J” in his documents. We can only hope for a measure of justice, a symbolic justice that demonstrates an accounting and accountability.

Since the Swiss settlement there has been a rush for restitution. Some lawyers see it as an opportunity of a lifetime. Some politicians see it as a way to gain Jewish support. The $1.25 billion Swiss settlement would not have been achieved without the dogged efforts of lawyers and politicians, many of whom worked pro bono and because it was the right thing to do. But, I do not want Holocaust victims used as political footballs or tickets for financial gain.

One of the lead attorneys in the Swiss case, Ed Fagan, is now traveling the world seeking new clients. In Poland he remarked that if Hitler moved across Europe from West to East looting and robbing, he, Mr. Fagan, would move from East to West reclaiming the losses. There is no place for ambulance chasers in this serious and sacred undertaking.

The disbursement of settlement funds has become a tug-of-war among vying groups and lawyers. I believe, first and foremost, that those who have claims should receive payment. Holocaust survivors without specific claims should be included in the disbursement of funds. After claims are satisfied and after needy survivors, who are mostly in Eastern Europe, are provided for, I suggest the remainder go to Israel. Not only would this make an important statement, but Israel has the greatest number of Holocaust survivors who need support. Israel has proportionately more children and grandchildren of survivors than any other nation.

I fear that all the talk about Holocaust-era assets is skewing the Holocaust, making the century’s last word on the Holocaust that the Jews died not because they were Jews, but because they had bank accounts, gold, art and property. If you repeat it enough, you establish as “fact” that the reason the Jews were killed was because they had money. To me that is a desecration of the victims, a perversion of why the Nazis had a Final Solution, and too high a price to pay for a justice we can never achieve.

I was asked on a trip to Germany if I didn’t think it was time to put an end to dealing with the Holocaust. I answered that there could be no end. We owe it to history and to the six million who died to teach the lessons of the Holocaust to new generations. These lessons will be diminished and skewed by the efforts to put money over morality.

Mr. Foxman is national director of the Anti-Defamation League.
Foggy Conference

The Washington Conference on Holocaust-Era Assets, co-sponsored by the State Department and the United States Holocaust Memorial Museum, seems to have gotten a case of cold feet on the question of plundered art. The four-day conference, due to start November 30, has the goal of developing guidelines for identifying and dealing with restitution cases, so that these cases can be solved time after time. Some 57 international delegations will discuss a whole range of issues in closed-door sessions. In the case of art restitution, however, the conference is heavily tilted toward a museum world. The Metropolitan Museum of Art's Philippe de Montebello will be there, as will the National Gallery's Earl "Rusty" Powell. Notably absent will be anyone from the office of the Manhattan district attorney, Robert Morgenthau, who lit up the whole art restitution issue when he seized as evidence two paintings by Egon Schiele that had been on loan to the Museum of Modern Art at New York. In the course of the Schiele case, the museum world generally has disgraced itself by plumping for special exemption for art works from the normal workings of the justice system. A spokesman for the Washington event, Stephen Dubrow, insists there was a great effort to have a balanced conference. "This is not a case-based conference," he argues. But the chairman of the Holocaust Art Restitution Project, Ori Soltes, isn't so sure. He is one of the lucky few advocates for victims who was invited speak (on a panel called "The Identification of Art, Archives and Databases"). No doubt the conference is going to echo complaints of the museum gedoylim, who contend that Mr. Morgenthau's case will make collectors and museums chary of lending paintings, putting work up for auction or for allowing traveling exhibitions. In terms of the real world, Mr. Morgenthau says that argument is total bunk, and Mr. Soltes calls it "specious - almost immoral." We were shocked to read in the Jerusalem Report that one of the museum officials being quoted in opposition to Mr. Morgenthau's case is the special assistant to the director of the United States Holocaust Memorial Museum, Wesley Fisher, who is also deputy chairman of the Washington event. The chairman of the Holocaust museum, Miles Lerman, is staying out of the fray for now, saying only that complaints like Messrs. Morgenthau and Soltes' are "completely justifiable" and that it was the State Department's call on whom to invite. One of the important features of the art restitution effort is that it deals with unique, identifiable, portable pieces of property. If the State Department can't stand up to the museum world, it's hard going to imagine it standing up to European governments.

And art is just one aspect of the restitution struggle. Another breaking fray has been triggered by the plan of Prime Minister Netanyahu's adviser, Bobby Brown, to release at the conference a list of countries and organizations that have not yet opened their archives for the kind of study being planned for Washington. This fetched up in the Israeli press under a headline about a blacklist, and the national director of the Anti-Defamation League, Abraham Foxman, said, "I don't think we should be engaged in blacklists." But neither should this problem be swept under the rug. The broad point at the conference is likely to be made by the president of the World Jewish Conference, Edgar Bronfman. He expects to issue a plea that the Washington event not become

Holocaust meeting focuses on Jews' assets

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By Ben Barber
THE WASHINGTON TIMES

Delegates from 45 nations gathered in Washington yesterday to try to forge a consensus on providing restitution for thousands of pieces of Jewish art, property and other assets seized by the Nazis.

The conference opened last night with a silent ceremony at the Holocaust Museum last night in which survivor Benjamin Meed and his granddaughter led a procession of delegates in laying white roses before an eternal flame.

Then Elie Wiesel, a Nobel peace laureate and Auschwitz survivor, asked why it took so long for the assets issue to be raised.

"We feel reticent to talk about it even now," he said, blaming it on fear of tainting the sacred memory of the dead and of raising anti-Semitism.

U.S. Undersecretary of State Stuart Eizenstat, in remarks to open the four-day meeting, described the conference as a "landmark event."

"In fact, it may well represent the last full opportunity for the international community to gather and write the final chapter in the unfinished business of perhaps the greatest human tragedy of this or any other century," he said.

The conference opened last night with a ceremony at the U.S. Holocaust Memorial Museum, which commemorates millions of lives lost to the Nazis in World War II.

Mr. Eizenstat, a driving force behind the Holocaust assets campaign, said future generations have an "abiding responsibility" to ensure the memory of those who died by Nazi hands "is seared into the collective memory of the world's conscience."

The focus of the Washington Conference on Holocaust-Era Assets was on efforts to identify looted paintings and other art and property seized by Nazis from Jews as they were sent to the gas chambers of Auschwitz and other concentration camps.

It has taken 50 years since the end of the war for the start of a concentrated effort led by the United States to open up archives and delve into the massive looting of European Jews that was part of the genocide of the Holocaust.

"What really shocked the conscience of the world was the discovery that even after the war, some countries tried to gain materially from this cataclysm by refusing to return to rightful owners what was justly theirs," said Miles Lerman, chairman of the U.S. Holocaust Memorial Council.

A possible target of his remarks, the Swiss government and banking industry, which resisted initial calls to open up its secretive books and turn over suspected Jewish victims' assets, again yesterday denied they ever balked at returning Jewish property.

"In Switzerland of course there were, as in other countries, people who like to keep negative aspects about their country under the carpet," said Switzerland's ambassador to the United States, Thomas Borer.

"The perception of stonewalling is wrong," he said, calling any delays due to Switzerland's "democratic system."

Swiss banks for years had refused to concede they held Jewish Holocaust victims' assets in numbered accounts, or that they had in any way helped Nazi Germany launder gold.

But after prodding by Sen. Alfonse M. D'Amato, New York Republican, and a threat of a boycott by New York banks, Swiss banks agreed to pay $1.2 billion to Holocaust survivors.

Switzerland, stung by the revelations of its dealings in Nazi gold, yesterday said it planned to call its own conference on the West's rejection of Jewish refugees before World War II.

The Washington conference aims, in a special session held at the Holocaust Museum tomorrow, to organize research into the murder of the Jews and others by the Nazis and assist other nations to examine their roles during the Nazi era.
National Gallery exhibit may have had stolen works

Experts say Nazis looted the items displayed in 1990.

By Mike Feinsilber
ASSOCIATED PRESS

WASHINGTON — An art show that drew glowing reviews at the National Gallery of Art in 1990 is getting a second, far-less-friendly look. Critics complain that the museum failed to note that some of the paintings had been looted by the Nazis from Jews in France.

"This exhibit raises a myriad of questions, including why your prestigious institution gave a public platform to a Nazi arms dealer who was also the largest Swiss buyer of looted art," Sidney Clearfield, executive vice president of the Jewish organization B'nai B'rith, wrote gallery director Earl Powell.

The gallery minimizes its role in displaying "works of art that were shown for nine weeks in a temporary loan exhibition' of pieces owned by the late Swiss industrialist Emil G. Bührle and a foundation he created.

Among the 84 paintings in the show, "The Passionate Eye," were at least four — by Alfred Sisley, Camille Corot, Edgar Degas and Edouard Manet — that were seized by the Nazis when they occupied France, art historians say.

After World War II, Douglas Cooper, a British army officer and art connoisseur, was asked by the Allies to investigate the disappearance of thousands of artworks. In a report that was declassified in Washington in 1975, he identified Bührle as the largest Swiss buyer of art taken by the Nazis. The report lists the four paintings in the show as among those that had been purloined.

Fine print in the exhibition catalog also notes that a fifth painting in the show was in the collection of Hermann Goring, Germany's second-most-powerful Nazi.

In his letter, Clearfield asked the National Gallery to republish the catalog. Such catalogs are used as a reference in libraries and museums. He said republication would give the previous owners of the art "their rightful place in history."

Ori Soltes, director of the National Jewish Museum in Washington, said it would have been impossible for Bührle not to have known about the paintings' tainted history when he acquired them.

And, Soltes says, it also would have been unlikely for the National Gallery not to have learned about that history when it researched the art in preparing the catalog, especially since the gallery helped the Allies identify confiscated art after the war.

"I assume a museum of that stature does the kind of research which could not have avoided turning up that information," he said. He called the exhibit "morally irresponsible."

In a statement, the gallery said it "makes all reasonable efforts to assure itself that it exhibits works of art that have been properly exported from their country of origin and have no legal claims regarding ownership pending against them."

"We are constantly seeking to improve our procedures," the gallery added.

The show opened in an air of celebration in 1990. J. Carter Brown, who then ran the National Gallery, welcomed "the biggest package of impressionists and post-impressionists that you'll ever run into in your lifetime."

The fresh interest in the exhibit was provoked by the publication this year of the English edition of The Lost Museum, by cultural writer Hector Feliciano. The book traces how the Nazis stripped occupied countries of works of art — 61,000 from France alone. Many have not yet been returned to the families of their original owners.

Adolf Hitler considered modern art degenerate, but the Nazis still took it, selling it or trading it to cooperative galleries for resale.

That is how Bührle acquired many of his pieces, Feliciano wrote. He said Bührle could not have been unaware of "the shady origins of the paintings he was buying."

Taking note of the broader controversy, Rep. Jim Leach (R., Iowa), chairman of the House Banking Committee, drafted legislation expressing Congress' view that artworks seized by the Nazis or the Soviets should be returned to their original owners or heirs.

Adding a twist to the story of Bührle's collection, Feliciano reported that French collector Paul Rosenberg, original owner of some of the art that Bührle acquired, regained possession of it in 1949 by suing Bührle in Swiss courts — and then sold it back to Bührle.

Soltes said Bührle had settled legal claims against the four challenged pieces of art before they went on display at the National Gallery. Bührle's legitimate ownership of the four is not in dispute, he said. What is in dispute is the National Gallery's failure to acknowledge the paintings' history.
In a dive bar on Heinrichstrasse, I'm deep in conversation with Miss Switzerland 1994. We're sitting at a long table surrounded by 16 of the most beautiful women in the country, contestants for this year's Miss Switzerland crown. I'm almost deafened by the blaring Eurotechnopop, but I can just make out what she's saying. She's telling me why Switzerland will never win Miss Universe. "Miss Universe is all about connections and power," she says, "and the biggest, most powerful countries always win. Never Switzerland."

This small and wealthy country is feeling a bit isolated, powerless, and thin-skinned these days. Used to be when you said Switzerland, people thought chocolate, Alps, and Heidi. Now it's laundered money, Nazis, and bank accounts stolen from Holocaust victims and survivors. One very prominent banker here promised to meet with me on the condition that I would not mention Topic A, the so-called "dormant accounts." Not that he had anything to hide, he said; he'd just had it with the whole tiresome subject.

When Israeli Prime Minister Benjamin Netanyahu recently wrote a letter to World Jewish Congress President Edgar Bronfman congratulating him on finally reaching a settlement with the Swiss banks, the Swiss—including many Swiss Jews—were furious. They considered the attack both hypocritical and opportunistic. After all, the Israelis had tactfully stayed out of the whole mess for years—until there was a settlement and the promise of $1.25 billion to distribute to Holocaust survivors around the world. And what about the...
Yet there may have been a more cynical reason that the banks were so eager to settle. The Swiss-Jewish journalist Gisela Blau told me that, when the $1.25 billion settlement was tentatively reached in Brooklyn on August 12, a sigh of relief could be heard along the Bahnhofstrasse. And not just because the nightmare of being pilloried before the world was over, not just because business relationships were once again secure, but because the deal would end the investigation before any more dark secrets of Switzerland's vast wartime dealings with the Nazis could be unearthed. Under the agreement (the final details of which are still to be worked out), all Holocaust-related claims and lawsuits are annulled. No longer will bank archives be ransacked for evidence of wartime criminal activity. No longer will banks be pressured to reveal paper trails left by the middlemen—those lawyers and accountants and others who opened bank accounts on behalf of foreign Jews and then seized the money once the rightful owners were exterminated. As for acknowledging guilt or responsibility for their past misdeeds, the banks and the government are off the hook. No wonder the banks are privately so euphoric.

Now the world will never learn how the Swiss banks safeguarded the assets of Nazi war criminals or protected from Allied scrutiny the holdings of the German industries that underwrote and sustained the Reich, built the gas chambers and crematoria, and supplied the Zyklon B. Or how the Swiss helped channel these ill-gotten gains back to Germany after the war.

And now, finally, everything here can go back to what passes here for normal. A few years in the pillory hasn't altered the peculiar Swiss moral calculus. When it came out this past May that the government-owned Swiss National Bank had received 119.5 kilos of gold the Nazis had extracted from the mouths of Jewish extermination-camp prisoners and from wedding bands pried from their fingers, the Neue Zuercher Zeitung, Zurich's leading conservative daily, editorialized that everyone was making an outsized fuss over this gold. For heaven's sake, they were talking about a mere 0.04 percent of the 600 tons of gold the National Bank accepted from the Reichsbank—an insignificant number, really.

But the Zeitung's soulless mathematics is just an example of the chilling logic that underlies the Swiss justification for their wartime actions. This is a land of accounting, not accountability. In defending perhaps the darkest chapter in Swiss history—not the laundering of Nazi gold but the turning away of refugees seeking entry, before and during the war, in order to escape the death camps—the Swiss government argues that it let in just about as many as it turned away: 28,000 accepted versus 30,000 rejected.

It's true, as Gisela Blau points out, that the United States, whose wartime population was 33 times greater than Switzerland's, admitted no more than 21,000 refugees (mostly Jewish) during the course of the war—a mere ten percent of the quota limits legally available, meaning that as many as 90 percent of those Jews we could have let in, or some 190,000 people, may have gone to their deaths. In both actual and relative terms, tiny Switzerland admitted significantly more. We may criticize the Swiss, but our record on refugees (under the Roosevelt administration) was far worse.

Still, the Swiss tally obscures the fact that the government's miserly policy was to admit only as many Jews as the resident Swiss-Jewish community would commit to support by itself. All others would be kept out—a particularly insidious form of blackmail. And it's quite likely the number of Jews the Swiss rejected was far higher than 30,000, an official number based on refugee...
archives that were sealed for decades. The interior minister of Switzerland, who's in charge of the federal archives, insisted, naturally, that this secrecy was to protect personal privacy. Then, in 1994, the archives were suddenly opened. A new interior minister had come into office, Ruth Dreifuss, a Jew whose father was active in saving refugees during the war in the east of Switzerland. (Next year, incidentally, she'll become the president of Switzerland, the first woman and, of course, the first Jew to hold this honorific office, which will be of at least totemic importance.) There, an alarming discovery was made: Two-thirds of the refugee files turned out to be nothing more than empty folders. The papers had been destroyed in 1956 and 1957, in violation of Swiss law--"for space reasons," the head of the archives maintained.

Among the files that had survived were records of at least 30,000 refugees turned away. It was based on that incomplete survey that the Swiss government calculated the number of Jews kept out. Who knows what was in those empty files? Gerhart Riegner, vice president of the World Jewish Congress (who, as the young World Jewish Congress representative in Geneva in 1942, first informed the U.S. State Department about the systematic extermination of Europe's Jews) believes that the figure is at least 100,000 refugees rejected.

In the past few years, several Holocaust survivors have taken the Swiss government to court over Swiss behavior during the war. But, now that the Nazi gold scandal has faded and our attention is elsewhere, it will be interesting to see what happens to those lawsuits.

In 1997, a London businessman named Charles Sonabend filed a claim for 100,000 Swiss francs (about $70,000) for the death of both of his parents, under the Swiss Law of Responsibility. His claim stems from events in 1942, when Sonabend was eleven, and he, his sister, and their parents fled from German-occupied Belgium to Switzerland. What the Sonabends didn't know was that precisely one day after they'd entered, the head of the Swiss police, Heinrich Rothmund, issued confidential orders that only political refugees were to be admitted, but "people who state that they are refugees purely on racial grounds, e.g., Jews, are not considered to be political refugees" (my italics). The Swiss police rounded the Sonabends up and deported them to occupied France, whereupon the children were sent to a Jewish children's orphanage in Paris and the parents were sent to Auschwitz and gassed a week later.

This was the first claim ever filed against the Swiss state for its wartime actions on refugees, and, unsurprisingly, the government rejected it on the grounds that the statute of limitations had run out. Moreover, the government added, "In contrast to the Nazi regime, Swiss federal officials committed no war crimes." But, as Sonabend's lawyer, Marc Richter, told me, in fact Sonabend and his sister had for decades been trying to get the Swiss records of his deportation--only to be told, repeatedly, that the records were missing. Then, two years ago, a Swiss journalist happened upon them, misfiled in the Bern archives, while doing research. So Sonabend had had access to the files for only two years. The case is now pending before the Supreme Court of Switzerland, in Lausanne. But a happy ending doesn't seem likely.

Only outside political pressure seems to make the Swiss cooperative when it comes to Holocaust-era claims. Last year, an Austrian-born Holocaust survivor now living in Israel, Eli Carmel, filed a similar claim against the canton of Basel. In 1939, Carmel was deported by the Basel police and delivered straight
into the hands of the Germans, who then sent him to Sachsenhausen. At first, the Basel government rejected this claim, saying his file was either lost or had been accidentally discarded. But a chance "discovery" saved Carmel's case. A bureaucrat in Geneva opened the door to a room that hadn't been opened in decades, or so he claimed, and found tens of thousands of refugee files that had been thought destroyed. Among them was a copy of Carmel's file. Carmel received 50,000 Swiss francs—presumably because the government of Basel wanted to avoid controversy on the eve of the centennial celebration of the first Zionist Congress there.

When Carmel's victory was recounted by Gisela Blau in the Swiss-Jewish weekly Judische Rundschau, and published on the Internet, another Holocaust survivor read it with interest. He was Joseph Spring, a travel agent living in Australia. In November 1943, at the age of 16, Spring had tried to flee from Belgium to Switzerland with his two cousins, bearing forged French passports. When the Swiss border guards pronounced the papers fake, the cousins, believing they could enter as political refugees, produced their original German-Jewish passports, stamped with a J. The guards drove the boys right to the German side of the border, presenting the German officers with the cousins' Jewish passports. All three were sent to Auschwitz; only Spring survived.

At the time, the Swiss government knew exactly what was happening to the Jews. They knew what the crematoria at Auschwitz were for, where the plumes of smoke came from. In fact, documents in the Swiss archives make it undeniably clear that the government even knew the capacity of the crematoria at Auschwitz, down to the number of bodies processed each day. Spring's claim, too, awaits decision by the Swiss Supreme Court. The Swiss government rejected it with the tenderest sympathy; such terrible deeds, it said, cannot be compensated with mere money.

Joseph Finder writes frequently on intelligence and international affairs. He is the author of High Crimes and The Zero Hour.

Putting a price on barbarity

Aggressive campaigning to win compensation for Holocaust victims is provoking moral turmoils and could inadvertently help to foster anti-Semitism.

Richard Wolfe reports

A plain cardboard box in the US Holocaust Memorial Museum in Washington holds a sheaf of hand-written papers and a photograph album belonging to Lorenz Schmuhl.

Schmuhl was the first US commander of the liberated concentration camp at Buchenwald. His official reports coldly record everyday problems such as the search for water and the increased rations needed to feed the starving survivors.

But his personal papers, which the war veteran's family wanted to throw out after his death, tell a starkly different story of revenge and despair. One passage reads: "Some of the inmates have gone out into the nearby woods and have captured some of the former SS guards. They bring some in; dead, others beat up so they will die. They give them the kind of treatment they used to get. Have tried to stop the killing but to no avail."

More than 50 years on, with the horrors of the Holocaust still possessing the power to disgust and dismay, a new generation is searching for a different kind of justice.

But today, a worldwide campaign to compensate Holocaust survivors has become engulfed in its own moral turmoil. In particular, the campaign has sparked a highly-public debate involving the oldest anti-Semitic theme of all: money. Did the Nazis kill the Jews for their money and can money ever repay the crimes of the Holocaust?

What started with the hunt for victims' accounts in Swiss banks in 1998 rapidly escalated into an effort to return looted art to its original owners and their heirs in Austria and France. Finally this year, the campaign
 TURNED TO ITS ULTIMATE TARGET - TO WIN RESTITUTION FROM GERMAN COMPANIES THAT PROFITED FROM JEWISH WORK AND SLAVE LABOUR IN CONCENTRATION CAMPS.

FOR SURVIVORS, THE CAMPAIGN UNDERLINES HOW THE HOLOCAUST REPRESENTED MORE THAN JUST THE DESTRUCTION OF JEWISH LIFE ACROSS EUROPE. MILES LEMAN, CHAIRMAN OF THE WASHINGTON HOLOCAUST MEMORIAL COUNCIL AND A SURVIVOR HIMSELF, SAID: "IT WAS NOT INCIDENTAL THAT IG FARBER OR ANY OTHER INDUSTRIAL COMPLEX IN GERMANY SETTLED THEMSELVES AROUND AUCHWITZ-BIRKENAU. THEY WERE GETTING LABOUR FOR 10 CENTS A DAY.

"WE ARE INTERESTED NOT IN THE DOLLARS AND CENTS BUT THE FACT THAT IT WAS BY DESIGN. THEY WERE TRYING TO UTLIPO AND BENEFIT FROM EVERY ASPECT OF THE PRISONERS. FIRST, THEIR LABOUR, THEN THEY WERE GASON, FOR THEIR HAIR, THEIR GOLD TEETH AND THEIR BONES WERE CRUSHED AND USED AS FERTILIZER."

ARMED WITH SUCH EVIDENCE - MUCH OF IT FROM ARCHIVES OPENED AFTER THE END OF THE COLD WAR - THE LEADERS OF THE VARIOUS RESTITUTION CAMPAIGNS HAVE TAKEN AN AGGRESSIVE STANCE. JEWISH GROUPS IN THE US HAVE THREATENED ECONOMIC SANCTIONS AGAINST GERMANY AND SWISS COMPANIES AND EMBARRASSED THEIR DIRECTORS INTO SETTLING CLAIMS. CLASS ACTION LAWYERS REPRESENTING "TENS OF THOUSANDS" OF CAMP SURVIVORS ARE PREPARING LEGAL ACTION IN BROOKLYN, NEW YORK, TOWARDS THE SAME GOAL.

"TAKEN TOGETHER, IT AMOUNTS TO A BOLD AND SOMETIMES BRASH CAMPAIGN THAT IS CHALLENGING ESTABLISHED VIEWS OF CORPORATE MORALITY, JEWISH POLITICS AND HOLOCAUST HISTORY.

AT ITS CENTRE IS A SPIGHTLY BROOKLYN RABBI WHO LEADS THE SMALL BUT INFLUENTIAL WORLD JEWISH CONGRESS. ISRAEL SINGER HAS BEEN CREDITED WITH SPÆRHEADING THE PUBLIC FIGHT FOR COMPENSATION AND INSISTS THE STRUGGLE INVOLVES MORE THAN MONEY. "I DON'T WANT TO ENTER THE NEXT MILLENIUM AS THE VICTIM OF HISTORY," HE SAID. "HIMMLER SAID YOU HAVE TO KILL ALL THE JEWS BECAUSE IF YOU DON'T KILL THEM, THEIR GRANDCHILDREN WILL ASK FOR THEIR PROPERTY BACK."

"HIMMLER SAID YOU HAVE TO KILL ALL THE JEWS BECAUSE IF YOU DON'T KILL THEM, THEIR GRANDCHILDREN WILL ASK FOR THEIR PROPERTY BACK."
In the quest for accountability, many had gold teeth. It is money. "How many Jews had such a perversion of art, such as the one in France, which has been rejected by other Jewish communities, such as the one in the hands of the French government - as "the last prisoners of war".

But Adolphe Steig, vice president of the stated Commission of historians charged with locating looted Jewish assets, reacted angrily to the comparisons. A former resistance fighter who was imprisoned in Lyon in 1942, Steig said: "In France we know what it means to be jailed. We consider that someone over the Atlantic who comes to give us lessons has to be more cautious and more modesty."

Jewish assets, said: "If we are going to have a global economy, including South Africa, Cambodia and Bosnia, then we as a world need to establish what - international humanitarian principles we are going to hold everyone to, as a minimum."

"I want to establish the principle that there are fundamental human rights recognised on an international basis that no government and no corporation can evade, and will be held accountable for, regardless of the passage of time."

However, the lawyers have themselves become bogged down in a moral quagmire. While most lawyers acted free of charge in the Swiss bank negotiations, many - including Hausfeld - are now seeking fees from any settlement with the German companies. "We are trying to keep it in single-digit percentages if possible," Hausfeld said.

For Holocaust survivors, the lawyers' fees and tactics are little short of reprehensible. Roman Kent, chairman of the American Gathering of Jewish Holocaust Survivors, said: "When we have lawyers running around from one country to another trying to ambulance chase, then of course it gives people the wrong sense of what the Holocaust was and is to be."

"From my point of view, if the lawyers want to help us, that is one thing. But if they want to work on a contingency basis then it has no place in this. You just see the glitter of gold in front of the eyes of the lawyers."

But can money serve any purpose in the case of the Holocaust? There is at least a sense between restitution of property that can be identified and the more debatable issue of the class actions where you have more generalised payments.

"After all, the great bulk of the people who will be paid under the Swiss settlement will have had no relationship to Swiss banks. When we were developing the structure of the deal we called that the rough justice amount. I think there is a certain symbolic quality that only money can convey to repair the injustices."

When and where will the campaign for justice and compensation end? The answer, for the Germans as for other collaborating nations, may be many years away. Israel Singer said: "The Germans say we are the only ones who can give closure to this. But you know when there is closure? When the last Holocaust survivors die. And you know when there is moral closure? Probably never."
A Distinguished Public Servant

Over the next few weeks, lawyers for Swiss private banks and Jewish Holocaust survivors and victims’ families will probably sign a legal agreement committing the banks to pay a settlement of $1.25 billion, with an additional $200 million in humanitarian payments to indigent Holocaust survivors. The settlement will provide some justice to survivors and close a long argument over the complicity of Swiss banks, which helped finance the Nazi war effort and, when it was over, refused to return deposits by Holocaust victims to their families. It could not have happened without the efforts of Stuart Eizenstat, a long-serving American Government official who has brought a rare degree of energy and attention to these difficult matters.

With the support of President Clinton and Secretary of State Madeleine Albright, Mr. Eizenstat has spent the last few years unearthing unpleasant but important truths about the Nazis’ financial dealings with the rest of the world, including the handling of looted gold. First as Under Secretary of Commerce and more recently as Under Secretary of State, Mr. Eizenstat directed a full exploration of Holocaust claims and has managed virtually every aspect of a web of complex issues, from arranging diplomatic conferences on looted art to supervising settlement negotiations on Swiss bank dealings.

In 1997 his office cut through a fog of Swiss disinformation and denial to publish a report showing that the Swiss Government knew the Nazi gold in its possession had been looted, and that it had deliberately kept it after the war even as victims’ families tried to get it back. A year later, drawing on previously classified American archives, another report traced how other neutral nations profited by selling strategic metals and other war products to the Third Reich, often working through Switzerland’s central bank.

The reports did not ignore episodes that reflect poorly on the United States. After the war, America made only perfunctory efforts to recover the German gold held by neutral nations. Washington was more interested in building good relations with European nations as a cold-war bulwark.

With the banking issue essentially settled, Mr. Eizenstat’s office is beginning work on the problems of unpaid insurance policies, looted art and real estate, and slave and forced labor. Resolving them will help needy and aged survivors and right several longstanding wrongs. It is not often that American officials make an effort to explore the dark corners of history and help the victims of old injustices. Mr. Eizenstat has done both, and the country should be grateful for his work.
Hope springs from Holocaust assets talks

by Dottie Bennett
Special to WJW

I recently had the privilege of being a delegate to the Washington Conference on Holocaust-Era Assets, an event which grew out of the London conference that addressed the issues of Nazi gold one year ago.

On this historic occasion in Washington, 44 countries, along with 13 non-governmental organizations, including the America Jewish Committee, participated in high-level discussions over Nazi-confiscated assets. With restitution negotiations under way for financial assets seized during the Holocaust, including Swiss bank accounts, it was time to turn our attention to other plundered assets, including art, insurance, communal property, libraries and archives.

But for me, the conference was much more than a historic opportunity to reconcile with the past, it was intensely personal. With the rise of the Nazi regime in the late 1930s, my father, Dr. Hans Adler, was forced to flee Germany and, along with it, his successful leather-tanning business.

My father was always proud to be a German, and, notwithstanding his forced departure and the Nazi atrocities subsequently perpetrated against Jews and others, he believed strongly that his native land could and must transform itself. In an unusual move for a German Jew at that time, he began commuting to Germany from the United States shortly after the war was over to continue running what was left of his business. He passed away in 1981, but never gave up on his dream that his family would get back what was wrongfully confiscated decades back.

Within a few years after the Berlin Wall was torn down, a reunified Germany passed legislation that allowed for restitution of property confiscated by the Communist East German regime. My family immediately submitted ownership claims for several factories and other property.

By 1994, I received my substantial share of the restitution. I felt strongly, however, that this money should not be put to personal gain, but rather should be used to serve the memory of the Holocaust. On a special trip to Germany sponsored by the German Adenauer Foundation, I stumbled across the memorial to the book burning (which took place in 1933), a series of empty book shelves that serve as a reminder of the bonfires set by the Nazis that consumed thousands of books.

At that very moment, I knew I would use these funds to put books on the empty shelves. In cooperation with the American Jewish Committee, I established a special library of Judaic books in that organization's new Berlin office. It is a tribute not only to my father, but also to those who were silenced by the fires of the Nazi regime.

This personal history gives me hope that others will also receive what was taken from them. The Washington Conference on Holocaust-Era Assets sends a clear signal to the world that until and unless justice is done, those who survived remain victims. It encourages each country to speed up its efforts to reconcile with the past.

It has been more than 50 years since the Nazis and their accomplices attempted to liquidate the Jewish people by stripping them of their property, their dignity and, finally, their right to live. The remaining survivors are aging, and by and large, their just claims remain unmet. Decades of foot-dragging assure that many will never be as fortunate as my family.

Considering recent calls that we abandon our quest for justice, it is important to underscore that our efforts are not primarily about money. They are about justice and renewal. While the crimes of the Holocaust are too great to achieve perfect justice — or to come even close — dealing with these outstanding issues may well set the groundwork for a new chapter in human history.

The Washington Conference on Holocaust-Era Assets left me, at least, with reason to hope.

Dottie Bennett is president of the American Jewish Committee's Washington Chapter.
New focus on Swiss war role

Swiss officials are saying they will investigate allegations that Nazi SS accounts worth as much as $700,000 were transferred to Swiss banks during the war. In a letter to Thomas Borer, the head of a Swiss task force dealing with Holocaust-era issues, Rabbi Marvin Hier, dean of the Los Angeles-based Simon Wiesenthal Center, wrote that a Holocaust research group recently found among wartime documents at the U.S. National Archives a reference to possible SS transfers of funds to Swiss accounts. Hier forwarded one document from the U.S. Army's postwar interrogation of Walter Schellenberg, the head of German intelligence during the war, in which Schellenberg gives an accounting of how he ordered Dutch bonds sent "to a neutral account in Switzerland" in late 1944.

In a related development, the Zurich-based newspaper Jewish Weekly of Switzerland reported this week that Schellenberg was given haven in Switzerland in 1951 by Lt. Col. Roger Masson, Switzerland's wartime head of military intelligence. The Swiss Defense Ministry subsequently confirmed the report, but said Masson was no longer a member of the Swiss army at the time. Prior to his visit to Switzerland, Schellenberg had been sentenced to six years' imprisonment by the Nuremberg War Tribunal. The paper questioned why Masson was not tried for helping Schellenberg, who was at the time on a police list of Nazi war criminals not allowed to enter Switzerland.

— by Fredy Rom, JTA
Nazi Loot Claims: Art With a History

By Lee Rosenbaum

Releasing World War II’s “last prisoners of war,” as the head of a major Jewish organization recently dubbed Nazi-looted artworks, is a problem inspiring easy rhetoric but no easy solutions. Despite the growing support among governments and professional organizations for returning Nazi spoils to their “rightful owners,” it is no simple matter to determine whether a particular work was stolen more than 50 years ago and never handed back. And identifying today’s legitimate claimants can be tricky, when so many of the original possessors have succumbed to genocide or old age. Anyone stepping forward today to claim his family’s birthright faces a difficult burden of proof, required by even the most sympathetic current owners.

Most discouraging to hopes for successful negotiations between claimants and owners is the unraveling of an agreement over a Degas pastel that was lauded as a model by the U.S. State Department’s Under Secretary for Economic and Business Affairs, Stuart Eizenstat, at a 14-nation Holocaust assets conference held last month in Washington. Even as Mr. Eizenstat was celebrating the settlement, the landscape was languishing in storage at the Art Institute of Chicago, pending resolution of renewed squabbles among the museum, the heirs of Holocaust victims Friedrich and Louise Gutmann, and the work’s most recent in a chain of subsequent owners, pharmaceutical magnate David Searle.

The negotiated deal called on Mr. Searle to give a half-share of his picture to the Gutmann heirs, donating the remaining half to the Chicago museum, where he is a life trustee. The museum would tap its acquisition funds to pay the heirs for their half of the pastel, with the price to be determined by averaging two independent appraisals. But the estimate of the pastel’s current fair market value—$437,500, based on an appraisal of $300,000 by Christie’s auction house and $575,000 by New York dealer Richard Feigen—is being challenged by the heirs, who were looking for a value of at least $1 million, according to Nick Goodman, a grandson. Mr. Searle had purchased the work in 1987 from New York dealer Margo Schab, near the height of the art market, for $350,000.

“We are hoping to talk to Christie’s to see if they will reconsider,” Mr. Goodman said. If the appraisals stand, he said, “we will be out-of-pocket (for expenses in pursuing the case) by about $100,000. . . . We have also suggested that the museum might be able to contribute more money, but they have not responded positively.”

On Dec. 7, the Gutmann heirs sustained yet another setback in their efforts to benefit from their ancestors’ art, when a Renoir they had spent two years and $100,000 tracking down failed to find a buyer at auction at Sotheby’s, London, where it had been estimated to bring $252,000 to $336,000. The Goodmans had planned to split the proceeds with the current owner.

Resolution of longstanding claims also eludes three U.S. museums, all of which are led by members of the Association of Art Museum Directors’ Nazi-loot task force. That blue-ribbon group of 10 distinguished directors issued a well-meaning but vague guidelines adopted by the association’s full membership last June to expedite handling of Nazi-loot claims. One immediate mandate was to scour permanent collections for works with Nazi-tainted past—a daunting task that has so far uncovered nothing, according to AAMD’s president, Vishakha Desai, director of the Asia Society Galleries in New York. To assist this work, she supports the Washington conference’s recommendation for a single database of Nazi-looted art and claimants, linking the lists now maintained by disparate groups here and abroad. The conference also called for a “just and fair solution” to ownership disputes, without providing any guidance as to what such a solution would entail. Despite these outpourings of good intentions, resolution seems remote for disputes involving a Monet and a 15th-century Netherlandish painting at the Metropolitan Museum of Art, a Léger at the Minneapolis Institute of Arts and a Matisse at the Seattle Art Museum.

The gap between principles and practice in Nazi-loot controversies is best illustrated by the kerfluffle at the Boston Museum of Fine Arts, whose recent blockbuster Monet show included a 1904 “Water Lilies” borrowed from a group of some 2,000 works recovered by the Allies in Germany after World War II and held in trust by the National Museums of France for eventual return to claimants. The Boston display appeared to violate the AAMD’s most specific directive: not to “borrow works of art known to have been illegally confiscated during the Nazi World War II era and not restituted.”

Excepted are works for which no “legitimate claimant” has emerged, but the heirs of the renowned Paris dealer Paul Rosenberg had, in fact, filed a claim for this and 57 other artworks, two months before the Monet show opened, with the Art Loss Register, a stolen-art database to which the Boston museum subscribes. ALR had discovered that the Monet painting was held by the Musée des Beaux Arts, Caen. The show’s curator had consulted the register once, about a year and a half ago, according to the MFA.

Far from endorsing the AAMD prohibition, Elaine Rosenberg of New York, the Paris dealer’s daughter-in-law, noted that her opportunity to eyeball the Monet in Boston allowed positive identification of the work as the same one that her family sought, resulting in its filing a formal claim with France last month. “If you don’t show these pictures, it doesn’t help the owners to find them,” asserted Mrs. Rosenberg, whose sentiments were echoed by Willi Korte, a well-known investigator for Nazi-loot claimants. Mrs. Rosenberg, who is also suing for return of Seattle’s Matisse, bridles at suggestions that it might be public-spirited and cost-effective to negotiate a deal allowing such works to remain in the public domain. “It’s my personal property,” she declared, “and I can do whatever I want with it.” Although she maintained that she had “no intention of asking that the painting be withdrawn from the exhibition,” the 1904 “Water Lilies” did not make the trip to London, where the Monet show opens at the Royal Academy of Arts on Jan. 23, because of French fears that the work could be detained by legal proceedings in Britain.

Such fears may have been fueled by the still unresolved New York court case involving two Austrian-owned works by Egon Schiele, which were claimed by relatives of Nazi victims and subpoenaed by Manhattan’s District Attorney Robert Morgenthau after their 1997 display at the Museum of Modern Art. The misguided mandate to blacklist art, because of the bad company it once kept, appears to be an overreaction to strong criticism incurred by MoMA for the show. It contained some 150 Schieles collected by Rudolf Leopold, who was said to have knowingly acquired Nazi-looted art while it was being sought by purported heirs. The outcry over that show played a major role in the surge of attention toward this issue.
While the governments of Austria, Russia, and France have recently announced plans to expedite the return of Nazi-looted art held by their museums, any American solution must take into account the fact that most Nazi loot that eventually found its way to these shores was acquired by individuals and private institutions innocently, years after the crime. U.S. law, unlike European law, never gives good title to acquirers of stolen art, no matter how innocent they are and how long ago the theft occurred. However, theft victims' claims in the U.S. are circumscribed by various legal doctrines, including statutes of limitations, which recognize that "a good faith purchaser ... should not remain indefinitely exposed to the risk that he might have to defend his rights ... against increasingly stale or ancient claims," as Stephen Weil, a prominent art law attorney and former deputy director of the Hirshhorn Museum in Washington, recently noted. At some point, Mr. Weil observed, an owner "should enjoy what the law terms 'repose.'"

As proposed by Ralph Lerner, one of Mr. Searle's attorneys, and seconded by his adversary, Mr. Goodman, the best approach to these complex issues would be a formal mechanism for mediation or arbitration, balancing the interests of legitimate claimants, innocent owners, and the public that most benefits if those works now in museums can remain there. Ideally, negotiators could draw on a stash of public and private money to compensate legitimate claimants. Winner-take-all litigation, only cost-effective for the most expensive art, is "a terrible waste of money, no matter how it comes out," observed Mr. Goodman.

The key to resolving all such disputes is goodwill. As Evan Maurer, director of the Minneapolis Institute, recently told the local press, "There is no statute of limitations on doing the right thing."

Ms. Rosenbaum is a contributing editor of Art in America magazine.
FOCUS ON ISSUES
Search for Holocaust-era assets yields breakthroughs around globe
By Daniel Kurtzman

WASHINGTON, March 24 (JTA) -- The ongoing search for missing Holocaust-era assets has yielded key breakthroughs in recent months that could bring billions of dollars in additional compensation to Holocaust survivors around the globe.

While the $1.25 billion settlement reached last year with Swiss banks stands as the signal achievement on the long, tortuous path to justice, significant progress has also been made on several other fronts:

* A U.S. presidential commission has begun to probe the fate of Holocaust assets in the United States.

* Jewish officials are close to finalizing a deal with German companies that could establish a multibillion-dollar fund for Holocaust victims.

* A leading Austrian bank is working out an agreement to pay into a humanitarian fund and release important historical records.

* French banks have put forth an initiative to return unclaimed accounts.

The most recent development is the French initiative, which has the support of French Jews but so far has failed to satisfy international Jewish groups involved in Holocaust restitution issues.

French banks announced Wednesday "comprehensive measures" to compensate Holocaust survivors for lost assets. The World Jewish Congress, however, has rejected the banks' proposal not only as grossly insufficient, but as a "betrayal of the memory of the victims of the Holocaust."

Elan Steinberg, executive director of the WJC, criticized the plan because it does not call for an independent audit, provides no guarantees that a list of bank accounts would be made public and would create a foundation for heirless assets over which the Jewish community and Holocaust survivors have no control.

http://www.jta.org/mar99/24-holo.htm
The plan calls for returning bank accounts seized from Holocaust victims to their rightful heirs and using heirless assets to create a memorial fund.

In a statement, the banks acknowledged they "were among the cogs in the terrible machine of confiscation of Jewish assets in France," and "therefore bear the duty of reparation towards the victims of these [anti-Jewish] laws."

The banks said $55.5 million in assets was confiscated and frozen by French banks, but that most was returned after the war. They did not specify how much they still held.

The banks had been negotiating a secretive agreement with French Jewish leaders to settle Holocaust-era claims, but the deal foundered after the WJC and a French government panel probing Holocaust looting and restitution caught wind of it.

The WJC blasted French Jewish leaders, accusing CRIF, the umbrella group of secular French Jewish organizations, of trying to provide an easy way out for the French banks and attempting to negotiate on behalf of non-French victims of the Holocaust.

"This is a universal Jewish issue deriving from the fact that the majority of the victims of the Holocaust in France were non-French Jews," Steinberg said.

The French government's Matteoli Commission, for its part, threatened to resign if the deal went through, complaining that its work would be made redundant.

But the banks went ahead and announced their compensation plan anyway, albeit without the participation of the French Jewish community.

CRIF on Wednesday saluted the French banks for acknowledging their wartime collaboration with the Vichy regime and its responsibility to provide compensation, saying, "Even if this declaration comes late, we must praise it."

French Jewish officials, who remain divided themselves over how to handle the issue, agree on at least one thing: They want the WJC kept out of negotiations with the banks.

"The WJC is mistaken if it thinks the question of Holocaust compensation in France can be handled the same way it did with Switzerland," Henri Hajdenberg, president of the CRIF, was quoted as saying recently, referring to the pressure tactics and public relations
campaign that led to the settlement with Swiss banks last August.

The WJC indicated it may well take a page from its Swiss playbook by recommending that a planned merger between French banks be held up until outstanding claims are resolved.

That issue is likely to be addressed next month when a monitoring panel of U.S. public finance officers, whose threat last year of a boycott of Swiss banks helped persuade them to reach a settlement, meets to examine the French banks' handling of Holocaust claims.

As it stands now, Steinberg said the WJC is prepared to tell the panel that the French banks are "non-cooperative, are seeking to circumvent the representatives of the Holocaust survivors and frankly, have demonstrated a callous attitude to the victims."

In Germany, meanwhile, the government is coordinating a fund established by banks and industrial companies to compensate slave laborers, those who were forced to sell property in Germany at bargain prices during the Nazi era and other Jews who lost assets during the Holocaust.

More than a dozen companies have pledged some $2 billion, and Jewish representatives, led by the Conference on Jewish Material Claims Against Germany, are working with German officials to set parameters for the fund and a plan for distribution.

Although the two sides have so far only agreed to a basic framework, Jewish officials said that if the process remains on track, payments to Holocaust survivors could begin by Sept. 1.

One outstanding issue, though, is whether class-action lawsuits filed in the United States against the companies would be folded into the process, and whether attorneys would be able to collect fees.

That latter issue continues to be a source of contention between Jewish groups and lawyers representing Holocaust survivors.

The WJC flatly opposes the idea of lawyers collecting fees, saying that no one should be profiting from the Holocaust.

Although many of the lawyers involved in the restitution battles initially offered their services pro bono, most said the strain on their law firms proved too much, and for that reason, are now seeking fees for their work.

U.S. Holocaust survivors, for their part, last week passed

http://www.jta.org/mar99/24-holo.htm
a resolution protesting the fees and accusing the lawyers of tarnishing the memory of the Holocaust.

Roman Kent, chairman of the American Gathering of Holocaust Survivors, said the awarding of legal fees is simply incomprehensible since it comes from the very assets stolen from us." He added that "for lawyers to become multimillionaires by doing this, it is just not moral, not ethical."

The gathering is considering urging its 125,000 members to mail postcards expressing their concerns to all judges who are handling the Holocaust suits.

In Austria, Jewish representatives are in the process of working out an agreement with Bank Austria to release Holocaust-era documents, establish a process for resolving claims against the bank and create a humanitarian fund that some sources said could amount to $40 million.

Holocaust survivors have sued Bank Austria and its subsidiary Creditanstalt. They have also sued several German banks and industrial companies, accusing them all of profiting from the Holocaust and aiding the Nazi war effort by buying and selling Jewish assets at steep discounts.

Unlike the "global settlement" reached last year with Swiss banks and the framework agreed to in Germany, the talks in Austria only involve Bank Austria and would not release other institutions or the Austrian government from additional claims, Jewish organizational officials said.

The documents Jewish officials are seeking from the bank are expected to shed further light on economic crimes committed by other Austrian and German institutions.

In Britain, the government this week started issuing claims forms to Holocaust survivors or their heirs whose assets were seized -- and never returned -- by the British Custodian of Enemy Property at the beginning of World War II.

The government is also launching a worldwide publicity campaign to alert survivors and heirs to the possibility of reclaiming their assets, which had been deposited in Britain, ostensibly for safekeeping, just before the outbreak of the war. The government added 5,000 names to the 25,000 it listed on the Internet (www.enemyproperty.gov.uk) last year of people whose prewar assets in Britain were never recovered.

In December, Britain announced it was establishing a
$25 million fund to offer immediate, interim assistance to survivors who had previously been unable to reclaim their prewar assets.

Meanwhile, Lord Janner of Braunstone, chairman of the Holocaust Educational Trust, which has spearheaded the campaign for restitution, has persuaded New York attorney Edward Fagan to delay legal action against British financial institutions.

In his appeal to Fagan, Janner said his organization was negotiating directly with the British government and British financial institutions to resolve outstanding issues without going to court.

And the United States, after years of criticizing European countries for their handling of Holocaust-era assets, has launched its own search into the fate of Holocaust assets that made their way to American shores.

A 20-member presidential commission, chaired by WJC President Edgar Bronfman, has approved a research plan to search for gold, art, cultural property and other assets that were turned over to state governments following World War II.

The commission, which convened for the first time last week, intends to seek cooperation from state agencies in locating what could be millions of dollars, Jewish officials said.

The task will involve sifting through some 40 million documents in the U.S. National Archives, many of which have not yet been declassified.

"Our mission is to achieve the truth -- to find out how, and when, the gold, artwork, bank accounts and other assets of the Holocaust victims came into the possession or control of the United States government and to review what others have learned about assets that came into the possession of non-federal entities," Bronfman said last week.

Meanwhile, some 60,000 needy Holocaust survivors in the United States have begun receiving about $500 each from a humanitarian fund set up by Switzerland, bringing the worldwide number of beneficiaries of the Swiss fund to 110,000.

The nearly $200 million fund, set up by Swiss banks and other companies in 1997, is separate from the $1.25 billion settlement that leading Swiss banks reached last year to end Holocaust-era claims against them.

A distribution plan for that settlement will not be finalized until later this year, and a federal judge will
decide whether attorneys fees should be awarded to lawyers involved in the Swiss settlement.

(JTA correspondent Douglas Davis in London contributed to this report.)

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Chroniclers of Collaboration

Historians Are in Demand to Study Corporate Ties to Nazis

By BARRY MEIER

Last year, Greg Bradsher, a senior archivist at the National Archives, got an urgent request from the Ford Motor Company not long after the car maker was named in a lawsuit accusing it of profiting from its German operations in the Nazi era.

Ford's idea: To send a SWAT team of 30 researchers to a Government document repository so they could hunt down every scrap of paper dealing with Ford's activities in World War II.

When Mr. Bradsher replied that there were not enough library carts to accommodate such a team, Ford offered to ship its own carts. Eventually, Ford relented, trimming its request to about six people.

For banks, insurers and companies like Ford, the mounting wave of Holocaust-related lawsuits has created both a litigation and public-relations nightmare. But the lawsuits have also created a mini-boom for one unlikely group, historians and research specialists.

"You have to think in terms of corporate memories," Mr. Bradsher said. "There is probably no one around who knows anything about this stuff, and for many of them these lawsuits are hitting them out of the blue."

As a result, a growing number of corporations, from Ford to General Motors to Bertelsmann, have hired well-known academics to write their wartime histories or scour ancient file rooms worldwide for damaging or exculpatory information. At stake are hundreds of millions of dollars in settlements, potential public embarrassment, and even business complications.

And often the race is simply for companies to find disquieting information before their adversaries do.

Saul Friedlander was asked to do research for Bertelsmann, which was accused of publishing pro-Nazi and anti-Semitic books in the Nazi era.
Debating History

As companies come under greater scrutiny concerning their possible links to the Nazis, more and more prominent historians and researchers are being hired to investigate businesses’ dealings during the Hitler era.

<table>
<thead>
<tr>
<th>COMPANY</th>
<th>ACCUSATION</th>
<th>HISTORIAN</th>
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<tbody>
<tr>
<td>Allianz</td>
<td>Did not pay on life insurance sold to Holocaust victims</td>
<td>Gerald D. Feldman University of California at Berkeley</td>
</tr>
<tr>
<td>Bertelsmann*</td>
<td>Published Nazi and anti-Semitic books</td>
<td>Saul Friedlander University of Tel Aviv/University of California at Los Angeles</td>
</tr>
<tr>
<td>Degussa</td>
<td>Smelted gold looted from Holocaust victims</td>
<td>Peter Hayes Northwestern University</td>
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<tr>
<td>Deutsche Bank</td>
<td>Profited from Nazi plunder</td>
<td>Harold James Princeton University</td>
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<tr>
<td>General Motors</td>
<td>Profited from sale of German unit, Adam Opel</td>
<td>Henry A. Turner Yale University</td>
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*Has not been sued

CONTINUED FROM PAGE 5

INTERNATIONAL BUSINESS

Editors Are in Demand to Chronicle Nazi Ties

Continued From First Business Page

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Are researchers searching for truth, or is this a case of scholars for hire?
The recent demand for World War II research began several years ago, when Swiss banks were accused of keeping assets deposited before the Holocaust by Jews and others who were later killed by the Nazis. The World Jewish Congress hired young researchers like Miriam Kleiman to review Nazi-era documents at the National Archives.

"I was between jobs, and I had free time," Ms. Kleiman said.

But as the pace of Holocaust litigation intensified, the stakes quickly rose. Ms. Kleiman was soon lured away by Cohen, Milstein, Hausfeld & Toll, a class-action law firm in Washington that has filed many Holocaust-related lawsuits. And while some researchers at the National Archives still wear blue jeans, it is not uncommon these days to spot corporate researchers wearing suits and gold cuff links.

"Some of those people have limousines picking them up," Ms. Kleiman said.

With Holocaust legal battles being fought in the forum of public opinion, the type of corporate firepower brought to bear on this peculiar paper chase can be awesome. Soon after being sued in March, Ford assembled two research teams with a total of 40 to 50 people, said Jon Speich, a Ford spokesman. They quickly hit document rooms at the company as well as at the Henry Ford Museum in Dearborn, Mich, where pre-1950 documents were kept.

Next, the company turned to the National Archives, which keeps its Holocaust-era records in College Park, Md. For that task, it also contracted with companies like History Associates, a small concern in Rock-
To: Nazi War Criminal Records Interagency Working Group

Date: June 7, 1999

Fax #: Pages: 6, including this cover sheet.

From: David Van Tassel

Subject: IWG Meeting, Monday, June 14

COMMENTS:

The next Working Group meeting will be held Monday, June 14, from 9 am to 1 pm, Old Executive Office Building Room 208. We hope to make the best use of attendees’ time by meeting straight through until 1:00 without stopping for lunch. Anyone attending for the first time should call Bill Leary’s office (202 456-9201) with their Social Security number and birth date for clearance into the building.

Accompanying this fax are an agenda and draft meeting minutes for your review. Please note that we have adopted the convention of putting decisions of the IWG in bold in the summary minutes. We will attempt to fax beforehand as many of the other handouts as possible.

*Ken needs to call Bill about IWG activity in Chicago before Dick Myers can follow up.*
Nazi War Criminal Records Interagency Working Group

Meeting Agenda

Old Executive Office Building, June 14, 1999, 9AM - 1 PM

Convene, announcements, minutes of last meeting

1. Public Forums
   • Los Angeles, Wiesenthal Center, June 24
   • Chicago, Jointly sponsored with Presidential Commission in August?
   • New York in September?

2. Report on meeting with FBI Director Freeh, upcoming meeting with DCI Tenet

3. Updates:
   • OSI List of 60,000 names OSI Subject List (3,000). How will OSI manage its exemption?
   • Other lists (handout)
   • Final privacy guidance (handout)
   • Agency information missing from March 31 report to be provided June 30: workload, page counts, file descriptions
   • Followup with agencies on records disposition and no responsive records

4. Current agency activities;
   • May 11 Implementation Group meeting. Database distribution (handout)
   • Each agency report on status of implementation
   • June 30 date. July 30 deadline. Flow chart (handout)

5. Update on contractor award.
   • Contractor in place to help us develop specifications for and evaluate bids for database/tracking system contract. (RFQ handout)

6. Foreign government information.

7. The October Report. Outline for discussion. (handout)

8. Meeting/Briefing of/by Congressional Staff.
Draft

Nazi War Criminal Records Interagency Working Group

Summary Meeting Minutes

April 19, 1999

9am - 3pm

Old Executive Office Building, Room 208

Participants:

National Archives and Records Administration
Michael Kurtz (Chair)

Public Members
Thomas Baer
Richard Ben-Veniste
Elizabeth Holtzman

Office of the Secretary of Defense
Stewart Aly

Federal Bureau of Investigation
John Collingwood

Central Intelligence Agency
David Holmes

National Security Council
William Leary

United States Holocaust Memorial Museum
David Marwell

Department of Justice/Office of Special Investigations
Eli Rosenbaum

Department of State
William Slany

Guests:
Kenneth Klothen
Executive Director - Presidential Advisory Commission on Holocaust-era Assets

Miriam Nisbet
NARA - Office of General Counsel

Mr. Kurtz convened the April 19 meeting with some introductory announcements. He announced the IWG website that would be located at “www.nara.gov/iwg/” and accessible from the NARA website, and David Van Tassel gave details of the IWG Website and E-mail address. In announcing that the IWG Staff is seeking contractor support for the IWG, Mr. Kurtz gave details of the work that the contractors would be doing to develop tracking and monitoring systems, develop databases, and provide administrative help with reports. He thanked Mr. Rosenbaum and OSI for their provision of funds. Mr. Rosenbaum stated that OSI was pleased to help with funding supplied under the act for this important undertaking. There was some
discussion of the roles that the contractor could have in the work of the IWG.

In commenting on the OSI name list, Mr. Leary indicated that he was skeptical of the feasibility of FBI manually searching their card file against 60,000 names or terms. He wondered if a smaller version of a key terms list might be better for searching manually. Eleni Kalisch, sitting in for Mr. Collingwood of the FBI, suggested that they focus on the files that promised to be the most fruitful. Scanning capabilities were brought up by Ms. Holtzman, but the consensus was that the resources were not available for such an undertaking, but that the feasibility of automation should be looked into by the agencies and IWG Staff. Mr. Aly added that DoD had some issues along these lines as well. Mr. Klothen proposed help by the Presidential Commission in identifying search terms and promised that he would follow up with his staff.

In further discussion of the OSI name list, Mr. Rosenbaum indicated that while a prioritized list might be achievable, he questioned its usefulness. Mr. Marwell asked if there might be a smaller list of important names that could be used immediately while the broader search proceeded. Mr. Ben-Veniste thought that prioritizing a list might be initially helpful, but that it should not stop at that point and the broader search must take place. Mr. Aly was said that a priority list would not work for DoD; its usefulness would be agency dependent.

Mr. Kurtz then introduced the issue of declassification policy, and whether the IWG should subscribe to the redaction or “pass/fail” method of protecting information that continues to be sensitive. Mr. Kurtz said that his understanding of the spirit of the law mandated the redaction method, that is, “sanitizing” rather than closing whole documents, if possible. Mr. Aly brought up the fact that it is an issue, because pass/fail is cheaper and faster, and the IWG should address how much this effort will cost, and how long will it take to complete. Mr. Leary was confident that the two strategies could be combined depending on the agencies and documents. Mr. Marwell agreed that it was agency dependent, given examples of NSA and CIA headers and footnotes from records encounter in his experience with the Assassination Records Review Board. He also commented that there are very real tracking problems in terms of the complexity of tracking. The general consensus was for redaction as the preferable approach, other conditions being equal.

The next issue raised was the management of the OSI exemption contained in the law. Mr. Rosenbaum made clear that OSI has no original classification authority, but that the sensitivity of the investigations and the subjects thereof was at issue. He commented that OSI would not give a list of its cases to all agencies. In terms of the exemption, OSI staff will review everything, and any help from the agencies is appreciated, especially in flagging material for OSI interest. Other agencies will most likely find documents relating to ongoing OSI investigations, and there are civil discovery obligations that must be met. Mr. Kurtz asked how OSI would review this material. He indicated that OSI is preparing by getting a SCIF storage area and hiring new people and contractors. Mr. Holmes indicated that CIA would be ready to accommodate OSI. Mr. Ben-Veniste asked if OSI could not narrow from the outset what OSI needs to look at so that they would not have the burden of reviewing everything. Mr. Leary asked if OSI could come up
Draft

with guidelines to help to minimize agency delay in processing. Mr. Rosenbaum answered that since no guidelines were forthcoming from Congress, OSI could not issue guidelines to agencies. Mr. Baer asked why OSI does not already have all the documents relating to or supporting OSI’s investigations. Mr. Rosenbaum indicated that OSI would like to think that it had everything, but that OSI throughout its history had queried agencies and that agencies were not always forthcoming with all materials pursuant to requests. Mr. Rosenbaum voiced his concern that this process might turn up some documents that might be exculpatory and he is under obligation to share that with defense counsel. Mr. Ben-Veniste added that the IWG task is to release these documents. Mr. Baer objected to OSI looking at everything, and suggested that since OSI already makes inquiries to several agencies, could they not just do the same with all agencies, or maybe just for open cases. Mr. Klothen mentioned his concern about delay caused by another layer of review. Mr. Rosenbaum indicated that OSI has a responsibility for protection of its files by observing the exemption in the law. Mr. Ben-Veniste asked if there could be some distinction made or prioritization, possibly for those subject that have been exonerated. Mr. Baer inquired about the dangers of proliferating a list, and the fact that OSI has not consulted with a certain government agency does not outweigh the need to move quickly. He wondered about the danger of the loss of integrity, or shrinkage, of records. He thought that OSI not consulting with a certain agency previously was not a problem. Mr. Rosenbaum strongly disagreed that OSI review would endanger the record. Mr. Kurtz proposed that the general procedures for administering the OSI exemption still needed to be worked out. Mr. Rosenbaum then addressed the status of the list of 57,000 names. After dealing with several conversion problems, OSI will distribute the database to the agencies in the format that the agencies request. Miss Holtzman inquired about other lists and about the comprehensiveness of lists of names and search terms. Mr. Ben-Veniste added that supplemental lists could be issued when other names or subjects came up in the course of review.

Miriam Nisbet then opened a discussion and presentation on the issue of privacy and the Privacy Act as it applies to the Nazi War Crimes Disclosure Act. The Act has written into it the presumption of disclosure, much like the JFK Act. Ms Nisbet also touched on the issues of threshold considerations, balancing in favor of disclosure, and the protection of name lists. Ms Nisbet indicated that she would prepare privacy guidelines for the IWG.

[The meeting was recessed for a short period]

The IWG re-convened and considered the issue of public meetings/forums. Mr. Kurtz opened the discussion questioning whether the IWG wanted to follow the example of the Assassination Records Review Board (ARRB) and have meetings divided into open and closed sessions, or have some meetings all open and others all closed. Ms Holtzman said she favored all the meetings being open except when security classified discussion required closing. Mr. Marwell informed the IWG that the vast majority of ARRB meetings were closed. Only parts of some meetings were open. The ARRB also had several sets of public hearings that were very successful. Mr. Baer indicated he was in favor of having some open forums to allow groups and individuals to make comments, but that the IWG must seek to make these open forums cost-
Draft

effective. He suggested the IWG make contact with the Presidential Advisory Commission on Holocaust Assets in the United States to pursue the possibility of having public forums jointly with the Presidential Commission. He also suggested that the staff might survey interested groups about participating in the public forums. Mr. Holmes added that the IWG might solicit interest through the website. The consensus of the IWG was to hold three public forums, in Los Angeles, Chicago, and New York. Mr. Kurtz said he would appoint a subcommittee with responsibility for the public forums. He also indicated that good representation from IWG would be needed at these forums.

The next issue addressed by the IWG was the abstract of the March 31 agency submissions. Mr. Kurtz was pleased with the initial effort in this challenging task. He emphasized that the data from the agencies needs to be of high quality in order to track the process. Ms Holtzman was dissatisfied with the response from NASA. Mr. Aly added that most of the NASA records are likely already to have been declassified. Mr. Kurtz noted that the IWG Staff would be following up with the agencies in preparation for the May 11 implementation meeting, specifically NASA, The Federal Reserve, and USIA. The IWG then went through the agency submissions. Several things came of the ensuing discussion. First, all members agreed that NARA should check the records disposition of the agencies involved and notify any agencies that might need to be alerted not to dispose of relevant records. It was also decided that a subgroup of the IWG would meet with FBI to discuss their strategy for identifying relevant records.

Mr. Kurtz introduced the issue of the records dealing with Japanese war crimes and whether or not they are included in the IWG effort. Ms Holtzman agreed that the European theater in itself required a huge effort, but she recommended that the IWG not leave out the Far East. The members agreed to a two-phase process, with the European theater first and the Pacific theater covered in a second phase.

A brief discussion of the next IWG meeting took place. It was decided that the next meeting would be May 26, 1999, and the following meeting on June 14, 1999.

The meeting was adjourned.
FOR IMMEDIATE RELEASE

Nazi War Criminal Records Interagency Working Group
To Hold Public Forum

June 7, 1999

College Park, MD... The Nazi War Criminal Records Interagency Working Group (IWG) established by President Clinton under the Nazi War Crimes Disclosure Act will hold its first public forum at the Simon Wiesenthal Center in Los Angeles on Thursday, June 24, from 1 PM to 5 PM. The public and the press are invited to attend. The Wiesenthal Center is located at 9760 West Pico Boulevard.

The public forum at the Wiesenthal Center will feature short presentations from David Alvarez, Professor of Political Science at Saint Mary's College; Martin Mendelsohn, Wiesenthal Center General Counsel and former Office of Special Investigations Director; Michael Berenbaum, Director of the Shoah Foundation; Louis Marchesano, Curator of Visual Resources at the Getty Research Center; and Mark Weitzman, Director of the New York City Office of the Wiesenthal Center. Members of the public will invited to address questions or statements to the experts and the IWG during the second half of the meeting.

The IWG is required to identify and recommend for declassification and release U.S. Government records that are still security-classified and relate to Nazi war criminals, war crimes, persecution, and looted assets during Hitler's rule. The IWG members are the Archivist of the United States, the Secretary of Defense, the Attorney General, the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, the Director of the United States Holocaust Memorial Museum, the Historian of the Department of State; former Representative Elizabeth Holtzman of the New York law firm of Herrick, Feinstein; Richard Ben-Veniste of the Washington law firm of Weil, Gotshal & Manges; and Thomas Baer, Producer/Partner, Steinhardt Baer Pictures Company. The Working Group is chaired by National Archives Assistant Archivist Michael J. Kurtz.
To carry out its mission, the IWG plans a series of public forums to solicit the advice of scholars and knowledgeable members of the public about wartime and postwar programs, events, and individuals that may have led to the creation of security-classified records.

* * *

For more information about the IWG, contact the National Archives Public Affairs Staff at (301) 713-6000. For information on the public forum, contact Avra Shapiro at the Wiesenthal Center at (310) 553-9036.
DRAFT

NAZI WAR CRIMES DISCLOSURE ACT (PL 105-256)

OUTLINE FOR IWG OCTOBER 1999 REPORT TO CONGRESS

I. Executive Summary

II. Background

This section briefly traces the WWII and postwar context in which the records that are the subject of PL 105-246 were created, taking note of the previous efforts by the Government to address the issue of Nazi Criminals and criminality and the more recent investigations since 1996 into the matter of "Nazi Gold" and assets.

III. Phase I -- IWG Activities (January 12 through June 30, 1999)

The identification and location of relevant classified records within Government holdings--the agency reports of March 31 and June 30--and an agency-by-agency summary of holdings subject to the act.

Overview of:

1. IWG meetings and decisions, consultation with experts, and public forums;

2. planning and implementation of information collection and database development to monitor and track agencies activities in response to the Act;

3. particularly significant records identified for declassification review under the Act including files such as those from the OSS, the Tripartite Gold Commission, and the Federal Reserve Board.

IV. Phase II -- Agencies and IWG work together to review classified files identified during Phase I (July 1, 1999 to October, 2001)

Agencies review, declassify or withhold files; IWG declassification recommendations; agencies report results to IWG and to Congressional Committees; OSI review in
accordance with the Act; the processes explained with particular attention to the interplay of activity under the Act and the ongoing declassification work stemming from E.O. 12958, the utilization of the IWG database, and the coordination between agencies and the IWG relative to declassification decision-making.

V. Phase III -- Agencies transfer declassified and releasable files to NARA (July 1, 1999 to October, 2001)

Agencies holding releasable files relevant to the Act that have been declassified are transferred to NARA and opened for public research and review, including a discussion of issues related to transfer and release of records.

VI. Statistical Summary of Progress -- January 12 through October 1, 1999

1. Summation of the volume (number of pages) identified, reviewed, declassified, released, and made available

2. Summation of costs to date

3. Summation of work hours expended

4. Projected costs and work hours for remainder of effort

VII. Problem areas

1. Coordination of review of classified records and equities matters

2. Foreign government information challenges

3. Redaction issues

4. Competition for scarce resources

5. Privacy considerations in declassified files

VIII. Appendices
Nazi War Criminal Records Interagency Working Group

Meeting Agenda

Old Executive Office Building, June 14, 1999, 9AM - 1 PM

Convene, announcements, minutes of last meeting

1. Public Forums
   - Los Angeles, Wiesenthal Center, June 24
   - Chicago, Jointly sponsored with Presidential Commission in August?
   - New York in September?

2. Report on meeting with FBI Director Freeh, upcoming meeting with DCI Tenet

3. Updates:
   - OSI List of 60,000 names OSI Subject List (3,000). How will OSI manage its exemption?
   - Other lists (handout)
   - Final privacy guidance (handout)
   - Agency information missing from March 31 report to be provided June 30: workload, page counts, file descriptions
   - Followup with agencies on records disposition and no responsive records

4. Current agency activities.
   - May 11 Implementation Group meeting. Database distribution (handout)
   - Each agency report on status of implementation
   - June 30 date. July 30 deadline. Flow chart (handout)

5. Update on contractor award.
   - Contractor in place to help us develop specifications for and evaluate bids for database/tracking system contract. (RFQ handout)

6. Foreign government information.

7. The October Report. Outline for discussion. (handout)

8. Meeting/Briefing of/by Congressional Staff.
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The next issue raised was the management of the OSI exemption contained in the law. Mr. Rosenbaum made clear that OSI has classified documents only in regard to derivative 3rd agency classified information, but that the sensitivity of the investigations and the subjects thereof was at issue. He commented that OSI would not give a list of its suspects to all agencies. In terms of the exemption, OSI staff will review everything, and any help from the agencies is appreciated, especially in flagging material for OSI interest. Other agencies will most likely find documents relating to ongoing OSI investigations, and there are civil discovery obligations that must be met. Mr. Kurtz asked how OSI would review this material. He indicated that OSI is preparing by getting a SCIF storage area and hiring new people and contractors. Mr. Holmes indicated that CIA would be ready to accommodate OSI. Mr. Ben-Veniste asked if OSI could not narrow from the outset what OSI needs to look at so that they would not have the burden of reviewing
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The next issue addressed by the IWG was the abstract of the March 31 agency submissions. Mr.
Kurtz was pleased with the initial effort in this challenging task. He emphasized that the data
from the agencies needs to be of high quality in order to track the process. Ms Holtzman was
dissatisfied with the response from NASA. Mr. Aly added that most of the NASA records are
likely already to have been declassified. Mr. Kurtz noted that the IWG Staff would be following
up with the agencies in preparation for the May 11 implementation meeting, specifically NASA,
The Federal Reserve, and USIA. The IWG then went through the agency submissions. Several
things came of the ensuing discussion. **First, all members agreed that NARA should check
the records disposition of the agencies involved and notify any agencies that might need to
be alerted not to dispose of relevant records.** It was also decided that a subgroup of the
IWG would meet with FBI to discuss their strategy for identifying relevant records.

Mr. Kurtz introduced the issue of the records dealing with Japanese war crimes and whether or
not they are included in the IWG effort. Ms Holtzman agreed that the European theater in itself
required a huge effort, but she recommended that the IWG not leave out the Far East. **The
members agreed to a two-phase process, with the European theater first and the Pacific
theater covered in a second phase.**

A brief discussion of the next IWG meeting took place. It was decided that the next meeting
would be May 26, 1999, and the following meeting on June 14, 1999.

The meeting was adjourned.
FOR IMMEDIATE RELEASE

Nazi War Criminal Records Interagency Working Group

To Hold Public Forum

College Park, MD... The Nazi War Criminal Records Interagency Working Group (IWG) established by President Clinton under the Nazi War Crimes Disclosure Act will hold its first public forum at the Simon Wiesenthal Center in Los Angeles on Thursday, June 24, from 1 PM to 5 PM. The public and the press are invited to attend. The Wiesenthal Center is located at 9760 West Pico Boulevard.

The public forum at the Wiesenthal Center will feature short presentations from David Alvarez, Professor of Political Science at Saint Mary's College; Martin Mendelsohn, Wiesenthal Center General Counsel and former Office of Special Investigations Director; Michael Berenbaum, Director of the Shoah Foundation; Louis Marchesano, Curator of Visual Resources at the Getty Research Center; and Mark Weitzman, Director of the New York City Office of the Wiesenthal Center. Members of the public will invited to address questions or statements to the experts and the IWG during the second half of the meeting.

The IWG is required to identify and recommend for declassification and release U.S. Government records that are still security-classified and relate to Nazi war criminals, war crimes, persecution, and looted assets during Hitler's rule. The IWG members are the Archivist of the United States, the Secretary of Defense, the Attorney General, the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, the Director of the United States Holocaust Memorial Museum, the Historian of the Department of State; former Representative Elizabeth Holtzman of the New York law firm of Herrick, Feinstein; Richard Ben-Veniste of the Washington law firm of Weil, Gotshal & Manges; and Thomas Baer, Producer/Partner, Steinhardt Baer Pictures Company. The Working Group is chaired by National Archives Assistant Archivist Michael J. Kurtz.

To carry out its mission, the IWG plans a series of public forums to solicit the advice of scholars and knowledgeable members of the public about wartime and postwar programs, events, and individuals that may have led to the creation of security-classified records.

* * *

For more information about the IWG, contact the National Archives Public Affairs Staff at (301) 713-6000. For information on the public forum, contact Avra Shapiro at the Wiesenthal Center at (310) 553-9036.
BIBLIOGRAPHY


Agency Contacts

National Aeronautics and Space Administration (NASA)

Roger D. Launius
NASA History Office
NASA Headquarters (Code Z)
Washington, DC 20546-0001

Tel: (202) 358-0384
roger.launius@hq.nasa.gov

Board of Governors of the Federal Reserve Board

Jeanne Young
Board of Governors of the Federal Reserve Board
Records Manager
Washington, DC 20551

Tel: (202) 452-2033
youngj@frb.gov

United States Information Agency (USIA)

Bernard C. Dowling
Declassification Unit
Office of the General Counsel
United States Information Agency
Washington, DC 20547

Tel: (703) 274-3026

Department of Commerce

Virginia Kruk
Records Officer
Department of Commerce
Washington, DC 20230

Tel: (202) 482-3344
vkruk1@doc.gov
May 10, 1999

Mr. Bert Haggett
U. S. Army Intelligence and Security Command
Counterintelligence and Human Intelligence Directorate
Office of the Deputy Chief of State for Intelligence
Suite 9500
2511 Jefferson Davis Highway
Arlington, VA 22202-3910

Re: Temporary Suspension of Disposal of the IRR Dossiers

Dear Bert:

It has come to my attention that the current disposition authority covering the records of the Investigative Records Repository reported in the DOD report to the Nazi War Criminal Records Interagency Working Group (IWG) permits destruction of files that do not meet the criteria in the Army records schedule (NC1-AU-78-75 Item 1 and restated in NC1-AU-94-6) which cover MARKS FN381-201 (Foreign personnel and organizations). It is possible that records covered by the act could be disposed of under this authority in the course of the IWG's work. Therefore, I request that the Army suspend all disposal action on these files until the completion of the IWG effort.

If you have any questions, contact Richard F. Myers, IWG Staff, at (301) 713-7148. Thank you for your contribution to the work of the IWG.

Sincerely,

MICHAEL J. KURTZ
Chair, Interagency Working Group

CC: Howard N. Greenhalgh
Department of the Army
Records Management Division

Tom Cotter, NWM
Stewart Aly, DOD
Mr. Bert Haggett  
U.S. Army Intelligence and Security Command  
(Need his complete address)  

Re: Temporary Suspension of disposal of the IRR dossiers  

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If you have any questions, contact Richard F. Myers, IWG Staff, at (301) 713-7148. Thank you for your contribution to the work of the IWG.  

Sincerely,  

MICHAEL J. KURTZ  
Chair, Interagency Working Group  

CC:  
Howard N. Greenhalgh  
Department of Defense  
Department of the Army  
Records Management Division  
ATTN: TAPC-PDR, Stop C55  
6000 6th Street  
Ft. Belvoir, VA 22060-5576  

Tom Cotter, NWM  
Stewart Aly, DOD
May 27, 1999

Dr. Michael J. Kurtz
Assistant Archivist for Records Services
National Archives and Records Administration
8601 Adelphi Road
College Park, Maryland 20740

Dear Dr. Kurtz:

Responding to an oral request from NARA that USIA comply with the mandate of The Nazi War Criminal Records Interagency Working Group, the USIA Declassification Unit has conducted a page-by-page review of all permanent historical USIA records likely to contain information covered by PL 105-246, the Nazi War Crimes Disclosure Act. This information has been entered into a database and downloaded to the USIA web site.

The information contained in these records, declassified in accordance with Section 3.4 of Executive Order 12958, is necessarily limited because USIA's holdings are small, relative to those of most other federal executive agencies, and original classification authority has been comparatively limited throughout USIA's history.

Sincerely,

Bernard C. Dowling, Director
Declassification Unit
Office of the General Counsel
United States Information Agency
USIA Declassified Historical Information

This site contains a database describing USIA historical information which has been declassified under Presidential Executive Order 12958.

About Executive Order 12958 | About the USIA Declassification Unit
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☐ 66% GERMANY 1960 PERSONNEL - GEN.

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44% GERMANY-SEMI ANNUAL REPORT 1956


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4% INTELLIGENCE REPORT GERMANY
MEMORANDUM FOR MICHAEL J. KURZ  
CHAIR, INTERAGENCY WORKING GROUP  

FROM: NEAL S. WOLIN  
DEPUTY GENERAL COUNSEL  

SUBJECT: Nazi War Crimes Disclosure Act Preliminary Survey Response  

The following is the Department of the Treasury’s preliminary survey report, which summarizes and describes bodies of records that have been located which are likely to contain information covered by the Nazi War Crimes Disclosure Act, P.L. 105-246 ("Act") Act. The preliminary survey was conducted in accordance with the February 22, 1999 memorandum from the Assistant to the President for National Security Affairs and the associated initial agency guidance. Any questions with regard to the information contained below should be directed to Rochelle Granat, Deputy Assistant General Counsel (General Law & Ethics) at (202) 622-1143 or Jennifer Plitsch, Attorney-Advisor at (202) 622-1191.

I. Treasury Department Search Process  

Because of the size and structure of the Department of Treasury, a concerted effort was made to coordinate the Department’s response to ensure an accurate and complete reply to the request for information. To begin the preliminary survey of documents, the Department of Treasury held a meeting on March 8, 1999 to discuss the Nazi War Crimes Disclosure Act, to outline the preliminary document survey to be undertaken and to answer questions. Present at that meeting were representatives from the following Treasury components: the Office of the General Counsel, the United States Customs Service, the Office of Foreign Assets Control, the Office of the Comptroller of the Currency, the Bureau of Public Debt, the United States Secret Service, the Internal Revenue Service, the Bureau of Alcohol, Tobacco and Firearms, the Financial Management Service, the Office of the Assistant Secretary for International Affairs, the Office of the Assistant Secretary for Economic Policy, and the Financial Crimes Enforcement Network. The Office of the Executive Secretary and the Office of Intelligence Support were separately briefed on the Act and the required document survey.

Treasury components were tasked with conducting a preliminary survey of bodies of classified records dated from 1933 until October 8, 1998 for material relevant to the Act, and providing detailed summaries about potentially responsive records, including characterizations of the types of records, any identifying information about the records, as well as the volume of records and potential problems in searching for and declassifying such records. Treasury components were also requested, consistent with the preliminary survey guidance, to identify any relevant unclassified material that was uncovered in conducting the review of classified material.
II. Summary of Results

In conducting their preliminary surveys, 14 Treasury components identified bodies of classified information that can reasonably be believed to contain information responsive to the Nazi War Crimes Disclosure Act. These components include: the Office of the General Counsel, the Office of the Assistant General Counsel (Enforcement), the Office of the Assistant General Counsel (International), the United States Customs Service, the Office of Foreign Assets Control, the Office of the Comptroller of the Currency, the United States Secret Service, the Internal Revenue Service, the Financial Management Service, the Office of the Assistant Secretary for International Affairs, the Office of the Assistant Secretary for Economic Policy, the Financial Crimes Enforcement Network, the Office of the Executive Secretary and the Office of Intelligence Support.

Generally, most potentially responsive materials contain correspondence, case files and cables. The general volume of the materials is difficult to assess because many of the identified materials are located at the Federal Records Center and are not presently in the physical custody of the evaluating office, making it difficult to assess the number of pages that need to be screened to identify relevant records. Also, a number of the responding offices have evaluated volume in mediums other than pages including files, file drawers, boxes and cubic feet. In order to estimate the total number of pages that need to be screened, the Department has assumed that a file drawer, a box and a cubic foot are all equivalent, and that all three equal approximately 3,000 pages. Under these assumptions, the approximate volume of potentially relevant material is 1,458,552 pages.

We estimate that Treasury will have to expend approximately 458 staff hours to search through the records to determine whether or not they are responsive to the Act. Depending upon the office, personnel at GS levels 12, 13, 14, and 15 will be utilized to evaluate the responsiveness of the documents located. Therefore, multiplying the number of staff hours estimated at this time by the hourly rate for GS-12 and GS-14 employees, calculated utilizing base salary figures plus an additional twenty percent to account for various benefit programs including life insurance, health insurance and pension benefits, the preliminary estimate of the cost of the search ranges from $12,847 (if GS-12, Step 1 employees do all the search and review work) to $18,059 (if GS-14, Step 1 employees do all the search and review work).

Please note that because of the types of searches required, some offices were unable at this time to estimate the time and personnel required to evaluate the responsive documents. Also, the above-stated number is only a general estimate of budget resources required, since once the document review begins, offices may find that the actual search will require more or less resources than anticipated. Finally, please note that the above-stated numbers, both the time and budgetary resource estimates, only cover the initial review of documents identified as potentially relevant. The numbers stated do not cover the time and budgetary resources it will require to declassify any relevant documents that are located.
III. Search Terms, Search Strategies and Search Problems

General search terms used to identify potentially responsive records include the terms: Nazi government, Nazi war criminals, Nazi war crimes, Adolph Hitler, Heinrich Himmler, Kurt Waldheim, Germany, Holocaust, World War II, World War II gold, counterfeiting in relationship to Germany, and countries associated with the Nazi government.

In conducting the preliminary survey, most Treasury components first reviewed classified documents available on site by visual inspection of subject matter listed on file tabs or inventories. This survey was followed by a review of inventory lists for those classified records stored at the Federal Records Center in Suitland, Maryland to determine if they might contain potentially responsive material. Finally, offices contacted staff to ensure that any current working project did not entail classified documents that were potentially responsive to the Act.

Some general search problems became apparent during the preliminary survey. The first general search difficulty was the lack of an effective and efficient method of conducting the file review mandated by the Act. Many offices at Treasury do not have computerized record indexing systems, or do not have computerized record indexing systems that include records created or preserved before a certain date. Further, of those offices that do have searchable computerized record indexing systems, these systems are often set up to search only by name. Without additional guidance from the Working Group on the list of the publically identified war criminals, it was difficult at this time to conduct a thorough review of these systems of records.

For those without computerized record indexing systems, the process of sorting through all of the information housed at the Treasury Department and the Federal Records Center was more cumbersome and time consuming. This review may also have yielded a universe of potentially relevant documents that is misleadingly large. Because many of the records stored at the Federal Records Center are stored in large groups under very general headings, it is impossible, without examining the documents themselves, to determine with any certainty if a particular grouping contains any relevant material. Using the test of reasonableness, bureaus and offices were instructed to err on the side of inclusiveness. Therefore, the listing of a large number of pages below is not necessarily an indication that the Department is in the possession of a substantial amount of relevant material.

Finally, although not presenting a problem in identifying potentially relevant material, 26 U.S.C. § 6103 (Internal Revenue Code, 1996), which prohibits the disclosure of any documents containing taxpayer information, presents a problem in producing or releasing such material. The Nazi War Crimes Disclosure Act seeks the declassification of documents which are classified under the National Security Act, however, it does not provide statutory authority to override the prohibition contained in 26 U.S.C. § 6103. Therefore, although the Internal Revenue Service may be able to identify potentially relevant material for purposes of this preliminary survey, it may not be able to disclose such information once identified.
IV. Individual Office and Bureau Search Results

A. General Counsel's Office

A preliminary review was conducted of the classified records currently housed at the Treasury Department as well as those stored at the Federal Records Center in Suitland, Maryland for the Office of the General Counsel and the Deputy General Counsel, as well as the office of the Assistant General Counsels for International Affairs, Banking and Finance, Enforcement and General Law and Ethics. With the exception of the Assistant General Counsel for International Affairs, the various Assistant General Counsels responded to the survey request for the office itself, and for the offices which it advises. The office advised by the Assistant General Counsel for International Affairs, the Office of the Assistant Secretary for International Affairs, conducted an independent search of its records and submitted a separate response. The files belonging to each office were reviewed for classified information that pertained to either the dates or the subject matter in question. Through this survey, a number of classified file groups currently housed both at the Treasury Department and the Federal Record Center in Suitland were identified by the Office of the General Counsel and Deputy General Counsel, and the offices of the Assistant General Counsels for International Affairs and Enforcement.

The Office of the General Counsel and the Deputy General Counsel located a number of classified file groups at the Federal Record Center and upon review of general subject indexes for these files, several of the records groups (containing approximately 13,800 pages) were identified as potentially containing classified material responsive to the request. See chart attached at Tab A for a complete listing of the potentially responsive records groups, as well as their volume and location. The office estimates that it will take a GS-12 or a GS-13 employee approximately 8 hours to screen the potentially responsive documents.

The Assistant General Counsel for International Affairs surveyed all classified records in its legal custody at both the Treasury Department and at the Federal Records Center in Suitland, Maryland. The office reviewed all file indices for any reference to World War II or related topics (i.e. stolen property, the Holocaust, World War II gold). The office also searched for references to any of the countries listed in the preliminary survey guidance. This survey identified no bodies of records that "can reasonably be believed to contain information" responsive to the Act. However, in addition to these files, the office maintains general country files for the countries associated with the Nazi regime named in the preliminary survey guidance. These files have been identified and will be screened for relevant information, however, the office is unaware at this time of the exact volume of such materials, they approximate 45,000 pages, and is unable to estimate the amount of time that such a search will require.
The Assistant General Counsel for Enforcement responded to the survey request for both its office and the office which it advises, the Office of Enforcement. A preliminary review was conducted of all bodies of classified files in the possession of the Office of Enforcement, including 19 safes located in their offices as well as indexes of records stored in Suitland, Maryland, using search terms such as Nazi, Germany, and the countries identified to be associated with the Nazi government. The office found no responsive documents.

The Assistant General Counsel for Enforcement reviewed the contents of 4 safes in its offices, using search terms such as Nazi, Germany, Holocaust, and countries identified to be associated with the Nazi government. The office located two files, labeled; “Austrian Bank Case” and “German VAX 11/782 Computer” both containing approximately 132 pages. See chart attached at Tab A for a complete listing of the potentially responsive records groups, as well as their volume and location. The office estimates that it will take a GS-12 or GS-13 no more than three hours to review the potentially responsive records identified.

B. Customs

Customs distributed the preliminary survey request by passing it on to the Customs Office of Intelligence, which tracks classified documents at Customs, as well as all offices believed to routinely or occasionally receive classified records outside normal channels not capable of being tracked by the Office of Intelligence’s tracking system such as the Customs Office of Investigations and the Office of Field Operations. Customs’ preliminary review began with the identification of any potentially relevant classified documents contained in classified filing systems and logs, letters, memorandums and cables from other government agencies requesting assistance including those pertaining to activities concerning the entry and departure of passengers, cargo and conveyances and then the review of those records. In addition, other systems of records were also reviewed including both manual and automated systems from Customs Office of Intelligence files such as Intelligence Information Reports and cables. Customs databases were queried using the following keywords and phrases: Nazi war crimes, Nazi war criminal records, Nazi government of Germany, Gestapo, Adolph Hitler, Heinrich Himmler, and Kurt Waldheim. No entries relevant to the information request were located.

Customs’ review identified one file responsive to the search. The file was created by the CIA Strategic Narcotics Team and Customs Office of Intelligence, and was within the Office of Administration’s Policy and Planning files. The file, which contains only about 20 pages, includes correspondence with other Executive Branch agencies and Congress and Treasury Enforcement Communication System records between 1979 and 1985. See chart attached at Tab A for a complete listing of the potentially responsive records group, as well as its volume and location.
Customs indicates that it will take less than an hour to review the file indicated above. Customs has been asked to take another look at whether there may be bodies of records not identifiable by the survey conducted above which may contain responsive documents. If additional responsive material is located, a supplemental response will be submitted which includes an estimate of the resources required to review the additional materials identified.

C. Office of Foreign Assets Control

The Office of Foreign Assets Control and the Office of Chief Counsel (FAC) undertook a preliminary survey of records in their respective legal custodies by identifying bodies of records that may be relevant generated by Treasury’s Foreign Funds Control Regulations (World War II sanctions), which were removed from the Code of Federal Regulations in 1995. The vast majority of existing records created and maintained under this program have been transferred to the National Archives and no longer remain in Treasury’s legal custody.

The OFAC records that do remain within Treasury’s legal custody are interspersed with records relating to other sanctions programs. Two primary categories that will require searching have been identified. The first of these categories is OFAC records located at the Treasury Department and this category includes 4 file drawers (approximately 12,000 pages) of Foreign Funds Control files and 16 file drawers (approximately 48,000 pages) relating to sanctions programs in general. The second category of records are located at the Federal Records Center in Suitland and include 12 boxes (approximately 36,000 pages) which contain records related to looted property in general, which may include Nazi war crime information, and 115 boxes (approximately 345,000 pages) grouped under 5 generic headings that may also contain some relevant material. The Office of Chief Counsel (FAC) records that may be relevant consist of three small file folders (approximately 1800 pages) within the Office of Chief Counsel’s subject matter files.

OFAC estimates that it will take two OFAC representatives (one GS-15 and one GS-13) one full day to review the identified records at the Treasury Department, and that the review of the files at the Federal Record Center at Suitland will take OFAC representatives another full day and possibly longer if the 115 boxes indicated above are found to contain relevant materials. The files in the Office of Chief Counsel (FAC) will take less than an hour for one person to review.

D. Office of the Comptroller of the Currency

The Office of the Comptroller of the Currency first reviewed its records to determine if it held any classified information. Although the OCC has no original classification authority, it surveyed documents classified by other agencies that were provided to the OCC and are
still in the possession of the OCC. Once it was determined that some classified materials were within the OCC's possession, the office undertook a review of both its active and inactive classified records.

With respect to active records, the OCC Security Officer is responsible for tracking national security records at the OCC. The Security Officer contacted those units within the OCC which receive or have access to classified information and obtained estimates of the numbers of records in the OCC's legal custody which may be responsive to the act. Of the approximately 100 classified documents in the custody of the OCC, it estimates that about 10 of these documents are potentially relevant to the Nazi War Crimes Disclosure Act. The potentially responsive documents, which are about 100 pages in total, are cables originated by United States' embassies which were distributed to the OCC by Treasury during the normal course of business. The datespan of these records is 1997 to the present. See chart attached at Tab A for a complete listing of the potentially responsive records groups, as well as their volume and location.

Inactive records are housed for the most part at the Federal Records Center in Suitland, Maryland. The Records Manager reviewed OCC automated tracking system reports as well as the Federal Records Center reports, and concluded that no classified records are located there. As for inactive records that are stored elsewhere, namely records generated at OCC's district offices, the indexes pertaining to these records were also evaluated and it was determined that no classified records are in the possession of these offices.

OCC estimates that the review of the potentially relevant documents will take two senior analysts in International Banking and Finance division one-half day each.

E. Bureau of Public Debt

In conducting its preliminary survey, Public Debt first determined what classified documents were in its custody. Public Debt determined that the classified records within its custody consisted of two files under the subject matter names: “Emergency Continuity Planning” and “Terrorist Activities”. The documents in these files were generated by the Treasury Department for use and maintenance by Treasury components. These documents were also classified by Treasury, as Public Debt does not classify documents under the National Security Act. Public Debt has determined that these bodies of records could not reasonably be expected to contain information responsive to the Act. Therefore, the Bureau of Public Debt has determined, that it does not have any classified material in its possession that may be potentially relevant.

F. United States Secret Service

The United States Secret Service conducted a preliminary survey of all bodies of classified
files in appropriate offices within the Service, including the Office of the Chief Counsel using the search terms Nazi, War Criminals, counterfeiting in relationship to Germany, and the countries identified to be associated with the Nazi government. Responsive documents were located in the Management and Organization Division, Policy Analysis and Records Systems Branch and the Office of the Chief Counsel. Potentially relevant documents from both offices equal approximately 5,000 pages.

The United States Secret Service estimates that it will take a GS-13 employee about 2 hours to review the potentially relevant material it has located.

G. Internal Revenue Service

Officials at the Internal Revenue Service conducted a preliminary survey in all offices believed to potentially have relevant information including the Service’s National Office in the offices of the Assistant Commissioners for Collection, Criminal Investigation, Examination, Employee Plan/Exempt Organization and International as well as the Office of the Chief Information Officer, the Office of the Chief Communications and Liaison, the Office of the Chief Management and Finance and the Office of the Chief Counsel. Surveys were also conducted in the Service’s four regional offices and in all district offices and service centers.

The Service’s survey uncovered 124 cubic feet (approximately 372,000 pages) of classified material dated 1954-1956 which is located at the Federal Records Center. See chart attached at Tab A for a complete listing of the potentially responsive records groups, as well as their volume and location. At this point the Service is not certain of the exact contents of these boxes and notes that if the files in question contain tax information protected by Internal Revenue Code (IRC) 6103 it may not be able to disclose such information as the Nazi War Crimes Disclosure Act contains no provisions specifically overriding IRC 6103.

In the process of uncovering the classified documents listed above, the Service also located potentially relevant unclassified documents in the Office of the Assistant Commissioner (International) and in the Delaware-Maryland District Office. These files, however, constitute return information the disclosure of which is prohibited under IRC 6103. The most the Service can disclose about this information is that it consists of estate tax records dealing with valuation of assets seized by the Nazis or their allies and later returned to the persecuted individuals or their heirs.

The Service expects that it will take approximately 20 hours for a GS-14 employee to search through the boxes of potentially relevant material.
H. Bureau of Alcohol, Tobacco and Firearms

The Bureau of Alcohol, Tobacco and Firearms and the Bureau’s Chief Counsel’s Office reviewed its files for potentially relevant material by having the ATF’s Intelligence Division security specialist manually review all document control logs for 1995-96 using the search terms Nazi, war crimes and Germany as well as each of the countries listed in the preliminary survey guidance. No responsive documents were located. This individual also searched the electronic database for 1997 to the present utilizing the same search terms. Again, no responsive documents were located. As for documents dated prior to 1995, ATF represented that most classified records prior to 1995 have not been retained, as these materials were not of historical value. Those classified documents dated prior to 1995 that are still in ATF’s custody were also reviewed and no responsive documents were discovered. As a result of this survey, ATF and its Chief Counsel’s Office have determined that they do not have any classified material that may be potentially relevant.

I. Financial Management Service

The Financial Management Service (“FMS”) conducted a preliminary survey of its classified or previously classified records by reviewing all files at FMS as well as those at the Federal Record Center in Suitland that covered the dates set out in the Act for potentially relevant material. This survey revealed two bodies of potentially relevant classified documents pertaining to “Lend-Lease and Surplus Property” and “Foreign Currency,” both of which are currently stored at the Federal Records Center in Suitland. See chart attached at Tab A for a complete listing of the potentially responsive records groups, as well as their volume and location.

FMS estimates that it will take two employees, a GS-12 and a GS-13, about 15 days to review the approximately 60,000 pages of documents contained in the two file groups mentioned above.

J. Office of the Assistant Secretary for International Affairs

The Office of the Assistant Secretary for International Affairs (“OASIA”) conducted a survey of all classified material currently located at the Treasury Department, as well as those materials currently at the Federal Records Center in Suitland. OASIA reviewed all classified material seeking files pertaining to the dates or the topic in question, including the country list provided in the preliminary survey guidance. The office located a number of classified files (approximately 66,600 pages) at the Federal Record Center which may contain material relevant to the Act. See chart attached at Tab A for a complete listing of the potentially responsive records groups, as well as their volume and location.

OASIA estimates that it will take one GS-15 employee approximately 8 hours to review
the potentially relevant materials.

K. Office of the Assistant Secretary for Economic Policy

The Office of the Assistant Secretary for Economic Policy conducted the preliminary survey by reviewing all classified records in its possession at both the Treasury Department and the Federal Record Center in Suitland Maryland pertaining to the dates and topic in question. The office located a number of classified files (approximately 21,600 pages) at the Federal Record Center which may contain material relevant to the Act. See chart attached at Tab A for a complete listing of the potentially responsive records groups, as well as their volume and location.

The office estimates that it will take a GS-13 employee about 20 hours to review for relevant material.

L. Financial Crimes Enforcement Network

The Financial Crimes Enforcement Network ("FinCEN") reviewed all classified documents maintained within its offices and located two bodies of records that may contain information responsive to the Act. The first body was created by the Regional and Country Desks Division of the Office of International Programs. The records date back to 1996 and their volume is about 25 file drawers (approximately 75,000 pages). FinCEN estimates that the evaluation of these records would take one individual at least 20 hours.

The second body of records was created by the Office of Investigative Support, and contain intelligence records. The records contain tens of thousands of pages of information, and a search of those records requires a specific name and other identifying information (address, DOB, social security number). Because of the unavailability of a list of suspected war criminals, FinCEN is unable at this time to estimate the resources necessary to search this FinCEN database for responsive records.

M. Office of the Executive Secretary

The Office of the Executive Secretary surveyed all classified documents maintained within its offices at the Treasury Department and reviewed indices of classified files stored at the Federal Records Center in Suitland, Maryland pertaining to the dates and topics in question. The office did identify some classified material housed at the Federal Record Center that may be responsive to this request. However, because the office's classified documents housed at Suitland are grouped under very general headings (i.e. Memos, Correspondence), the office was unable to ascertain the exact nature of the documents. Using the general indexes, the office identified 60 boxes (approximately 180,000 pages) of classified documents currently maintained at the Federal Records Center which could
possibly contain material relevant to the Act. See chart attached at Tab A for a complete listing of the potentially responsive records groups, as well as their volume and location.

The office approximates that it will take a GS-9 and a GS-13 about 20 hours each to review the boxes for material relevant to the Act.

N. Office of Intelligence Support

The Office of Intelligence Support conducted a preliminary survey of all classified documents within its legal control and located the following four files series which it believes might contain relevant information: Program Correspondence Files (Subject Files) of the Special Assistant to the Secretary (National Security); Chronological Correspondence Files of OIS; Country Reference Files, and Central Files. These file groupings contain mainly cables and intelligence reports created by the Department of State and intelligence community agencies. The office believes that the records in these files, which total about 226,000 pages, cover the dates 1995 through 1998.

The office estimates that it will take about 55 hours for an employee to review the files listed above. The office is unable to estimate at this time how long it will take to inventory or declassify any relevant records found.

Attachment: Tab A: Chart of Potentially Responsive Documents
The following components of the Department of the Treasury found responsive records to the preliminary search in accordance with the Nazi War Crimes Disclosure Act.

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<th>COMPONENT THAT CREATED RECORDS</th>
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<th>TYPES OF RECORDS</th>
<th>DATESPAN</th>
<th>ESTIMATED VOLUME</th>
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**Office of the Comptroller of the Currency**

| Treasury Department | Cables originated by U.S. embassies | Cables | 1997 - Present | 100 Pages |

**Office of Foreign Assets Control**

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**United States Customs Service**

| CIA Strategic Narcotics | Office of Administration, Policy | Correspondence with Third | 1979-1985 | 20 Pages |

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<td>Teams and Customs Office of Intelligence</td>
<td>and Planning within the Office of Investigations/FOIA Files</td>
<td>Agency and Congress, TECS Records, Routing Slips, Newspaper articles.</td>
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**Financial Management Service**

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<tr>
<th>Bureau of Accounts (FMS Predecessor)</th>
<th>Records on Lend-Lease and Surplus Property</th>
<th>Foreign Currency</th>
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<tr>
<td>Bureau of Financial Government Operations (FMS Predecessor), Banking and Cash Management, Foreign Currency-Staff</td>
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**Internal Revenue Service**

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**Financial Crimes Enforcement Network**

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<th>Office of International Programs, Regional and Country Desks Division</th>
<th>Regional and Country Desks Division Files</th>
<th>Cables and Intelligence Reports</th>
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<tr>
<td>Office of Investigative Support</td>
<td>FinCEN database</td>
<td>Intelligence Reports prepared by FinCEN analysts at the request of other governmental agencies.</td>
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**United States Secret Service**


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<tr>
<th>COMPONENT THAT CREATED RECORDS</th>
<th>FILE/RECORD GROUP</th>
<th>TYPES OF RECORDS</th>
<th>DATESPAN</th>
<th>ESTIMATED VOLUME</th>
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<tr>
<td>Office of the Chief Counsel</td>
<td>Office of the Chief Counsel</td>
<td>Intelligence Reports, Raw Data, Newspaper Clippings, Correspondence, Documents from other Federal Agencies</td>
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<td>3,000 Pages</td>
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<td>Various offices within the US Secret Service</td>
<td>Management and Organization Division, Policy Analysis and Records Systems Branch - Official files of various US Secret Service offices</td>
<td>Case Files, Historical Files, Chron Files</td>
<td>1939-1979</td>
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**Office of the General Counsel and Deputy General Counsel**

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<td>Office of the Deputy General Counsel</td>
<td>56-84-12: Gold</td>
<td>Counsel Files</td>
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<td>Office of the General Counsel</td>
<td>56-87-78: Monetary General, Vol. 3</td>
<td>Counsel Files</td>
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<td>56-88-55: Foreign Assets Control (Art Objects); Foreign Assets Control (General); Foreign Assets Control; Gold-Gold Policy; Monetary - Germany; France</td>
<td>Counsel Files</td>
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<td>Office of the Deputy General Counsel</td>
<td>Meeting on Nazi Gold and US-Swiss Relationship</td>
<td>Cable</td>
<td>October 21, 1997</td>
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<td>COMPONENT THAT CREATED RECORDS</td>
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<td>Office of the General Counsel (Enforcement)</td>
<td>Austria Bank Case</td>
<td>Cables, Background Information</td>
<td>1992</td>
<td>32 Pages</td>
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<td>Office of the General Counsel (Enforcement)</td>
<td>German VAX 11/782 Computer</td>
<td>Memoranda, Cables, Newspaper Articles, Inventory Lists</td>
<td>1984</td>
<td>100 Pages</td>
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<td>Office of the General Counsel (International Affairs)</td>
<td>Subject files on the countries identified to be associated with the Nazi government</td>
<td>Unknown</td>
<td>1960-1989</td>
<td>45,000 Pages</td>
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**Office of Intelligence Support**

| Office of Intelligence Support | Program Correspondence Files (Subject Files) of the Special Assistant to the Secretary (National Security), Chronological Correspondence Files of OIS, Country Reference Files, and Central Files. | Cables, Intelligence Reports | 1995-1998 | 226,000 |