

**National Archives and Records Administration
Archives Library Information Center**

**Statement of Michael J. Ravnitzky
Before the Nazi War Criminal Records Interagency Working Group
Public Forum: Monday, September 27, 1999
U.S. District Courthouse, 500 Pearl Street, New York City**

Thank you Mr. Chairman. I am here today to represent not the archival or legal perspective, but rather the perspective of the press and of the citizen who files a Freedom of Information request. It is, after all, the press and the FOIA requester who reveal many of the important stories to the public.

I congratulate the people who have guided the legislation that led to this working group, and those working so hard on implementing the declassification efforts, and in keeping the public informed as to what is going on by meetings such as this, and the Working Group's website.

The Working Group staff, and the FBI in particular also merit some appreciation for what is undoubtedly a thankless job. I understand that the FBI is seeking to hire an official Bureau Historian-- I hope that this Historian's expertise is rapidly and specifically applied to this very important effort.

I have encountered many unwarranted classification barriers during my requests for Nazi War Criminal Records or related documents under the Freedom of Information Act (5 U.S.C. 552b), or the Mandatory Declassification Review provisions of Executive Order 12958, which covers handling of National Security Information. The primary problem is that agencies often apply a presumption of continued classification to any documents bearing classification markings, even if those documents are over 50 years old. Since many of my more than 2000 FOIA requests address topics relating to the World War Two era, an area of some research interest for me, I have run into this problem a lot. I also encounter this problem working as a legal professional for a news media organization.

Another problem is that some agencies, such as the U.S. Army Intelligence and Security Command (INSCOM), simply refuse to conduct Mandatory Declassification Reviews, despite their obligation to do so under the Executive Order. The third problem is that several agencies refuse to accept that the public interest may outweigh continued protection of personal data regarding Nazi War Criminals. A fourth problem is that most agencies require affirmative proof of death before releasing certain types of records or portions of records, even if those records are 50 or 60 years old and death can be inferred from the passage of time.

However, I am here today primarily to point out several collections of records that fall under the definition of Nazi War Criminal Records yet almost certainly contain classified portions currently unavailable under FOIA, but may not have been identified or solicited by the Interagency Working Group.

FBI, CIA/OSS and military intelligence files (including INSCOM's Investigative Records Repository) concerning various deceased Nazi civilian and military leaders, such as Borman, Brandt, Goering, Goebbels, Hess, Himmler, Heydrich, Raeder, Doenitz, Ribbentrop, etc. In other words, don't ignore agency records on the big fish which are likely to be used by multiple researchers.

FBI and military intelligence files concerning American organizations acting on behalf of (or in association with) the Nazis. Even if the military has purged some of its records systems of domestic intelligence of this age and type, the FBI files still contain many such military intelligence records.

FBI, CIA/OSS, State Department, and military intelligence records on the major participants in the Nuremberg War Crimes Trial, including the American and British prosecution and judicial staff! Such names as Telford Taylor, Robert Jackson, Daniel Margolies, John Harlan Amen, and Robert Story come to mind. Files on the prosecutors and judges at Nuremberg are most definitely Nazi War Criminal Records if they reflect on the Nuremberg process, or political pressures for leniency or withdrawal of charges.

FBI Records associated with the Pioneer Fund, a eugenics research foundation begun by General Frederick Osborn, Dr. Harry Laughlin, Wickliffe P. Draper and others in 1937 and which still exists today. The Pioneer Fund allegedly had close connections and early links with Nazi Germany and their scientists who conducted medical experimentation (including the infamous research on twins) and furthered Nazi War Crimes.

My website, at <http://www.newstrench.com/01secret/01secret.htm> lists the so-called Exceptional Case Files compiled in 1980. This list includes several Nazi War Criminal Related files at the FBI, including their file numbers. However, those files are not identified as Nazi War Criminal records; an experienced NARA staff member should first review the list.

The Investigative Records Repository (IRR), a huge repository of military investigation and intelligence records maintained at Fort George G. Meade, Maryland by the U.S. Army Intelligence and Security Command, is likely to be one of the most fruitful sources of extant records on Nazi War Criminals. I have encountered continuing classification on some 1940s documents relating to denazification efforts by the Army in Germany.

The Defense Technical Information Center, DTIC, is a branch of the Defense Department that has millions of reports, including thousands of classified reports from the World War II era, part of what is locally referred to as the *legacy collection*. DTIC holds many captured German and Japanese technical and industrial intelligence documents, many of which are still classified. Relevant reports include those on German rocket assembly plants (known to use concentration camp and other slave labor), German war material plants, captured German reports concerning technical activities in locations known to utilize wartime slave labor, experiments on human factors (i.e. immersion in cold water, exposure to unprotected high altitude conditions, German tests of protective clothing, reports on biological and chemical warfare, etc. DTIC has three major collections of technical reports: AD, ATI and TIP. The relevant material (the ATI, TIP and the older AD reports) is more likely in the manual card indices not searchable by computer.

Last year, the DoD responded to my Mandatory Declassification Review for some records of this type by saying that foreign government information in U.S. Government Files was not subject to MDR. Upon appeal, the ISOO reversed this denial and ordered the DoD to proceed with the review. But this process of appeal took over a year.

The book Trading With the Enemy: An Expose of the Nazi-American Money Plot, 1933-1949, by Charles Higham, is an important source of names of people and companies who enables the Nazi War Crimes financial machine. The Working Group should retrieve files on these companies and people at FBI, CIA/OSS, State Department, and the military intelligence agencies.

Krupp and I.G. Farben which utilized slave labor or otherwise contributed to the genocide John Rogge, who worked for the Justice Department in the 1940s, was suddenly fired after he gave a speech about Nazi collaborators in the U.S.

Victor Wohreheide, the Justice Department attorney responsible for preparing the treason trials against U.S. collaborators to the Nazi regime arrested by the Army and placed in Civilian Internment Centers called Ashcan and Dustbin, suddenly and without explanation or justification, ordered all of them released.

HIAG, a so-called veterans organization in Germany, actually was a neo-Nazi front group sheltering former SS members.

Laszlo Pasztor was a Berlin diplomat during WW2 who represented the Arrow Cross, the government of Nazi Hungary, which participated in the genocide, and later became a political figure in the United States.

The Seamless Steel Equipment Corp., the Silesian-American Corporation, the Holland-American Trading Corp. and the Hamberg-Amerika Line, all seized for aiding Nazi Germany and the latter used as a cover for Nazi espionage in the United States.

According to numerous sources, including the official history of Fort Detrick, written by Norman Covert, and Factories of Death: Japanese Biological Warfare 1932-45 and The American Cover-up, by Dr. Sheldon Harris, **Japan committed heinous war crimes by the use of traditional biological warfare agents like botulism and anthrax, in**

lethal open air testing on Chinese and American prisoners and at their work benches of the officially named "Water Purification Unit 731" near Harbin, a remote, desolate area on the Manchurian Peninsula. Fort Detrick sent several investigators to Japan after the war to interrogate captured Japanese scientists and obtain their research materials. Leading the team was Dr. Norbert Fell and Lt. Col. Arvo Thompson. Working with Gen. Douglas MacArthur's intelligence team at Supreme Commander Allied Powers (SCAP), Dr. Fell and Thompson learned the full extent of the Japanese program headed by Lt. Gen. Shiro Ishii. Several members of Unit 731 were brought to the United States and interviewed, and in general granted de facto amnesty. For many years, the military has been loathe to declassify historical records concerning the Unit 731 war criminals and their interaction with Army biological warfare experts. The names of the Unit 731 Japanese scientists are readily available in the public domain. Though I realize that war criminal records from Asia have been placed into a different priority level in this review, please do not omit the Unit 731 records.

The Chemical and Biological Information Analysis Center (CBIAC) recently completed a major study of the history of biological and chemical warfare material, under their TAT (Technical Area Task) for the Defense Threat Reduction Agency (DTRA). The most recent TAT relating to this project is TAT # 295. The results of the study was a classified database controlled by Lt. Col. Dennis Perry, at 703-325-1029, and a large database of reports referenced therein that reside at CBIAC itself. CBIAC is the Defense Dept. focal point for information related to biological and chemical weapons technology, and is run by the Battelle Memorial Institute for the Defense Technical Information Center at Fort Belvoir. This history of biological and chemical warfare (and the associated bibliographic database and reports) contain a large amount of material on horrific German and Japanese experimentation. Examination by an expert in this subject area could identify that material. To date, CBIAC has refused to release this data, nor allowed anyone to sort through it looking for such material. While it is important to protect technical information on biological and chemical warfare, unfortunately that has been used as an excuse to cover up important documentation on WW2 experimentation war crimes.

The Defense Visual Information Center (DVIC) is the Defense Department's collection of motion picture film footage. DVIC still holds classified motion picture film footage concerning Nazi War Crimes, Japanese War Crimes, and related topics. Much of the older DVIC movies and film footage has been transferred to the National Archives or storage facilities, yet nevertheless remains classified, and further it often remains unclear who is responsible for its declassification and eventual review. I believe that the Working Group has not yet addressed the area of motion picture film in its assessment.

The Air Force Historical Research Agency, at Maxwell Air Force Base, holds millions of classified and unclassified records going back to the turn of the century. Based on previous research inquiries, I believe that it is highly likely that classified records concerning subjects relevant to this inquiry reside at AFHRA.

The Gold Transaction Summary Ledgers at the Federal Reserve Bank of NY are not readily available for public inspection. They remain classified in the sense that no one is permitted to photocopy these records for off-site study. It is generally believed that the Federal Reserve Bank has additional relevant records on subjects that would contribute to the Nazi War Criminal dialogue. Given the secrecy of the Federal Reserve Bank of NY on other related issues, I hope that the Working Group once again approaches this entity.

The FBI files and reports on the Special Intelligence Service (SIS) activities in Latin America, involving Nazi and axis activities. Records likely include data on the postwar escape and relocation of war criminals into South American countries. Most of this material remains classified even today.

Based on the experience of previous declassification projects, the Library of Congress closed manuscript collections may bear relevant records for this project.

The Bureau of Intelligence and Research (INR) of the U.S. Department of State is likely to hold valuable records relating to this subject.

For the first time, the Secretary-General of INTERPOL is an American. The U.S. arm of Interpol is the little known DOJ component called the Central National Bureau. It is also little known that the Nazis seized control of the Austrian

- based International Police Organization known as Interpol during WW2, and had full access to Interpol records, and used them wherever possible in their search for genocidal solutions. Perhaps the Secretary General of Interpol as well as the Central National Bureau could be prevailed upon to aid in the search for Nazi War Criminal records, whether designated as such or not.

Finally, ending secrecy regarding Nazi War Criminal Records should begin right here and now. The Working Group should make public the Agency Status Reports and Implementation Plans, received from each agency the Working Group has surveyed.

I trust that the Working Group will carefully read the Final Report of another group which led a similar unilateral declassification effort when the normal mechanisms of review failed the American people: the ARRB. As you may be aware, the ARRB Final Report described several agencies that were initially less than forthright with the Board, and some which simply refused to provide particular records and by waiting out the Board's brief lifespan were able to keep these records classified and concealed. I hope that this does not happen with regard to the Nazi War Criminal Records.

In closing, I would ask the Working Group to contact each agency FOIA Office, each FOIA Appeals Office, the Information Security Oversight Office (ISOO), the Information Security Classification Appeals Panel (ISCAP) to ask them to apply the Nazi War Criminal Records Act wherever applicable.

I would be pleased to entertain any questions you might have concerning my remarks.

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