U.S. Department of Justice
Criminal Division

Klaus Barbie and the United States Government

A Report to the Attorney General of the United States

August 1983

Submitted by:
Allan A. Ryan, Jr.
Special Assistant to the Assistant Attorney General
Criminal Division
United States Department of Justice

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U.S. Department of Justice

Criminal Division

Assistant Attorney General

Washington, D.C. 20530

August 2, 1983

Memorandum to the Attorney General

As the investigation of Klaus Barbie has shown, officers of the United States government were directly responsible for protecting a person wanted by the government of France on criminal charges and in arranging his escape from the law. As a direct result of that action, Klaus Barbie did not stand trial in France in 1950; he spent 33 years as a free man and a fugitive from justice, and the fact that he is awaiting trial today in France is due entirely to the persistence of the government of France and the cooperation of the present government of Bolivia.

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

Whether Barbie is guilty or innocent of the crimes with which he is charged will be decided by a French court. But whatever the verdict, his appointment with justice is long overdue. It is a principle of democracy and the rule of law that justice delayed is justice denied. If we are to be faithful to that principle -- and we should be faithful to it -- we cannot pretend that it applies only within our borders and nowhere else. We have delayed justice in Lyon.

I therefore believe it appropriate, and I so recommend, that the United States government express to the government

of France its regret for its responsibility in delaying the due process of law in the case of Klaus Barbie. We should also pledge to cooperate in any appropriate manner in the further investigation of the crimes for which Barbie will be tried in France.

This is a matter of decency, and of honorable conduct. It should be, I believe, the final chapter by the United States in this case.

Allan A. Ryan, Jr.
Special Assistant to the
Assistant Attorney General

U.S. Department of Justice

Washington, D.C. 20530

August 2, 1983

Honorable William French Smith
Attorney General of the United States
United States Department of Justice
Washington, D.C. 20530

Dear Mr. Attorney General:

On March 14, 1983 you directed that I conduct an investigation of the relationship between Klaus Barbie and the United States government from the end of World War II to the present.

That investigation has been completed, and I submit herewith my report, including my conclusions and recommendations.

I would like to bring to your attention the dedicated and professional assistance in this investigation of my colleagues in the Office of Special Investigations, Criminal Division. Richard D. Sullivan was my chief attorney advisor. David G. Marwell was my chief historian and archival researcher. Edward G. Bourguignon and Bertram S. Falbaum were the investigators.

In addition, George Garand, Diane Kelly and Nancy Whisenhunt provided valuable support services. Susan Adams, assisted by Anita Washington, Janine Scoville and Linda Faulk, typed this report and the several drafts that preceded it.

The contributions of those who assisted me far exceed this brief description of their duties, and they share the credit for the accuracy and completeness of this report. For whatever inaccuracies or omissions may exist, the responsibility is mine.

Respectfully submitted,

Allan A. Ryan, Jr.
Special Assistant to the
Assistant Attorney General
Criminal Division
United States Department of Justice

Table of Contents

	Page
INTRODUCTION	iv
SECTION I. KLAUS BARBIE	
A. Introduction	1
B. Early Career	3
C. Barbie in France	8
D. Sources of Information	9
1. The Personnel File	10
2. Operational Records	11
3. Postwar Evidence	12
E. Barbie in Lyon, 1942-1943	14
F. Barbie in Lyon, 1943-1944	19
G. Conclusion	20
H. The Listing of Barbie in CROWCASS	22
SECTION II. BARBIE'S RECRUITMENT AND USE BY THE U.S. ARMY, 1947-1949	
Introduction: The United States Army Counter Intelligence Corps	23
A. Operation Selection Board	28
1. Barbie is Targeted for Arrest	28
2. Barbie Evades the Selection Board Dragnet	33
B. Recruitment and Use of Barbie by CIC: April-October, 1947	37
C. Arrest and Interrogation of Barbie: October 1947-May 1948	41
1. Arrest	41
2. Interrogation	51
D. Barbie's Renewed Use: 1948-1949	57
1. Reconstruction of the Merk Net	57
2. Dissolution of the Merk Net	62
E. Interrogation of Barbie by French Intelligence	67
SECTION III. FRANCE REQUESTS EXTRADITION	
A. Public Accusations of Torture Against Barbie and CIC's Response	71
B. French Requests to HICOG to Obtain Barbie's Surrender	82
1. Initial Inquiries by the French Through Official Channels, 1949-1950	83
2. The French Request for Extradition of Barbie	89
C. CIC's Decision that Barbie "Should Not Be Placed in the Hands of the French"	94
D. Response by HICOG to the French Government	98
E. Discussion Between HICOG and EUCOM/CIC	119
F. CIC and HICOG Response to State's Approval of Extradition	126

Page

SECTION IV. ESCAPE TO BOLIVIA, 1951
A. The Rat Line 135
B. Putting Barbie in the Rat Line 141
1. Preparation 141
2. Decision 146
C. Barbie's Travels in the Rat Line 150
D. Epilogue 156
E. The Question of CIA Involvement with Barbie Through 1951 157

SECTION V. BARBIE IN BOLIVIA
A. The Absence of Any Relationship with the CIA 165
B. The Army's Interest in "Reactivating" Barbie in 1965-1967 168
C. Barbie's Entries to the United States 179
1. Dates and Documentation of Visits 179
2. Purpose of Visits 182
3. INS' Notification to CIA of Altmann's Entries 183
D. State Department Response to 1972 Extradition Request 185
E. Allegations of Barbie's Involvement in Criminal Activities 187
1. Drug Trafficking 188
2. Weapons Trade 188
F. Conclusion 190

SECTION VI. CONCLUSIONS AND RECOMMENDATIONS
I. CONCLUSIONS
A. Recruitment and Use of Barbie, 1947-1949 191
1. The Competing Considerations 191
2. The Absence of Evidence of War Crimes 195
a. The Facts Known to CIC 195
b. The CROWCASS Listing 198
3. Conclusion 203
B. CIC's Response to HICOG, 1950 203
1. Discussion 203
2. Conclusion 208
C. The Escape of Barbie Through the Rat Line 209
1. Use of the Rat Line in Cases Other Than Barbie's 209
2. Use of the Rat Line in Barbie's Case . . 212
II. RECOMMENDATIONS
A. Criminal Prosecution 214
B. Legislation or Regulatory Reforms 215

APPENDICES

List of Abbreviations

CIC -- Counter Intelligence Corps, United States Army

ECIC -- European Command Intelligence Center, an interrogation and detention facility in Oberusel, near Frankfurt

EUCOM -- European Command, the U.S. military occupation authority in the U.S. Zone of Germany (replaced USFET, U.S. Forces European Theater, March 1947)

HICOG -- U.S. High Commission for Germany, the U.S. civilian authority in Germany, 1949

HQ -- Headquarters

ID -- Intelligence Division, EUCOM, the parent organization of the CIC in Germany

OMGUS -- Office of Military Government for Germany (U.S.), replaced by HICOG, September 1949

USFA -- United States Forces, Austria, the U.S. military occupation authority in the U.S. Zone of Austria

INTRODUCTION

A. The Reason for This Report

On February 4, 1983, Klaus Barbie was expelled from Bolivia, where he had been living for 32 years, to France, where he was under indictment for crimes he allegedly committed during World War II as chief of the Gestapo in Lyon.

Within a few days of his arrival in France, charges were raised both in the United States and France that Barbie had been employed by United States intelligence in Germany after the war, and that the United States had arranged Barbie's escape to South America in 1951 after France had requested his extradition. In view of the seriousness of these charges, on February 11 Assistant Attorney General D. Lowell Jensen directed the Office of Special Investigations, Criminal Division, to conduct a preliminary inquiry to determine whether there was any substance to the allegations and, if so, to recommend whether further action by the Department of Justice would be appropriate.

As Director of the Office of Special Investigations, I reviewed records of the United States Army and the Department of State and reported to Assistant Attorney General Jensen that the charges appeared to have merit. In light of the preliminary determination, and the

considerable public interest in the allegations, I recommended that a full investigation be conducted.

On March 14, the Attorney General authorized an investigation to determine the relationship between Klaus Barbie and the United States government from the end of World War II until the present. I was appointed Special Assistant to the Assistant Attorney General to conduct this investigation, to report the findings and conclusions to the Attorney General, and to make whatever recommendations might be appropriate.

The report that follows is the result of that investigation. It was delivered to the Attorney General on August 2, 1983. I was ably assisted in this investigation by several members of the Office of Special Investigations, who are identified in the transmittal letter to the Attorney General.

B. The Scope of the Investigation

The goal of the investigation was to determine the truth and report it. To that end, all available records that would shed any light on Barbie and the events in which he was involved were located and reviewed. These records were found primarily in the archives of the United States Army, the Department of State, the Central Intelligence Agency, the Immigration and Naturalization

Service and in the National Archives. In addition, several other agencies, including the Federal Bureau of Investigation, the Defense Intelligence Agency, the National Security Agency, the Drug Enforcement Administration, and the United States Air Force were asked to search their records, and did so with generally negative results.

Investigators travelled to Bolivia and to France to review whatever records or other information might be available in the archives of those countries. While Bolivian officials cooperated fully with the investigation and provided copies of judicial records pertaining to Barbie's naturalization, they reported that other records could not be located and expressed their belief that such records had been lost or destroyed some time ago.

The Government of France provided full access to records in the Ministry of Foreign Affairs and the Ministry of Justice, including those records gathered in Lyon in preparation for the prosecution of Barbie on charges of crimes against humanity. These records proved very helpful in reconstructing the events described in this report, particularly in Sections I and III. The Justice Ministry declined a request to interrogate Barbie himself, on grounds that the absence of any judicial

proceeding in the United States precluded the invocation of the judicial assistance agreement between the United States and France that allows one government to interrogate persons in the custody of the other. The inability to question Barbie himself, however, did not materially affect the findings of the investigation, given the extensive and reliable documentation available from the sources named above.

In addition, some 40 persons who were directly involved in the events covered in this report were interviewed, several of them more than once. */ As a general matter, witnesses were cooperative and candid, and many of the interviews provided useful information on background events, working relationships, and attitudes towards the issues of the day. The interviews were distinctly less helpful in reconstructing the events surrounding particular decisions or actions. This is to be expected in investigating matters that happened so long ago; as a result, the description of specific events in this report is based almost entirely on contemporaneous documents. These documents are cited in this report by number, and are contained in a separate appendix to the report.

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*/ In the 38 years since the end of World War II, many persons who were involved in these events have died, and deaths are noted at various places in the report.

This investigation received, as it ought to have, the full cooperation of the other agencies involved, particularly the United States Army, the Department of State and the Central Intelligence Agency. The staffs of those agencies, and of the National Archives and Records Service, were particularly helpful in assisting the Department of Justice in locating records, many of which, of course, were not filed under the name of Klaus Barbie but under broader subjects. In addition, a great number of files having nothing to do with Barbie were reviewed in order to ascertain the organization, policies, responsibilities and administrative procedures of various government offices during the time in question.

C. Declassification and Sanitization of Documents

The great majority of the documents reviewed in this investigation had been classified when they were executed and had remained classified in the intervening years. The agencies involved, particularly the United States Army, declassified extensive amounts of material so that this report could be released to the public in a complete and accurate form.

As a result, every document that I believe relevant to Barbie's relationship with the United States government is contained in the appendix. These documents have

either been declassified or, where necessary, sanitized by the United States Army to protect intelligence sources and methods under Executive Order 12356. This process was undertaken in full consultation with me, and I am satisfied that the sanitizations finally arrived at are justified under that Order. More importantly, I am satisfied that the specific information that remains classified, and thus deleted in the appendix, does not in any way detract from completeness of this report. For example, the names of foreign nationals who provided intelligence information to Barbie from 1947 to 1950 have been deleted, but those names are of little consequence to this report. In addition, specific targets of intelligence operations in which Barbie was involved are also deleted, but they are identified generically in this report by the phrase "French intelligence activities in the French zone," or similar descriptions. That is what is important; to identify the particular activity or individual who was targetted is not necessary to the account of Barbie's relationship with the U.S. government. As this report establishes, the relationship between Barbie and the United States government ended in 1951, and in no case has the identity or action of any United States official, or of Barbie himself, during those years been sanitized.

D. Conclusion

When this investigation began, there was no assurance that the story of the relationship between Klaus Barbie and the United States government could ever be fully determined, because there was a legitimate apprehension that the records might not have survived or, if they had, that they could not all be located. Fortunately, that apprehension proved largely unjustified. As a result, the report that follows, in my opinion, describes Barbie's relationship with the United States government definitively and completely. While questions may always exist as to why people acted as they did, or what motivated them, or how they perceived events as they were happening, the events themselves are fully documented in this report.

In the first five sections of this report, I have taken care to report as fact only those events that are plainly demonstrated by the evidence and are not subject to serious question. I have drawn no inferences and made no assumptions except where clearly identified as such, and in those cases I have set forth the evidence supporting them and, where it exists, the evidence that might fairly justify some other inference. I have used the word "apparently," or its equivalent, to identify events

that very likely happened but cannot be directly documented. The final section of this report contains my conclusions and recommendations, as directed by the Attorney General.

Allan A. Ryan, Jr.
Special Assistant to the Assistant
Attorney General
United States Department of Justice

SECTION I: KLAUS BARBIE

A. Introduction

This report describes the relationship between Klaus Barbie and the United States government. That relationship began in April 1947, but this report cannot begin there. To draw intelligent and informed judgments on the history of Barbie's use by American authorities, one must have answers to two lines of questions. First, who was Klaus Barbie, and what did he do during the war? Second, what did the Americans who recruited and used Barbie after the war know about him and his record? What could they have known from the resources that were available to them?

The answers to these questions are important because the controversy that has developed over public allegations of U.S. involvement with Barbie has been based on the assumption that Barbie was "the butcher of Lyon," a man responsible for crimes against humanity: the deaths and deportations of hundreds, perhaps thousands, of Jews and other innocent victims of Nazi persecution. This controversy has also assumed that those who dealt with Barbie after the war must have known that he was a butcher. */ Barbie himself has

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*/ The derivation of "butcher of Lyon" is unclear. It does not appear in any of the materials examined in this investigation.

maintained that he was the head of the SS counter-resistance operation in Lyon, attempting to ferret out and neutralize sabotage directed against the German occupation.

As this section demonstrates, Barbie was the head of the Gestapo in Lyon; considering the responsibilities of the SS detachment in Lyon in 1942-1944, this role could be consistent with persecution, counter-resistance operations, or both. This investigation has not attempted to establish Barbie's guilt or innocence of crimes against humanity, which are the subject of criminal charges in France. It has endeavored to establish, as far as possible, what American officers who recruited and used Barbie over a period of time knew or should have known about him at the time he was recruited, and also as time went by. The answers to these questions are important because the actions of American officers, to be judged fairly, must be judged according to what they knew or ought to have known about the man they were dealing with.

In this respect, as in others, this investigation has not relied on assumptions but has sought evidence. This section discusses Klaus Barbie's wartime career and what could have been known about it in the period of his use after the war.

B. Early Career

Klaus Barbie was born on October 25, 1913 in Godesberg in the Rhineland. In 1933, Hitler became chancellor of Germany and Barbie joined the Hitler Youth, the beginning of an unbroken involvement with the Nazi movement.

Beginning in February 1935, Barbie served as personal adjutant to the head of the local Nazi party office in Trier. It was at this time, according to his handwritten autobiography in his SS personnel file, that Barbie began to work with the Sicherheitsdienst (literally, security service), the Nazi Party intelligence and espionage agency. */

The Sicherheitsdienst, or SD, was established in 1931 with Reinhard Heydrich at its head. It was an arm of the SS [Schutzstaffel], an organization that began as the personal cadre of Adolf Hitler and grew into a complex and powerful network of death camps, armed divisions, intelligence services and mobile slaughter commandos. The SD's general responsibility was combatting enemies of the State, but was best described in a

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*/ BDC: Barbie's Personnel File: Lebenslauf, 14.II.40.

speech given by the leader of the SS, Reichsfuehrer-SS Heinrich Himmler in January 1937:

> The primary SD fields of activity are communism, political activity by religious persuasions, and reaction. The SD is not, however, concerned with detailed executive problems * * *. The SD is concerned only with major ideological questions * * *. As a Security Service we are interested in this sort of thing: what major plans has the Comintern in the years to come, in which country does it propose to make an effort, what Bolshevist influences can be detected in Freemason circles abroad, which way do the threads run and whither are the major emmissaries going? * * * Then again we are interested in the economic influence which the Jews are acquiring (again only in the overall plan in general) in order to strangle us, sabotage us or manipulate the currency. All these questions the SD studies scientifically * * *. */

Barbie officially joined the SS and SD on September 26, 1935 and was assigned to the SD Hauptamt (Main Office) until October 1936, when he was transferred to the SD Oberabschnitt (Region) West in Duesseldorf as a Referent (specialist). **/ His specific duties during this period are not known, but he performed them to the expressed satisfaction of his

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*/ Quoted in Krausnick, Helmut, et. al., The Anatomy of the SS State (London, 1968).

**/ BDC: Barbie's Personnel File: Lebenslauf.

superiors. */ On Barbie's marriage petition, filed in March 1939, his commander described him as "one of the best Referents" in the organization. **/ By April 20, 1939, Barbie had achieved the non-commissioned rank of Oberscharfuehrer. In October 1939, as the result of a reorganization, he was assigned to the SD Abschnitt (district) Dortmund, still as a Referent, and in this assignment, Barbie officially remained for the rest of his career, although he was detailed to other authorities. ***/

On April 20, 1940, Klaus Barbie was promoted to Untersturmfuehrer (SS 2nd Lieutenant). According to his promotion papers, ****/ he was serving at this time as Referent for Section II/122 and Section II/123 in the SD Abschnitt Dortmund; these sections dealt with "Liberalism and Pacifism" and "Rightist Movements" respectively. Barbie's duties in this position would have been to gather intelligence on the individuals and

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*/ BDC: Barbie's Personnel File: Lebenslauf.

**/ BDC: Barbie's Personnel File: Marriage Petition.

***/ BDC: Barbie's Personnel File: Lebenslauf.

****/ BDC: Barbie's Personnel File: Promotion Recommendation, 9.III.40.

organizations in these categories by, among other things, organizing and maintaining a network of agents and informants.

On May 10, 1940, the Germans launched a massive, coordinated land and air assault on the west. By May 15, Holland fell; Klaus Barbie was assigned there May 29. Barbie's personnel file gives no explicit indication of his activity in Holland; but his official assignment as of October was an assistant Referent (Hilfsreferent) in Subsection III C ("Culture"), whose responsibility was to report any anti-Nazi tendency in the area of science, education, religion, sports, entertainment, and propaganda to the appropriate executive agency. */

He performed well and was promoted in November 1940 to the rank of Obersturmfuehrer (SS 1st Lieutenant). His commander stated that Barbie was "especially hardworking and responsible"; that he had dedicated himself in Holland "completely and intensively to SD work"; that his performance was "excellent"; and that his "SS bearing on duty and off was irreproachable."

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*/ For organization of Section III, see NARS, T175/275/277318ff.

Barbie's section was part of a new office that resulted from a reorganization of the police and intelligence apparatus in September 1939. The Security Police, comprising the Gestapo (secret police) and the criminal police, was joined with the SD into one centralized organization designated the Reichsicherheitshauptamt (RSHA) (Reich Security Main Office), headed by Reinhard Heydrich. The organization of the RSHA and the constantly shifting relationships between the Gestapo, the criminal police and the SD were almost incomprehensible in their complexity, */ but for present purposes one can focus on Roman numerals: in the RSHA, sections III (domestic intelligence) and VI (foreign intelligence) made up the operational elements of the SD, and sections IV (Gestapo) and V (criminal police) made up the Security Police.

Section IV (Gestapo) of the RSHA, together with its many subordinate offices in the field, was an executive agency: it exercised its duty in actions. Section VI (foreign intelligence, SD), on the other hand, was involved in gathering information: it was the eyes and

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*/ For a full discussion, see Hilberg, Raul, The Destruction of the European Jews (New York, 1961); Hohne, Heinz, The Order of the Death's Head (London, 1972); Sydnor, Charles W., Jr., Soldiers of Destruction (Princeton, 1977).

ears to Section IV's hands and teeth. The question of whether Barbie was in Section IV or Section VI, or both, would be the subject of conflicting information in the post-war years.

Barbie's personnel file does not specify how long he remained in Holland, although a letter in the file indicates that he was still there in July 1941. */ Nor does it describe what happened to Barbie after he left Holland, but a promotion recommendation from November 1944 reviews Barbie's career and indicates an assignment in Belgium, **/ which probably took place sometime between July 1941 and May 1942, the date that Barbie appears to have been assigned to France.

C. Barbie in France

The German strike that crushed Holland in less than a week continued westward and in less than six weeks defeated the French army and drove the British expeditionary force off the continent at Dunkirk. On June 20,

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*/ BDC: Barbie's Personnel File: Barbie to SS Personnel Office, dated Amsterdam, 4.VII.41.

**/ "Since May 1940, Barbie has been deployed abroad (Holland, Belgium, France)." BDC: Barbie's Personnel File: Promotion Recommendation, September 1944.

1940 the Germans captured Lyon, and two days later the defeated French signed an armistice that divided the country into two zones: the north, occupied by the Germans, and the south (including Lyon), administered by a French collaborationist government at Vichy.

In November 1942, however, the southern zone was occupied by the Germans after the successful Allied invasion of North Africa. With the occupation of the south, the Security Police and the SD formed a comprehensive network of offices to solidify German authority throughout France. These detachments were organized along the same lines, and their sections carried the same numerical designation, as other Security Police and SD offices, including the headquarters in Paris and the RSHA in Berlin.

According to his personnel file, and consistent with his career to that point, Barbie was assigned to Lyon as chief of Section VI, Intelligence. Yet, even before the end of the war, the French were gathering evidence that Barbie was chief of Section IV, the Gestapo.

D. Sources of Information

To understand this dichotomy, it is necessary to appreciate the sources of information that were (and

are) available to post-war investigators. Apart from answering the question concerning Barbie's position, the sources are important because, from them, we can learn what information was available at any given time concerning that position.

Three main sources of evidence can be used to anaylize Barbie's career: his SS personnel file, captured wartime operational records, and evidence developed immediately after the war by the French.

1. The Personnel File

Barbie's personnel file, which was obtained from the Berlin Document Center (BDC), */ is significant not only for what it tells us about Barbie's career, but also for the fact that it was available after the war to those who decided to employ Barbie. What it tells us, it could have told them. It has, of course, the limitations of any personnel file: it is all bones and no flesh, and perhaps not all of the bones at that.

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*/ The Berlin Document Center -- which since 1953 has been part of the United States Mission, Berlin -- is a repository for all personnel and related records of the Nazi party, the SS, and affiliated organizations. Many of these records were hastily consigned to pulp mills by the Germans in the last days of the war, but were salvaged by advancing Allied forces.

For SS officers, in particular, a large number of personnel files survived. These range from a few stray scraps of paper to massive dossiers numbering several hundred pages. Barbie's file is more than one hundred pages, covering his career in the SS beginning in 1935 and ending in 1944. It includes a genealogy, notices of his promotions and awards, performance appraisals, pay records, and other routine personnel documents.

2. Operational Records

The fate of documents created and maintained by German authorities during World War II varied. Many were captured but the remainder, a number impossible to estimate, were destroyed by the Germans, or by acts of war. The files of the SS and police authorities in Lyon were almost entirely destroyed in the allied bombings of Lyon in May 1944, or in a systematic destruction by the Germans that summer. Exhaustive searches in archives and repositories throughout the world by private scholars, professional investigators, and government researchers have yielded only a handful of Lyon SS documents. Thus, the best potential source on Klaus Barbie's wartime activities -- the files of his office with their reports, orders, organizational charts, and duty rosters -- has been completely lost to post-war investigators.

3. Postwar Evidence

No sooner had the Germans left Lyon in August 1944 than the French began to investigate the crimes that were committed there. That same month, the French submitted a statement of charges to the United Nations War Crimes Commission (UNWCC) against "Barbier" and his subordinates in the Gestapo: */ "murder and massacres, systematic terrorism, and execution of hostages," among others. The initial charges were followed by others through January 1948.

In addition to filing charges with the UNWCC, France created permanent Military Tribunals in major cities, including Lyon, to investigate war crimes and to locate and prosecute war criminals. Through these tribunals, significant evidence was gathered on the history, operation, and personnel of the Gestapo and SD in Lyon.

As early as February 1945, a lengthy report to the Lyon Tribunal on the "German Special Services in the Lyon Region" gave a history of the Security Police and SD in Lyon and a breakdown of its personnel. Barbie figures prominently as chief of Section IV and deputy to

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*/ U.N. Archives: UNWCC Charge Files 192/FR/G/40 and 184/Fr/G/42.

the commander of the Lyon SS. Based on the report and other investigations, the tribunal issued arrest warrants for "Barbier" and others in September 1945. */

A number of former Lyon Security Police and SD personnel were arrested, in some cases extradited, and brought to Lyon to stand trial. The interrogations of those tried by the French offer a valuable source on the history and organization of the SS in Lyon, and have served to clarify Barbie's position there.

Another investigation, conducted by the Military Tribunal in Paris, has also shed light on Lyon and Klaus Barbie. In 1947 and again in 1950, Rene Hardy, a former French Resistance leader, was tried for treason, charged with betraying his organization and helping the Germans arrest several key Resistance figures, including Jean Moulin, a Resistance hero and personal representative of De Gaulle in France. The man who arrested Moulin and the man with whom Hardy allegedly collaborated was Klaus Barbie. In the investigation into the Hardy affair, Barbie's position and activity received a great deal of attention, and figure prominently in the events described in this report.

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*/ Lyon: Ordre D'informer, 2 Aug 45, Requisitoire Introductif, 3 Aug 45, and Mandat D'Arret, 12 Sep 45.

In the following discussion, piecing together what is known on Barbie's activities in Lyon, the sources described above each play a distinct part.

E. Barbie in Lyon, 1942-1943

Barbie's arrival in Lyon in November 1942 coincided with a dramatic increase in the ranks of the Resistance. The imposition of the Service du Travail Obligatoire (Forced Labor Service) in the fall of 1942 presented a challenge to Frenchmen, offering a choice between being forced to work for the German war effort and joining the increasing number of resisters to disrupt it. In January 1943, the union of the three principal non-communist resistance groups in the south was announced, under the leadership of Jean Moulin. Combat, Liberation, and Franc-Tireur joined to form the "Mouvements Unis de la Resistance" (MUR) and agreed to unite their paramilitary forces in the Armee Secrete (Secret Army -- AS).

It was the responsibility of the combined Security Police and SD elements in Lyon to combat this burgeoning resistance movement. These elements were formed into an "Einsatzkommando" (EK) in late 1942. The EK's first commander served for a very short period before being transferred to Marseille in January 1943.

His replacement was Hauptsturmfuehrer (SS Captain) Heinz Hollert. Klaus Barbie, in turn, became Hollert's deputy, while heading a section at the same time. This is established not through any formal record, but rather by the way Barbie signed one of the few documents bearing his signature that have survived. Several letters and one telegram reporting an action taken against a committee to assist emigrant and dispossessed Jews were signed by Barbie "in Vertretung" or "i.V" -- a formal indication that he was signing for the commander as his deputy. */

In the summer of 1943, Hollert was replaced as commander by Werner Knab, who had been transferred to Lyon from the Gestapo in Kiev. Hollert became Knab's deputy, and Barbie moved down to third in command. But Hollert was killed in the May 1944 bombing of SS Headquarters, and Barbie returned to the deputy slot under Knab.

At some point Barbie became the head of Section IV, Gestapo, in Lyon. This transfer is not reflected in his BDC file; we cannot date it and the written documents

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*/ See "Organization of the Office of the Commander of the SIPO and SD in Marseille, 3.VII.44, NARS: T175/483/9342680-683 for regulations governing signature authority: "The permanent deputy signs with the addition, 'in Vertretung.'"

that survive are ambiguous. For example, there are copies of documents signed by Barbie that deal with Section IV matters but these he signed in his capacity as deputy of the entire EK, and not necessarily as Section IV chief.

And when Hollert took over as deputy, Barbie could no longer sign for the commander as deputy. German regulations allowed another category of signature -- one executed "im Auftrag." A document signed "im Auftrag" or "i.A." is signed by order of the commander by someone -- other than the deputy -- who has signature authority. Normally, signature authority is granted to the ranking official responsible for the subject matter of the document to be signed. We have a document, dated December 28, 1943, addressed to Section IVB (which handled "Jewish Affairs") of the Commander of the Security Police and SD (BdS) Paris, signed "im Auftrag" by Barbie. Under normal circumstances, Barbie's signature on this document could be interpreted to mean that he was head of Section IV -- the appropriate official with signature authority for a document concerned with Section IV matters. There are other explanations for his signing this document, however; for example, he

could have been the only ranking person on duty at headquarters when the letter went out. */

But whatever ambiguities exist in interpreting the arcane signature regulations are made moot by the postwar evidence collected by the French from witnesses who certainly knew the Lyon hierarchy. The former Security Police and SD commander in Paris, Helmut Knochen, identified Barbie as being in Section IV in Lyon. **/ Harry Stengritt, former member of Section VI in Lyon identified Barbie as head of Section IV. ***/ Alfred Luetjens, a member of Section IV, identified Barbie as his boss, Section IV chief. ****/ Ernst Floreck, who was also a member of Section IV, identified Barbie as Section IV chief and also offered a piece of indirect evidence that Barbie was not head of Section VI

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*/ Another document signed "im Auftrag" by Barbie is the famous April 6, 1944 telegram reporting the deportation of 41 children from a children's home in Iszieu. The telegram, like the December letter, was directed to Section IVB in Paris. This document was submitted by the French as exhibit RF-1235 at Nuremburg.

**/ Lyon: Hardy: PV Knochen 1 Apr 48.

***/ Lyon: Hardy: PV Stengritt, 28 Jul 48.

****/ Lyon: Hardy, PV Luetjens, 26 Apr 48.

-- SD foreign intelligence -- throughout his service in Lyon. According to Floreck, Section VI was headquartered on the Boulevard des Belges in Lyon, separate from the rest of the EK. */ Barbie's office was at the EK headquarters.

Beyond this kind of indirect evidence, Barbie admitted in 1948 to having been the head of the Gestapo in Lyon and may even have supplied the answer to when he was assigned to that section. In his interrogations by the French in July 1948 (see Section IIE of this report), he dates his arrival in France as May 1942, and claims to have been assigned to Section VI in Gex on the Swiss border and later to Section IV in Lyon. **/ In an earlier interrogation in May, he claims to have joined the Stapostelle (State Police Office, i.e., Gestapo) in Lyon in 1943. ***/ It is possible, therefore, that he arrived in Lyon in November as head of Section VI and transferred after a short period, perhaps early 1943 to Section IV, the Gestapo.

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*/ Lyon: Hardy: PV Floreck, 23 Nov 48.

**/ Lyon: Hardy: PV Barbie, 16 Jul 48.

***/ Lyon: Hardy: PV Barbie, 14 May 48.

It is unlikely that anyone would make such an admission unless it were true. The question of Barbie's position in Lyon appears, then, to have been answered conclusively by possibly the best witness -- Barbie himself. This admission, moreover, has been supported by the testimony of his wartime superiors, subordinates, and victims in statements taken by the French in war crimes investigations after the war.

F. Barbie in Lyon, 1943-1944

The difficulty of combatting the resistance in Lyon cannot be overestimated. As the German military began to lose ground, the ranks of the resistance grew. Despite this, Barbie could boast of considerable success. In a short period in the summer of 1943, he was responsible, in part, for the arrest of General Delestraint, the commander of the Armee Secrete, and of Jean Moulin, the head of the Resistance, as well as of several key resistance leaders. So effective were the actions in Lyon in the summer of 1943 that the MUR decided to move to Paris, which it considered safer than Lyon.

Barbie's effectiveness was also noted and recognized by his superiors; he received a number of decorations and acknowledgements during his service in Lyon,

including a letter from the head of the SS, Heinrich Himmler, praising Barbie's "special achievements in the field of criminology and untiring efforts in combatting a resistance organization." */ Barbie's promotion to Hauptsturmfuehrer (SS Captain) came in November 1944. The recommendation for it noted his "exceptional talent for intelligence and criminology" and gave him credit for eliminating numerous enemy organizations. **/

By that time, however, the Allies were driving through France and the Germans were pushed out of Lyon. Little is known about Barbie's assignments between the time he left Lyon and the end of the war ten months later.

G. Conclusion

As far as the first question posed in this section -- who was Barbie and what did he do -- the following facts may be stated with reasonable certainty:

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*/ This letter is noted in a September 1943 issue of the SS Befehlsblatt, an official publication that reported, among other things, personnel changes and the award of decorations within the SIPO and SD.

**/ BDC: Barbie's Personnel File: Promotion Recommendation, 9.IX.44.

1. After a series of assignments in the intelligence field for the SD, Barbie was assigned to Lyon as head of Section VI, the intelligence branch of the Einsatzkommando, an amalgam of elements from the Security Police (Gestapo and criminal police) and the SD.
2. At some point, and for some period of time between November 1942 and the summer of 1944, Barbie served both as deputy and number three man of the EK.
3. At some point, and for some period of time, Barbie also was the head of Section IV, the Gestapo.
4. Barbie's responsibilities with the EK as a whole included counter-resistance operations: infiltrating the French Resistance, headquartered in Lyon; gathering information on its members and operations; and disrupting those operations and neutralizing (turning or arresting) its members to the maximum extent possible.

As to the second question -- what could post-war vestigators have known or be expected to know -- the llowing points must be kept in mind:

1. Barbie's personnel file contains no mention of assignments to Section IV (Gestapo); taken by itself it outlines the career of an intelligence

officer in Section VI, the foreign intelligence section of the SD.

2. The evidence regarding Barbie's activities in Section IV, the actions of the EK in Lyon, and the role of the EK in anti-resistance actions and persecution, was gathered by French authorities from late 1944 through 1948. This evidence is largely in the form of affidavits from Lyon residents and resistance fighters gathered in preparation for war crimes trials to be held by permanent military tribunals in Lyon and Paris.

H. The Listing of Barbie in CROWCASS

As the war drew to a close in the spring of 1945, the Supreme Headquarters, Allied Expeditionary Force (SHAEF) composed a central register of war criminal suspects wanted by the allied nations. This Central Registry of War Criminals and Security Suspects -- universally known as "CROWCASS" -- grew quickly. The first list, published in July 1945, contained 70,000 names, including that of "Barbier" (no first name was listed) whom the French had listed under two numerical codes as wanted for "murder (of civilians)" and "torture (of military personnel)." The list was distributed to all major echelons of the Allied occupation forces in Germany, including the United States Army Counter Intelligence Corps.

SECTION II

BARBIE'S RECRUITMENT AND USE BY THE U.S. ARMY, 1947-1949

INTRODUCTION: THE UNITED STATES ARMY COUNTER INTELLIGENCE CORPS

Following its defeat in May 1945, Germany was divided into four zones, occupied by the United States, Great Britain, the Soviet Union and France. See Appendix 1. Within each zone, the occupying power was responsible for all military and civil affairs. In the U.S. zone, which included southern and eastern Germany to the Czech and Austrian borders, the military authority was the multi-service European Command (EUCOM). See Appendix 2.

One of EUCOM's components was the 66th Counter Intelligence Corps (CIC) Detachment, which had as its basic mission the protection of the U.S. Zone against espionage, sabotage and subversion. */ Thus, the 66th CIC's operations extended throughout the American Zone (including the American sector of Berlin) but did not extend into Austria or the zones of the other allies. EUCOM (headquartered in Heidelberg) exercised its supervision over the 66th CIC through its Intelligence Division, the director of which was a brigadier general. See Appendix 3.

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*/ Annual Narrative Report, 66th CIC Detachment, 31 Dec 49.

The 66th CIC */ was commanded by a colonel, and had a headquarters staff stationed in Frankfurt until September 1949, when it moved to Stuttgart. The CIC headquarters exercised its supervision over field operations primarily through a series of regions (see Appendix 4). Each region had a headquarters and several field offices in various cities or towns in its region. In a conventional military sense, therefore, the chain of command in CIC ran from the commanding officer to the region commanders to the field offices.

In understanding the events of this report, however, it is necessary to focus on the operations personnel. At CIC Headquarters, the S-2/S-3 was the chief operations officer, responsible to the commanding officer for the conduct of intelligence activities. Under him, at headquarters, were the case officers, analysts, technical specialists and other personnel who dealt directly with the day-to-day business of intelligence gathering and analysis. In general terms, the headquarters S-3 staff received and analyzed information from the regions, set policies and procedures for

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*/ The Counter Intelligence Corps detachment in Germany was named the 970th Counter Intelligence Corps Detachment when it was formed in November 1945; this designation was changed to the 7970th Counter Intelligence Corps Group in June 1948 and the 66th Counter Intelligence Corps Detachment in November 1949. For simplicity's sake, the term "CIC" or "CIC HQ" will be used in this report to refer to this detachment and its headquarters, respectively.

intelligence operations, gave specific orders in specific cases to a region where needed, and exercised whatever supervision was necessary to see that the regions operated efficiently, effectively and in accordance with regulations and headquarters' wishes. See Appendix 5.

Each region likewise had an S-2/S-3, who was responsible for the day-to-day intelligence operations within his region and who, like his counterpart at headquarters, saw to it that the operations within the region ran smoothly and in accordance with policies and regulations set by CIC headquarters. See Appendix 6.

Beginning in the summer of 1947, both CIC headquarters and the regions included "technical specialists" as part of the S-2/S-3 section. The function of the technical specialists was to keep track of informants (usually German citizens who provided information of intelligence interest to the CIC agents). Headquarters had four or five technical specialists at any given time, the regions each had one or two. One of the most important responsibilities of the technical specialists -- or "tech specs" as they were commonly known -- was to know who each informant was, to approve his use before he was "carded" (enrolled and paid) by the region, and to ensure that he was providing information to only one agent. Prior to the establishment of the technical specialist function, it was relatively easy for shrewd informants to create "paper mills" -- providing the same

information (which often was false) to several agents, none of whom knew about the others, creating the impression of independent sources, and thus, reliable information.

Because of their specialized functions, the operations personnel in the regions often communicated directly with operations personnel at headquarters. There was nothing intrinsically wrong about this, and indeed it was usually the most efficient means of exchanging information quickly and accurately. But it tended to leave the region commanders somewhat isolated from the routine activities of their regions -- a fact that was corroborated by many of the witnesses (both region commanders and operations personnel) interviewed in this investigation.

There also appears to have been, among CIC personnel, a commonly recognized demarcation between the "intelligence pros" and the administrative officers. This distinction arose because most of the agents, regional operations officers and technical specialists (whether at headquarters or in the regions) were considered professional intelligence experts, while many (but by no means all) of the region commanders and headquarters staff were infantry, artillery or civil affairs officers serving a tour with the CIC. The latter group tended to be less knowledgeable about

intelligence gathering and to take less interest in it than the "intelligence pros."

There is some irony in this distinction because, in the immediate post-war years, there were few experienced counter-intelligence officers at any level of CIC -- most of the "intelligence pros" had had no counter-intelligence experience during the war (few OSS officers joined CIC at war's end) and most took up their CIC careers after only a post-war training course at Ft. Holabird, Maryland.

In any event, many of the actions and decisions involving Klaus Barbie were taken by operations personnel at both CIC Headquarters and at the regions (particularly Region IV in Munich and, later, Region XII in Augsburg). This is not to suggest that commanding officers were intentionally bypassed or that they did not bear the responsibility for the actions of those under their command. The purpose of mentioning it here is simply to point out that, because of the factors mentioned above, decisions made at the operations level were not unusual in the day-to-day activities of the 66th CIC during this period.

A. Operation Selection Board

1. Barbie is Targeted for Arrest

Beginning in late 1945 or early 1946, a group of former SS officers still at large formed a clandestine "resistance" organization in occupied Germany. Rather than resorting to violence or terrorism, however, the leaders of this organization planned to approach occupation authorities with a proposal: to give to these men the responsibility of German administration in the British and American zones, thus ensuring a strong, experienced corps of post-war leaders, loyal to Germany and opposed to Communism. Tab 1.

CIC learned of this organization in May, 1946, and infiltrated a CIC agent, posing as a Swiss Nazi, to report on the organization's activities. Tab 1.

As more information came to CIC, it became apparent that one of the leading figures in this organization, a man based in Marburg who called himself "Becker," was in fact Klaus Barbie -- a name that CIC Headquarters in Frankfurt could readily identify. On January 31, 1947, CIC HQ sent its Region III office, which covered the Marburg area, a copy of its "Central Personalities Index Card," which identified Barbie as "Leiter, Abt[eilung] IV, SD Kds Lyon" (Leader, Section IV, Sicherheitsdienst

Kommando Lyon) -- the head of the Gestapo in Lyon. Barbie was listed as "[l]ong a member of the SD * * * [a] dangerous conspirator" who was "last heard of in November and December 1944 in a hospital in Baden-Baden" Germany, near the French Border. */ Tab 2.

Based on reports from its undercover agent, CIC assembled a profile of the organization, its several dozen members and three or four leaders. One of the leaders was thought to be Barbie, whose group was believed responsible for "the procurement of supplies for the organization and the establishment of an intelligence network throughout the British and American Zones." Tab 3. Specifically, members of Barbie's group were believed to be "people who have been connected in the past with one or more of the German Intelligence organizations, such as the Amts [Sections] III, VI and VII, RSHA." CIC believed that the "group led by SS Hauptsturmfuehrer [captain] Barbie has concentrated on the establishment of an intelligence network throughout the United States and British Zones, and possibly farther. [Barbie's] group takes care of the procurement of money, radio equipment, printing presses, etc.

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*/ This information on Barbie apparently came from SHAEF, which had compiled brief descriptions, known as "SHAEF cards," on Nazi leaders during the war.

Centers of this group are in Marburg, Munich and Hamburg." Tab 4. */ Barbie himself was believed living at 35 Barfusserstrasse (or Barfuesslerstrasse) in Marburg, a city about 40 miles north of Frankfurt. **/ Tab 4.

CIC, working closely with British military intelligence, decided early in February 1947 to stage a "swoop" to break up the organization, arrest its members, and interrogate them on their activities. Coining the name "Operation Selection Board," CIC HQ notified its regions on February 9, 1947 to execute the swoop at 2:00 a.m. on February 23. It provided a target list of some 57 members or suspected members of the SS organization, including Barbie, and their addresses. Tab 3.

As the day of the raid approached, some confusion arose over whether Barbie was actually at the address listed in Marburg. On February 17, CIC agents reported

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*/ Independent corroboration of this information in 1983 is difficult; but whether the information is correct or not, these reports at least establish what CIC believed about Barbie in 1947.

**/ Barbie had been arrested by the Americans on August 28 or 30, 1946 in Marburg. He jumped out of the jeep taking him to be interrogated and made good his escape. Tab 5, 16, 28. Barbie apparently claimed at one point that he had been a CIC informant briefly in 1946 in the Marburg area, but this is unlikely. Tab 58.

that there was no listing at the Marburg address for Barbie under his own name or his known aliases "Becker" or "Mertens," and that the "[t]arget is negative." Tab 5. */ On February 20, CIC HQ directed Region III, perhaps in light of the report that Barbie was not at that address, that the Marburg address "will not be raided in order to protect a source of information" (emphasis in original). **/ But HQ added: "This does not imply any lack of interest in capturing any of the supposed inhabitants. Target 3, Claus [sic] Barbie, is especially desired." Tab 5.

In a memo on February 20, the Marburg office of Region III notified its agents of the names and addresses of the people to be arrested in the February 23 raids. "[The] purpose of [the] swoop operation," the memo said, "is to apprehend certain

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*/ HQ had advised Region III in a supplemental memo on February 13 that Barbie was believed living at that address, perhaps under the name of "Speer," Tab 5, but it is not clear whether Region III had checked under that name.

**/ This "source of information" was apparently the wife of a German who had died under somewhat uncertain circumstances while in British custody in Hamburg. Just why she was to be protected is not clear, except that the case was considered extremely sensitive at the time, and CIC did not wish to complicate matters.

persons who have been known to have had connections in the past with one SS Hauptsturmfuhrer Barbie, Klaus." Tab 5. */

The swoop took place as planned in the early morning hours of February 23, and some 70 persons, including several people thought to have been in Barbie's group, were arrested and detained for interrogation, but Barbie himself was not found. **/ Region

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*/ Barbie himself was not listed as a target in this memo. This omission may simply reflect Region III's inability to confirm that he was in Marburg.

On the other hand, it is conceivable that Region III was ordered not to arrest Barbie. Such support as may exist for this theory is found in two cryptic documents in the Selection Board file. One is an undated teletyped conversation apparently between HQ and Region III, wherein an agent at HQ (Dreifuss) stated "We are still not allowed to do anything overtly about target nr [number] three," who was Barbie. The other is a scrawled, unsigned note in the file that states, "The person to be left off is our No. 3 on [the target] list." Tab 6. There is no indication as to why Barbie would not be arrested, or who might have made such a decision. Indeed, as indicated in the text, CIC HQ was ordering Region III to arrest Barbie even though his apparent residence would not be raided to protect a source. And the "final report" from Region III on the swoop listed Target 3 simply as "not located." Tab 6. The significance of a decision not to arrest Barbie -- if that is what indeed it was -- is limited, however, for by April 16 Barbie was ordered arrested, as discussed in the text that follows.

**/ Barbie later stated that, on the night of the raid, he had been visiting a man named Becker in Kassel, 50 miles northeast of Marburg. Becker was also a target of Selection Board, and his home was raided by CIC. Barbie said he had slipped out of the house through the bathroom and escaped. Tab 9; Tab 29.

III reported to Headquarters that, as ordered, it had not raided the Marburg address, but it "strongly recommended" that the house there be "kept under surveillance so that the activities of Barbie, Klaus and associates which have not been apprehended be ascertained." Tab 7.

Despite the failure to capture Barbie in the Selection Board swoop, CIC remained hopeful that Barbie would eventually be found. On March 8, some two weeks after the swoop, a memo to the CIC HQ Operations Officer from Capt. Robert Frazier, the case officer in charge of Operation Selection Board, noted that "Barbie (not yet arrested) still has a large number of contacts at large who are believed to be active in procurement of false papers, in sheltering of fugitives and in giving aid to politically active persons * * *." Tab 8.

2. Barbie Evades the Selection Board Dragnet

Barbie had in fact left Marburg a week or more before the Selection Board raid, and had been meeting in Munich (some 220 miles southeast of Marburg) with another member of the underground organization, a former SS officer named Wenzel. Wenzel had brought into his confidence a German named Walter who, unbeknownst to

Wenzel, was in fact an informant for Region I of the CIC in Stuttgart. */ Tab 9.

In the middle of February, Walter, Wenzel and Barbie had met, first in Munich and later near Stuttgart, and Barbie had confided to Walter (the covert CIC informant) that he, Barbie, had been in SS intelligence in Lyon and was wanted by the British. Tab 9.

By the time the Region I agent who was handling Walter learned of these meetings with Barbie, the February 23 Selection Board raid had already taken place. The CIC agent reported the events to the officer in charge of Region I on March 20, and recommended that "since Barbie is a high priority on the target list of Selection Board, his possible return to visit [Walter

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*/ Walter was penetrating an "underground organization" under the Region I cryptonym of "Operation Flowerbox." It is not clear whether this organization is the same as that targeted in Operation Selection Board, although some of the Flowerbox targets, including Wenzel himself, were also targets of Selection Board. While Flowerbox and Selection Board were separate CIC operations, it is conceivable that they were both targeting the same group, not knowing it was the same group.

should] be closely watched * * * so that he will be available for arrest if deemed necesary." Tab 9.

The same agent, however, also suggested that Barbie should perhaps not be arrested. Barbie "may well be a good source of information on personalities connected with Selection Board who have not yet been apprehended. * * * In addition, due to his background and experience with the GIS, */ it is very possible that Barbie might be useful in penetrating" a supposed Soviet intelligence net in a small town in the U.S. zone about which very little was known at that time. The agent continued: "It is recommended that Barbie not be interned as yet, but that he be used in an attempt to penetrate the supposed Soviet net. It is at present believed that a tight enough control over him can be maintained so that his arrest could easily be effected should such action become desirable. Using him for the purpose outlined here would be an excuse to keep him under surveillance." Tab 9.

The plan was not approved by CIC HQ, which ordered Region I to arrest Barbie "as quickly as feasible,

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*/ "German Intelligence Services," a blanket term sometimes used by Allied authorities.

bearing in mind the security of Region I informants," presumably meaning Walter. Tab 10. */

That order came on April 16, 1947. By that time, however, Barbie, whether sensing danger or simply lucky, had left Walter, Wenzel and Stuttgart behind and had made his way to Memmingen, a small city in CIC's Region IV, some 65 miles west of Munich. At least for the time being, he had eluded the Selection Board dragnet.

There were two further attempts to arrest Barbie as part of Operation Selection Board, both of them unsuccessful. The first attempt was made at the Barfusserstrasse address in Marburg by agents of Region III on April 17. Barbie was not there; he had almost certainly reached Memmingen, 200 miles to the south, on April 17. The Marburg address was kept under surveillance, but to no avail. Tab 13.

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*/ Within a day or two of this order, however, Walter mentioned that "Barbie is presently working on an intelligence matter directed at" the presumed Soviet net mentioned above. So it is possible that Region I did employ Barbie pending HQ action. But that operation could not have lasted more than a few weeks, if indeed it did take place, because Barbie had left the Stuttgart area by mid-April. See text.

The second attempt came in May. Region I in Stuttgart reported that its informant Walter had set out from Stuttgart on May 1 for Kaufbeuren (Region IV) to track Barbie down and Region I notified Region IV to arrest Barbie if Walter located him. Tab 11. Unbeknownst to Region I, however, Region IV had already recruited Barbie by that time.

B. Recruitment and Use of Barbie by CIC: April-October, 1947

While Regions I and III pressed the search for Barbie in Stuttgart and Marburg, CIC agent Robert S. Taylor, stationed in the Memmingen office of CIC's Region IV, had located Barbie through a far different procedure. Since April 1946, one of agent Taylor's carded informants (paid sources) in Memmingen had been Kurt Merk, a former Abwehr (military intelligence) specialist who had served in Dijon, France during the war -- "one of the best Counter Intelligence men in France during the German occupation," according to Taylor. Tab 12. On April 10, 1947, Merk told Taylor he had "met, quite by accident, an old friend of his from France" by the name of Barbie, who had "excellent

connections to sources of CIC information." Taylor recognized Barbie's name immediately as one of the "chief personalities" wanted in Operation Selection Board.

But Taylor did not notify Headquarters of his find. He checked with his superior, Lt. Col. Dale Garvey, Commanding Officer of Region IV, on April 14-15 and the decision was made (apparently by Taylor and Garvey) to use Barbie as an informant, provided that he "break off any connections he may have with illegal SS elements and Selection Board personalities." Tab 14.

Taylor met with Barbie in Memmingen on or about April 18, 1947 and the deal was agreed to. Barbie was willing to break off his former SS ties, because, as Taylor reported, "his connection with SS elements was necessary only to retain his own personal freedom." Tab 14. */

Barbie impressed Taylor at that time as "an honest man, both intellectually and personally, absolutely

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*/ Barbie also agreed to provide Taylor with any information he had concerning alleged attempts by the British to recruit former SS officers as informants. Ibid.

without nerves or fear. He is strongly anti-Communist and a Nazi idealist who believes that he and his beliefs were betrayed by the Nazis in power." Tab 14.

In April and May, 1947, while Region I continued to look for Barbie in Stuttgart, and Region III continued to look for him in Marburg, Agent Taylor of Region IV used Barbie as a carded source in Memmingen. Barbie reported on French intelligence operations in the U.S. Zone of Germany, on activities of Romanian ethnic Germans, and on Soviet (and anti-Soviet) activities in the U.S. Zone.

This use of Barbie was apparently not known to CIC Headquarters until two months after it began. On May 22, 1947, Captain Frazier at CIC HQ, after reading a routine intelligence report from Region IV, asked for clarification of certain matters. */ Taylor for the first time reported to CIC HQ that the source of that information was not Merk, as Taylor had originally reported, but Klaus Barbie.

Taylor acknowledged in his report that Barbie was to be arrested in Operation Selection Board, but Taylor requested that Barbie "be allowed to retain his freedom

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*/ The area on which he sought clarification could not be determined. See Tab 14.

as long as he works for this Agent." Taylor explained (Tab 14):

> It is felt that his value as an informant infinitely outweighs any use he may have in prison. Control over Barbie's activities is obvious. It is felt that Barbie will answer more fully and freely any questions concerning SS groups or Selection Board groups desired by higher headquarters, if he be allowed to retain his freedom. This opinion is based on this Agent's personal contact with Barbie and the trust that Barbie has placed in this Agent.

Region IV forwarded Taylor's report and request to CIC HQ on June 3, 1947, recommending that Barbie be used as Taylor suggested. "It is emphasized," said the Region IV operations officer to CIC HQ, "that Subject's value as an informant cannot be overlooked." Tab 14.

CIC Headquarters did not respond to this request. Despite the fact that Barbie was then being sought by two other CIC regions in the mopping up of Selection Board, no arrest of Barbie was ordered. By all indications, the request was simply ignored. See Tab 57, ¶5.

In the face of Headquarters' silence, Taylor placed increasing reliance on both Merk and Barbie in the months that followed. By the summer of 1947, Merk had developed a net of 48 to 52 informants throughout Germany and, indeed, much of Eastern Europe. Tab 24. In this net, code named "Buro Petersen," Barbie was Merk's chief assistant, taking on, as Region IV reported to HQ several months later, "the important position of

establishing a long range penetration of French intelligence installations in the French Zone," which by the fall of 1947 was "beginning to show consistently excellent results." Tab 17. CIC agent Camille Hajdu, who replaced Taylor in the summer of 1947 as the handler of Merk's net, found the net far too large and gradually pared it down from 50 to about 14-16 informants, all within the U.S. Zone of Germany. Tabs 24, 25. Nonetheless, Hajdu reported, Barbie "has so far demonstrated exceedingly successful results." Tab 17. Indeed, Region IV was highly dependent on Merk and Barbie and their sub-sources. Their information amounted to as much as 90% of the intelligence received by Hajdu's office in Kaufbeuren. Tabs 24, 58.

C. Arrest and Interrogation of Barbie: October 1947-May 1948

1. Arrest

On October 17, 1947, however, Hajdu's superior, Lt. Col. Garvey, Commanding Officer of Region IV, in a memorandum to CIC HQ, noted that Barbie had been listed as a target of Operation Selection Board back in February, and Garvey notified CIC Headquarters that Barbie's present whereabouts were known. He requested instructions as to "what disposition should be made" of

Barbie. Tab 15. Twelve days later, on October 29, 1947, Major Earl Browning, S-3 (Operations Officer) at CIC Headquarters, directed Region IV to arrest Barbie and send him to the European Command Intelligence Center (ECIC) at Oberursel, near Frankfurt, for "detailed interrogation." Tab 15. */

At the same time, Browning sent interrogation instructions to ECIC describing Barbie's alleged activities in the 1946-47 period, including his travels in Germany, his contacts with various Germans and his alleged involvement in a jewel theft and the black market. Tab 16. Aside from requesting that ECIC "complete [Barbie's] history," however, CIC Headquarters did not appear interested in Barbie's wartime activities or, indeed, anything other than what Barbie might know of former SS officers and other suspected subversives still at large.

It is not entirely clear why Garvey notified CIC Headquarters of his valuable source in October, after having utilized him for six months, or why CIC Headquarters, after having ignored the original June 3

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*/ This order, signed by Major Browning, was apparently instigated by Technical Specialist Joseph Vidal, who was by then conducting a thorough review of CIC's informants. Tab 57.

The European Command Intelligence Center (ECIC) was a large detention camp where security suspects, prisoners of war and defectors were held and interrogated.

report on Barbie, now ordered him detained for questioning. One explanation may be that in the spring of 1947, CIC Headquarters had expanded its section of technical specialists and had given them responsibility for keeping track of informants. Tab 57. It is possible that this newly upgraded section, in reviewing the files, discovered Region IV's June 3 message and had asked Region IV (orally or by a letter not in the file) to report on Barbie's present status. See Tab 57, ¶5.

In any event, CIC HQ's directive to send Barbie to ECIC for questioning was not well received by Region IV. On November 21, 1947, Agent Hajdu noted that Barbie had "extensive connections with high level former German intelligence circles" and had been "exploiting these contacts" to furnish CIC with "extremely good material." Hajdu noted Barbie's role on "French intelligence activities in the French and U.S. zones" and cautioned that, in light of Barbie's "exceedingly successful" work for CIC in the seven months since his recruitment, his arrest "would damage considerably the trust and faith which informants place in this organization." */

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*/ In contrast to the highly favorable reports on Barbie quoted above, a report compiled in May 1950 by Capt. Eugene Kolb, then the operations officer of the Region, noted "[M]uch of the information supplied by this [Merk] net was highly imaginative, if not completely false * * *." Tab 58. But, according to a 1949 report by Kolb, Barbie himself had cautioned CIC against placing too much reliance on this suspect information. Tab 38.

Hajdu strongly recommended that Barbie not be arrested and that any interrogation on his pre-recruitment activities "be conducted on a voluntary basis," without incarceration, and preferably by the local CIC agents in Region IV, not by ECIC agents in Oberursel. Hajdu contended that if this were done, Barbie

> will voluntarily submit to any interrogation and [Barbie's] services to this organization will not be lost. Furthermore the prestige which this organization enjoys with its informants will remain undamaged. [Tab 17]

The commanding officer of Region IV, Lt. Col. Ellington Golden (who had replaced Lt. Col. Garvey) passed this report up to CIC HQ on November 25, 1947, noting that he "strongly concur[red]" with Agent Hajdu's comments. Golden suggested that if Barbie must be arrested, he at least receive "some type of preferential treatment" during his interrogation and be "permitted to return to his work in this Region" after his interrogation was completed. "[A]ny treatment other than that outlined above would result in material damage to the informant net," Golden warned HQ. Tab 17.

The plea from Hajdu and Golden raised some eyebrows at CIC HQ, not so much because of the requests for voluntary interrogation or preferential treatment, but

because of the scope of Region IV's actions in running the Merk-Barbie net. "What authority does Region IV have," asked Technical Specialist Joseph Vidal of a colleague at HQ, "for operating a net that extends into the French Zone" of occupied Germany? Tab 17.

Major Browning, the Operations Officer at CIC HQ and Vidal's superior, responded to Region IV on December 1. Browning implicitly rejected the Region's requests for special treatment and ordered that Barbie be "immediately transferred" to the ECIC in accordance with his original directive of October 29. In an apparent effort to assuage the Region's concerns, however, Major Browning noted that Barbie's "subversive activity" was "not of the nature to demand his imprisonment" and that he was to be interrogated about his knowledge of the activities of other ex-Nazis. Major Browning promised that Barbie would be returned to Region IV "providing the interrogation provides no information which would demand [Barbie's] imprisonment * * *."

Browning also called the Region's attention to the penetration of French activities in the French Zone, and stated that such was in "contravention" of Headquarters directives. Browning asked the Region to provide, within four weeks, further information on the Merk-Barbie

net, including where and by what authority it operated and what information it had produced. Tab 17.

Region IV duly placed Barbie under arrest on December 11 for transfer to the ECIC and interrogation there. Tab 18. */

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*/ That same day, Lt. Col. Golden reported back, apparently somewhat nervously, on the questions HQ had raised on Region IV's activities against French intelligence. "[I]t is not the desire of this headquarters," said Lt. Col. Golden, "to violate in any manner whatsoever the spirit or intent" of HQ directives. The previous report on French Zone activities was "somewhat vague," and "in order to clarify any misunderstanding," Golden explained the situation.

The key to the net, said Golden, was Merk, a man with "excellent connections to former German intelligence personnel" and who had recruited a net of six main sub-informants, including Barbie. Merk had also been in contact with three "old intelligence acquaintances" who lived in the French Zone and who "have worked their way into intelligence positions in the French Zone." These men, Golden said, "have access to classified information of counterintelligence interest" and had visited Merk and Barbie (in the U.S. Zone) to pass on this information in return for cigarettes or food.

As to the possible violation of CIC directives on operations outside the U.S. Zone, Golden emphasized that Merk and Barbie "merely accepted" the information passed on from the informants in the French Zone; the informants were not being directed by Merk or Barbie. Thus, said Golden, Merk and Barbie were simply "accepting," in the U.S. Zone, certain "information which affects US interests in the US Zone * * *." Tab 18.

This carefully worded report did not give a full picture of Region IV's operations in the French Zone. A report from the operations officer of Region IV in March 1948 stated that Merk's net "was not concentrating within the American Zone" until Agent Hajdu took it over from Taylor in 1947 and cut it down to size. Tab 25.

In reviewing the events surrounding Barbie's arrest by CIC in 1947, certain facts are apparent. First, although CIC's "Central Personalities Index" card had identified Barbie as head of the Gestapo in Lyon, there was no evident concern over Barbie's Gestapo background or any of his wartime activities. Nothing in Browning's arrest order or his detailed interrogation instructions to ECIC showed any interest in any Gestapo connection; indeed, there was no reference to it. CIC Headquarters' interest in Barbie, at least at the time of his arrest, focused almost exclusively on his knowledge of activities involving the post-war activities of ex-SS officers.

Second, it appears to have been Headquarters' intent that Barbie's interrogation at ECIC would be only a temporary interruption in his services to CIC in Region IV. Browning's concern was in gaining information not about Barbie himself, but about Barbie's former associates in the SS network. Thus, Browning could assure Region IV that, when the interrogation at ECIC was finished, Barbie "will be returned to [Region IV's] custody with instructions for future disposition," provided that Barbie did not incriminate himself with "information which would demand his imprisonment."

Finally, despite the fact that Barbie was identified on CIC's own "Central Personalities Index" as the

leader of the Gestapo in Lyon, and despite the fact that he was listed in the CROWCASS register as wanted for murder in France, */ both Region IV and CIC HQ seemed to treat him simply as a former intelligence officer. Lt. Col. Golden's report, quoted above, to CIC Headquarters at the time of Barbie's arrest and transfer to ECIC in December 1947 (Tab 18) identified Barbie as a "[t]rained intelligence officer" who had worked with Merk "in [an] intelligence capacity in France." More significantly, Golden reported that Barbie had been a Hauptsturmfuehrer [SS Captain] in "Amt VI," the SD (intelligence), rather than Amt IV, the Gestapo. Although someone, perhaps a technical specialist at HQ, circled the "VI" on

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*/ The original CROWCASS list of July 1945, which had listed Barbie as wanted by the French for murder of civilians and torture of military personnel (see Section I.H, above) had been superseded by a new CROWCASS list in March 1947, just prior to Barbie's recruitment. This new list (Tab 19) contained the name of "Klaus Barbie" as wanted by France for "murder." The new list, which directed that "all previous CROWCASS wanted lists should be destroyed," eliminated any reference to torture and did not specify "civilians" as the victims. Furthermore, the CROWCASS list noted, "The information given in this list about each person is all that is contained in the Wanted Reports filed with CROWCASS. The descriptions given are not summaries." (Emphasis in original.)

For a discussion of the significance of this list in appraising CIC's actions during this period, see Section VI.B, below.

Golden's report and wrote "IV??," suggesting Barbie's Gestapo connection, nothing came of it.

Thus, Barbie's background as an SS and Gestapo officer appears to have been distinctly subordinate to Region IV's interest in using him as an informant and HQ's interest in extracting from him information about other SS officers involved in post-war "subversive activities."

This apparent disinterest in Barbie's Gestapo background apparently reflected the attitude in CIC that, by 1947, former Gestapo agents were no longer considered the "security threat" that had made them targets for arrest immediately after the war. By the time of Barbie's transfer to ECIC in December 1947, the Allied authorities had thoroughly obliterated any remnants of the Nazi regime.

With the passage of time and the assertion of Allied control had come a change in policy in CIC's treatment of former Gestapo members. Although the policy was never formally articulated, interviews of former CIC personnel and review of CIC files suggest the following situation. During the year immediately after the end of the war, Gestapo personnel were arrested as security risks. In the internment camps, however, former members of the Gestapo and Abwehr (military

intelligence) were used as informants to double-check information that their fellow arrestees were providing about themselves to U.S. authorities. Such Gestapo informants who were themselves found not to have taken part in war crimes were released from internment and were occassionally used as CIC informants.

As increasing numbers of former Gestapo camp informants were released in 1946-1947, their use apparently grew, although to what extent is uncertain. A directive issued in June 1949, apparently the only written guidance on the subject of use of former Gestapo personnel, acknowledged that there was "a certain amount of confusion" in the field on this subject and noted, "It should * * * be very firmly stated that the US authorities have not relaxed for one minute their moral rejection of War Criminals." It continued:

> It is the policy of this Headquarters to discourage the use of Gesltapo personnel as further sources of this organization <u>except</u> in unusual circumstances. It may be necessary to use the Gestapo man for the following short term tasks:
>
> 1. To introduce the [CIC] Agent to other Gestapo personnel
>
> 2. To effect a meeting with former sources [of the Gestapo man]
>
> 3. To control an ex-source if the relationship is extremely well founded and it is practically impossible for the agent to take over control of the source.

> There is no objection to the use of the Gestapo man for purposes of 1 and 2 above provided the amount of time involved is short. A major project involving a long period of time * * * is to be discouraged. All requests for the use of Gestapo personnel to accomplish 3 above will be cleared and approved by this Headquarters. An extremely strong case must be presented and your report must show complete use of your existing facilities and techniques before the request will be approved.

Tab 20.

As the following sections show, this policy -- which was announced two years after Barbie was recruited -- was obviously not applied to Barbie, since his use was not "short term" nor did it require reliance on his former sources.

2. Interrogation

When Barbie arrived at ECIC in mid-December, 1947, he was interrogated only on his 1945-1946 contacts with suspected subversives. In fact, about a week after his arrival, CIC HQ specifically requested ECIC that it not interrogate Barbie "concerning his employment by this [CIC] detachment." Tab 21. Nor had CIC provided ECIC with information on Barbie's activities for CIC.

As instructed, ECIC interrogated Barbie about his post-war contacts with former SS personnel; Barbie told them he had rejected overtures by a former SS officer named "Winter" who tried to enlist Barbie in 1946 to

sell military intelligence to both the Americans and the Soviets. The ECIC interrogators concluded that Barbie was credible and that he did not appear to be affiliated with "Winter's" double-dealing network. */ Tab 22. As to his wartime activities, ECIC noted briefly -- and incorrectly -- that Barbie had been a captain in the Waffen SS (the military arm of the SS). ECIC also noted -- correctly -- that Barbie had been a "member" of the SD. This information apparently came from Barbie himself. ECIC did not pursue the matter of SS affiliations, however.

Although this interrogation was completed by January 28, 1948, Barbie was kept in custody at ECIC. Joseph Vidal, the technical specialist at CIC Headquarters, was apparently growing increasingly concerned over the operation of the Merk-Barbie net. On March 18, 1498, Vidal reversed the earlier instruction and told ECIC to interrogate Barbie about his recruitment, assignments and reporting responsibilities as a CIC informant, and whether "after he is released," he wished to "continue work for CIC." "An inducement to make subject talk," said Vidal, "can be given him by

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*/ It is not clear from these materials whether "Winter" ever actually formed such a net.

informing him that his release depends on completeness of his answers to the above questions." Vidal also advised ECIC to suggest, but not actually dictate, that Barbie not contact British intelligence. */ Tab 26.

Again, ECIC interrogated Barbie. Tab 27. For the first time, Barbie gave ECIC a detailed summary of his career. He joined the SD in 1935, he said, and from 1937 to 1945 spent his entire time with Section VI, the foreign intelligence branch. He became an officer in 1939 and served in Brussels, Paris, Italy and "SE France." There was no mention of Section IV or the Gestapo.

Barbie told ECIC that in 1946 he had been approached by a man named Emil Hoffman, who told Barbie that he was a former member of the German Diplomatic Corps then working for the British. According to Barbie, Hoffman attempted to enlist Barbie in early 1947 as a sub-informant but Barbie, who had been arrested briefly by the British in November 1946 and escaped, thought the British might still be after him. He

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*/ CIC believed that Barbie had been approached by British intelligence in 1946 to work for them and that he considered doing so. Tab 57.

declined Hoffman's offer, and Hoffman eventually went away. */ Tab 27.

Barbie told ECIC that he had been looking for an opportunity to work for the Allies against the Soviets when he heard that his "good friend" Merk was working for the Americans. Barbie detailed how he had contacted Merk, who had put him in touch with agent Taylor in Memmingen.

Merk's net, said Barbie, was responsible for information on Soviet intelligence in both the Soviet and U.S. Zones of Germany and its ties with French intelligence, including identification of Soviet agents in those areas. In addition, Merk and Barbie were to attempt to penetrate Soviet intelligence by

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*/ Barbie stated that he had been arrested by the British after he was betrayed by a German who knew his whereabouts. He was jailed briefly in a house in Hamburg used by British intelligence but escaped after two days by sneaking past a guard. Tab 28. Barbie also provided ECIC with information on Germans whom Barbie believed were working for the British. Tab 28. Just why ECIC went into these matters in such detail is not clear; the most likely hypothesis is that CIC was interested in Germans, particularly former SS officers, who might have been British informants.

doubling its agents, and to secure Soviet military intelligence. */ Tab 29.

According to Barbie, the members of the net reported to Merk or Barbie, who evaluated their information and passed it on to CIC agents Taylor and, later, Hajdu. **/ The net had a payroll of about 7,000 to 15,000 Reichsmarks (RM) monthly, approximately $700-1500, which was paid to Merk for distribution to the other members of the net, as well as cigarettes and food. Barbie himself received RM 500 ($50), he said. Tab 29.

The ECIC officer who had interviewed Barbie noted, "Barbie is ready to return to Memmingen to continue with his work. He prefers to do so if at all possible, but he is also willing to transfer to another location or to any other department of CIC." Tab 29. The agent observed:

> Although Barbie claims to be anti-Communist, it is felt that the main reason for his great efforts and endeavors to work for the Western Allies is based

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*/ Verification of the scope of Barbie's operations is difficult in 1983 because the reports filed by him, Merk and the other informants could not be located and may have been destroyed long ago, perhaps shortly after they were submitted and analyzed. The most reliable present-day guide to his operations are the contemporaneous accounts of CIC's agents handling Barbie and the Merk net, which are quoted in this report. The possibility that even these accounts may be somewhat inflated cannot be overlooked, however, since they were primarily written to justify continued employment of the net.

**/ Barbie knew Hajdu as "Stevens," a variant of Hajdu's cover name "Stevenson."

> on a desire to obtain his personal freedom. Barbie falls under the automatic arrest category, and his present employment [with CIC] offers him personal freedom, the liberty to be with his family, a decent wage, an apartment, and security.

Tab 27.

ECIC concluded: "Because of Barbie's activities with CIC Region IV during 1947, it is not deemed advisable to intern him for his affiliation with the Waffen SS. His knowledge as to the mission of CIC, its agents, subagents, funds, etc. is too great." If interned, ECIC concluded, Barbie might escape and turn to French or British intelligence with his extensive knowledge of CIC operations. Tab 29.

What Barbie had told ECIC about his wartime service was not fully correct -- he omitted any reference to the Gestapo and concocted an affiliation with the Waffen SS, the military branch -- but ECIC took Barbie's representations at face value. */ Furthermore, even by the spring of 1948 when ECIC concluded its interrogation, it was clear that Barbie's eight months of service to Region IV from April to December, 1947 had placed him in an unusually advantageous position. His knowledge of

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*/ ECIC had available to it the SHAEF cards, which referred to Barbie's affiliation with the Gestapo in France. Why ECIC interrogators did not pursue this point is not at all clear.

CIC operations and personnel was "too great" to justify any internment.

On May 10, 1948, its task complete, ECIC noted that Barbie was "[o]f no further CI [counterintelligence] interest" and returned him to CIC. Tab 29.

D. Barbie's Renewed Use: 1948-1949

1. Reconstruction of the Merk Net

While Barbie was being held at ECIC from December 1947 to May 1948, Merk's net had been undergoing some turmoil. In February 1948, CIC Headquarters had learned from EUCOM that the French wanted Merk for "war crimes" allegedly committed in Stuttgart. */ Agent Hajdu interviewed Merk, who denied ever having been in Stuttgart. Tab 23. But that was not the only problem. Hajdu, who had taken over the net from Taylor in 1947, had by the spring of 1948 pared down its size from 50 to 16 and had restricted its activities to the U.S. Zone. Merk, who had been close to Taylor, was unhappy with the new arrangement; Hajdu for his part was growing frustrated with what he saw as Merk's deteriorating

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*/ The French charge was not in the files located. It is not clear if the French knew that Merk was working for CIC or if they ever made any request of American authorities for his surrender.

performance. Hajdu proposed that Merk be fired and his informants split up into three smaller nets. Tab 24.

Hajdu's superiors in Region IV were likewise unhappy with Merk's performance. Capt. Max Etkin, the Region's operations officer, told CIC Headquarters on March 8, 1948 that, until Hajdu had taken over in the fall of 1947, the net had operated beyond the American Zone. And Merk had apparently sent one of the net members on a mission to Berlin, without Hajdu's knowledge, much to the irritation of CIC's Berlin office. Etkin told CIC Headquarters that some of Merk's sub-informants should be retained, but that Merk himself should be discharged. Etkin raised the possibility that Merk could be turned over to the French, but he suspected that the French wanted to use Merk themselves, not try him as a "war criminal." Speaking for Region IV, Etkin was not enthusiastic about releasing such a valuable asset to the French; he suggested Merk might be a good candidate for the CIA instead. */ Tab 25.

CIC Headquarters took no immediate action on these proposals from Region IV, but on May 28, shortly after Barbie was released from ECIC, Major Browning, the

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*/ The CIA in Europe used the cover name of "Department of the Army Detachment" (DAD). Etkin refers to the "War Department Detachment" but apparently meant DAD.

operations officer at CIC Headquarters, directed Region IV to submit a "plan for approval by this headquarters" describing how Merk and Barbie would be used in the future, including the scope of their activity, their targets, the CIC agents to whom they would be responsible, the salaries to be paid, and so forth. Tab 30. Browning noted that Headquarters approval would be required for "any future employment of [Barbie and Merk] and their net." This caution was apparently based not on Barbie's background or on anything ECIC had reported, but on Headquarters' concerns -- and perhaps the region's concerns -- over the size and scope of the Merk net. */

Given both Agent Hajdu's and region operations officer Etkin's prounounced misgivings about Merk, it is somewhat curious that Browning at CIC Headquarters asked for a detailed plan for use of Merk and Barbie and made clear that "future employment" would depend on a satisfactory answer. But as HQ technical specialist Vidal recalled in 1950:

> [W]hen Barbie was released from ECIC in early 1948, it was deemed advisable to continue using him as an informant in Region IV because of his

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*/ Indeed, Browning issued this directive before CIC HQ had received ECIC's final report on Barbie, which did not come until June 16, some two weeks later. Tab 29.

> detailed knowledge of CIC modus operandi and because of the apprehension of [CIC] headquarters that Barbie, if not employed, would continue his overtures to the British to work for them as an informant. If Barbie had been allowed to make these overtures the British would have found out that the reason CIC had not turned Barbie in or reported him in connection with Selection Board was based on the fact that he was employed by CIC as an informant. At that time the revelation of [Barbie's] connection to CIC as an informant would have been a serious blow to CIC's prestige in the eyes of the British. His continued employment then with CIC was based on his utility and the desire of CIC to obviate an embarrassing situation. Tab 57.

Region IV's response, perhaps with HQ's knowledge, was to reorganize the Merk net first and submit a request for approval afterwards. In June and July 1948, the net was moved to Augsburg, operating from a municipal swimming pool building where Americans and Germans could come and go without arousing suspicion. Agent Hajdu, who had reduced and restricted the net, had been reassigned, and the operation now came under the "overall direction" of technical specialist Richard K. Lavoie at Region IV's office in Munich and the "specific direction" of CIC agent Erhard Dabringhaus, who took over the net in Augsburg on June 15, 1948. Tabs 31, 32.

Dabringhaus was mindful of "the French situation in which [Merk] is involved" -- apparently a reference to the fact that Merk was being sought by the French -- but concluded, "[Merk] can be easily controlled by offering him protection of the US Army." Tab 31.

But if Lavoie and Dabringhaus were aware of the earlier uneasiness at HQ over operations in the French Zone, they apparently did not share it. According to their plan, Barbie was to be used for "penetration of illegal Soviet organizations in the US Zone and for overall direction of French activities," including "French intelligence activities in the French Zone and their agents operating in the US Zone." Tab 32. Four of the net members lived in the French Zone and had "a very close connection" with French intelligence, which they reportedly penetrated on behalf of CIC. Tab 57.

Dabringhaus reported to Lavoie that Merk would submit the names and addresses of the other net members "as soon as the undersigned has agreed to keep them under [Merk's] direction." Tab 31. Dabringhaus apparently complied, and Merk gave him the names. Tab 32.

Lavoie estimated the "overall [monthly] operational cost of the network" as "approximately equivalent in supplies to 3,500 DM," then about $900. The "supplies" were customarily cigarettes, coffee, and food that were given to informants in addition to small amounts of currency. Dabringhaus reported that Merk wanted DM 8,000 to 10,000 ($2,000 to $2,500) to operate his net "efficiently." Dabringhaus gave him DM 500 ($125). Tab 31.

On August 23, 1948, Lavoie, responding to Browning's May 28 memo, requested approval of the reorganized net, noting that it "has proven to be one of the most fruitful sources of information for Region IV," an "exceptionally well qualified intelligence net whose missions and targets can be changed at a moment's notice." Tab 32.

While Lavoie awaited a response from Headquarters, the net went into -- or continued -- operation. In the five-week period from August 26 to October 1, 1948, when he was transferred, Agent Dabringhaus paid Merk DM 800 ($200), 80 packages of cigarettes, and 6 ration cards. On October 1, the Merk net was given to Agent Herbert Bechtold. Tab 31.

2. Dissolution of the Merk Net

CIC HQ was cool to Lavoie's plan, however; Major Browning told Region IV on October 25, 1948 that "[a]fter due consideration by all concerned at this headquarters," it was the "consensus" that Merk's net "should be dropped as such by this organization." Tab 33. Browning cited a variety of administrative problems in maintaining the net -- its huge size in the past with the likelihood that those since dropped might be working for foreign intelligence and still in touch

with the remaining 12 members; the difficulty of direct control of sub-sources; interference with other CIC regions; the financial burden; and so forth. Browning also observed that "to continue employing subject net, we must protect an individual who is wanted by an Allied country for war crimes" -- an apparent reference to Merk. Browning suggested that the Department of the Army Detachment -- a pseudonym for the Central Intelligence Agency -- "should be contacted for possible employment of subject net by [that] agency."

Headquarters agreed that individual net members could be retained as informants if they worked individually, had "specific potentialities" and had backgrounds that would not cause "undue embarrassment" to CIC. Tab 33. But Browning's memo was not quite an order; he solicited Region IV's comments on the "proposals" to disband the Merk-Barbie net.

Region IV did not like the idea. On November 16, 1948 -- by which time the net had been operating for three to four months -- Capt. Etkin, the region's operations officer, responded, pointing out that the net was being reduced again, to six persons, and was thus both secure and administratively workable. But the six remaining (including Merk and Barbie) insisted on working together, not individually. Moreover, warned

Etkin, "[t]he three (3) key personnel of the net [Merk, Barbie, and a third man */] will discontinue to trust or maintain contact with their former colleagues [apparently a reference to the dropped informants] because of fear of being left out in the cold, and they are firmly convinced that the U.S. authorities are going to help them in the event of trouble as they have in the past." **/ Tab 33.

An informal report compiled by a Region IV agent in preparation for Etkin's reply to HQ stated "Merk and Barbie have both agreed and are currently working on a local basis by turning former Gestapo and SS informants known to them in former times." But the agent noted: "Barbie is concerned about the French and realize [sic] that if the French were ever to get control of him he would be executed." Tab 33.

CIC HQ and Region IV worked out a compromise, approved by Browning: a 3-month extension of the net,

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*/ The third man, who operated in the French Zone, was later dropped because his information was too expensive and too hard to verify. Tab 36.

** No indication was given as to what this "trouble" might be, but it may have been a reference to the fact that both Merk and Barbie were not eager to be turned over to French authorities.

following which the matter of its "continued employment" would be decided. Tab 33. Merk and Barbie spent that time "seeking out as many old Gestapo and SS informants as possible, and especially those whose mission was KPD [German Communist Party] penetration under the Nazi regime." Tab 36.

On February 19, 1949, three months later, the officer in charge of Region IV's Augsburg office reported to Region IV that Merk and Barbie had "slowly but satisfactorily" progressed in this endeavor, penetrating KPD activities in Augsburg and gathering "not * * * sensational, but very informative" intelligence. Region IV passed the report to CIC Headquarters, stating that the net "if properly directed, is and can be a valuable source of [counterintelligence] information * * *." Tab 36.

But on April 11, 1949, some nine months after the net began in Augsburg, and nearly six months after CIC HQ's tentative disapproval, Headquarters formally notified Region IV that the request for a further extension of the net itself was disapproved, without further explanation. As to the individuals themselves, Browning ordered that Merk be "dropped" but that Barbie remain employed "primarily for the purpose of recruiting infor-

mants." Other informants would either be dropped or employed individually. Tab 36.

This marked the end of Merk's active service to CIC, */ and it marked the end of a network of informants that at its peak had extended throughout Germany and much of Eastern Europe, at least as far as any American could figure it out. But it was not -- nor was it intended to be -- the end of Barbie's services as a full time employee of the Army. He stayed in Augsburg with his family -- his wife, a daughter born just after the war started and a son born just after it ended -- and concentrated on gathering information on Communist party activities for Region IV. Tabs 37, 58. **/

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*/ Quite apart from HQ's decision, Merk was apparently getting restless in Augsburg. He had some medical problems, he felt constrained by the reduced scope of his net, and tension with Barbie was growing. Merk was inactive during the summer of 1949 because of his medical problems, and he was severed from the CIC in October 1949. He died in Germany in 1951. Tab 37.

**/ In late December 1948 or early January 1949, Lavoie became aware that British intelligence was looking for information on Barbie, because they were concerned that Barbie might be organizing an effort to "eliminate" Germans who spied for the British. Lavoie knew of Barbie's hatred for the British because of his alleged mistreatment by them during his brief arrest and imprisonment in 1946, but Lavoie had satisfied himself that Barbie was not actually trying to eliminate British informants.

[footnote continued]

E. Interrogation of Barbie by French Intelligence

Meanwhile, in 1948, the French had entered the picture. In Paris, the French government was preparing a treason prosecution against Rene Hardy, a French resistance leader who had allegedly betrayed his organization to Barbie and the Gestapo.

On May 14 and 18, 1948 -- a few days after Barbie was released from ECIC -- he was interrogated in Frankfurt by representatives of the Surete; a third interrogation was held on July 16 in Munich. These sessions were undoubtedly arranged through U.S. military authorities, although there is no reference in any U.S. materials to them. */ The transcripts of these interrogations make clear that the French officials questioned Barbie only on the matter of his actions involving the French resistance and did not raise the

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[footnote continued]

He passed his information to Vidal, asking what, if anything, he should tell the British about Barbie. Vidal decided that, since British intelligence had not asked CIC directly for information on Barbie, there would be no reply "until [we are] asked specifically." Tab 35.

*/ Information on these interrogations comes from the archives of the French Ministry of Justice, reviewed in this investigation.

question of Barbie's own involvement in alleged war crimes.

Later in 1948, the French returned. Lt. John Whiteway, a Canadian citizen serving as the French liaison to EUCOM, approached CIC and the Intelligence Division (ID) of EUCOM, and stated that the French government might serve a summons on Barbie to appear in Paris as a witness in the Hardy trial. Shortly thereafter, CIC received from the French (precisely from whom is uncertain) a "verbal request" for Barbie.

But CIC was most reluctant to release Barbie to the French. Vidal, who represented CIC in the negotiations with Whiteway, reported his concern that Barbie would have been interrogated "in the usual French manner and forced to not only to reveal information pertaining to the Hardy case but also to reveal information pertaining to his activities [with] CIC and his connections in the French Zone" -- the "connections" being Barbie's penetration, through his sources, of French intelligence activities in the French and U.S. zones.

So Whiteway and Vidal struck a deal. Barbie would not go to Paris; French officials would come into the U.S. Zone and take Barbie's testimony there. On January 21, 1949, French officers interrogated Barbie in Munich in the presence of U.S. officers, about the Hardy

case -- and nothing else. Tabs 57, 34. They returned twice more in early 1949 for further questioning of Barbie. According to Vidal, the French representatives procured "sufficient information to satisfy their needs." */

Vidal, who monitored the French interrogation efforts for HQ CIC, maintained in May 1950 that "no mention was ever made by [French officials] that Barbie was wanted as a war criminal. All requests up to that time on the part of the French Surete and BDOC had been centered on Barbie as a material witness" in the Hardy case (emphasis original). Vidal's assertions in this respect are corroborated by a July 1949 report by Capt. Eugene Kolb, Operations Officer for the Region, who

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*/ During this time, CIC was also concerned and annoyed by the quite separate efforts of the Surete, the French national police, who were sending "various and sundry individuals" into the U.S. Zone to seek information, from German police and CIC agents in the field, on Barbie's whereabouts. CIC Headquarters was convinced that the Surete at that time had been "thoroughly penetrated by communist elements" who wanted to kidnap Barbie, reveal his CIC connections, and thus embarrass the United States. According to Vidal, CIC was by now "even more desirous of protecting Barbie," and Vidal complained to Lt. Whiteway that the Surete should "follow channels," by routing any requests through Whiteway. Lt. Whiteway apparently agreed with the CIC's characterization of the Surete's motives and tactics and he reportedly agreed to correct these "irregular approaches." Tab 57.

stated that French had given no "indication that [Barbie] was involved in war crimes." Tab 38. */

In retrospect, it is clear that by allowing French officials to have access to Barbie, CIC was taking a very great risk that its employment of Barbie would sooner or later become public, or at least widely known in the French government. But this risk did not appear to concern anyone; CIC's apprehension was only that Barbie's use might become known to the British, and embarrass CIC in British eyes.

The most reasonable conclusion to be drawn is that Vidal and Kolb were correct -- that the French had given CIC no indication that Barbie himself was wanted, and thus there was no reason to hide him from French eyes. The conclusion that CIC had no indication at this point that Barbie was a suspected war criminal is supported by CIC's response to the events that were to follow -- when the consequences of CIC's risk became very public indeed.

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*/ Transcripts of these interrogations were not located in either U.S. or French archives.

SECTION III

FRANCE REQUESTS EXTRADITION

A. Public Accusations of Torture Against Barbie and CIC's Response

On May 14, 1949 -- the date CIC officials were later to maintain was their first inkling that Barbie may have been a war criminal -- a news item appeared in a Paris newspaper headlined "'Arrest Barbie Our Torturer!' The Jurassians */ demand of the Americans." The text of the story was as follows:

> DIJON, 13 May 1949 -- The Resistance personnel of JURA are scandalized. Klaus BARBIE, who in 1944 was a commissioner with the German SD of LONG-le-SAUNIER is free. During the occupation he burned his victims with an acetylene torch to make them confess during interrogations which lasted more than 48 hours. He is responsible for the tragic days of Easter 1944, when the region of Saint Claude was literally terrorized. His activity extended also to the area of Franche-Compte where deaths totalled more than 5,000.
>
> Klaus BARBIE is a peaceable businessman in MUNICH, U.S. Zone.
>
> Two resistance organizations, the war veterans and the Victims of Nazism have just addressed a letter to the Ambassador of the United States in Paris, demanding the immediate arrest of Barbie and trial before the Military Tribunal of the 8th Region.

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*/ Jura is one of the 95 departements, or regional administrative divisions, of France, located on the Swiss border, south of Dijon.

The General Council of Jura has made a similar oath. [Tab 38.] */

A few days later, on May 24, Vidal drafted an order signed by Capt. William Larned, Maj. Browning's assistant operations officer, directing Region XII (the former Region IV) **/ to interrogate Barbie "to determine the truth of the allegations." Larned continued:

3. Although it was known to this headquarters that during the German occupation of France subject had performed several successful missions and had been responsible for the arrest of a number of French Resistance personnel, his actions from a professional point of view were interpreted by this headquarters as mere performance of his duty. It was not, however, known that such barbaric methods had been employed by subject to obtain confessions from his victims.

4. This headquarters is inclined to believe that there is some element of truth in the allegations, since a mass reaction as that indicated in the clipping would hardly stem from naught or from behavior in accordance with the rules of land warfare.

5. It is, therefore, desired that subject be dropped administratively as an informant but that relations with same be maintained as in the past until necessary action is dictated by the

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*/ Precisely how the resistance organizations learned of Barbie's presence in the U.S. zone is not clear, but the most likely hypothesis is that they were informed, directly or indirectly, by French agents who had recently completed their interrogation of Barbie in preparation for the Hardy trial.

**/ In April 1949, CIC regions in Germany were reorganized. A new Region XII, headquartered in Augsburg, was carved out of Region IV's territory.

State Department and/or Department of the Army. [Tab 38.]

Region XII did not reply officially until July 20, 1949, nearly two months after HQ's inquiry. It was not happy with HQ's position, and its report -- prepared by Capt. Eugene Kolb, Region XII's operations officer (S-3) -- makes clear that the allegations of torture did not bring an end to Barbie's services. The complete text of Kolb's reply: */

1. SUBJECT has been discreetly interrogated regarding the allegations in the newspaper article, with negative results. SUBJECT has upon occasion admitted that he used duress during interrogations such as continued interrogation over a long period of time, in the middle of the night, etc., but has never implied or indicated that he used torture.

2. In compliance with the directions contained in [the May 24 HQ order], this office has no course but to administratively drop the SUBJECT as an informant. It is desired, however, for the record, to indicate the following:

   a. SUBJECT has been interrogated on four (4) occasions by French authorities regarding his activities in France and regarding L'affaire Hardy. French authorities know where SUBJECT is located, know where he can be reached, and probably know what his activities are here, yet no attempt has ever been made to extradite SUBJECT nor has any formal charge of war crimes nor any indication that SUBJECT was involved in war crimes been made.

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*/ The reply was signed by Major George B. Riggin, Region XII's commanding officer.

b. If French authorities were interested in SUBJECT as a war criminal (and if his alleged crimes were as barbaric and well known as the newspaper article claims, they certainly should have been) it is almost certain that SUBJECT would have been extradited by now. It is pointed out that SUBJECT, under his proper name interrogated some very high French officials including Francois PONCET and LeBRUN.

c. SUBJECT has frequently been criticized by case officers of Group Headquarters because of the alleged misinformation he has supplied during the past. A check of SUBJECT's dossier reveals however that he was alleged to be the source for a considerable number of reports for which he served merely as a cut-out. On many of these reports SUBJECT in his own notes and comments frequently warned his handling agent regarding the low reliability of the information. In many cases SUBJECT stated that the original source was suspected of inventing sub-sources as well as concocting the information. In most of these instances, SUBJECT's low evaluation and his warnings were ignored, the information was forwarded (frequently under a high evaluation) and SUBJECT was listed as the source. It is quite evident that such action was taken on the part of some of the handling agents in a desire to swell production totals. Such improper use of SUBJECT has long since ceased. SUBJECT is now considered to be the most reliable informant this headquarters has. SUBJECT has in the past two (2) months been used mainly to effect penetration and to "turn" certain targets. He has been quite successful in the accomplishment of most of these missions.

3. The Operations Office of this region as well as the handling agent of SUBJECT have frequently watched SUBJECT interrogate certain suspects. Based on these observations it is the belief of both that SUBJECT is intelligent and skillful enough to accomplish a successful interrogation by use of his head and consequently did not require the use of his hands. This office consequently feels that while the charges against SUBJECT may possibly be true they are probably not true. [Tab 38.]

It is important at this point to recognize again the distinction implicit in the foregoing messages: just because Barbie had been in the Gestapo did not make him a "war criminal" in CIC's eyes. The accusations reported in the French newspaper drew CIC HQ's attention because, if the accusations were true, Barbie's methods -- use of an acetylene torch in interrogation -- would have been contrary to "the rules of land warfare."

This focus on the rules of land warfare, and the apparent absence of any great concern over whether Barbie had been a member of the Gestapo, reinforces the impression that Gestapo membership or duties per se were not of overwhelming concern to CIC, and is consistent with the relatively sparse discussion in the 1947-1949 period of Barbie's possible Gestapo connections.

As the foregoing correspondence indicates, CIC HQ directed that Barbie "be dropped administratively as an informant" but that "relations * * * be maintained as in the past" until the State Department or the Department of the Army could decide what to do with him. This was apparently intended to mean -- at least officially -- that Region XII headquarters in Augsburg should keep itself informed of Barbie's whereabouts so that he could be arrested and turned over to the French for trial if

so directed by higher United States authorities. Tab BB. And Region XII answered, although with palpable reluctance, that Barbie had been (or would be) "drop[ped] * * * as an informant."

In fact, there is no indication that anyone at CIC Headquarters -- or anywhere else in CIC -- notified either the State Department or the Department of the Army of Barbie's situation. And it is quite clear that Barbie was not dropped as an informant. As discussed later in this report, Region XII continued to use him throughout 1949 and 1950.

From July 20, 1949 -- the date of Region XII's message that Barbie was being dropped "as an informant" -- until January 1950, a period of almost six months, Region XII said nothing about Barbie to HQ, and HQ asked nothing about him from the Region, at least in writing. Finally, on January 12, 1950, Region XII sent a message to HQ, requesting that it be "advised as to the proper method and scope of maintaining contact" with Barbie. Region XII stated that it had been "maintain[ing] contact" with Barbie and asked HQ what it should do in the event Barbie tried to "leave this area and assume a new identity." Tab 39. Region XII added a rather telling postscript, however:

> It is desired to add that SUBJECT is still under the impression that he is viewed by this office as a source, and is not aware of the fact that this office is only maintaining contact with him to keep track of him, in the event French authorities desire to try him as a war criminal. [Tab 39.]

This statement plainly suggested to Headquarters that Barbie was still being used, for if he was "under the impression that he is viewed by this office as a source," he must have been providing information, as a source would. And Headquarters would hardly have believed that Region XII was studiously ignoring the information Barbie had been providing for the previous eight months.

Two weeks later, on January 27, 1950, in a message prepared by Joseph Vidal, CIC HQ responded to Region XII, telling it to continue to maintain contact with Barbie as originally ordered in May 1949 and to continue paying him so that he would stay in the area should the French request his extradition. But there was another reason -- and perhaps a more compelling one: "Since subject's sole income is derived from CIC, it is felt that to discontinue paying him would not only make him aware of his changed status but would also force him to seek employment elsewhere in the only trade which he knows, Intelligence. The latter possibility will be

avoided, lest this organization be further embarrassed by subject."

But HQ also said, "It is * * * desired that subject not be made aware that his status with this organization has been altered." Tab 39. This rather cryptic instruction is crucial. The only way that Barbie could be unaware that his "status * * * ha[d] been altered" would be for CIC to continue to accept his services, pay him, and provide him with new and continuing assignments. Any change in that respect would surely alert Barbie to the fact that his status had been "altered." In short, what CIC HQ is saying to Region XII, in a somewhat roundabout way, is this: to prevent Barbie from discovering that he is no longer being used, you may continue to use him.

In fact, Region XII did continue to use him. A memo prepared late in 1950 states flatly: "Region XII is still harboring subject and his family in a Liaison House, and is not only supporting subject but is utilizing him as an informant." Tab 97 ¶9. */

Thus, the correspondence between Headquarters and Region XII eight months after the charges of torture was little more than an exercise that, even on paper, could hardly mask what the agents in Augsburg and the

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*/ Kolb confirmed in this investigation that Barbie was used without interruption at least until the fall of 1950, when Kolb was transferred from Augsburg to Berlin.

headquarters staff in Stuttgart both recognized: that, despite the accusations of the resistance fighters in France, Barbie was too valuable and too sensitive to let go. Too valuable because he had ceased being merely an informant; he had become, de facto, an agent -- "turning," recruiting and interrogating sources in German communist circles. */ Too sensitive because to sever his relationship with CIC would have run the risk that the French would capture -- or employ -- him and learn not only of CIC's actions against the French but also a great deal about CIC's overall operations.

It would be going too far to suggest that CIC was wholly unconcerned about the possibility that Barbie may have taken part in torture and brutality. Headquarters' order on May 24 that Region XII look into the charges was in response to a newspaper clipping that had come its way -- a clipping that easily could have been tossed in the wastebasket or dismissed as speculation. And the order did direct Region XII to drop Barbie as an informant -- a rather drastic action that could otherwise have been stayed until the truth of the charges had somehow been determined.

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*/ In Kolb's words at the time, Barbie "knows more about CIC targets, modus operandi, EEI's etc., than most CIC agents." Tab 58.

But when Kolb reported back that the charges of torture were not only denied by Barbie but seemed at odds with Barbie's skillful, intelligent and non-violent interrogation methods, Headquarters dropped any further active pursuit of the matter. It is not likely that Headquarters was completely satisfied that the allegations of torture were baseless (even Kolb had conceded that the charges "may possibly be true"); rather, Headquarters appears to have simply acquiesced in Region XII's continued use of Barbie throughout 1949 and early 1950. */ The price of doing otherwise would have been considerable embarrassment to CIC, the loss of an important assistant in Augsburg, and the possible disclosure to another government of CIC's operations and procedures. Headquarters apparently -- and the field personnel in Augsburg certainly -- considered that price too high to pay.

Headquarters' studied neglect was very likely reinforced by the fact that the outcry from the Jurassian resistance had failed to bring forth any noticeable response either from higher Army levels or the civilian U.S. occupation authorities in Germany. Although the Jurassians had delivered a letter to the

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*/ In two interviews during this investigation, Kolb was emphatic that he had kept the Headquarters staff informed of Barbie's actual status in Augsburg.

U.S. Ambassador in Paris demanding Barbie's surrender, there is no evidence that CIC HQ ever received from any American office any inquiry or request for an explanation on whether the charges were true. Moreover, even the French authorities, who knew from their interrogation that Barbie was under U.S. protection, made no demand on CIC for his return or a renewed "interrogation."

In fact, CIC was approached by a French representative in early 1950 about Barbie, but the matter did not pertain to charges of torture or war crimes.

Lt. Whiteway, the French liaison to EUCOM, returned to CIC and the Intelligence Division of EUCOM with a proposal. The French government was preparing to put Hardy on trial in Paris in April and, although it had taken Barbie's deposition in 1949, the prosecution wanted Barbie to appear and testify personally. Lt. Whiteway said that, if he were allowed to take Barbie to Paris for the trial, he would personally see to it that Barbie was returned to the Americans after his testimony was finished. Tab 57.

CIC and EUCOM agreed to Whiteway's proposal. Whiteway said he would notify CIC five days before Barbie's testimony was required. But on April 28, 1950, as the Hardy trial got underway, Lt. Whiteway told CIC that, if Barbie appeared in Paris, he would be arrested.

Since Whiteway could not keep his promise of a prompt and safe return, he called the entire arrangement off, and Barbie did not go to Paris.

As time went by, therefore, the allegations reported in the French press in May 1949 seemed to have faded away. By April 1950, Barbie completed his third year as a full time employee of CIC. */

B. French Requests to HICOG to Obtain Barbie's Surrender

Although there is no evidence that CIC was aware of it, the charges that Barbie was living as a free man in the U.S. zone did not fade away in 1949. They precipitated an escalating series of exchanges between French and American diplomatic officials over the whereabouts

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*/ In February, 1950, the CIC Region III office in Offenbach -- which knew nothing about Klaus Barbie -- received an inquiry from a French officer, apparently acting on behalf of the Surete, for information on the whereabouts of Barbie so that he could be asked whether he would consent to appear as a witness in the Hardy trial. Region III forwarded the request to CIC HQ, which rather curtly responded on March 27, 1950 that "this Headquarters is already negotiating with [the] French government on this matter" and that Region III should so inform the French officer. Tabs 40, 57. Shortly thereafter, the Surete, acting on the request of the prosecutor in Lyon, placed Barbie's name with the German police as wanted for murder. Tab 40. Region XII learned of this action in early April, 1950 and asked CIC HQ to see if Barbie's name could be removed from the wanted list, lest Barbie flee the area. Tab 40. CIC HQ apparently took no action on the Region's request. Tab 97, ¶3. In fact, Barbie's name had apparently been placed on the wanted list as early as August 1949. Tab 44.

Klaus Barbie. These exchanges involved, on the one hand, the French Ambassador to the United States and French diplomatic representatives in occupied Germany and, on the other hand, the U.S. State Department in Washington and the offices of the U.S. High Commission for Germany (HICOG), located in Frankfurt. */ U.S. military authorities, including the Counter Intelligence Corps in Germany and EUCOM, its parent organization, were not drawn into the picture until a year after the exchanges began.

1. Initial Inquiries by the French Through Official Channels, 1949-1950

In April, 1949, about the time that the resistance veterans in the Jura went public with their claim that Barbie was at liberty in Munich, a coalition of organizations in Lyon, composed of Nazi victims and former resistance fighters, wrote to the American Ambassador in Paris, recounting Barbie's crimes and decrying the fact that he was free in the American zone. Tab 41.

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*/ The Office of the U.S. High Commission for Germany was established on September 21, 1949, with the creation of the German Federal Republic. HICOG served as the State Department arm in what was not yet a fully independent Germany. The first U.S. High Commissioner was John J. McCloy, who served until August 1, 1952.

Apparently prodded by these private efforts, the deputy chief of the French consular mission in Munich wrote on June 7 to OMGUS, */ as follows (Tab 42):

> 1. It would be greatly appreciated if an investigation could be initiated in order to find out, if a certain
>
> BARBIE Klaus,
>
> who is wanted by the French Authorities for war crimes, is residing in MUNICH.
>
> 2. In case subject can be located, please state the conditions under which BARBIE Klaus could be turned over to the French Authorities.
>
> 3. Please inform this Office of the result of your investigation at your earliest convenience.

Several points should be kept in mind in order to place the following events in perspective. The June 7 letter appears to have been the first French statement to American officials that Barbie was "wanted for war crimes." It made no mention of Barbie's employ by CIC. Although French police had interviewed Barbie on several occasions and knew he was in CIC's custody, the French consulate in Munich, which made the inquiry, may have been unaware of that fact. Moreover, on the U.S. side, it is virtually certain that no one in OMGUS knew that Barbie had been in the employ of CIC for more than two

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*/ OMGUS (Office of Military Government for Germany (US)), was the predecessor of HICOG. Despite its name, it was the civilian authority in the U.S. Zone of Germany.

years. Nor is this fact surprising, given that military intelligence operations were not OMGUS' concern.

Upon receipt of the French inquiry, the Public Safety Branch routinely contacted the local Munich police, who replied on June 21 that no "Klaus Barbie" was registered in Munich either with the police or civilian licensing offices. The police chief added that "[i]n order to find out his whereabouts," his name had been published in the "police gazette" (Polizeiblatt). On July 13, James L. McCraw, chief of the Public Safety Branch of OMGUS, forwarded the police letter to the French liaison office, apparently contemplating no further action. Tab 43.

On July 12, 1949 (before receiving the above reply), the French Consul General in Munich wrote directly to OMGB, the Office of Military Government in Bavaria (the Munich office of OMGUS), stating that Barbie was wanted as a war criminal for his SS role in Lyon and asking that "all inquiries possible" be made to determine his exact address, in contemplation of a formal extradition request. OMGB went beyond the local Munich police, and contacted the Central Police Office for identification and statistics for Bavaria, but the

result was the same as the earlier inquiry. The Bavarian police replied to OMGB on August 28 that Barbie's whereabouts were "unknown" but that his name, and the allegations of his crimes, had been disseminated throughout the U.S. Zone in the wanted list (Fahndungnachweis). OMGB apparently forwarded this information to the French Consulate in Munich, for on September 9, 1949, the Consulate informed the French High Commission in Baden-Baden, French Zone, that Barbie's residence "could not be determined." Tab 44.

The concern of the French authorities in seeking the exact address of Barbie was well founded. Two years earlier, in July 1947, General Lucius D. Clay, Military Governor, had ordered that "all requests * * * for the extradition of alleged war criminals" in the U.S. Zone must be submitted by November 1, 1947. After that date, extradition requests would be considered only "where it is shown that reason exists for the request not having been filed" before the deadline and then only if the requesting government provided, among other things, a statement from the "nearest Public Safety Officer" containing the address of the alleged war criminal in the U.S. Zone. Tab 45. So, without an

address for Barbie, the French government could not file an official request for his extradition.

When the French consulate in Munich reported its inability to discover any address for a Klaus Barbie there, the French government escalated the inquiry. On November 7, 1949, the French Embassy in Washington delivered a formal note to the State Department, demanding Barbie's surrender. */ The French note identified Barbie as the former head of Section IV of the SD in Lyon and called the State Department's attention to the fact that "several months ago, Surete officials * * * went to the American zone and interrogated Barbie in the official premises of American occupation authorities." The Embassy noted that "despite repeated requests, American occupation authorities in Germany have not to date arrested and surrendered this war criminal, [actions to which] the French authorities attach so much importance," and closed by "insisting * * * that this war criminal be arrested and placed before French justice." Tab 46.

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*/ The French note referred to a "request for extradition which has been addressed to American occupation authorities in Germany." In fact, no extradition request had been made.

The State Department conveyed the substance of this note to HICOG (which by then had succeeded OMGUS) on November 15, stating that "[The Department of State] proposes reply that matter [should] be taken up [in the] first instance with HICOG -- Do you have objections to such [a] reply?" Tab 47.

The General Counsel's Office of HICOG, which had jurisdiction over extradition matters through its Administration of Justice Division, knew nothing about Barbie or any request for extradition of anyone by that name, and so informed Washington on November 23. It added that State would be correct in advising the French to forward any extradition request through its High Commissioner in Baden-Baden to HICOG. Tab 47. The Department of State, responding to the November 7 note, so advised the French Embassy on December 2, 1949. Tab 48.

This initial chapter, from all the evidence, was just what it appears to be. The French consulate, which knew nothing, asked the Public Safety Branch of the U.S. occupation government, which knew nothing, and which in turn asked the local German police, who knew nothing. Despite the contrary statement in the French Embassy's note, no extradition request had been made (a fact the French were later to acknowledge), and HICOG, which knew nothing, so informed the State Department, which in turn

told the French Embassy to file its request directly with HICOG, the appropriate authority for extradition requests.

It was shortly afterwards that Lt. Whiteway, who knew more about Barbie's situation than anyone else on the French side, approached CIC with his offer to strike a deal to secure Barbie's presence as a witness in the upcoming Hardy trial in Paris. Throughout all these events, there was almost certainly no discussion between CIC and HICOG -- indeed there was no reason for any -- so that HICOG did not know that the CIC had Barbie, and CIC did not know that the French were seeking Barbie as anything more than a witness in the Hardy trial.

2. The French Request for Extradition of Barbie

The French government followed the advice the State Department had offered. On March 2, 1950, the French High Commissioner in Germany, acting through its Counselor for Judicial Affairs in Baden-Baden, M. Lebegue, wrote to the Office of General Counsel, HICOG. This letter came later to be treated by HICOG as a request for extradition, although Lebegue did not actually request anything of HICOG. His letter summarized developments in the Barbie matter to date: Barbie

was the leader of the Gestapo in Lyon, personally involved in massacres, and subject to arrest and trial by a military court in Lyon; the previous inquiries by the French on June 7 and July 12, 1949, had turned up nothing, but French police had interviewed Barbie under American auspices and so his whereabouts must be known to the Americans. Lebegue conceded that no extradition request had been made, but, he said, that was because he did not have the required certificate from local authorities verifying an address for Barbie. */ Lebegue implied that this certificate could be quickly furnished by the Americans, since they obviously knew where Barbie was. Tab 49. In fact, HICOG knew nothing of Barbie beyond what Lebegue had told them.

Lebegue addressed this letter to Elizabeth Lange, a line attorney responsible for processing extradition paperwork in the Administration of Justice Division at HICOG. A few days later, on March 6, Lebegue sent a copy of his letter to Robert Bowie, General Counsel of HICOG, with a request that Bowie look into the matter personally and seek a quick resolution. Tab 50. Bowie

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*/ In the summer of 1949, the French had received information that Barbie was living at 38 Schillerstrasse, Kempten. Inquiries proved fruitless, however, and on January 30, 1950, the Surete wrote to Lebegue to say that Barbie could not be found at 38 Schillerstrasse or elsewhere in Kempten. The French government never did determine Barbie's "address" beyond the fact that he was in CIC custody.

forwarded Lebegue's letter to Assistant General Counsel John Bross; Bross sent it down to Jonathan Rintels, who, as Director of the Administration of Justice Division, was Lange's superior. Rintels sent it to Lange. Tab 50.

Every indication is that no one in the HICOG General Counsel's office, including the Administration of Justice Division, had ever heard of Barbie. Mrs. Lange, who was handling the case, sent a copy of Lebegue's letter to McCraw of the Public Safety Branch. */ Tab 50. On March 31, McCraw, who had handled the French inquiries in 1949, sent Lange a letter summarizing the previous requests, the inquiries to the Munich and Bavarian police, and the dead end that had resulted. McCraw concluded (Tab 51):

> [Lebegue's letter] alleges in paragraph 6 that Barbie has been interrogated by French investigators in official U.S. premises on several occasions during 1949. However, no identification is provided as regards these premises or their locations or U.S. personnel present, if any. It is to be pointed out that these official premises could be those of CIC, CID, CIS, MID, MIS or some other investigative unit. * * *
>
> The inference of the several communications from the French authorities that Barbie is being granted refuge in the U.S. Zone is unjustified and unwarranted. That Barbie is, or was, in the U.S. Zone

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*/ The Public Safety Branch in HICOG, as in OMGUS before it, was the liaison between HICOG and German police agencies.

> is supported only by the statements of French investigators who allege they have interrogated him somewhere in the Zone. The allegations of the citizens of Lyon can be disregarded as being hearsay only.
>
> Finally a review of all the material submitted by the French reveals the sole identifying mark is the name Klaus Barbie and his rank and position in the Gestapo when these crimes were committed.
>
> Pending the receipt of more and detailed information regarding Barbie this investigation and search must be considered as temporarily blocked by the lack of sufficient information.

This letter was a considerable overstatement. McCraw's assertion that "the inference * * * that Barbie is being granted refuge in the U.S. Zone is unjustified and unwarranted" was true as far as McCraw knew, but in fact it was wrong. Barbie had been given refuge by CIC for the past three years. While McCraw did not know of this, neither were any inquiries made before this categorical statement was made. While it is true, as McCraw pointed out, that there were a number of military units in the U.S. Zone, and Lebegue had not specified which unit had sponsored the Surete's interrogation, a simple letter from Public Safety Branch (or for that matter, the Administration of Justice Division) to EUCOM might have elicited the facts behind Lebegue's charge. No such inquiry was made.

On April 25, Rintels, drawing on the information provided by McCraw, replied to Lebegue's March 2 letter,

stating that the "efforts [of the Public Safety Branch to locate Barbie] proved unsuccessful" and asking Lebegue for more details as to the office in which Barbie had been interviewed -- "such as CIC or CID or CIS, etc." -- his "alleged place of refuge in the United States Zone," and his date and place of birth. Tab 52. */

All the evidence suggests that Rintels, bucking the request back to Lebegue, was acting in good faith. Klaus Barbie was just a name to Rintels and others at HICOG, albeit one against whom some French citizens had made some fairly serious charges.

Nonetheless, it would be reasonable to assume that Rintels' letter struck Lebegue as curious and perhaps disingenuous. Lebegue knew that Barbie was in U.S. custody and yet HICOG was asking Lebegue to provide specific information including his date and place of birth, as if Barbie were a common fugitive.

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*/ Nonetheless, in an apparent effort to demonstrate HICOG's good faith in the matter, Rintels drafted for Bowie's signature a warrant of arrest for Klaus Barbie, "presently residing in Bavaria." The warrant was dated May 1 and addressed to the Land Commissioner for Bavaria (a U.S. official), with instructions to "execute the attached warrant * * * and advise me immediately when Barbie has been apprehended." Tab 53. The warrant was apparently not signed or mailed, however.

As Rintels' letter made its way to Lebegue in late April 1950, however, events in Paris were about to alter the entire matter very sharply.

C. CIC's Decision that Barbie "Should Not Be Placed in the Hands of the French"

In Paris, the trial of Rene Hardy was underway, */ and on April 28 the prosecution read into evidence the deposition taken from Barbie by French authorities. This step brought an outburst from Hardy's defense attorney, Maurice Garcon, who declared that it was "an outrage to French justice" to use the testimony of a man who "took pleasure in torturing French patriots." But, more to the point for CIC, the Barbie depositions made public for the first time the fact that Barbie was not only free in the U.S. zone but was in fact being protected by U.S. authorities. Garcon emphasized the point, claiming that it was "scandalous" for American authorities to protect Barbie "for security reasons."

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*/ Hardy had been tried and acquitted of treason in 1947; he was ordered to a second trial in 1950 when newly discovered evidence revealed that he had lied in the first trial. That Hardy was a collaborator was sharply disputed by other evidence and Hardy's second trial ended in a hung jury. For an account of the Hardy affair, see David Schoenbrun, Soldiers of the Night (1980), 277-292.

The presiding judge, although he allowed Barbie's evidence to be read, called Barbie "a sinister torturer and a war criminal." Tab 54.

The French press immediately went to the Public Information Division of the European Command for confirmation of Garcon's charges that the Army was employing and protecting Barbie. EUCOM issued a "no comment" but this non-denial was interpreted by the press, under the circumstances, as an implicit affirmation. On May 3, EUCOM (apparently the Public Information Division, although authorship is unclear) advised CIC's commanding officer, Col. David Erskine, that "French newspapers are making a large splash stating that Barbier [sic] is guilty of war crimes and is being held by the Americans for security reasons," and it requested "any information available regarding Barbier * * *." */ Tab 55. CIC's use and protection of Klaus Barbie was now an issue squarely in the public eye.

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*/ The Intelligence Division of EUCOM had been aware at least by late 1948 or early 1949 that Barbie was in CIC's hands, since the agreement with Whiteway to take Barbie's deposition was approved by CIC and Intelligence Division jointly. Tab 57, ¶9-10.

On May 3, Technical Specialist Joseph Vidal, the man at CIC HQ who knew the Barbie-Merk history better than anyone else, provided EUCOM with the background of the Barbie case. Vidal's cable began: "Klaus Barbie, an ex-informant of this organization, was employed by CIC from May 1947 until May 1949 in Region XII (Augsburg). During the occupation of France by the Germans Barbie was the chief of the Gestapo at Lyon * * *." Vidal summarized Barbie's use as an informant, including his actions "in the French Zone," the depositions taken by French authorities, and HQ's order to Region XII to drop Barbie as an informant following the May 1949 public allegations against him. Vidal noted that "to date this Headquarters has not received a formal written extradition request for Barbie from either the French or from the Department of the Army." He reviewed the accusations made by Hardy's attorney that Barbie was a "war criminal." These charges, said Vidal to EUCOM, "are considered by this Headquarters in view of the known facts in the case to be a malicious distortion of fact." Tab 56.

That same day, Vidal gave Col. Erskine a lengthy memorandum on Barbie. Vidal did not imply to Erskine,

as he had to EUCOM, that Barbie was merely an "ex-informant" who had left CIC in May 1949. His past concern for embarrassment to CIC now apparently swept aside by the publicity, Vidal told Col. Erskine that "[b]y virtue of the fact that this headquarters has had time to liquidate the net operating in the French zone, CIC sees no reason for denying the French the extradition of Barbie" should such a request be made. */ Tab 57.

Vidal's recommendation that CIC should give Barbie up was not to prevail, however. On the following day, May 4, 1950, a meeting was convened at CIC Headquarters. Present were Colonel Erskine, the 66th CIC commanding officer; Lt. Col. Eckmann, Erskine's deputy; Major Wilson, the HQ operations officer (who had replaced Browning); Wilson's assistant, Major Daniels, and Vidal. It was decided at this meeting, according to Vidal's contemporaneous note, "that Barbie should not be placed in [the] hands of [the] French * * *." Vidal noted that Col. Ligon and Col. Johnson of EUCOM "concur in this

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*/ As noted earlier, CIC and EUCOM were unaware of Lebegue's March 2 letter to HICOG requesting Barbie's delivery.

viewpoint," although it is not clear if they were at the meeting or were simply informed of the decision. */ Tab 57.

Meanwhile, at the eye of the storm in Augsburg, Region XII was unaware of what was being done at Headquarters. On May 16, Maj. George Riggin, Region XII's commanding officer, sent a request to Headquarters for "specific instructions and guidance * * * in view of the importance of the case and of the probability that there are ramifications at higher echelons of which this Region has no knowledge." Tab 58. Headquarters did not respond. Tab 97 ¶4. It apparently believed that there was no need to involve Region XII in the decisions being made at Headquarters.

D. Response by HICOG to the French Government

The charges by Hardy's lawyer that Barbie was being protected by U.S. authorities caused as immediate an impact at HICOG as they did at CIC. On April 28, the day of Garcon's charges, the U.S. Embassy in Paris cabled HICOG asking what it knew about Barbie; on behalf of HICOG, the Public Safety Branch replied on May 2 in virtually the same language that McCraw had used in his March 31 letter to Lange: allegations of protection

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*/ Neither Erskine nor Vidal professed any recollection of this meeting when questioned during this investigation. Eckmann, Wilson and Daniels are deceased.

were "unjustified and unwarranted." German police had long ago been notified, but the search was now "temporarily blocked by insufficient information." Tab 59. */

In the next few days, the American Embassy in Paris faced growing indignation in the French Senate and the French press over the charges of U.S. protection of Barbie, an indignation that was aggravated by disclosure of Rintel's April 25 reply to Lebegue that HICOG's recent efforts to locate Barbie had proven "unsuccessful." The Embassy seized upon HICOG's cable reporting that the charges were "unjustified and unwarranted" and cabled HICOG on May 3 with a suggestion that it release to the French press the "real facts." Tab 60.

HICOG, of course, had no such "real facts" at its disposal. While it was unaware of CIC's role in the protection of Barbie, it obviously could not disprove the French charges that police officials had interviewed Barbie under U.S. auspices; they had in fact done so.

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*/ Judging from HICOG's reply, the cable from Paris -- which could not be located in this investigation -- had apparently suggested that "Klaus" was the family name and placed him "definitely" in Augsburg. Answered HICOG: "This may be misinformation in Paris or facts unknown to us here." Tab 59.

Within an hour after receiving the Embassy's cable on May 3, the Public Safety Branch of HICOG dispatched an urgent response. "Information available to HICOG at the time of dispatch of our reply [on May 2] was correctly reported in that reply. However, information received today indicates our statement regarding presence in the U.S. Zone may possibly be inaccurate or incomplete. Therefore suggest, to avoid possible embarrassment, you make no use of information given in our reply until we communicate with you further." */ Tab 61.

Precisely what this new "information received today" was or how it had come to HICOG is not absolutely clear, but a reasonably sound hypothesis is available. In a memo to E. Allan Lightner, Deputy Political Advisor, Public Safety chief McCraw stated:

> The information contained in [HICOG's May 2 cable to Paris] is correct, excepting that sentence which

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*/ This cable, and others emanating from HICOG, were sent over the name "McCloy" -- John McCloy, the United States High Commissioner. It was (and is today) customary in the State Department for the cables of an embassy to go out over the name of the Ambassador, just as all official cables from Washington go out over the name of the Secretary of State. One cannot infer from this practice that the ambassador or other signatory actually read or knew about the cable. The copy retained by the sender normally indicates who drafted and approved the cable, and that is the basis for the statements in this report attributing authorship to HICOG cables.

> reads: 'The inference by French Press and French authorities that BARBIER [sic] is being granted refuge in U.S. Zone, unjustified and unwarranted.' The quoted sentence is accurate insofar as any official information is available to this headquarters.

(Emphasis added.) Tab 62.

By clear implication, there was "unofficial information" that Barbie had been granted refuge; this information presumably came to HICOG from EUCOM. Because it was on May 3 that Vidal at CIC HQ had given EUCOM details of the Barbie case, including the fact that as recently as April 28 CIC knew where Barbie was (Tab 56), it is reasonable to surmise that officers at EUCOM told HICOG that day something of CIC's involvement with Barbie. And HICOG then cabled Paris to say nothing "until we communicate with you further."

McCraw advised Lightner: "* * * I consider it would be extremely unwise to release to the press any statements whatsoever regarding this case, on the grounds that such statements may later prove embarrassing to our government since there are indications that the French government may raise the question with the U.S. government." McCraw, clearly uncomfortable that his Public Safety Branch had been thrust onto a budding

diplomatic controversy, requested that it "be relieved of further responsibility in this matter * * *." Tab 62.

A crucial question is presented here. Did the "new information" that EUCOM had passed to HICOG include the fact that Barbie was still -- on May 3 -- in CIC's custody, or did it simply confirm that Barbie had once been in CIC custody and that the French had interrogated him during that time? It is just possible that EUCOM did not know until the following day, May 4, that Barbie was still in CIC custody, because Vidal's May 3 cable to EUCOM did not go beyond April 28 and promised "[s]upplementary details * * * on the morning of 4 May 1950" -- the date of CIC's decision not to place Barbie in the hands of the French. And CIC and EUCOM were later to contend to HICOG that CIC had broken contact with Barbie on April 28, the day the Whiteway deal fell through, and did not know his whereabouts after that date.

The question of whether HICOG knew on May 3 that Barbie was still in U.S. hands is crucial because HICOG's subsequent communications to the French, without exception, were based on the premise that HICOG did not know where Barbie was. If in fact HICOG knew that CIC

was still in touch with Barbie, these communications would be a misrepresentation of what HICOG knew. HICOG representatives did not meet face to face with CIC and EUCOM representatives until June 16 (see below), at which time EUCOM and CIC told HICOG that Barbie had not been seen since April 28.

The question is not easy to resolve, because it is impossible to reconstruct precisely what information was passed to HICOG on May 3. */ On balance, however, the evidence compels the conclusion that HICOG did not know on May 3 -- and in fact never knew -- that Barbie's relationship with CIC continued past April 28, 1950. This conclusion is based on the following facts:

1. There is no indication in any of HICOG's internal memoranda of any awareness that Barbie was still in CIC hands. In fact, several internal memos and letters indicate a contrary belief. See Tabs 79, 80, 81, 82, 84. HICOG and State Department personnel would have had no reason to carry on such a charade in dealing among themselves, and it is almost inconceivable that they could have done so perfectly.

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*/ McCraw is deceased, and Lightner had no recollection of these events.

2. On June 16, CIC and EUCOM told HICOG (see below) that Barbie had disappeared on April 28; presumably they would not have done so had EUCOM told HICOG six weeks earlier that Barbie was still in CIC's hands. Moreover, no one at HICOG expressed any incredulity on June 16, as presumably they would have if contrary information had come their way on May 3.

Thus on May 3, HICOG did not know of Barbie's status on that date; it knew only that Barbie had once been in CIC control. */

Meanwhile, HICOG's Assistant General Counsel, John Bross, drafted a letter on May 5 telling Lebegue: "I have just now been informed of rumours that BARBIE has been seen in Munich" -- he was apparently referring to the reports in the French press -- but cautioning Lebegue that the formalities of an extradition request, a certificate of residence and evidence of crime, should be promptly sent to HICOG so as to be "available immediately in the event of BARBIE's arrest." Bross was apparently unaware of the "unofficial information" that

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*/ Even this latter statement is an inference, since, as noted, the actual May 3 "new information" was never reduced to writing. But no other inference seems possible, given HICOG's abrupt May 3 cable and McCraw's May 5 memo.

McCraw had received from EUCOM (and was then in the process of informing Lightner), for Bross' letter to Lebegue states: "I have been somewhat disturbed by reports in the Paris press to the effect that the American security agencies have been deliberately responsible for the fact that BARBIE could not be produced at the trial of Rene Hardy in Lyons [sic]. Probably these reports have no other inspiration than the desire of the lawyer representing the defendant in that case to create a diversion. I assume that your Government appreciates the fact that diligent efforts have been made to locate BARBIE's whereabouts * * *." Bross added: "Representatives of the Public Safety [Branch] are investigating rumours that Barbie is in Munich. If he is located I will issue a warrant for his arrest immediately upon receipt of a formal request for his extradition accompanied by the supporting evidence required." Tab 63.

This letter, dated May 5, was never sent. Lightner apparently brought the "unofficial information" he had received that day from McCraw to the attention of Bross, and probably Bowie as well. A second letter was drafted for Bowie's signature; this one, when compared to Bross' draft, reflects a new degree of awareness in the General Counsel's Office (Tab 64):

Dear M. Lebegue:

This is in further reference to your letter of March 2, 1950 addressed to the attention of Mrs. Lange in the Administration of Justice Division and concerning Klaus Barbie whose extradition you request.

On March 21, 1950 Mr. Rintels acknowledged the request and on April 25 we communicated further with you to advise that Barbie's whereabouts had not been ascertained and to request additional information which might enable us to locate him.

It has just come to my attention that the Paris press had recently carried one or more critical articles stating or suggesting very strongly that the United States had denied the request of your Government for Barbie's extradition. In order to set the record straight and to demonstrate to you that we not only have not denied the request but are most anxious to cooperate fully with you if Barbie can be located and a proper case for extradition made out, I take this opportunity to review the position to date and to request your further assistance in enabling us to deal with the merits of the request.

The case first came to our attention in November of 1949 by cable from our State Department requesting information concerning an alleged request for extradition to which we replied that no such request had ever been submitted to us. We understand that informal representations had earlier been made to our Public Safety Branch in an effort to locate Barbie so that a formal request for his extradition might be submitted. But I would like to emphasize that until your letter of March 2 reached us nothing that could be treated as a request was in our hands. Your letter of March 2 could be and was treated as an informal request, but as you know, our requirements include the submission of sworn statements or other evidence tending to establish that the alleged crimes were committed and that the wanted person in fact committed them, and further include statements as to the personal data of the accused person and his present whereabouts. We have never received any of this information. Nevertheless, we have made

> diligent inquiries in your behalf as to Barbie's whereabouts and have recently received clues which may enable us to find him.
>
> Our position would be a good deal stronger in terms of acting on your request if we were to receive a formal submission supported by the usual data. We would then be able to arrive at a prompt decision as to whether the man should be placed in provisional arrest pending ultimate decision on the question of extradition. Without being in any sense critical, I would also like to point out that the effect of the publicity which I understand the matter has received in the French press may be disadvantageous, and may have the effect of giving notice to Barbie that his extradition is still a matter of interest to the French and that the United States authorities are interested in locating him. It would be unfortunate if this publicity were to render it impossible for us to locate Barbie and to proceed in disposition of the request.

Bowie's reference to "recent[ ] * * * clues" to Barbie's whereabouts presumably reflected the "unofficial information" of CIC's involvement with Barbie, but Bowie's letter, like Bross' letter, was never sent. */ HICOG was apparently undecided over just what to tell the French. Late in the evening of Friday, May 5, Lightner cabled Paris: "Riddleberger [HICOG's director

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*/ The basis for this conclusion is that no signed copy of the letter could be found in State Department files, no copy was found in French files, and two later summaries of correspondence contained no reference to the letter. Tab 78.

of political affairs] will communicate to you details of this case upon his arrival Paris." Tab 65. */

Riddleberger visited Paris over the weekend and on Monday, May 8, the Embassy in Paris wired the State Department: "Secret information brought by Riddleberger indicates Barbier [sic] case has highly embarrassing possibilities to put it mildly." The Embassy continued:

"In event French bring case to Department's attention in Washington, **/ suggest Department limit itself for the moment to line set forth [in the] following press release issued by [HICOG in] Frankfort May 5: 'The case of Barbier [sic] is now the object of study and investigation by the American HQ in Germany.' It is barely possible that matter will die down after verdict in Hardy case tonight. However, we will inform Frankfort [i.e., HICOG] in event American angle is revived." Tab 66.

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*/ Lightner apparently drafted a memo that Riddleberger took with him (see Tab 75), but this memo could not be located.

**/ The French Embassy in Washington had in fact brought the matter to the State Department's attention on May 5 (Tab 67), with what Henry Byroade, the head of the German Desk at State, characterized as a "strong note" requesting Barbie's surrender to French authorities (Tab 77).

But the matter did not "die down." On May 10 a French senator, speaking in the Council of the Republic, "unofficially" on behalf of Senators formerly members of the Resistance, declared that Rintel's letter to Lebegue on April 25 that Barbie's whereabouts were unknown "do[es] not give, to put it as mildly as possible, the impression of perfect uprightness." The senator continued: "One can punish assassins; one must also have the firm purpose never to make use of them." Amidst the applause that followed, the presiding minister of the government stated that the government "will not recoil before any step in order to obtain surrender of a war criminal who deserves to be punished." Tab 68.

In the meantime, on May 9, Lebegue provided the official response to the April 25 letter in which Rintels had asked for more information on Barbie's alleged crimes and his present whereabouts. "* * * I cannot understand," he said, in a letter to Rintels, "that your offices in the American Zone of Occupation have not been able to obtain the complete information which you have asked me for." Lebegue nonetheless provided pictures of Barbie, the dates on which he was interviewed on CIC premises, and the latest information

on where he might be living. */ Lebegue closed with a plea to "find Barbie and to turn him over to French authorities who, as I remind you, place the highest importance on his surrender." Tab 69.

Rintels passed Lebegue's letter to Bross. Tab 70. Three weeks later Rintels replied to Lebegue that "we are continuing our efforts to locate Barbie," and he reminded Lebegue that to date "we have not been furnished statements of witnesses concerning the charges against Barbie in his capacity as a member of the Gestapo at Lyon." Tab 71.

CIC meanwhile had received through EUCOM the cable from HICOG to Washington reporting on the criticism levelled at the U.S. in the Council of Republic. Brigadier General R.K. Taylor, Director of Intelligence for EUCOM, told CIC's Commanding Officer Col. Erskine: "* * * [I]t is highly probable that this case may develop into something very embarrassing for us. Therefore, we should be prepared to answer any inquiry." Tab 72.

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*/ Lebegue said that newspaper reports in Paris had Barbie living in Augsburg, where he was said to be running a hardware store at 38 Schillerstrasse. Although Barbie was indeed in Augsburg at this time, he was working full time as a CIC informant. The Public Safety Branch of HICOG apparently visited the Schillerstrasse address but did not find Barbie there. Tab 78.

And on May 18, EUCOM cabled CIC: "Public Safety Branch, HICOG, have asked the German police throughout zone to apprehend and arrest Klaus Barbier [sic]. Request your cooperation where possible." Tab 73.*/

CIC ignored the cable. Tab 67 ¶6.

HICOG apparently did little about Barbie during May, but in France the indignation was not abating. Barbie's continuing sanctuary in U.S. custody seems to have been widely assumed throughout France, an assumption that was not discouraged by official U.S. silence on the matter. The Honorary President of the Confederation Nationale de la Resistance wrote to the United States Consul General in Lyon: "All police forces may use bandits as informers, but the employment of this one, famous as a torturer and murderer causes a veritable scandal in Lyon. * * * I ask you in the name of all the French Resistance, to insist to Washington that this individual be delivered to French Justice."

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*/ It is not clear just what EUCOM is referring to here. It might conceivably be a reference to the May 1 arrest order drafted for Bowie's signature, although a) there is no other evidence that the order was actually issued, b) it would have come from General Counsel, not Public Safety Branch, and c) it would have gone to U.S. authorities, not the German police. On the other hand, there is no indication in the files that Public Safety Branch issued any arrest order in May 1950. EUCOM may be referring, quite belatedly, to Public Safety Branch's original notification to German police in July 1949. Tabs 43, 44.

Tab 74. And from a Lyon resistance organization: "Au nom de tous nos morts, nous demandons la justice." Ibid.

The Embassy in Paris, at the whip end of the Paris-HICOG-EUCOM-CIC axis, was growing impatient. On June 2 Woodruff Wallner of the Embassy wrote to Deputy Political Adviser Lightner at HICOG: "* * * [W]e should very much like to have some word of advice from you as to how to handle this kind of protest, for it seems obvious that the matter is not dying down * * *. [W]e are anxious that it be understood in HICOG that the matter continues to be embarrassing to us. We should indeed be very grateful for some advice. * * * The problem is what to do about the apparently widespread French belief that Barbier [sic] not only was employed by us in the past but continues to be employed by us at present, and that we are blocking his extradition. We should appreciate your assistance in dealing with what promises to become a constant and convenient source of anti-American propaganda." Tab 75. */

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*/ The American Consul in Lyon, complaining directly to Washington, said: "It is impossible with the evidence supplied by official sources to make any sort of effective answer to the charges brought against HICOG in the Barbier case." Tab 76.

Lightner apparently brought the plea from Paris to Bross' attention. Bross gave Lightner on June 13 a summary of past dealings with the French on the matter (Tab 78), and Lightner drafted the following letter to be sent to Wallner in Paris (Tab 79):

Dear Woody:

I enclose a memorandum received from the General Counsel's office in reply to your letter to me of June 2 regarding Barbier. This memo is a factual presentation of the case as known to that office which handles all matters of extradition for the High Commissioner. I am told that there is no objection to your using any or all of this memo for purposes of calming down the French organizations who continue to be excited about this case. It seems to me, however, that parts of the memo referring to interrogations of Barbier in the presence of U.S. (CIC) personnel might well be considered confidential.

It all seems to boil down to the fact that the French authorities have only recently formally requested his extradition, that all formalities required to effect extradition have not as yet been complied with by the French, and that in the meantime, despite the lack of such information, the Office of the U.S. High Commissioner has as an exception conducted a search for Barbier, but so far without result. While Barbier is known to have been residing in the U.S. Zone and in fact was interviewed there by French officials on several occasions in 1948 and early 1949, the fact that American authorities have been unable to locate him during the course of their recent investigations is hardly extraordinary in view of the wide publicity that has been given to the French extradition demands. This publicity undoubtedly was known to Barbier himself, since he has disappeared from the place where he had been residing. The American authorities, with the cooperation of the German police, are continuing their search in an effort to take this man into custody for extradition to

France in the event that the prima facie evidence submitted in his case should justify this action.

I hope this information will be useful to you.

Although Lightner did not know it, Barbie had not "disappeared from the place he had been residing" at all. */ But Lightner's letter points up the fact that, when this letter was written on June 14, only the Public Safety Branch of HICOG and the German police had been looking for Barbie; CIC -- which knew exactly where he was -- had not. This reinforces the conclusion that EUCOM had not told HICOG on May 3 that Barbie was still in U.S. custody in Augsburg; HICOG had no vested interest in protecting Barbie and every incentive to turn him over to the French to defuse a growing diplomatic controversy and to take the Embassy in Paris out of the uncomfortable position it found itself in. Had HICOG known of CIC's continuing involvement with Barbie, it certainly would not have bothered with the German police; it would have gone straight to EUCOM.

Thus, as of June 14, 1950, the situation appeared to be as follows. HICOG had learned from EUCOM on May 3

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*/ Lightner's reference to "the place he had been residing" may have referred to the hardware store on Schillerstrasse, where the Public Safety Branch went to look for him, but where in fact Barbie had never been.

that Barbie had been employed by CIC, and probably had learned as well that the French knew this because of their interrogation of Barbie. At HICOG, Lightner (the Deputy Political Advisor), Bowie (General Counsel), Bross (Bowie's deputy) and Riddleberger (Political Advisor) were aware of this and Riddleberger had briefed the Embassy staff in Paris a few days later. Yet HICOG was saying nothing publicly, other than that the matter was "under study," and was telling Lebegue, its French liaison, that more information was necessary in order to perfect the extradition request should Barbie ever be located. When Lebegue replied with further information on Barbie's background and possible whereabouts, HICOG simply replied that efforts were still being made to locate him and that evidence of his crimes would be necessary before any extradition could actually take place.

HICOG in the meantime had taken no real steps to find out more from EUCOM about the Barbie situation, and had not enlisted EUCOM's aid in tracking Barbie down. Although EUCOM had requested CIC's "cooperation where possible in locating Barbie," CIC paid no attention to that request and neither EUCOM nor HICOG (which may not even have known about it) referred to the matter again.

CIC, meanwhile, had battened the hatches and was doing as little as possible. It had decided on May 4, when the story broke, that Barbie "would not be placed in [the] hands of [the] French" and was apparently waiting to see if the storm could be ridden out. As for Barbie, he had been working without interruption for CIC since April 1947.

Washington during this period had been deflecting all official inquiries to HICOG but had apparently taken little interest in how the storm was developing.

In Paris, the U.S. Embassy, which knew no more of the Barbie story than HICOG, was facing a constant and embarrassing barrage from French resistance leaders, politicians, newspapers and residents of Lyon. It had turned to HICOG for help in defusing the situation somehow, and HICOG was about to give Paris a memo that related the public developments and a letter stating that Barbie had "disappeared" from wherever he had been. It must have been apparent at the time to HICOG that the situation was not "dying down" and would not so long as Lebegue continued to press the French demand for Barbie.

And indeed, some believed that the French would not press their demand for Barbie because they really did not want him at all, and were only going through the

motions of demanding his extradition to appease former Resistance fighters and other indignant sectors of the French population. According to this theory, the actual surrender of Barbie would pose an acute embarrassment to the French because at the trial that must follow, Barbie could and would reveal the names of French collaborators, some of whom had risen to prominence in post-war France, often on the strength of their Resistance credentials. That past would be exposed as fraudulent, or at least exaggerated, should Barbie decide to tell all he knew from the witness stand. Under this theory, the failure of the French to file an actual extradition request simply demonstrated a reluctance to force the matter with the Americans.

Thus, in Lightner's words, "* * * it may be that the French will not officially press this matter (particularly if rather persistent rumors are true that several influential French officials would be embarrassed by Barbier's extradition to France). Hence we feel that the Department might well decide * * * that the whole business [might] blow over." Tab 82. In fact, McCloy or Riddleberger may have expressed this view in the course of meetings in London with Henry Byroade, head of the State Department's German desk,

during the week of May 8. */ In a cable to McCloy on May 26, Byroade stated "My recollection from last conversation in London with you and Riddleberger is that FR [French] no longer desire Barbier's presence in France." Byroade stated, however, that "[I] am not certain of this * * *." Tab 77.

But whether this theory was true or not (and the unremitting French requests for Barbie's delivery seem to disprove it), any hopes that the Barbie matter would "blow over" in France after the dust of the Hardy trial had settled and the Resistance groups had written their indignant letters were dispelled in the summer of 1950. In mid-June, after a month of relative calm at HICOG (if not in Paris), matters heated up again.

As noted above, the State Department had received another "strong note" from the French Embassy in Washington on May 5 demanding that HICOG surrender Barbie to the French. Tab 67. Washington cabled HICOG for its views on May 26 (Tab 77), and on June 13, HICOG told State that it was still investigating the matter and would send its views within a few days. Commissioner McCloy, decided, in Lightner's words at the time, to "smoke out EUCOM on the matter to see how far

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*/ Riddleberger was apparently en route to these meetings when he stopped in Paris over the weekend of May 5-7 to deliver Lightner's memo to the Embassy on the Barbie case.

they would go in helping to find this character, and to get more details as to just how embarrassing it would be to them (CIC) if he were turned over to the French." Tab 80. */

E. Discussion Between HICOG and EUCOM/CIC

On June 16, therefore, Benjamin Shute, Director of the Office of Intelligence at HICOG, met at EUCOM HQ in Heidelberg with Brigadier General Robert Taylor, **/ Director of Intelligence at EUCOM, and Major Wilson, Operations Officer (S-3) of CIC. Shute's memorandum of this meeting states that General Taylor and Major Wilson told him that "[o]n May 24, 1949, [Barbie's] employment by CIC was discontinued, following publication in France of charges that Barbie was a war criminal. He has not been employed by them since that time, although they did keep in contact with him until late April 1950." Shute stated, "CIC has not been in touch with him since late April 1950 and does not know his present whereabouts." Tab 81.

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*/ Lightner's quote here is not inconsistent with the conclusion that no one at HICOG knew that Barbie was still in CIC custody. The concern was whether Barbie, considering his knowledge of CIC operations, should be turned over to the French if he were ever found.

Neither Lightner nor McCloy recalled the Barbie matter when questioned in this investigation.

**/ This is not the CIC agent Robert Taylor who had recruited Barbie for CIC in 1947.

These representations by CIC and EUCOM were false. Barbie's employment by CIC was not discontinued in 1949, nor did CIC lose touch with him in late April 1950. CIC was continuing to use Barbie in Augsburg. In fact, from April 1947, when Barbie was first recruited by CIC, until March 1951, when he departed for South America, CIC knew where Barbie was at all times. CIC employed him and paid him throughout that period.

Whether General Taylor personally knew that he was providing false information to Shute cannot be stated with absolute certainty, but as Director of Intelligence, EUCOM, General Taylor was the chief military intelligence officer in the U.S. zone of occupied Germany. It is likely that, given the prominence of the Barbie matter and Taylor's responsibilities, he had been fully briefed by CIC. Moreoever, it was General Taylor who had written to CIC's Commanding Officer on May 12 that the Barbie case may prove to be "very embarrassing" and "we should be prepared to answer any inquiry." Tab 72.

As to Major Wilson, who was the operations officer at CIC Headquarters, the facts suggest that he almost certainly knew the truth. As described above (pages 77

to 78) CIC HQ's cryptic instructions to Region XII on January 27 amounted, in effect, to orders to keep using Barbie. Those instructions went out over Major Wilson's name. */ Tab 39. In addition, Wilson was present at the May 4 meeting at which the decision was made not to put Barbie in the hands of the French. It is most unlikely that anyone present at that meeting would not have known the actual status of Barbie. **/

Shute took the Taylor-Wilson statements at face value (and there appears to be no reason that he should not have) and reported back to Samuel Reber, who had replaced Riddleberger as HICOG's Director of Political Affairs, that "A complete disclosure by Barbie to the French of his activities on behalf of CIC would not endanger any present intelligence operations, but would furnish the French with evidence that we had been directing intelligence operations against them." As Shute could see it, the issue of whether to turn over Barbie would only arise if Barbie could be found. Shute concluded: "* * * [T]he policy question is presented of whether U.S.-French relations would be more damaged by delivery of Barbie, assuming we could find him, than by

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*/ Who signed the order is not known; the file contains an unsigned copy.

**/ Both Taylor and Wilson are deceased. Shute did not recall his meeting with them.

non-delivery. We are in a position to make a statement to the French about our termination of his employment and about our loss of contact with him and take a chance that the German police will not pick him up even though we make a formal attempt to have that done." Tab 81.

When Lightner learned from Shute the results of his June 16 meeting, Lightner concluded that "EUCOM would be willing to go out and look for Barbier and to turn him over to HICOG for delivery to the French." */ But Lightner felt that HICOG should make that request of EUCOM "only as a last resort," that is, if the French continued to press their requests for Barbie. Lightner concluded on June 21 that, while the State Department should be informed of what HICOG knew, "I gather we will do nothing here until instructed by the Department to request EUCOM to join in the search for Barbier." Tab 82.

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*/ Just how Lightner arrived at this conclusion is not clear. The position of CIC and EUCOM (which Shute seemed to accept) was that delivery of Barbie to the French would have been most unfortunate, and that the best hope would be the inability of the German police to find him. On the other hand, Lightner may have meant that EUCOM would look for Barbie if requested to do so by HICOG.

Lightner had as yet not mailed to the Embassy in Paris his June 14 letter -- the strictly factual account of previous U.S.-French correspondence, in response to the Embassy's plea for guidance -- but he did so now, with a cover note stating that "CIC dropped this man like a hotcake the moment the war criminal charges were brought to their attention * * * in May 1949. After that date they maintained some contact with him but he was no longer in their employ." Lightner suggested, however, that Paris "stick to the lines furnished" in Lightner's original June 14 letter in responding to French critics. Tab 80. */

On the basis of what HICOG knew, there would seem to have been little risk in simply telling the French the truth -- at least the truth as HICOG knew it: Barbie had once been in U.S. custody (a fact the French

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*/ Lightner also told Paris that "it is probable that Mr. McCloy will in fact now ask for EUCOM's active assistance in locating" Barbie. This statement does not square with Lightner's contemporaneous statement to Shute (see text) that HICOG would do nothing until instructed by the State Department to seek EUCOM's assistance.

were well aware of) but he was no longer, */ and if he could be found, the U.S. would turn him over. To be sure, a surrender of Barbie would embarrass the U.S. by Barbie's presumed revelation of U.S. spying on the French, but the U.S. was being sorely embarrassed anyway by its uncommunicative responses to the French, who assumed that the U.S. had Barbie and could not understand why HICOG was asking the French to provide information on Barbie's whereabouts.

The French persisted in their attempts to secure Barbie's surrender. On June 19, 1950 the French Embassy in Washington provided the State Department with a dossier on Barbie's wartime actions, and expressed its hope that this latest information would facilitate the search for Barbie, in which search "the French authorities earnestly hope to receive the cooperation of the American occupation authorities in Germany." Tab 83.

The State Department gave the French Embassy the usual reply -- the search for Barbie was continuing

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*/ In fact, the State Department told the French Embassy on June 29 that Barbie "had at one time been employed by us in Germany" but that he "was dismissed in May 1949 and disappeared completely early in 1950." Tab 83. This information presumably came from Shute, who was in Washington at the time. See Tab 84.

(Tab 83) */ -- but after conferring with Shute, who was visiting Washington, the Legal Advisor of the State Department cabled HICOG on July 1 with what appeared to be a decision. The Department told HICOG that it would be "difficult to refuse extradition [of] Barbie if he is found for [the following] reasons (assuming evidence shows [a] prima facie case):

1. Extradition [of] Barbie is considered of great importance [in] some circles in France in view [of the] discussion in [the French] Council of Republic * * * and feeling in Lyons [sic] area.
2. HICOG and EUCOM believe his extradition [would] not interfere [with] present intelligence operations.
3. On the whole it is believed Franco-Amer[ican] relations [would] be affected more adversely by refusal to extradite than [would] be case if he is extradited.

Tab 84.

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*/ The State Department's reply referred to "Barbie Klaus" and advised the Embassy that "the search for Klaus is being continued" but that efforts "to locate Klaus" had not so far been successful. The desk officer who delivered the reply told the French Embassy that "this case appeared to consist of an unfortunate series of mistakes * * *." Tab 83.

The similarity in language between this cable and Shute's memo recounting his meeting on June 16 with EUCOM and CIC representatives, */ and Shute's participation in the discussions leading to this decision, strongly suggest that Shute was instrumental in the decision to turn Barbie over if he was found.

Meanwhile, in Germany, Lebegue of the French High Commissioner's office was pushing the matter urgently. On August 4 and again on September 19 (Tab 85), he sent affidavits of victims and other evidence against Barbie to the General Counsel's office, taking HICOG at its word that prima facie evidence of crimes was needed. In his September 19 letter, Lebegue added in his own hand: "I take this opportunity to remind you of the very great importance that my Government places on the discovery and surrender of this war criminal."

F. CIC and HICOG Response to State's Approval of Extradition

But HICOG had already taken its cue from State and was beginning the paperwork necesary for extradition.

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*/ "[T]he policy question is presented of whether U.S.-French relations would be more damaged by delivery of Barbie, assuming we could find him, than by non-delivery." Tab 81.

The first step was to obtain EUCOM's formal non-objection -- on the assumption, of course, that Barbie could be found. On August 21, apparently in response to a request from HICOG, EUCOM sent CIC a standard form letter requesting "extradition clearance" for Barbie. Tab 86.

CIC, which had not been privy to HICOG's communications either with the French or with Washington, was taken aback. In a letter drafted by Vidal, Col. Erskine, CIC's commanding officer, replied to EUCOM on August 30 that "[i]n May 1950, this headquarters coordinated the case" with the Intelligence Division of EUCOM "and subsequently with" other EUCOM officials. */ "The decision reached on subject case [i.e., the May 4 decision "not to place Barbie in the hands of the French"] at that time is well known to the above-mentioned persons." CIC asked that EUCOM furnish it

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*/ The letter listed "Mr. B. Shute, Director of Intelligence, HICOG" as being one of the persons with whom the May 4 decision was "subsequently * * * coordinated." In fact, as discussed in the preceding section, (a) there is no evidence that Shute was informed of CIC's continuing custody of Barbie, (b) his memo following the June 16 meeting contradicts such an assumption, and (c) the State Department decision, which Shute influenced, is premised on the belief that Barbie's surrender to the French would not compromise ongoing operations. Since neither Vidal nor Erskine had had any contact with Shute or anyone else from HICOG, this statement cannot be given weight.

with "details concerning the circumstances surrounding this extradition request. Of particular interest to this headquarters is whether it represents a renewed effort on the part of the French Government to effect BARBIE's extradition." Tab 86.

Vidal's contemporaneous memorandum to the file reveals that CIC's real concern was that the request for extradition clearance might have emanated from someone in EUCOM who was not familiar with the sensitive background of the case; CIC was, in effect, putting a red flag on the case and sending it back to Intelligence Division, EUCOM, to make sure that they knew what they were doing. What CIC did not know was that the extradition request did not represent a "renewed effort" on the part of the French (who had never ceased their efforts), but rather a decision by the State Department that continued resistance to French efforts would be more harmful than acquiescence.

The red flag to EUCOM apparently resulted in a telephone call between CIC and EUCOM to decide what HICOG should be told, for on September 9, Col. Erskine spoke with Lt. Col. W.L. Hardick in the Intelligence Division of EUCOM, who followed the conversation with a cable to CIC stating: "It is proposed that this Division notify HICOG that it has no objection to the

extradition of Barbie. Further propose that HICOG be notified informally that Barbie is no longer under control of any agency of this Division." Five days later, Vidal spoke to Hardick and memorialized the conversation as follows: "On 14 Sept 50 Mr. Vidal informed Lt. Col. Hardick that it [sic, CIC?] had no objections to the extradition of subject and that it would be OK for ID [Intelligence Division, EUCOM] to say he is no longer under the control of any agency thereof, especially CIC." Tab 87.

There are two possible interpretations of the representation by CIC that Barbie was "no longer under [its] control": one, that it is true; two, that it is false. If it is true, it suggests that CIC temporarily handed Barbie off to some other protector, such as the CIA, so that EUCOM could tell HICOG that Barbie was no longer in CIC's or EUCOM's "control" -- the same thing CIC and EUCOM had told Shute on June 16. The problem with this interpretation is that there is no evidence whatever that it actually happened, and indeed the evidence affirmatively suggests that it did not. A comprehensive memo on Barbie's CIC history written at CIC Headquarters three months later makes no mention of any change in Barbie's status; in fact, it states "Region XII is still harboring * * * supporting * * *

and utilizing" Barbie, "acting properly under orders of this headquarters * * *." Tab 97 ¶8. CIA files reviewed in this investigation make no mention of any such event. And Captain Kolb, Barbie's supervisor at Region XII in Augsburg, when questioned in this investigation, stated that it would be most unlikely that any such step would have been taken, that he would have been closely involved if it had, that he had no recollection of any such event and believes that there was no such event. */

What is quite clear is that CIC did not simply cut Barbie loose -- that is contradicted not only by the evidence cited above but by CIC's subsequent evacuation of Barbie to Bolivia (see Section IV). And severing relations with Barbie would have run the substantial risk that he might thereafter be found by German police or French agents -- the very risk CIC had decided against taking in May.

Thus, the only feasible explanation of CIC's statements in September appears to be that they are simply false: CIC told EUCOM that it could inform HICOG

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*/ Kolb had no recollection of being consulted by HQ on the matters raised in Vidal's statements to EUCOM and believes today that Vidal acted without informing Region XII. Nothing in the file is inconsistent with this hypothesis. There is no evidence that Kolb himself was involved in any aspect of CIC's misrepresentations to HICOG.

that Barbie was no longer in CIC's custody when in fact he was. This deception would be consistent with CIC's June 16 false statements to Shute; indeed, it brings those statements up to date. Having misrepresented Barbie's status once to HICOG, CIC appears to have found it expedient to do so again. */

In any event, EUCOM apparently passed the statement to HICOG. A memorandum to Shute from one of his subordinates on October 20 states "Last month the Intelligence Division, EUCOM advised the Extradition Board [of HICOG] that it had no objection to the extradition of Klaus Barbi [sic] but 'had no information as to his present whereabouts.'" Tab 89.

At HICOG, therefore, the Barbie affair was dying a quiet death, because the State Department decision to approve the extradition of Barbie and actually finding Barbie were two quite different things. On October 12,

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*/ A more fundamental question is why CIC found it necessary to take this position at all. It could have simply informed HICOG (through EUCOM) that it had no objection to Barbie's extradition, and let it go at that. Barbie had to be found to be extradited, and CIC was presumably capable of sequestering Barbie in Augsburg to ensure that he would not be located by German police, HICOG, or other authorities. One possible explanation is that, following McCloy's suggestion (see Tab 80), someone at HICOG might have asked EUCOM to "smoke out" Barbie, and EUCOM felt it necessary to reply that it did not know where Barbie was.

the HICOG Extradition Board duly forwarded the Barbie file to the HICOG regional attorney in Nuremburg so that he could pass it to the district attorney in Augsburg, who could in turn order Barbie arrested. The Extradition Board listed Barbie's last known address simply as "Augsburg." */ Tab 88. At the same time, the Extradition Board notified Lebegue's office that the paperwork had gone forward, and that the French would be notified of the outcome, but that "we are not yet informed of Barbie's whereabouts." Ibid.

Although the State Department apparently advised the French Embassy, once again, that a search for Barbie was being conducted (Tab 89), in fact, no search was being carried out at all. HICOG's Public Safety Branch told the Administration of Justice Division of the General Counsel's office that "Since no further information concerning possible location of Klaus Barbie has been received by this office or the German police, no further active search has been conducted." All that was being done was that persons "coming in contact with any of the German police agencies" were being checked

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*/ The belief that Barbie was in Augsburg -- as indeed he was -- might have come from CIC and EUCOM's meeting with Shute on June 16, when CIC would presumably have told Shute that Barbie's last known whereabouts had been at Region XII headquarters in Augsburg.

against a wanted list, which contained Barbie's name along with many others. Tab 90. And CIC and EUCOM apparently refused to look for Barbie, citing EUCOM's policy that CIC's responsibilities no longer included the search for war criminal suspects. Tab 89. One of Mr. Shute's subordinates in the Office of Intelligence at EUCOM suggested to Shute that "every effort should be made here by your office and the operations division to enlist the efforts of CIC * * * [i]n view of the past attitude of CIC in this matter and the practice of EUCOM to discontinue all war crimes investigations * * *." Ibid. Apparently nothing came of this suggestion.

On November 13, the HICOG Extradition Board undertook to notify the French High Commission of "efforts being made to locate Barbie and * * * the current status of the search." Yet its letter said nothing more than that Barbie's name was on the German police wanted list and that "[a]ll persons coming in contact with any of the German police agencies in the United States zone are checked against this list * * *." Tab 91.

On November 17, 1950, the HICOG attorney in Nuremburg notified HICOG headquarters that "after diligent search the arresting agencies have not found Barbie," and on December 6, he returned the file to

HICOG, noting that he was "retaining the warrant of arrest in this case in the hope that it can eventually be served on Mr. Barbie." Tab 92.

On January 25, 1951, M. Lebegue's successor at the French High Commission in Baden-Baden asked HICOG for a progress report on the search for Barbie.

On January 31, 1951, Mrs. Lange replied that "continuous efforts to locate Barbie are being made." Tab 93.

SECTION IV

ESCAPE TO BOLIVIA, 1951

A. The Rat Line

While this was going on throughout the summer and fall of 1950, Barbie remained at Augsburg in a CIC safe house with his family, interrogating CIC targets and "turning" foreign agents. But now there were risks in this situation. CIC and EUCOM had gone on record as not opposing his extradition, and CIC HQ knew Barbie was on the wanted list of HICOG's Public Safety Branch and the German police. If he were to be picked up for any minor event, or if he were betrayed, he would come to the attention of HICOG and his extradition to the French would almost surely follow. Moreover, Surete agents were abroad in the U.S. Zone, probably looking for Barbie, and the possibility of a kidnapping could not be overlooked. Tab 57 ¶15. Barbie himself was, according to information forwarded to HQ by Region XII, "living in constant fear of being apprehended by the French." Tab 97 ¶13. In December 1950, a way out of this risky situation arose when the 66th CIC Detachment learned of a clandestine operation being used by its sister organization, the 430th CIC Detachment in Austria.

Although they were carrying out similar missions in neighboring occupied countries, there was normally little contact between the 66th and the 430th. The 66th's parent command was EUCOM; the 430th's was U.S. Forces Austria (USFA); the 66th was responsible for Germany; the 430th for Austria. Unbeknown to the 66th, the 430th had for several years been involved in a means of evacuation, or escape, for defectors or informants who had come to Austria from the Soviet zone or Soviet bloc countries. This mechanism was a sort of underground railroad, dubbed a "rat line," and it ran from Austria to Italy, where it relied on a Croatian priest, Father Krunoslav Dragonovic, who was attached to a seminary in Rome where Croatian youths studied for the priesthood.

Dragonovic (or Draganovich) used this base to operate an escape service for Croatian nationalists fleeing from the Yugoslav authorities, */ obtaining

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*/ In 1941, Hitler and Mussolini had established the "Independent State of Croatia," its capitol at Zagreb, under the leadership of Ante Pavelic, a rabidly anti-Serbian nationalist. From 1941 to 1945, several hundred thousand Serbs were killed in Croatia along with about 30,000 Jews, often by brutal means. The Independent State of Croatia collapsed, along with the Third Reich, in April 1945 and Yugoslavia was reunited under the Soviet-backed Josef Tito, whose partisan guerilla movement during the war had fought the Croatian government. Croatian leaders had good reason to fear Tito's

[footnote continued]

passports from the Red Cross and visas from various South American countries.

When the 430th CIC learned of this operation, they saw a convenient and ready-made pipeline out of Austria and Europe that, for a price, Dragonovic was willing to share with CIC. Under the modus operandi devised by Dragonovic and the 430th, defectors from the east were escorted by CIC to Italy and turned over to Dragonovich. CIC agent Paul Lyon of the 430th, in his words in 1950, "then actively assisted Father Dragonivich with the help of a US citizen, who was Chief of the eligibility office of IRO [International Refugee Organization] in Rome, in securing additional documentation and IRO aid for further transportation. This, of course, was done illegally inasmuch as such persons could not possibly qualify for eligibility under the Geneva IRO Charter." Tab 94.

The 430th CIC was under no illusions as to Dragonovic: "Draganovich is known and recorded as a Fascist, war criminal, etc., and his contacts with South American diplomats of a similar class are not generally approved by US State Department officials * * *." The 430th CIC saw some advantage, however, in cloaking its "visitors" with displaced persons status and in dealing

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[footnote continued] authority, and they scattered throughout Europe in the closing days of the war. Pavelic himself escaped to South America, almost certainly with Dragonovic's assistance.

with someone who had ties to the Catholic church: "[W]e may be able to state, if forced, that the turning over of a DP [Displaced Person] to a Welfare Organization falls in line with our democratic way of thinking and that we are not engaged in illegal disposition of war criminals, defectees and the like." Ibid. */

But there was apparently more to the rat line than a convenient means of disposal for CIC-sponsored defectors: CIC may have been involved in -- at least it contemplated the possibility of -- assisting Dragonovic with the escape of Croatian war criminals. A memo written by Lyon on July 12, 1948 states:

> "1. In accordance with instructions from the Office of the Director of Intelligence, USFA, these agents have attempted to establish a safe means of resettlement of dependents of visitors and VIP personalities. **/
>
> "2. Through the Vatican connections of Father Dragonovic, Croat, DP Resettlement Chief of the Vatican circle, a tentative agreement was reached to assist in this operation. The agreement consists of simply mutual assistance, i.e., these agents assist persons of interest to Father Dragonovic to leave Germany, and, in

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*/ In late 1947 or 1948, the cooperative U.S. official at the IRO "suddenly lost his mental stability," in Lyon's words, and Dragonovic apparently took on himself the responsibility for securing the necessary travel permits and other documentation from "other sources in the National Catholic Welfare Organization." From that point onward, CIC was apparently not directly involved in documentation; it simply escorted the defectors to Italy. Ibid.

**/ "Visitors" and "VIP personalities" were euphemisms for defectors.

> turn, Father Dragonovic will assist these agents in obtaining the necessary visas to Argentina, South America, for persons of interest to this Command." Tab 95.

The reference to "persons of interest to Father Dragonovic" can have only one meaning -- Croatians whom Dragonovic wished to spirit out of Europe, since Dragonovic was above all a Croatian nationalist who was determined to help his compatriots. Lyon's memo, therefore, suggests that he planned to assist Croatians wanted by the Allies by getting them to Dragonovic, in return for Dragonovic's assistance in helping "persons of interest" to CIC. Lyon continued:

> "3. It may be stated that some of the persons of interest to Father Dragonovic may be of interest to the Denazification policy of the Allies; however, the persons assisted by Father Dragonovic are also of interest to our Russian ally. Therefore, this operation cannot receive any official approval and must be handled with minimum amount of delay and with a minimum amount of general knowledge." Tab 95.

This investigation yielded no evidence that CIC actually assisted Croatians to escape from Europe. Although Lyon is dead, the agent who took over the rat line for the 430th CIC in 1949 stated that he dealt only with defectors from the Soviet bloc, with the exception of Barbie, and that, to his knowledge, Lyon dealt only with Soviet defectors. If this is true (and there is no evidence to suggest it is not), there are two possible

explanations for Lyon's statement that the 430th CIC would "assist persons of interest to Father Dragonovic:"

1. When the alliance was formed, both CIC and Dragonovic contemplated that CIC would assist in the escape of Croatians, but this prospect never actually materialized.
2. The "assistance" consisted of money paid by CIC to Dragonovic for handling CIC-sponsored defectors, and Dragonovic used this money to finance his own work for Croatian escapees.

The latter hypothesis seems the more likely. The 430th CIC paid Dragonovic $1,000 to $1,400 per defector (see further discussion below) -- a considerable sum of money in post-war Europe. And Lyon noted that Dragonovic was "unscrupulous in his dealings concerning money, [and] it is not entirely impossible that he will delay one shipment for the organization to benefit another organization who pays higher prices." Tab 94.

The possibility that the 430th CIC in Austria assisted Croatians, especially prior to 1949, cannot be conclusively ruled out. At the collapse of the "Independent State of Croatia" in 1945, many Croatians fled to Austria (whose border was only 70 miles from the Croatian capital of Zagreb), and it is possible that CIC was in a position to assist them across the Italian

border and into Dragonovic's custody. But, as noted, there is no evidence that this actually happened.

B. Putting Barbie in the Rat Line

1. Preparation

In December 1950, the 66th CIC Headquarters learned about the rat line operation. Lieutenant John Hobbins, who was in the Technical Specialist section at 66th CIC Headquarters, traveled to Salzburg and met on December 11 with officers of the 430th CIC and of the G-2 (Intelligence Branch) of United States Forces, Austria. */ He filed a report (Tab 96) that began as follows:

> "a. The 430th CIC Detachment has been operating what they term a "Ratline" evacuation system to Central and South America without serious repercussions during the past three (3) years. At the cost of approximately $1,000 each adult (US legal tender) 430th CIC is transferring evacuees to Italy where they are provided with legal documentation obtained through devious means there. Overall supervision and conduct of the operation is the sole responsibility of Mr. NEAGOY, CIC Landsalzburg. Actual procure-

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*/ It is not clear how this meeting came about; nor is it clear whether Hobbins went to Salzburg with Barbie in mind or whether the idea of putting Barbie in the rat line arose after Hobbins reported its existence to 66th CIC HQ. Hobbins is deceased.

ment of the documentation is handled by the 430th's contact man in Italy. */

"b. Representatives of the 430th CIC state that, if necessary, they are prepared to undertake the following action upon request. If an informant will agree to emigrate to any available South or Central American country, Mr. NEAGOY will visit this headquarters to be briefed on the individual case and interview the emigrant. Upon being provided with the necessary funds, the 430th will assume responsibility for transferring the individual to Italy and arranging his emigration. The estimated time requirement for completion of a case is six (6) to sixteen (16) weeks."

Hobbins outlined the mechanics of the transfer. When the 66th decided on a candidate for the rat line, it was to notify the Intelligence Division, EUCOM, which in turn would "merely inform G-2, USFA [its counterpart in Austria], that it has approved the request of this headquarters for the resettlement of the emigrant. No details of the case are needed and none are desired by G-2, USFA, which will inform 430th CIC that a resettlement is to be initiated."

At that point, Neagoy would come to Germany, be briefed on the case, and interview the emigrant. He would pass on the emigrant's "basic personal data * * * to the 430th contact man in Italy," who would determine "the name to be assumed by the emigrant for the balance

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*/ The "contact man" undoubtedly referred to Dragonovic, although Dragonovic's identity was probably not revealed to Hobbins.

of the operation." Using this assumed name, the 66th CIC would then obtain from the Combined Travel Board (a branch of the Allied High Commission for Germany) travel documents to enable the emigrant to travel through Austria to Italy, accompanied all the while by the agent from the 430th.

"Upon arrival in Italy," Hobbins continued, "the emigrant will be placed in a hotel, and, on a day to day basis, provided with sufficient funds to live until embarkation. Upon embarkation, the emigrant is given $50.00 in green backs. He is given no further assurances and is strictly on his own. From the beginning of the processing, the 430th tries to create an atmosphere which leads the emigrant to believe that he is being treated with great consideration; that everything within reason is being done to provide for his welfare; that he is entitled to nothing further and has no right to ask or expect further assistance after boarding ship."

Following embarkation, the 430th CIC was to notify the Department of State, through the Department of the Army, of the emigrant's real and assumed name and his personal data, and the Department of State in turn would notify the United States embassy or consulate in the receiving country that the emigrant was "formerly of interest to American intelligence." Tab 96.

It must have been clear to anyone reading Hobbins' memo that the rat line was operating, if not outside the law, at least at the very edges of it. For example, if normal travel documents from Germany to Italy could not be obtained from the Combined Travel Board, an alternate method was available: an "Allied forces 'way bill'" good only as far as Austria. But the 430th considered this alternative a "very sensitive" method which "under no circumstances [was to] become known to HICOG or any agency controlling travel." Hobbins noted his impression that, with this method, further documents enabling travel to Italy would have to be "surreptitiously obtained" in Vienna.

In addition, payment was to be made in U.S. currency -- an unusual procedure in occupied Europe and one that was conducive to black market operations. The normal price was $1000 but "VIP treatment" was available for $1400. */ Furthermore, money was not to be transferred through the "normal command channels" but directly from 66th personnel to 430th personnel. Hobbins stated: "The problem of taking the money across the Austrian border may be circumvented by means of

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*/ "Children are half price," Hobbins reported, and "[p]ersons over 60 years of age may cost a litte more."

transferring it by courier as a secret document properly sealed and stamped."

Finally, as noted above, the documentation in Italy, enabling the escapee to travel to South America, was obtained "through devious means," otherwise unspecified in Hobbins' report.

Hobbins noted also that the 430th's motivation for extending its facilities to the 66th was not entirely altruistic: "in order to keep the established channel open for their own use, it must be used frequently; and * * * at present, they do not have enough of these cases to assure that the channel can be kept open against their contingencies." Hobbins closed by stating that the 430th was not "budgeted" beyond June, 1951, and that "some time in the undetermined future CIA will assume responsibility for evacuations." */

Hobbins' supervisor, Major Gilbert C. Russi (who had replaced Vidal as head of the Technical Specialist

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*/ The persons with first-hand knowledge of the rat line interviewed in this investigation stated, without exception, that CIA was not involved in the use, control or financing of it. And as far as can be determined, CIA did not assume either the responsibility or the budgeting of the rat line operation after June 1951. CIA stated in this investigation that it had no records of such an operation. Neagoy, the 430th CIC agent responsible for the operation, joined CIA in 1951 and stated that, to his knowledge, the CIA never had any connection with it. Indeed, it is not certain that CIC made any use of the rat line after June 1951. As far as CIC was concerned, the rat line apparently fell into disuse shortly after Barbie's escape.

Section at CIC HQ in October 1950), forwarded Hobbins' memo to the Deputy CO of the 66th, noting that "[w]e have four (4) disposal cases at the moment, all of which suggest that emigration of some sort or another should be applied to." Tab 96. */

2. Decision

This prospect of getting Barbie out of Europe was an attractive one to the 66th CIC in the Barbie case. In December 1950, about the time that Lt. Hobbins was learning about the rat line, the Barbie matter was raised again between CIC HQ and Region XII. Major Russi ordered technical specialist Capt. Walter Unrath to conduct a full review of the dossier for "further consideration at this time by Colonel STEVENS," who had recently arrived in Stuttgart as the CIC deputy commander. Capt. Unrath wrote a memo summarizing the developments in the case to date.

By this point, there was no doubt as to who Barbie was or who wanted him. Unrath told Colonel Stevens (Tab 97): "Klaus BARBIE has been an informant of this organization since 1947, operating in the Region XII

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*/ None of the other three cases involved persons with a Nazi background.

area. BARBIE was formerly a high official of Gestapo in LYON, France, and during his period of service is alleged to have tortured and killed many French patriots. Because of these alleged acts, BARBIE is wanted by the French for trial as a war criminal."

Unrath reviewed the more recent developments in the Barbie matter, and noted that a "problem" was presented in view of the French efforts to extradite Barbie and CIC's representation in September that it no longer had any connection to Barbie. "Region XII is still harboring SUBJECT and his family in a Liaison House, and is not only supporting SUBJECT, but is utilizing him as an informant. Region XII is acting properly under orders of this headquarters * * * and has requested guidance but no definite action has been taken by this headquarters thus far to alleviate Region XII's problem."

Unrath, who appears not to have known of Hobbins' discussions with the 430th, deemed it "important that this organization immediately disassociate itself" from Barbie but noted the problems of simply allowing his extradition: "* * * SUBJECT, if extradited, is still in a position to:

a. cause a great deal of adverse publicity to CIC in particular and to the Armed Forces in general. In short, in order to vindicate

himself, BARBIE will point out that he has served CIC faithfully against Communism for the past several years; this in turn, will expose the fact that this detachment failed initially to arrest him as an automatic arrestee, later failed to turn him over to the British who also wanted him; this unit has probably used the services of a war criminal and protected such person from legal authority.

b. expose this organizations [sic] modus operandi, many EEI's, and compromise sensitive penetration informants who are still active in the AUGSBURG area.

c. point out the names of several unsavory "personalities" that have been protected and employed by CIC.

Unrath noted that Barbie "has apparently served this organization well," but recommended that CIC "completely and with all finality sever all relations" with Barbie, "point[ing] out firmly to SUBJECT that he has no alternative but to adhere to our desires, as his life is at stake as well as his future security." Unrath recommended that Barbie be given a final "debriefing payment" and either assisted into refugee camps with a new identity or simply set loose, on his own, in Germany, where, Unrath hinted, a future German government would be unlikely to extradite him to France. Unrath noted that Barbie "is a professional intelligence man who is very capable and qualified to take care of himself -- unless this organization persists in remaining his guardian angel." And, given Barbie's fear of

apprehension by the French, Unrath reported, he was "willing to follow any procedure set forth by this organization." Tab 97 ¶13.

Neither of Unrath's alternatives -- the refugee camp or Germany-at-large -- was adopted. Instead, the decision was made to invoke the 430th's rat line operation, news of which Hobbins was just then, in mid-December 1950, bringing back from Salzburg. The events surrounding the decision are not entirely clear because there are missing from Barbie's CIC dossier some 13 documents, covering the period immediately after Unrath's memo was forwarded to Col. Stevens on December 11 until March 1951, when Barbie departed for South America. */

But apparently the decision was made by January 19, 1951, for there is a "memo for record" listed in the dossier's index on that date, followed on January 25, 1951, by a memo to the Intelligence Division at EUCOM. This memo would likely have been the request from the 66th CIC to EUCOM that Barbie be placed in the rat line.

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*/ When the file was indexed in preparation for microfilming in 1951 in Germany, these documents were in the file because they are listed on the index. But when the file was actually microfilmed several weeks later, the documents were not in the file, since the microfilm does not contain them. All attempts in this investigation to locate the documents by other means, or to determine the circumstances under which they were lost or removed, have been unsuccessful.

C. Barbie's Travels in the Rat Line

If, as appears likely, it was on January 25, 1951 that 66th CIC requested EUCOM's approval to use the 430th's rat line to dispose of Barbie, things moved quickly from that point on. By February 12, the name "Klaus Altmann" first appears in a cable from the 66th CIC HQ to Region IV in Munich, thus suggesting that, by that date, EUCOM had approved the request and had notified G-2, USFA, which had concurred in the action and sent word through the 430th to Dragonovic in Rome. If Lt. Hobbins' memo is accurate, Dragonovic would have devised the pseudonym "Klaus Altmann" and communicated it back to the 430th, which would have passed it to the 66th.

Although Barbie was in Augsburg, which was in Region XII, it was apparently necessary for CIC HQ to coordinate the escape with Region IV in Munich, since Munich was the location of the Combined Travel Board, an Allied agency responsible for issuing permits for travel in occupied Germany. On February 12, a technical specialist at CIC HQ cabled Region IV that a check of CIC's central files "revealed no derogatory info on Klaus Altmann nor on Regine Altmann," Barbie's wife. The purpose of this cable may have been to shield Region IV from full knowledge about the Barbie case, assuring

the region that the "Altmann" they would be assisting was clean.

In any event, HQ told Region IV that "Subject mentioned above and his family [are] of definite interest to Uncle Sugar intelligence. Expeditious processing of their case desired if possible." Tab 98. On February 14, HQ cabled Region XII in Augsburg that "Following constitute answers to be incorporated into Klaus Altmann's application form" -- apparently an application for a visa to Italy:

> "Able. Address in country of destination is Trieste. */
> "Baker. Purpose for travel is business.
> "Charlie. Duration of visit is permanent.
> "Dog. Identity card number is left blank.
> "Easy. Present address is Augsburg."

Tab 98.

The next day, CIC HQ sent the following cable to Region IV for its use in applying for a travel document from the Combined Travel Board (CTB):

"Following represents information regarding difficult disposal case, Klaus Altman [sic], that can be passed on to Uncle Sugar [U.S.] representative Combined Travel Board, Munich. Representative should be told subject is of extreme interest to Uncle Sugar intelli-

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*/ Although Barbie's final destination was Genoa, not Trieste, Barbie may have traveled to Trieste en route from Salzburg to Genoa.

gence and is traveling on highly sensitive task. Also that CIC is taking current action toward assisting subject in behalf of another Uncle Sugar agency. To preserve complete security subject and his wife must not make personal appearance to Austrian and Italian consulates. Your region to request full cooperation from Uncle Sugar representative Combined Travel Board Munich in hope that [CTB] representative will obtain transit visas from Austrian and Italian consulates thereby eliminating necessity of subject or wife appearing in person to the consulates." Tab 98.

The statement that CIC was "assisting subject in behalf of another [U.S.] agency" is cryptic. As discussed in Section E below, there is no reliable evidence that another U.S. agency was in fact involved, aside from the 430th CIC. This statement may have been intentionally misleading, to shield Region IV's emissary from embarrassing questions from the Combined Travel Board. This would be consistent with the statement that Barbie was traveling on a "highly sensitive task" -- an implication that he was involved in an operational mission. In fact he was involved in no mission except to get himself and his family out of Europe. */

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*/ CIC HQ and Region XII also arranged a final visit by Barbie's mother to see him before he left Augsburg. Precautions were taken to see that "nothing [is] divulged concerning pending move." A hurried debrief of Barbie was also ordered. Tab 98.

In any event, the Combined Travel Board issued "Altmann" a "temporary travel document" No. 0121454 on February 21, 1951. Tab 99. Such documents were in common use at that time "in lieu of passport for stateless persons and persons of undetermined nationality." It was valid for travel to various European countries, including Austria and Italy, if visas were obtained, but was not valid beyond Europe. A second travel document was issued for "Altmann's" wife and two children. */

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*/ The travel document was obtained by the Department of Justice from a source in La Paz, Bolivia, in April 1983. This source had purchased the document, and similar documents relating to Altmann, from a Bolivian national who claimed that he had purchased them in 1973 from a source in the Bolivian government. In response to our official requests for documents relating to Barbie/ Altmann, the Bolivian government stated that such documents were unavailable. The documents appear to be legitimate and may well have been purloined from Bolivian files some time ago. If so, they indeed were not "available" to the Bolivian government in 1983.

The five pages of the HICOG document turned over by the Bolivian source do not contain the name Klaus Altmann, except on the Italian visa, but the signature under the photograph, while somewhat illegible, appears to be that of "Altmann" when compared to other exemplars. Moreover, the photograph appears to be that of Barbie. See Tab 104. Finally, the application to the International Red Cross, which issued the passport for travel to South America, establishes Altmann's identity by reference to a Temporary Travel Document No. 0121454.

On the same day, the Italian Consulate in Munich ("Monaco di Baviera") issued Altmann a transit visa for travel through Italy. Tab 99. Whether the United States representative at the CTB had obtained this document from the Italian consulate without Barbie's appearance, as CIC HQ had suggested to Region IV (Tab 98), is not clear. The CTB travel documents also contained an Austrian transit visa and a Trieste military entry permit (see Tab 104). */

Arrangements for Barbie and his family to leave Augsburg were now in place. On February 28, 1951, the Intelligence Division of EUCOM apparently notified G-2, USFA **/ that Barbie was ready. In Salzburg, Lt. Col. J.W. Dobson, Chief of Operations in G-2, USFA, directed Agent Neagoy to get on with the task. Neagoy and Jack Gay, another CIC agent, went to Augsburg and, on March 9, accompanied "Altmann," his wife and two children by train to Salzburg.

Two days later, Altmann and his family continued the journey to Genoa, arriving the following day,

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*/ The Austrian and Trieste documents were not in the materials provided by the Bolivian source.

**/ See Tab 104. EUCOM's letter is among the documents missing from the Barbie file.

March 12. */ They were housed in a Genoa hotel and were "taken over" by Father Dragonovic. Tab 104. Dragonovic obtained for Altmann and his family two very important documents: an immigrant visa to Bolivia (Tab 100) and a travel permit (a substitute passport) from the International Committee of the Red Cross (ICRC) (see Tab 101).

Dragonovic apparently accompanied Altmann and his family to the Bolivian consulate in Genoa on March 16. There, using his new birthdate of October 25, 1915 in Kronstadt, Germany (his actual birthdate was October 25, 1913 in Bad Godesburg; there is no Kronstadt in Germany) and his new occupation ("mechanic"), and listing resources of "850 dollars," Barbie obtained an immigrant visa for himself and his family, sponsored by Father Dragonovic.

The party then traveled to the ICRC office in Genoa, where they displayed the Bolivian immigrant visas and applied for temporary travel documents. To establish his identity, Altmann presented his Allied High Commission travel document obtained from the CTB in Munich. Father Dragonovic signed the application in

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*/ It is not clear whether Neagoy and Gay travelled to Genoa. Neither could remember having done so.

support of the Red Cross documents. The Red Cross issued the permits -- one to Altmann, a second to his wife and children -- on the same day.

A few days later, Argentinian transit visas were obtained (Tab 102), and passage was booked for the family on an Italian ship leaving Genoa for Buenos Aires, Argentina (Tab 103).

All was ready. On March 23, Klaus Barbie, his wife and children, under the name of Altmann, left Genoa on the Italian vessel "Corrientes," bound for Buenos Aires, Argentina, with an estimated date of arrival of April 10, 1951.

The report filed by Agents Neagoy and Gay on March 27, 1951, noted that the "[c]omplete operation was without incident." Tab 104.

On April 3, 66th CIC HQ commended everyone involved for the "extremely efficient manner" in which "the final disposal of an extremely sensitive individual" was handled. It concluded: "This case is considered closed by Intelligence Division, European Command, and this detachment." Tab 105.

D. Epilogue

Klaus Barbie and his family were apparently the only persons whom the 66th CIC Detachment placed in

Dragonovic's "rat line" out of Europe. As discussed above, the rat line did not come to the attention of the 66th CIC until December 1950. On January 22, 1952, nearly a year after Barbie's departure, the 66th CIC reported to Intelligence Division, EUCOM, on its "resettlement activities" and noted that one method

> used by this detachment on one occasion is a procedure established by the 430th CIC Detachment, US Forces, Austria. By this method, resettlement is effected to a country outside of Germany. * * * The one instance wherein the 430th CIC's aid was solicited involved a highly complicated disposal problem [in] which the 430th CIC Detachment accommodated this Detachment on a courtesy basis.

Tab 106.

E. The Question of CIA Involvement with Barbie Through 1951

One of the objectives of this investigation has been to determine whether, in addition to CIC, any other U.S. intelligence agency had any involvement with Barbie prior to his departure for South America. */

There is no evidence on which one could reasonably conclude that Barbie had a relationship with any other

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*/ For a discussion of the findings regarding U.S. involvement following his departure to South America, see Section V.

U.S. government agency during this time. The basis for this conclusion is as follows:

1. There is no evidence in Barbie's CIC dossier that he worked at any time for any agency other than CIC. This investigation has established that, had the situation been otherwise, the CIC dossier would have reflected it.
2. There is no evidence in CIA files that the CIA had any relationship with Barbie prior to 1951 (or, as Section V explains, thereafter).
3. CIC's employment of Barbie is beyond question, and it was the overwhelming consensus of former CIC agents interviewed in this investigation that CIC did not conduct joint operations with CIA or, except in very rare circumstances, maintain joint control over informants. With very few exceptions, which are discussed below, CIC personnel familiar with Barbie's use stated that there was no involvement of any other agency.

The only traces in the files reviewed that would suggest the involvement of another agency are as follows.

A report in the Merk file written by Captain Max Etkin, S-3 of Region IV, on March 8, 1948 reviews

certain aspects of the Merk net and states: "Since so much material was being obtained that would be of value to the War Department Detachment (WDD), liaison was made with the local WDD and it was decided that the information obtained would be turned over to the WDD, if it were the type of information they wanted. This practice has been working out to the advantage of both organizations." Tab 25.

"Department of the Army Detachment" (DAD) was a cover name used for CIA personnel in Europe, and it is likely that Etkin's reference to "War Department Detachment" is meant to signify DAD. */ Assuming this is true, Etkin's statement suggests that WDD/DAD was receiving information from CIC and paying some of the expenses of the net that gathered it.

But this practice, assuming for present purposes that it existed, does not amount to operational control by DAD over the net or anyone in it. In fact, Etkin's memo suggests that CIC turned over to DAD information that it felt would be of use to DAD, not that DAD directed the process of gathering that information. **/

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*/ No trace of the term "War Department Detachment" could be found.

**/ Directing the gathering of the information would, at that time, have meant that DAD gave to CIC "essential elements of information" -- EEI's in intelligence parlance -- that is, a list of questions or subject areas in which DAD was interested. There is no evidence that this occurred.

Moreover, Etkin's memo implies that "this practice" was arranged between Region IV and "the local DAD", and that it had the approval of Region IV. This tends to suggest that no arrangements existed between the DAD and the members of the net itself. Thus, one cannot conclude from this evidence that WDD directed or controlled the activities of the net or the members of the net.

The other indication of possible DAD involvement is found in August 1950, when EUCOM's request for "extradition clearance" of Barbie was addressed both to DAD and CIC. Tab 86. However, this was a form letter */ (indeed, the fact that it appeared so routine gave CIC some concern, as discussed at pages 127-128). Since DAD was administratively attached to EUCOM for cover, EUCOM would need to know, in the normal case, whether either CIC or DAD had objections to extradition before EUCOM could advise HICOG. Thus, it would not have been unusual that a request for "extradition clearance" would be routinely addressed to both components. In any event, had DAD maintained some relationship with Barbie, one would certainly expect the dossier to contain far

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*/ The letter follows exactly the wording of a standard "SRI" -- specific request for information -- that was used in CIC and EUCOM for a variety of administrative requests.

more substantial evidence of that fact than the mention of DAD on the addressee line of this request.

Some of the witnesses interviewed stated, in response to our questions on the point, that they suspected or believed that Barbie was in fact working for DAD. However, no witness was able to cite any significant credible information that would support such a belief. For example, Erhard Dabringhaus, who was Barbie's handler for a brief period in the summer of 1948, stated that he believed Barbie was working for another agency because Dabringhaus picked him up in Memmingen, and he believed there was no CIC office in Memmingen. When shown documents establishing that in fact there was a Region IV field office in Memmingen, Dabringhaus agreed that his belief was misinformed in that respect.

Dabringhaus also stated that he was given $1700 in cash to pay Barbie -- a statement uncorroborated by any other evidence in this investigation -- and that he assumed that the money came from another agency because CIC did not have such resources to pay its informants. This investigation has established that CIC in fact did not pay its informants such sums, relying instead on food, cigarettes, ration cards and German currency. But Dabringhaus could not explain why, if CIA or some other

agency wanted to pay Barbie $1700, it would not have simply paid him directly. Indeed, there appears to be no reason why CIA could not have paid Barbie, or any other informants, directly or why it would risk loss, theft or pilferage by passing large amounts of cash through the hands of other people. And Dabringhaus' payment lists indicate that he paid Merk in cigarettes and small amounts of Deutschmarks. There is no apparent reason why the head of the net would be paid in cigarettes while his assistant drew large amounts of cash -- from any source. Dabringhaus' conclusions of CIA involvement with Klaus Barbie are thus unsupported by credible evidence.

In addition, Earl S. Browning, S-3 of CIC Headquarters, when interviewed in this investigation, stated that he believed Barbie was involved with the CIA because he had read recent press accounts of Dabringhaus' statement that he had paid Barbie $1700, and CIC did not have such large amounts available. Browning admitted, however, that he had no independent knowledge of whether Dabringhaus' statements were in fact true and that, aside from such statements, Browning himself had no reason to believe that CIA had any relationship with Barbie. Thus, Browning's statements can

be no more credible in this respect than Dabringhaus' statement. */

Finally, several CIC witnesses stated that they believed the CIA was responsible for getting Barbie out of Europe. They readily admitted, however, that they were not involved in that operation and were not speaking with first-hand knowledge. As discussed above, there is no evidence that CIA was involved in this operation.

Apart from CIA, there is no other agency, with the possible exception of the Office of Policy Coordination (OPC), that would have had any connection with Barbie's activities. This investigation has yielded no hint or suggestion, let alone evidence however fragmentary, that OPC had any knowledge of or involvement with Klaus Barbie, the Merk net, or other activities described in this report.

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*/ Browning also suggested that Dabringhaus himself might have been a CIA agent. But CIC records and the absence of any CIA record on Dabringhaus disprove this hypothesis.

SECTION V

BARBIE IN BOLIVIA

Klaus Barbie and his family took up residence in Bolivia in 1951, and he lived there, with perhaps some interruptions, until he was expelled to France in 1983. */ This investigation has uncovered no evidence that Barbie had a relationship with the United States government or any of its agencies after his departure from Europe in 1951. Nonetheless, there are several events that deserve mention in this report, particularly the circumstances involved in Barbie's visits to the United States in 1969 and 1970.

In considering the events that follow, two facts must be mentioned. First, Barbie used the name Klaus Altmann from the time of his departure from Germany in 1951 until he was expelled from Bolivia in 1983. Where necessary to avoid confusion, he will be referred to as "Altmann" in this section. Second, he was not publicly identified as Klaus Barbie, the former Gestapo officer, until 1972, when Beate Klarsfeld, acting on information gathered in Germany, travelled to Bolivia and publicly identified him as such.

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*/ Barbie's son Klaus-Georg was killed in a hang gliding accident in 1980, at age 33. Barbie's wife died in 1982. His daughter reportedly lives in Europe.

A. The Absence of Any Relationship with the CIA

One of the primary objectives of this investigation was to determine whether Barbie had any relationship wiht the CIA or any other U.S. intelligence agency from the time of his arrival in Boliva in 1951 until the present time.

To that end, I wrote to the General Counsel of the CIA on February 16, 1983, requesting that the CIA "make available to us any files, documents or other information which may concern any relationship that Barbie may have had with American intelligence up to an including the present time."

On February 28 and March 1, 1983, Richard Sullivan and I reviewed the file on Barbie/Altmann at the CIA. In response to my explicit questioning, the responsible CIA official stated that the file presented for our review contained everything that the CIA had in its files on Barbie, including all aliases.

The material in the file can be summarized in the following general categories:

A. "Traces" (i.e., digests of non-file documents) of documents dating as early as the SHAEF cards (circa 1944-45) and extending through several CIA memos in the 1948-1951 period in which persons in contact with the CIA mentioned Klaus Barbie in one context or another.

B. Documents concerning the proposal by the Army in 1967 to reactivate Barbie as an informant (see section B, below).

C. INS reports (Form I-57) of the Altmann's entry to the United States (see section C, below).

D. Cables reporting events surrounding Beate Klarsfeld's identification of Altmann in 1972 and the subsequent extradition request by France.

E. Several reports concerning Barbie's relationship with the Bolivian government in the mid-1970's.

F. Cables reporting the explusion of Barbie by Bolivia in 1983. */

In addition, over the course of this investigation, I made several inquiries of the CIA for information on persons, organizations or events other than Barbie himself. CIA either produced the file for our inspection or informed us that it had no file on the subject.

Finally, I interviewed several CIA operations personnel familiar with Bolivian developments.

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*/ I reviewed the files again on June 22, 1983. The above material had been augmented by CIA cables, and considerable administrative paperwork, dealing with the present investigation.

The conclusion that follows is necessarily based on the representations of CIA personnel that all material in the custody of CIA relating to Barbie and other subjects requested in the course of the investigation was produced for our inspection. I believe that to be the case, based on my examination of the materials and my discussions with CIA staff.

It is my conclusion that at no time from the end of World War II to the present time has the Central Intelligence Agency had any relationship with Klaus Barbie. I base this conclusion on the following facts.

1. Nothing in the file demonstrates, or can be taken as evidence of, a relationship between the CIA and Barbie. There is no indication that Barbie ever reported to the CIA, was employed or paid by that agency, or was notified, directly or indirectly, of matters that the CIA wished to gather information on. Interviews of CIA officials were consistent with this fact.
2. A 1965 internal memorandum based on a review of the files conducted by CIA personnel states that Barbie was used by CIC until 1951 and that there is "no current operational interest in subject."

3. A cable in March 1967 states that there are no "traces" on Altmann.
4. A cable in February 1972 states "There has been no rpt [repeat] no [CIA] contact or connection of any kind with subject."
5. The reports cited in paragraph E, above, concerning Barbie's alleged activities indicate that the information came from a CIA informant, not from Barbie himself; had Barbie been a CIA informant, the reports presumably would have reflected that fact.

B. The Army's Interest in "Reactivating" Barbie in 1965-1967

This investigation has determined that the United States Army has had no contact with Barbie since his departure to South America in 1951. In the mid-Sixties, however, the possibility of utilizing Barbie again, this time in South America, was actively considered.

In 1965, the Army was considering an intelligence gathering operation in South America and elicited nominations of likely informants from persons attached to the Office of the Assistant Chief of Staff for Intelligence (OACSI). One of the agents in OACSI had been involved in the Barbie case in Germany, and raised

the possibility that Barbie might be a likely candidate to be contacted by the Army.

A routine inquiry was sent to the CIA for current information on Barbie. CIA replied to the Army that there was no "operational interest" in Altmann/Barbie.

The Army asked its military liaison at the Embassy in La Paz to "discreetly attempt" to determine the whereabouts of Altmann, and it sent along the photos that had been taken for the 1951 travel documents. Apparently the military liasion made a tentative confirmation that Altmann was indeed in La Paz operating a "carpenter shop" or "lumber yard, but he needed further information to make a positive identification. The Army sent information on Altmann's height and the names of his children in August. Nothing appears to have developed from these inquiries at the time.

In 1966, however, a letter to a Senator appears to have brought the Barbie matter to the fore. In mid-June 1966 (the letter is undated), Sandra S. Zanik of Rockville Center, New York, wrote to Senator Jacob Javits as follows:

Dear Senator Javits,

As my husband and I were watching television last Sunday nite, on the Frank McGee report of

N.B.C. Television News a shocking fact was brought to our attention.

It concerned two brothers, Alfred & Henery [sic] Newton, who now live in Kent, England. These two men were members of the British Secret Service during World War II.

They told of their tortures by the Gestapo after being captured in France. According to these two brothers, their cheif [sic] torturer is now a prosperous business-man in Munich Germany. They state that this man is now working as an agent for the U.S.A., and France. It seems that he has political protection and cannot be touched.

For serving their country, the Newtons were left sick and crippled, while their torturer is now on our payroll. It would seem to me that Justice is not being served.

I would like to know why a man can go free after killing & torturing. This is a very odd situation. I'm wondering how many more people such as this are on the United States payroll or getting rich from us.

I would appreciate a reply or some sort of action on this matter. * * *

Senator Javits referred the letter to the Department of State on June 21, 1966, requesting that it provide information to him so that he could prepare a response. */

The State Department contacted NBC and learned that the name of the Gestapo official referred to by

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*/ The referral from Senator Javits' office could not be located.

Mrs. Zanik was Klaus Barbie. State apparently queried the Army, through the Assistant Chief of Staff for Intelligence (ACSI), to see if it knew anything about Klaus Barbie.

The Army did. On July 19, 1966, it sent a memo to the Department of State:

> BARBIE, Klaus was at one time a top level counterespionage source of the 66th CIC Gp. Klaus BARBIE was born in TRIER, Germany in 1913. He was a high official in the Gestapo, and in charge of the entire LYONS, France District, during the German occupation. He was instrumental in some of the top German intelligence operations, 1938-45. From 1945-47, he was on top of the wanted list, but was not apprehended. He was in charge of an underground organization composed of former Gestapo and SS officers who were hiding from the victors after the war. Following the war, he was a witness in several different trials involving war criminals. He was arrested by the Americans and his wartime activities were investigated. However, he was later released because the investigation was inconclusive. He was recruited to work for US Army Intelligence in 1948 [sic]. BARBIE'S performance for US Army Intelligence was outstanding and he was considered to be one of the most valuable assets targetted against Soviet Intelligence operations and the subversive Communist elements in southern Germany. The French wanted to arrest BARBIE in 1951 [sic] to prosecute him for activities within France during World War II. To have exposed BARBIE to interrogation and public trial would not have been in consonance with accepted clandestine intelligence operational doctrine. Throughout his efforts for US Army Intelligence, he was knowledgeable of high level operations and operational procedures which would have been compromised. Through procedures in effect at the time, BARBIE was therefor [sic] assisted in 1951 in leaving Europe for resettlement. US Army Intelligence has had no further contact with BARBIE subsequent to his departure from Europe.

Athough this memo contains some errors (the most significant being the erroneous statement that Barbie's "wartime activities" had been investigated by the Americans), it was a candid and concise summary of Barbie's involvement with U.S. Army intelligence, including his Army-sponsored "resettlement" in 1951.

The reply that the Army drafted for State to send to Senator Javits, however, was a different matter:

> Dear Senator Javits:
>
> I refer to your inquiry dated 21 June 1966 * * *.
>
> An official of the National Broadcasting Company has informed the Department of State that the Gestapo official referred to is Klaus Barbie. Barbie was arrested by United States Occupation Forces in Germany and his wartime activities were investigated. He was released when the results of this investigation proved inconclusive. Barbie served as a witness for the prosecution at several trials involving war criminals. From 1948 to 1951 Barbie was, as were many other Germans, an informant for the United States Occupation Forces. Since early 1951, the United States Government has had no contact with him.

This description painted a rather benign portrait of Barbie, mentioning only in passing that he was a Gestapo official and stating that an investigation of his wartime activities had been "inconclusive." The letter stated that Barbie served as a "witness for the

prosecution," but did not state that he was in U.S. custody when he did so or that Barbie himself was vigorously sought by the French as a defendant while he was protected by the Army. The letter admitted that Barbie, like "many other Germans" was an informant of the "United States Occupation Forces," but it made no mention of the fact that the Army had "resettled" him in South America. While it was true that the United States had had "no contact" with Barbie since 1951, the Army's draft letter implied that Barbie had simply faded away in 1951. The Army itself later characterized this as "an innocuous reply * * * which gave only bare facts about USI [United States intelligence] connection with Barbie."

The Department of State replied to Senator Javits, using essentially the text that the Army had provided. */

That appears to have been the end of the matter, at least as far as replying to Senator Javits was concerned. While the State Department had publicly confirmed that Klaus Barbie had been an "occupation forces" informant, it had confirmed little else, and had

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*/ The date of the letter is unclear. It was drafted July 27, 1966 and presumably mailed shortly afterwards.

not disclosed the facts that would have given an accurate picture of Klaus Barbie's use by the Army.

Meanwhile, Army representatives in Europe sent a proposal to ACSI requesting that, if positive identification of Barbie could be confirmed in Bolivia, reactivation be actively pursued. But the disclosure to Senator Javits, however innocuous, of the connection with Klaus Barbie made the Army wary of reactivating Barbie.

OACSI sent the proposal back to Europe "without action" on December 6, 1966. It cited the fact that "as recently as 1960" the German government had asked the Army in Europe (USAREUR) for information on the whereabouts of Barbie */; OACSI also referred to the inquiry from Senator Javits. It concluded * * * [T]he risk of US Army association for intelligence purposes does not seem to be warranted. However, if there are other factors that deserve consideration, it is

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*/ This inquiry could not be located in this investigation. According to the ACSI response, USAREUR "indicated [to Germany] that Barbie had been a source of US Army intelligence, but that no contact had been made with Barbie since 1951, and that his present whereabouts were unknown." The most likely inference is that USAREUR's response to Germany had been as innocuous as its reply framed for the State Department, and did not disclose that the Army had evacuated Barbie to Bolivia in 1951.

recommended that discussions be held with" the ACSI planning branch.

A contemporaneous memo to the file noted, "In view of Barbie's past record, the interest expressed in him by Senator Javits, and Barbie's apparent lack of access to any target of interest to the US Army, it does not appear to be feasible to pursue this matter further."

At about that same time in December 1966, however, an informant of the Army in Europe reported that "Klaus Altmann" was being used as a "contact" by a German firm. The source also reported that Altmann "claims to number many high-ranking Bolivian officers among his friends."

Armed with this information, Army representatives in Europe renewed their request that ACSI confirm that the Klaus Altmann who was well-connected in Bolivia was indeed the same man who had once worked for the CIC in Europe.

ACSI, which had discouraged USAFSG's earlier request based in part on its belief that Barbie apparently had no access to useful intelligence information, now was willing to reconsider. On February 13, 1967, it sent a request to the CIA "for any available information" on Barbie/Altmann prior to the Army's "re-

establishing contact with subject for purposes of an assessment of his present capabilities."

The CIA checked all available resources and found no "traces" on Barbie.

On April 5, a meeting was held between CIA operational staff and officers from ACSI. A memo prepared by the CIA representatives after the meeting indicates that they discouraged the Army's interest in reactivating Barbie. According to the memo, the CIA representatives told the Army delegation that the allegations of war crimes against Barbie required serious consideration in light of the fact that he was still being sought by German authorities, since exposure of CIC's role in evacuating Barbie would have serious consequences, especially if there was current use of Barbie. The CIA was also mindful of the inquiry from Senator Javits on behalf of his constituent. It concluded that the Army would have to demonstrate that Barbie could provide "unique information of significant importance under secure operational conditions" before the CIA could approve any reactivation of Barbie as an Army informant.

Those who prepared the memo indicated that they had expressed "a generally negative reaction to recontacting Klaus Barbie without a clear understanding that the

potential gain outweighed the manifest risks," and that this sentiment was "understood and accepted by the ACSI officers."

A memorandum of the same meeting prepared by the Army representatives noted that CIA would be checking to gather more information on Altmann, but that "unless justification for the use of [Barbie] sufficient to offset the apparent risk was determined, we could expect considerable difficulty in coordinating any contact or utilization."

This was essentially the end of the matter. Six months later, in October 1967, ACSI staff contacted CIA to see what the check had shown. CIA replied that its files showed no information on Barbie other than that reported earlier (which was nothing). No reply came from the Army until April 1968, nearly a year after the ACSI-CIA meeting. That reply stated that the Army's interest is reactivating Barbie was "terminated."

In summary, what this entire chapter shows is that the Army, after receiving an inquiry from its European post on the possibility of reactivating Barbie, rejected the possibility because of the sensitivity of the case and the fact that Barbie did not appear to have access to useful information. When the European post provided

updated information and suggested that Barbie may indeed have had important contacts in Bolivia, the Army approached CIA to explore the possibility that Barbie might be contacted. The CIA discouraged the idea, based on the Army's past role in assisting Barbie, and insisted on assurances from the Army that Barbie could be operated with stringent security on highly important matters before it would consider approving his use. The Army either felt it could not meet these conditions or was persuaded by the CIA's misgivings, and eventually withdrew the request. As far as can be determined, Barbie was in fact not contacted by U.S. representatives during or after this episode, and no relationship was established.

There is one event that deserves mention in this context. A former official of the Bolivian Ministry of the Interior, interviewed in La Paz in this investigation, stated that, in the mid-1970's, Barbie passed on to him certain information regarding intelligence operations in several countries in South America. This official believed the information would be of interest to the U.S. government and passed it on to a U.S. representative. The Bolivian official did not remember if he told the U.S. government representative that the information came from Barbie, but he was sure that the

information was unsolicited and that the U.S. government representative did not relay any information or desires through the Bolivian official intended for Barbie.

The U.S. government official recalled the Bolivian official well and confirmed that he had received information from this official, from time to time, on intelligence activities. But he did not remember the name Altmann or Barbie.

Assuming for the present that the former Bolivian official told the United States government that the information came from Altmann/Barbie, there is no evidence that the information was solicited, or that Barbie was paid in any way for it (nor did the Bolivian official seek or accept payment for this information); there is no evidence that any information was passed from the United States government, directly or indirectly, to Barbie. Thus, this incident does not demonstrate a relationship between Barbie and the United States government.

C. Barbie's Entries to the United States

1. Dates and Documentation of Visits

Records of the Immigration and Naturalization Service (INS) establish that Altmann came to the United

States twice -- once in July 1969 and again in January 1970. */ On both visits, he took a day trip to the Bahamas (July 26, 1969 and January 21, 1970), each of which required a separate entry record when he returned to Miami later in the day. **/ Thus, while there are four INS entry cards (Tab 107), there were essentially only two visits to this country:

1. On July 19, 1969 Altmann entered Miami from Panama, departing on July 26 for the Bahamas. He returned to Miami from Freeport that day, and departed the United States on July 27 for La Paz.
2. On January 21, 1970, Altmann entered Miami from La Paz, immediately transferred to a flight to Freeport, and returned to Miami the same day.

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*/ While the possibility of visits on other occasions cannot be definitively ruled out, this investigation found no reason to believe that he came at any other time.

**/ At our request in this investigation, the State Department queried Bahamian authorities for information on these entries, but were informed that there were no longer any records pertaining to Altmann's visits.

He departed on February 1, 1970 with a destination of Lima, Peru. */

On both occasions when Barbie entered, he had an A-2 visa granted by the United States Embassy in La Paz. A-2 visas were routinely granted by the Embassy to holders of Bolivian diplomatic passports, when so requested by the Bolivian Foreign Ministry, and the Foreign Ministry routinely requested them, using a form letter containing the passport holder's name. **/ At that time, the name Klaus Altmann was not entered in the State Department visa lookout books, and so there was no reason for the Embassy not to issue the visa. The Embassy had no reason to associate Klaus Altmann with the name Klaus Barbie; in any event, the name of Barbie was not entered on the visa lookout either. Tab 108.

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*/ Altmann was accompanied by his son in January 1970, although his son's itinerary was slightly different. His son also came to the United States on June 4, 1970, entering at New York from Frankfurt, departing New Orleans on July 13 for Panama. His son may also have come to the United States in August 1969, although INS records here are fragmentary.

**/ A-1 visas are reserved for accredited diplomats; A-2 visas may be granted to other holders of diplomatic passports. See Section 101(a)(15), Immigration and Nationality Act.

2. Purpose of Visits

At the time of his visits in 1969 and 1970, Klaus Altmann was manager of Transmaritima Boliviana S.A., a Bolivian shipping corporation formed in 1968. According to Bolivian officials questioned in this investigation, 51% of the stock of Transmaritima Boliviana (TMB) was owned by the government of Bolivia, 49% was owned by private investors. TMB was formed as part of an effort to creat a shipping industry in Bolivia, and it was authorized to ship cargoes from foreign ports to Bolivia in leased ships.

In 1969, TMB's agent in the United States was Capt. W.M. Ayers of New Orleans, La. Ayers had met TMB's officials during an earlier visit to La Paz to formalize the relationship between TMB and his agency, and Altmann stated at that time that he had been a major in the German Army, stationed in Italy, during World War II. In 1969, Altmann and several TMB officials came to the United States and met with Capt. Ayers; they discussed shipping business, and in particular the prospects of obtaining cargoes for TMB to ship in vessels obtained by Ayers. They arrived in New Orleans on July 19, 1969, stayed about two days and then departed for California. Capt. Ayers -- who did in fact arrange two cargoes of flour for TMB -- recalls today that the discussions in

New Orleans involved solely TMB's shipping affairs. There is no reason to think otherwise, and indeed no evidence that Barbie/Altmann or TMB was engaged in anything illegal or improper during this visit. The activities of Ayers appear to have been entirely legitimate efforts made in the normal course of business on behalf of his client.

Ayers did not know the party's destination in California; Altmann's entry card in 1970 states that his destination was "405 Montgomery St., San Francisco." This address is an office building in the financial district of that city. Although no further information is available, it is reasonable to infer that Altmann was pursuing TMB business in San Francisco.

It would be impossible to state that at no time during either of his visits to the United States did Barbie/Altmann engage in any illegal or improper activities. However, from the evidence discussed earlier, it is reasonably certain that his visits were not connected to any agency or activity of the U.S. government.

3. INS' Notification to CIA of Altmann's Entries

Any alien who enters the United States with an "A" visa (as Altmann did in 1969 and 1970) is reported to

the Federal Bureau of Investigation on INS Form I-57, which is completed by the INS entry official. INS sends copies of Form I-57 to the Central Intelligence Agency, the State Department, and the Defense Central Index of Investigations (DCII), the repository of military investigative records. By copy of the Form I-57, the latter three agencies are "requested to furnish any derogatory subversive information regarding this alien to the F.B.I."

The CIA's file on Barbie contains I-57 forms for three of his four separate entries. */ From all indications, these forms were simply received from INS and routinely filed. **/ Had Barbie/Altmann's visits had any connections with CIA activities, one would expect the file to have reflected the fact. It does not.

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*/ As noted, Barbie entered twice on January 21, 1970. It could not be determined whether only one form or two forms were sent on that date. The point is not important.

**/ The CIA did not reply to INS with any "derogatory subversive information," nor did DCII. The FBI files do not contain the I-57 forms or any other pertinent information on Barbie/Altmann.

D. State Department Response to 1972 Extradition Request

In January 1972, Beate Klarsfeld, a French citizen and war crimes investigator, travelled to Bolivia and announced at a press conference that Klaus Altmann of La Paz was in fact Klaus Barbie, the former Gestapo chief of Lyon. Altmann denied that he was Barbie, but a few weeks later the French government presented a request to Bolivia for his extradition to stand trial for war crimes in France.

The controversy over Klarsfeld's charges were headline news in La Paz, and the United States Embassy reported developments almost daily to Washington, but did not intervene in the matter. In Washington, however, the Anti-Defamation League of B'nai B'rith asked the State Department to do what it could to see that the Bolivian government granted France's extradition request. Washington cabled the Embassy in La Paz that it was "inclined to [the] view" that the Embassy should notify the Bolivian government that the United States had "no interest in protecting" Altmann.

In La Paz, meanwhile, the French Ambassador asked the American Ambassador if the United States could furnish the French with any documentation that would establish that Altmann was in fact Barbie. After

relaying the request to Washington, the U.S. Ambassador met with the Bolivian Minister of the Interior and when the matter of Altmann came up, the Ambassador suggested that a refusal to extradite Altmann could subject Bolivia to charges of fascist sympathies in light of the "widespread belief" that Altmann was indeed Barbie.

There was some speculation in the Bolivian press that Bolivia would be doing the United States a favor in resisting the extradition attempts of the French (Klarsfeld had charged that the United States had refused extradition of Barbie in 1950), for on March 3, 1972, the State Department told the Ambassador to "make clear" to the Bolivian government "that US has no interest in protecting" Altmann. The Embassy conveyed that message to the Minister, who replied "That is good, you have no interest either positive or negative * * * because it is strictly an internal Bolivian matter."

That was not quite what Washington meant. On March 8, it cabled the Ambassador in La Paz to advise that at his earliest opportunity, he should "clarify" that the Barbie case was "not a matter of indifference to the United States government. While we recognize that Bolivia's disposition of the Altmann case is an internal Bolivian matter, the hope of the US government is that justice will be done in this matter."

This message was presumably relayed to the Bolivian government, but it did little good. After a long journey through the Bolivian courts, the extradition request was denied by the Bolivian Supreme Court on December 13, 1974, on the grounds that there was no extradition treaty between Bolivia and France. */

E. Allegations of Barbie's Involvement in Criminal Activities

In the considerable amount of publicity that has attended the expulsion of Barbie to France, a number of charges have been raised that Barbie was involved in drug trafficking and the weapons trade that reached to the United States. While investigation of these alleged activities could be considered beyond the scope of this investigation -- which is to examine the relationship between Barbie and the United States government --

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*/ On August 3, 1982, the Federal Republic of Germany requested the extradition of Barbie from Bolivia, and the United States Ambassador in La Paz expressed American support for extradition. While this matter was before the courts, however, the French government agreed to accept Barbie if Bolivia would simply expel (not extradite) him. When the State Department learned of this development, it cabled the Embassy in La Paz to ask that the Ambassador support this arrangement as well, but events were moving so quickly that Barbie was airborne as the cable was being transmitted.

nonetheless I have endeavored to determine if there is any evidence to support these charges.

I have uncovered no specific or reliable evidence that would support them.

1. Drug Trafficking

Both the Drug Enforcement Administration in Washington and its field office in La Paz informed me that there were no records on Klaus Barbie in those offices, and thus no evidence that would link Barbie to drug transactions in which DEA has an interest.

Furthermore, in response to my questioning, persons in Bolivia who knew Barbie or were familiar with his activities told me that they had no knowledge of any involvement on his part in the drug trade, and expressed skepticism that he would be involved in such activities.

While Barbie was an organizer of paramilitary groups whose activities included drug traffic, he does not appear to have been involved in drug trafficking himself.

2. Weapons Trade

A story appearing in the Miami Herald of March 13, 1983 quoted a source, otherwise unnamed, who described

Barbie's alleged activities in international arms sales involving both the United States and Europe.

The person who was quoted is an arms dealer in La Paz, and I interviewed him in April 1983. He professed to have no knowledge of any involvement by Barbie in the weapons trade, and stated that his representations to the Miami Herald were based on what he had heard from others, not his first-hand experience.

A Bolivian citizen whom I interviewed in La Paz told me that he had seen a report prepared by a Bolivian government official around 1970 that substantiated Barbie's involvement in illegal arms transactions in the period from 1963 to 1966. This citizen recalled that the report involved primarily activities in Europe, and he could not recall if there was any indication that Barbie had had any dealings with U.S. firms or had brought arms from persons or companies in the United States. He stated that, at present, he did not have access to the report in question. While I found this person to be generally credible, I was unable to confirm even the existence of such a report.

Bolivian government officials were unable to provide documentation or first-hand evidence of Barbie's alleged involvement in weapons sales involving the United States.

Finally, inquiries to the Bureau of Munitions Control of the U.S. State Department yielded no traces of Klaus Barbie or Transmaritima Boliviana.

These inquiries on criminal activities were undertaken in the course of a non-criminal investigation, without benefit of subpoena or the resources available to a grand jury investigation. But I have pursued every known lead without result. I see no basis on which to recommend a grand jury investigation of the allegations.

F. Conclusion

Based on the above findings, it is my conclusion that the United States government has had no relationship of any kind with Klaus Barbie since he departed from Europe in 1951.

SECTION VI: CONCLUSIONS AND RECOMMENDATIONS

I. CONCLUSIONS

A. Recruitment and Use of Barbie, 1947-1949

1. The Competing Considerations

There are two very forceful arguments on the question of whether the Army should have used Barbie after the war.

The first is pragmatic. After the war, the alliance forged against Nazi Germany and the Axis powers shifted abruptly. The Soviet Union became a military and political adversary: Europe was the central theater of confrontation and Germany, itself dismembered into four zones of occupation, was center stage. There was a legitimate and pressing need for the United States to recognize, understand and, where necessary, counteract Soviet actions that might pose a threat to the security of the United States and its allies and the interests of the Western alliance.

The Counter Intelligence Corps, the only U.S. intelligence agency in Europe in the immediate post-war years, had an enormous responsibility. In order to gather and analyze intelligence effectively, CIC, like all intelligence organizations before and since, had no choice but to depend upon experienced, knowledgeable and politically reliable persons to provide information. No

one in CIC was soft on Nazism or Nazis, but the price of turning away otherwise valuable assets simply on the basis of past affiliations was a high one. The job of understanding and countering Communist influence was there, it was legitimate and important, and it had to be done. If a Klaus Barbie was available and effective and loyal and reliable -- and those who worked with him found him to be all of those -- his employment was in the best interests of the United States at the time.

In understanding this argument, it is important to realize that Klaus Barbie is far more notorious today than he ever was, except in Lyon, during or immediately after the war. Barbie was a captain in the SS and the chief of the Gestapo in a French city in the latter part of the war. What he did there may have been brutal, criminal and inhuman -- that matter will be decided at his trial in France -- but he was not known far and wide at the time. Whatever his crimes, he has never been in the same category as Adolph Eichmann, Heinrich Himmler, Reinhard Heydrich or other SS leaders.

The second argument is visceral. The United States had, with its allies, spent nearly four years waging war against the Nazi regimes of Europe. Two hundred thousand American lives had been lost. The enemy was the most vicious political power in history; they had murdered,

well behind the lines of combat, eleven million -- eleven million -- innocent victims, six million of them Jews who had been systematically exterminated simply because they were Jews.

The SS had been the instrument of slaughter. It ran the death camps and in many important ways it ran the government of Germany. It recognized no law but the will of Adolf Hitler. In 1946, it had been judged a criminal organization at Nuremberg. Among its many tentacles beyond the death camps none was as dreaded, and with good reason, as the Gestapo, the secret police whose weapons were terrorism, torture and death.

For the United States Government to have collaborated in any way with former Gestapo officers was, at the least, a grave misjudgment that, however unwittingly, betrayed those who had died fighting Nazism or falling innocent victim to it. To actually employ a man who had been the leader of the Gestapo in a city in France, and to rely on him to advance the interests of the United States, was incomprehensible and shameful.

Each argument is compelling in its own fashion. Each has a genuine and indisputable strength. But they draw that strength from quite different directions: one looks to the future, the other to the past. Neither argument can displace the other. Whether one chooses to

defend or condemn the use of Klaus Barbie depends on whether one finds the pragmatic or the visceral argument more compelling. But judgment must be drawn deliberately, recognizing the legitimate force of the opposing conviction.

For that reason, I cannot conclude that those who made the decision to employ and rely on Klaus Barbie ought now to be vilified for the decision. Any one of us, had we been there, might have made the opposite decision. But one must recognize that those who did in fact have to make a decision made a defensible one, even if it was not the only defensible one. No one to whom I spoke in this investigation was insensitive to the horrors perpetrated by Nazi Germany, nor entirely comfortable with the irony of using a Gestapo officer in the service of the United States. They were, on the whole, conscientious and patriotic men faced with a difficult assignment. Under the circumstances, I believe that their choice to enlist Barbie's assistance was neither cynical nor corrupt.

It must also be said that no other nation in occupied Germany -- France, Great Britain or the Soviet Union -- is in any position to criticize the decision to use Klaus Barbie now that the United States Government has revealed the facts behind that use. Each of those

governments made essentially the same decision at the time: to invoke the available resources of the former German regime to protect and advance what each government perceived to be its national interest. The use of Barbie by American intelligence is subject to legitimate criticism based on the arguments outlined above. But that criticism, in my opinion, is not available today to any government that did not heed it then.

2. The Absence of Evidence of War Crimes

a. The Facts Known to CIC

My conclusion that the decision to employ Klaus Barbie -- and in fact it was a continuing series of decisions throughout 1947, 1948 and 1949 -- was a defensible one depends upon the fact that the persons who made those decisions cannot be charged with knowledge that Barbie committed, or likely committed, or was wanted for, war crimes or crimes against humanity. Whether he did in fact commit such crimes is an issue to be decided in a French court. But the decision to use a former Nazi, even a former Gestapo officer, is one thing; the decision to use a person wanted for war crimes is another. The argument advanced above that the United States could legitimately justify the use of a former Gestapo officer cannot be extended to include the use of

a person guilty of war crimes: first, there are limits to what may be done in the name of intelligence gathering, however necessary that task may be; second, use of a known or suspected war criminal would amount to a protection of that person from the judicial process.

But I am persuaded as a result of this investigation that CIC personnel had no reliable indication until at least May 1949, some two years after Barbie was first employed, that he was suspected of war crimes or crimes against humanity. I base that conclusion on the following facts:

First, while French authorities had begun gathering evidence on Barbie's alleged crimes in 1944, this evidence was not submitted to United States authorities until the summer of 1950, when it was sent to HICOG. It was not offered to, and was not reasonably available to, CIC officials, who had no reason even to know that it existed.

Likewise, I see no evidence that would cast doubt on the statements of CIC officers, made at the time, that the interrogation of Barbie in 1948 and 1949 did not raise questions of Barbie's own complicity in criminal

actions. */ In fact, it is very unlikely that CIC would have given French authorities repeated access to Barbie had its officers been aware that Barbie was wanted for war crimes.

Second, the first allegations of brutality, torture or possible war crimes that came to CIC's attention were in May 1949, when the French press reported the allegations of the resistance organization in the Jura. This investigation has established to my satisfaction that, prior to that time, CIC had no knowledge of charges, let alone evidence, that Barbie may have been involved in war crimes or crimes against humanity.

Third, Barbie presented a convincing picture of himself as a counter-intelligence and anti-resistance operative. Not only did his personnel file so describe him, his actions on behalf of CIC demonstrated the skills and instincts of an experienced counter-intelligence officer. This impression was enhanced both by his lengthy interrogation at ECIC and, later, his depositions to French authorities in 1948, which dealt with his actions against the French resistance. Although CIC's own "personalities index" listed him as head of the Lyon Gestapo, there was ample empirical evidence from which

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*/ Transcripts of the 1948 interrogations bear this out; transcripts of the 1949 interrogations could not be located.

CIC officials could conclude in good faith that Barbie, although connected with the Gestapo, had indeed been an intelligence officer during the war.

b. The CROWCASS Listing

(1) The Listing Itself

The conclusion drawn above -- that prior to 1949 CIC had no reason to know that Barbie was wanted for or suspected of war crimes -- would seem to be contradicted by the fact that Barbie was listed on the Central Registry of War Criminals and Security Suspects (CROWCASS) as wanted by the French for "murder" (Tab 19). This official registry, developed and maintained by the Allied authorities, was designed to prevent precisely the situation described here -- that one allied authority would unwittingly have in its custody, or in its prison camps, a person wanted by another country for war crimes. By publication and dissemination of a central registry, each command or government could have available to it a "wanted list" of persons being sought by another.

It was an excellent idea. But the utility of CROWCASS fell far short of this ideal. In the first place, it was an enormously unwieldy document -- by May 1945 it included 70,000 names and eventually it accumulated 150,000 and weighed several pounds. Moreover, it

included some 80,000 "security suspects" -- persons who had not been accused of war crimes at all and who were not "wanted" by any country. In December 1946, the CROWCASS office admitted that inclusion of "security suspects" on the CROWCASS list was "undoubtedly an initial error" that had created "considerable confusion." In fact, CROWCASS authorities felt it necessary to publish a directive in December 1946 entitled "What is CROWCASS?" and to admit that "[i]t is apparent both from the personal experience of the members of the Staff of this Organization, and the official documents and inquiries transmitted to this Office, that a complete answer to that question is required by all interested authorities of the Allied Nations." Tab 19. The directive cited widespread misunderstanding of the purpose and use of the Registry and discussed a number of common errors committed in submitting reports, some of which "render[] the report useless."

Finally, the CROWCASS list was widely regarded in the field as an undiscriminating repository of politically motivated charges. It was believed to contain demands for the return of political enemies, disguised as accusations of "war crimes." There was probably some truth to this belief, although the belief may have been exaggerated. The point is that CROWCASS cannot properly

be accorded more credibility today than it actually had when it was in use, and it had only limited credibility then.

The point of course remains that Barbie was listed by the French in CROWCASS as being wanted for murder, and that the list was available to CIC Headquarters when Barbie was put to work for CIC, and that if CIC had any questions as to the credibility of the accusation, it could have held Barbie at arm's length while it notified the proper authorities and let the validity of the charges be determined -- something it did not do. By all the evidence, CIC simply ignored CROWCASS; there is no mention of it in the entire Barbie dossier, or in the preparation and execution of Operation Selection Board prior to Barbie's recruitment.

(2) The Vagueness of the Charge as Applied to Barbie

The critical fact is that the French listed Barbie as wanted for "murder." No details were given; there is no indication of war crimes or crimes against humanity; there is no accusation of specific charges such as the deportation of Jews to Auschwitz. */ Given that CIC had

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*/ As discussed in sections I.H and II.C of this report, the first CROWCASS list in July 1945 contained

[footnote continued]

reason to credit Barbie's consistent story that he had been in charge of actions against the resistance -- a story that had some basis in fact -- it is certainly possible that CIC, assuming that it consulted the CROWCASS list at all, concluded that the charges of "murder" grew out of the deaths of resistance fighters, and that the French understandably wanted Barbie back to exact the proper retribution for the deaths of French patriots.

It is important to understand that resistance fighters were not in the same category as innocent victims of the Holocaust; they were combatants in the same category as soldiers. That distinction was reaffirmed this year in the Barbie case, when the Lyon prosecutor pointed out that Barbie was not being prosecuted for actions against resistance fighters.

The conclusion that Barbie's listing in CROWCASS cannot properly be deemed adequate notice that he was wanted for war crimes is underscored by CIC's actions

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[footnote continued] French charges that Barbie was wanted for murder of military personnel and torture of civilians. But in 1946, the CROWCASS reporting system was modified and the list of March 1947, which was in effect when Barbie was recruited a month later, carried only the blanket charge of "murder." Previous lists were ordered destroyed. Subsequent editions of the CROWCASS list carried the murder charge without further change.

Thus, CIC cannot fairly be charged with knowledge of the charges prior to March 1947.

when reports of Barbie's barbaric actions surfaced in May 1949. Headquarters' immediate reaction was to direct Region XII: (a) to drop Barbie as an informant and (b) to interrogate Barbie in an effort to determine the truth behind the charges. At that point, Headquarters appeared genuinely concerned over the possibility that it might be harboring a war criminal. As noted in Section III.A, Headquarters could easily have chosen to ignore the report, which came to it only in a clipping from the back pages of a French newspaper. Yet it did not. This action is inconsistent with a cavalier disregard of credible charges of war crimes published in CROWCASS.

Nor can the inconsistency be explained by the hypothesis that CIC was simply afraid in May 1949 that its use and protection of Barbie had become known and was in danger of being exposed. CIC had allowed the French to interrogate Barbie in 1948 and early 1949, so CIC itself had disclosed its use of Barbie to French agents several months prior to the publication of the charges.

In short, Headquarters' sharp reaction to specific charges of war crimes in May 1949 makes it most unlikely that it had been ignoring for two years similar charges contained on the CROWCASS list.

The most reasonable conclusion to be drawn from this course of events, when one also takes into account the manifest problems and impaired credibility of the CROWCASS list and the vagueness of a "murder" charge in that list when applied to a leader of the anti-resistance force in Lyon, is that the CROWCASS listing cannot reasonably be read as putting CIC on notice that Barbie was wanted for war crimes when he was recruited and used up to May 1949.

3. Conclusion

For the reasons stated above, therefore, I conclude that CIC's actions through May of 1949 in recruiting and using Barbie, though subject to valid criticism by those who find use of a Gestapo official under any circumstances reprehensible, did not amount to the knowing use of a war criminal. The decision to use Barbie was a defensible one, made in good faith by those who believed that they were advancing legitimate and important national security interests.

B. CIC's Response to HICOG, 1950

1. Discussion

Publication of the allegations of torture and brutality in May 1949 marked the beginning of a transi-

tional period in CIC's protection of Klaus Barbie. CIC's actions during this period were indecisive and equivocal, but they eventually led to a calculated and indefensible decision to conceal CIC's own actions and to actively impede the lawful search for Barbie being conducted by HICOG.

As discussed in Section III.A of this report, Headquarters' initially decisive reaction to published charges of brutality and torture in May 1949 degenerated as time went by. Region XII's response to Headquarters' order was that the charges of brutality were probably not true, and that Barbie was a valuable asset to the CIC in Augsburg. Faced with the region's palpable reluctance to lose Barbie's services, the absence of any hard evidence to support the charges, and perhaps most importantly the absence of any inquiry or directive from higher levels, Headquarters apparently decided not to take any decisive action on its own. This indecision reached its zenith in January 1950 when Headquarters issued its inscrutable order that Region XII should not alert Barbie to the fact that his "status with this organization has been altered" -- an order that, as Headquarters must have realized, could be satisfied only by the continued use of Barbie.

This course of action comes extremely close, and may cross over, the line drawn above between use of a former

Nazi and the conscious protection of a war criminal. While the charges of the Jura veterans were not official government allegations, and while CIC had not learned of them through official channels, it was sufficiently concerned with the matter in May 1949 to take action on it. As CIC's order to Region XII stated, "This headquarters is inclined to believe that there is some element of truth in the allegations, since a mass reaction as that indicated in the clipping would hardly stem from naught or from behavior in accordance with the rules of land warfare." But this initial concern dissipated in the months ahead, and CIC took no further action to determine if the charges had any basis in fact.

Whether its lethargy, or timidity, in this respect amounted to a conscious neglect of the possibility that Barbie may have been a war criminal is a close question. But the answer to that question need not detain us, for CIC's inaction was soon overtaken by a far more deliberate decision.

The uneasy situation that festered from May 1949 onwards was forced to an end in the last days of April and the first days of May 1950, when the reading of Barbie's evidence at the Hardy trial in Paris elicited strong charges, and equally strong public reaction, that

Barbie was a torturer and war criminal who was enjoying the continued protection of American authorities in Germany. Although CIC had not received any request from French or American authorities for the extradition of Barbie, it immediately recognized that such a demand could not be far off (in fact, it had already been made, albeit imperfectly, to HICOG) and that a decision would have to made whether to surrender Barbie when it came.

These days were in fact the last opportunity that CIC had to bring an end to its involvement with Barbie with any degree of honor. It could have informed HICOG that it knew of Barbie's whereabouts and that it was prepared to cooperate with any action directed by HICOG in response to an extradition request. Under the law, HICOG, and not CIC or EUCOM, was responsible for determining whether and under what conditions extradition requests would be granted.

Instead, CIC officials decided on May 4, 1950 that Barbie "should not be placed in [the] hands of [the] French," and that decision irrevocably altered the future course of the Barbie affair. The decision was implemented on June 16, 1950, when CIC and EUCOM representatives met with HICOG's Director of Intelligence and told him -- falsely -- that CIC had had no contact with Barbie since just prior to the allegations raised in the Hardy trial.

CIC certainly knew, on the occasion of that meeting if not before, that France was seeking the surrender of Barbie on war crimes charges and that HICOG was endeavoring to find out where Barbie was.

CIC was influenced by two factors: surrender of Barbie would "embarrass" CIC by revealing that it had used a former Gestapo official, and would risk the compromise of CIC procedures and information should Barbie decide to reveal what he had learned over three years of CIC employment.

The risk of embarrassment, real as it was, can be quickly dismissed as justification for CIC's decision. Fear of embarrassment cannot be a valid excuse for one government agency knowingly providing false information to another.

The second factor -- risk of divulging CIC's operations -- was also real, but under the circumstances it was not more valid. Every intelligence organization has a legitimate obligation to avoid the compromise of its operations, but that obligation cannot supersede its duty to obey the law.

As the facts discussed in the report make clear, HICOG did not know that Barbie's whereabouts were known to CIC officers, and had no reason to suspect that CIC was not telling the truth.

2. Conclusion

The evidence yielded in this investigation and discussed in the body of the report justifies the conclusion that, by its decision on May 4, 1950 not to cooperate with efforts to obtain Barbie's surrender, and by its false statements to HICOG on June 16, 1950 that Barbie's whereabouts were unknown, responsible officials of the Army interfered with the lawful and proper administration of justice. They knowingly obstructed the bona fide efforts of the office of the U.S. High Commission for Germany to carry out its lawful obligation to effect the extradition of war criminals.

Had those Army officials fully and honestly revealed to HICOG the information known to them concerning the whereabouts of Klaus Barbie, HICOG would have been able to provide to the French government the information necessary to perfect its extradition request and could then have been able to render a decision on whether extradition was required by law. By knowingly misleading HICOG to believe that Army officials did not know Barbie's whereabouts, those officials wrongfully impeded the due and proper administration of the law in a matter then pending before an official agency of the United States Government.

C. The Escape of Barbie through the Rat Line

Throughout the summer of 1950, CIC's prolonged refusal to go to HICOG with the truth amounted to a continuation of its obstruction of HICOG's efforts to carry out its duties. This course of conduct took a further concrete step in September 1950 when HICOG solicited EUCOM's formal extradition clearance of Barbie in the event he could be found. CIC advised EUCOM that it could inform HICOG that Barbie was no longer under the control of CIC. This representation was false, and its effect was to renew and revalidate the misrepresentations first made on June 16.

Although unquestionably a more dramatic episode than the events of May and June 1950, the December decision to provide Barbie's escape to South America was only the culmination of CIC's continued obstruction of HICOG's efforts to deal with the Barbie case.

1. Use of the Rat Line in Cases Other Than Barbie's

As discussed in Section IV of this report, the evidence establishes that the 430th CIC in Austria had been using Father Dragonovic's rat line for several years as a means of providing defectors and informants with a safe and secret passage out of Europe. This investiga-

tion yielded no evidence that the 430th CIC had used the rat line as a means of escape for suspected Nazi war criminals.

As the discussion of the rat line's operation makes clear, the 430th CIC and its parent command, G-2 United States Forces Austria (USFA), were operating on the edge of the law, if not over it: false documentation was obtained surreptitiously, information was withheld from United States agencies controlling travel, funds were transferred in unorthodox and perhaps illegal ways, and knowledge of the entire procedure was intentionally restricted to the persons actually involved in it.

The use of the rat line for informants and defectors raises troubling questions of ethical and legal conduct. The United States Army certainly had an obligation to protect from harm those informants who had assisted the Army at substantial risk, as well as defectors whose discovery in the American zone would have jeopardized their lives and safety. Furthermore, there was nothing inherently wrong in evacuating such persons from Europe to places of sanctuary in South America. But to carry out this obligation by relying on the intercession of a foreign national whose own background and interests were suspect, by concealing information from United States agencies, and by possibly violating lawful regulations on

travel, currency and documentation, the Army did not act responsibly.

The proper course, when faced with the necessity of bringing such people to safety, would have been to arrange, with due authority, an approved and lawful mechanism for their safe passage. This mechanism could have been arranged to operate covertly; there is no inherent contradiction between lawful action and covert action. But there is an important distinction between lawfully establishing a covert escape route and covertly taking advantage of a secretive and unauthorized scheme.

In addition, the rat line procedure took unnecessary and ill-advised security risks by placing sensitive informants and defectors in the unsupervised control of a foreign agent. One cannot exclude the possibility that United States intelligence methods or information were compromised when defectors and informants were turned over to Dragonovic. It is abundantly clear that Dragonovic was not loyal to the United States; he simply accomodated United States requests to the extent they were consistent with, or could advance, his own objectives in assisting his compatriots.

But questionable as these actions may have been from a legal or security standpoint, they do not appear to have risen to the level of an obstruction of justice

other than in the Barbie case. This investigation examined all materials known to exist on the operation of the rat line and interviewed all persons now alive known to have been involved with it. No other case was found where a suspected Nazi war criminal was placed in the rat line, or where the rat line was used to evacuate a person wanted by either the United States Government or any of its post-war allies. */

2. Use of the Rat Line in Barbie's Case

The decision to invoke the rat line to arrange Barbie's escape from Europe, under the circumstances, amounted to a further and final step in the 66th CIC's

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*/ Because there is no central file containing the names of all the persons who were assisted into the rat line by the 430th CIC in Austria, there is no way to retrieve the files of those who actually went through it. The conclusion that there is no reason to believe that anyone else with a Nazi background was placed in the rat line is based on a) the absence of any such evidence in the files that do exist on rat line; b) the clear recollection of the agent who took over the rat line for the 430th in 1949 that both he and, to his knowledge, his only predecessor (who is deceased), handled only defectors from the East (aside from Barbie); c) the clear recollections of the G-2 operations officer from 1945 to 1950 that only defectors were put in the rat line; and d) the clear recollection of his successor, who served from 1950 through the end of USFA's involvement with Draganovic, that Barbie was the only non-defector handled during his tour of duty.

obstruction of HICOG's attempts to carry out its lawful obligation to decide the extradition of Klaus Barbie. */ By arranging his escape to South America, the responsible officials of the 66th CIC insured that Barbie would not be brought to justice in France.

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*/ The extent to which personnel of the 430th CIC or the United States Forces Austria (USFA) can be implicated in the obstruction of justice is open to question. In the first place, none of the documents reviewed in this investigation demonstrated that any person in the 430th or USFA was aware that Barbie was a suspected war criminal or was being sought by HICOG. It must be noted, however, that the correspondence between the 66th CIC and EUCOM, between EUCOM and USFA, and between USFA and the 430th CIC is missing from Barbie's dossier. Second, the process as described by Lt. Hobbins in his memo states that "[n]o details of the case are needed and none are desired by G-2 USFA * * *." While the memo also states that the 430th CIC agent will be given a "briefing by this organization [66th CIC] on each subject," this briefing was not to amount to a "complete case report." Those persons interviewed in this investigation from USFA and the 430th CIC stated that, in this case, they knew only that Barbie/Altmann was a German national and a "hot case" for the 66th, and not that he was allegedly a former Nazi war criminal. There is no evidence to contradict these statements, and they therefore must be taken as accurate. While the missing documents prevent any definitive or conclusive answers as to the extent of USFA's or the 430th CIC's knowledge of the background of the Barbie case, it is my conclusion, based on all the available evidence, that the personnel of USFA and the 430th CIC cannot be found to have knowingly participated in an obstruction of justice.

II. RECOMMENDATIONS

A. Criminal Prosecution

Although it is my belief, based on the available evidence, that officers of the CIC engaged in an obstruction of justice by concealing Barbie from HICOG, the question of criminal prosecution is moot because the statute of limitations (18 U.S.C. 3282) requires that any indictment be brought within five years after commission of the offense.

An argument can be made that the offense continued after Barbie's escape to South America, in that persons with knowledge of the facts continued to obstruct justice by not revealing to proper authorities the whereabouts of Barbie, who was then wanted by the French government. However, this continuing offense must be deemed to have ended no later than 1972, when the French government determined that Barbie was in Bolivia, under the name of Altmann, and attempted to extradite him. Although this discovery was in no way due to any action of the United States government or the officers who had brought about Barbie's escape, the fact remains that after 1972 there was nothing to conceal, and thus the possibility of prosecution expired in 1977.

This investigation yielded no evidence of any criminal action by anyone subject to United States jurisdiction within the period of any applicable statute of limitations, 18 U.S.C. 3281 et seq.

B. Legislation or Regulatory Reforms

It should be clear enough that the Barbie episode cannot be condoned and should not be repeated. But I find no solutions in legislative or regulatory proposals.

The most regrettable act was the concealment of Barbie from HICOG. But obstruction of justice was then and is now proscribed by criminal statutes in Title 18, United States Code, Sections 1501 et seq., particularly Section 1505.

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

This is not to suggest that any person, regardless of background or status, may properly be used or that the sole consideration is the value of his information. Clearly, no informant should be used or protected under circumstances that would constitute an obstruction of justice, as happened here, or where some other statute would be violated.

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

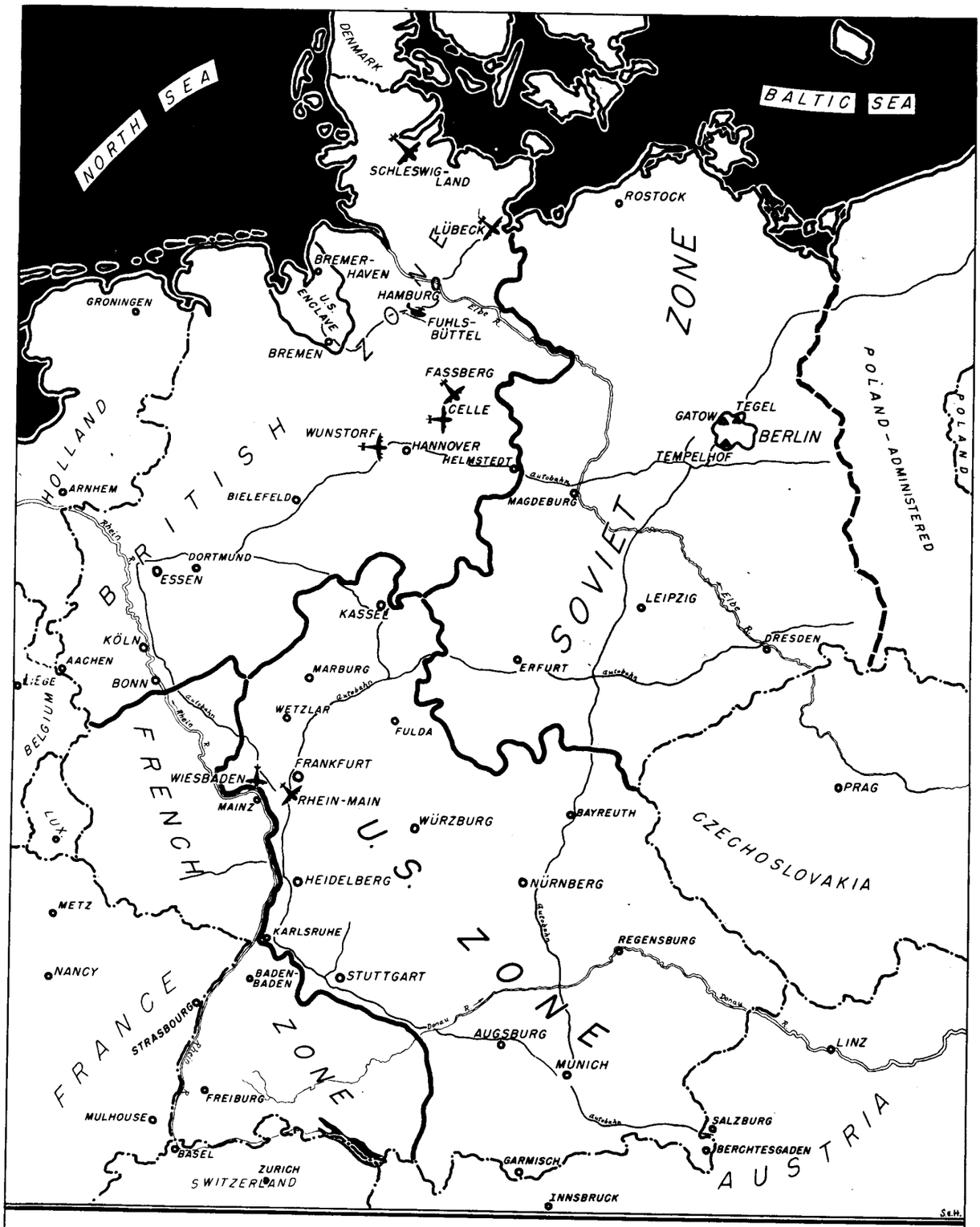
Such a task would have been easier in the immediate post-war years as applied to those Nazis whom we could agree to exclude. Depending on the breadth of the consensus, it could have excluded use of Nazi party officials, SS officers, Gestapo officers, suspected war criminals, convicted war criminals, or any combination of these or other categories. Those lines were relatively easy to draw and in fact the United States and the allies were drawing many of them in order to determine who should be tried, who should be allowed to hold civil positions in Germany, who should be subject to de-Nazification, and so forth. But now, 38 years after

the end of the war, any lines we could draw to regulate the use of informants based upon their status or actions during World War II would be a sterile exercise.

In the past thirty years, and particularly in the last decade, this nation has recognized that, however necessary and valuable intelligence services may be, they cannot be allowed to operate in darkness or to be wholly shielded from the democratic process of accountability that we apply to the rest of our government. There have been profound changes in the way that intelligence agencies operate and, as importantly, in the way that they are accountable for those operations.

It would be naive to think that this greater accountability will, by itself, prevent another Barbie episode. But it is not naive to believe that we have seen the end of the attitude that anything is permissible, including the obstruction of justice, if it falls under the cloak of intelligence. In the files in the Barbie case, and in interviews conducted in the course of this investigation, there seems to have been no awareness on anyone's part that United States officers and employees were obstructing justice. The only evident concerns were operational ones. If the reforms of the past decade lead an intelligence officer faced with a similar choice in the future to realize that these cannot be the exclusive concerns, and that he is

accountable under the law for the choice he must make, then we will have accomplished something worthwhile.



OCCUPATIONAL ZONES — GERMANY

Appendix 1
Source: EUCOM

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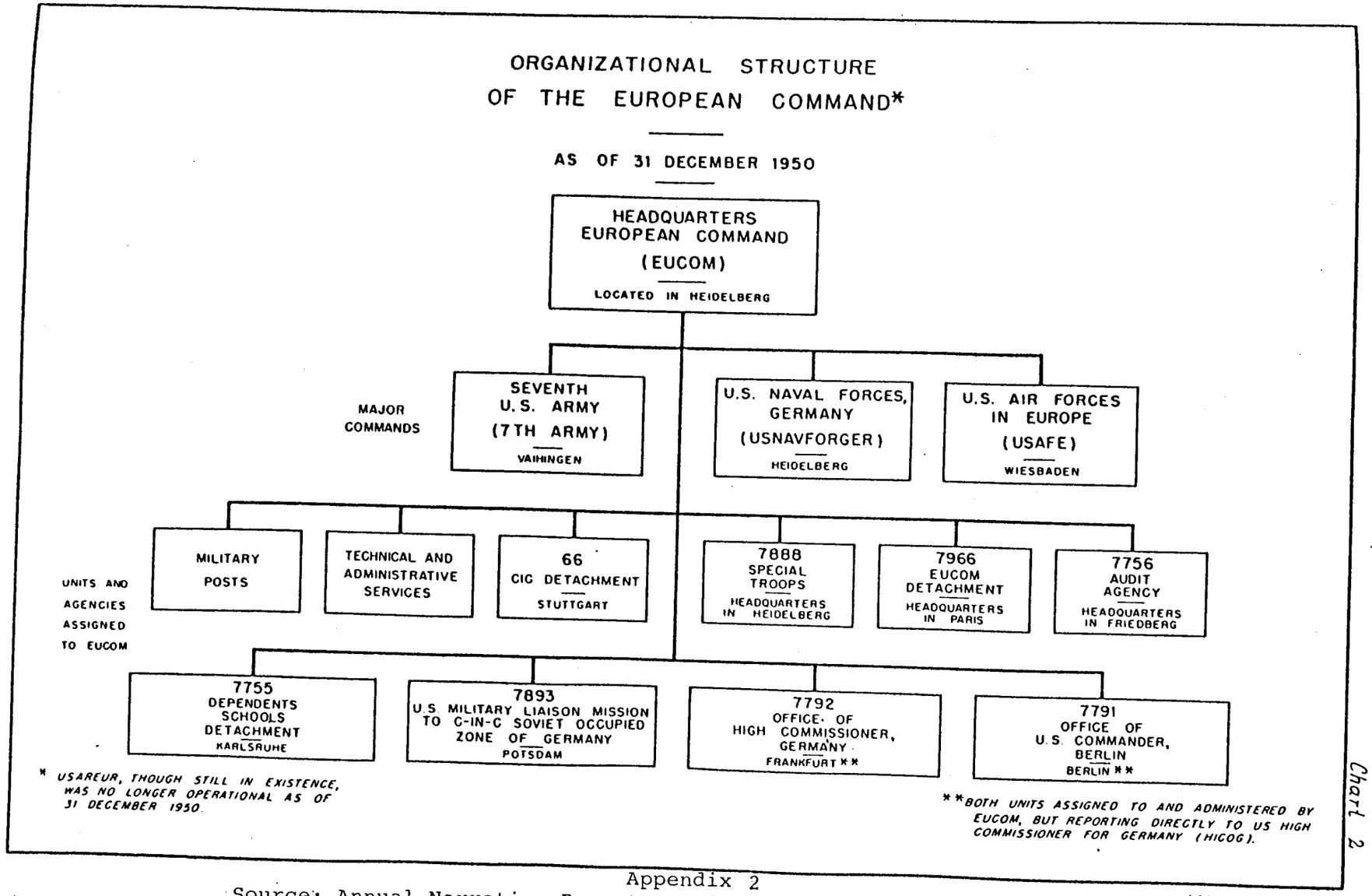
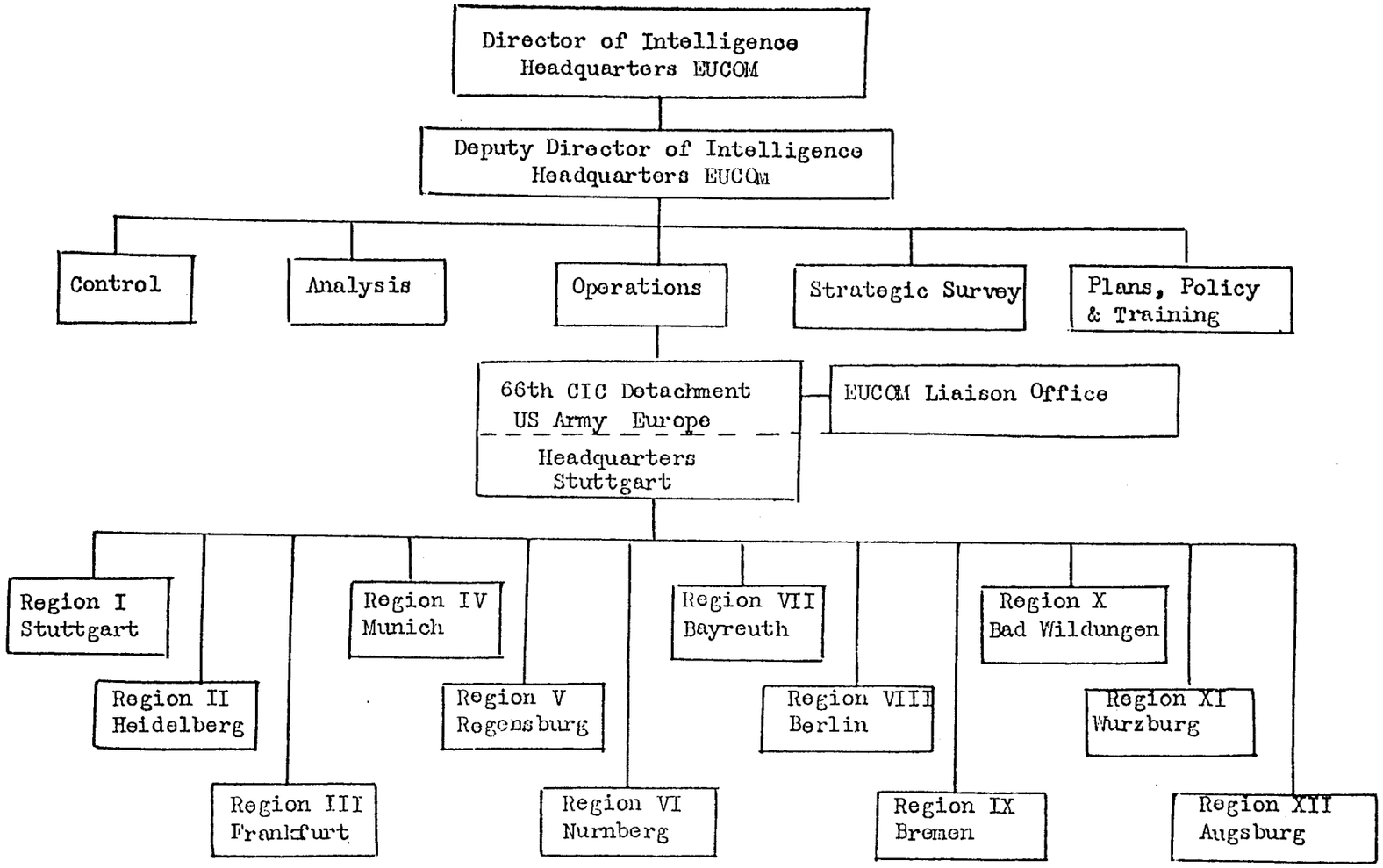


Chart 2

Appendix 2

Source: Annual Narrative Report, Headquarters, European Command, 31 Dec 50

General Organization, 66th CIC Detachment



Appendix 3

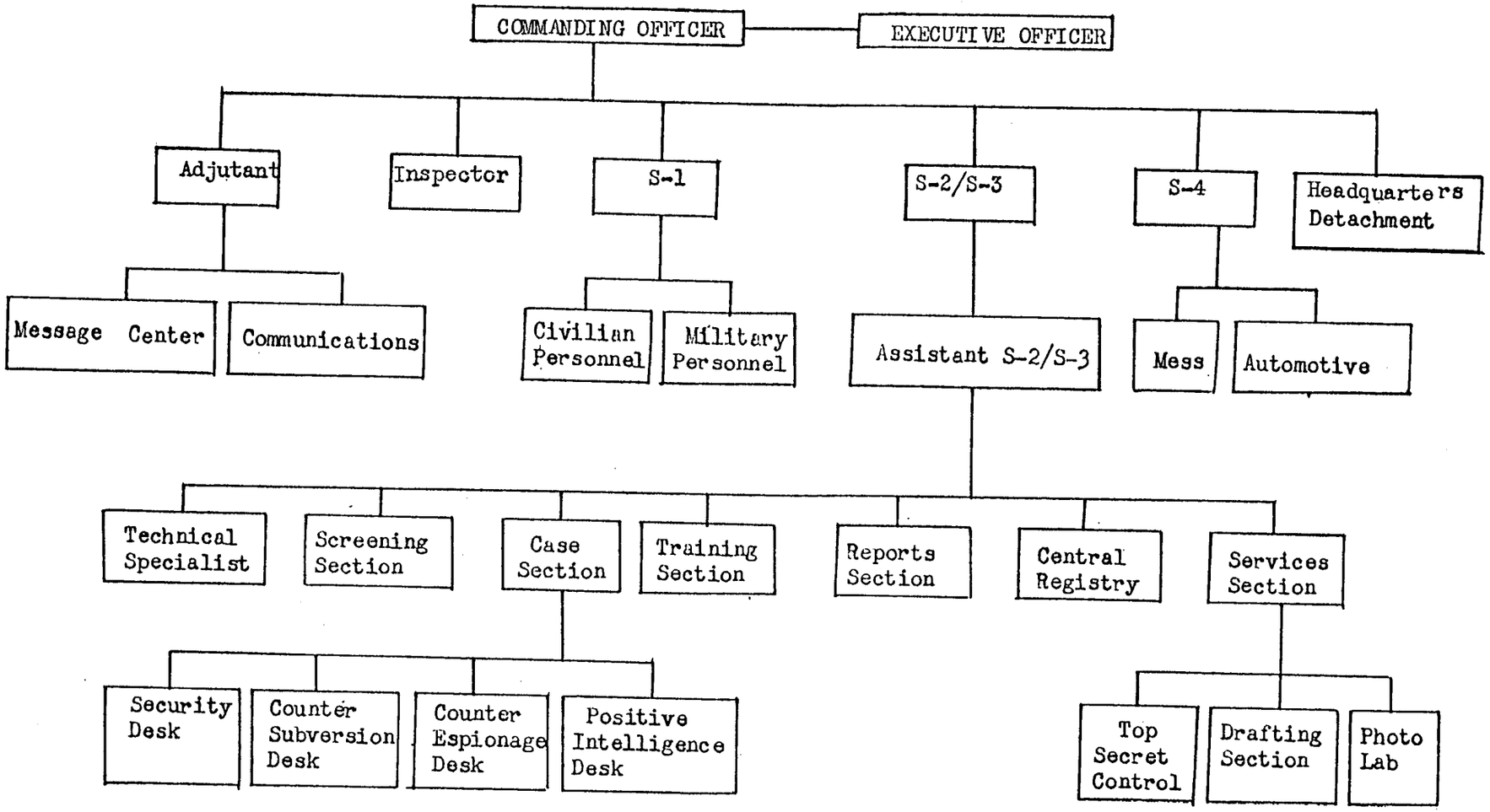
Source: Annual Narrative Report, 66th CIC Detachment, 31 Dec. 49

7970 TH CIC GROUP
REGIONAL MAP

Appendix 4
Regional CIC organization, effective April 15, 1949

SPECIAL MAP COMPILED AND EDITED BY THE ENGR. BASE PLANT FROM SHEETS 1 & 3 OF OSOS MP

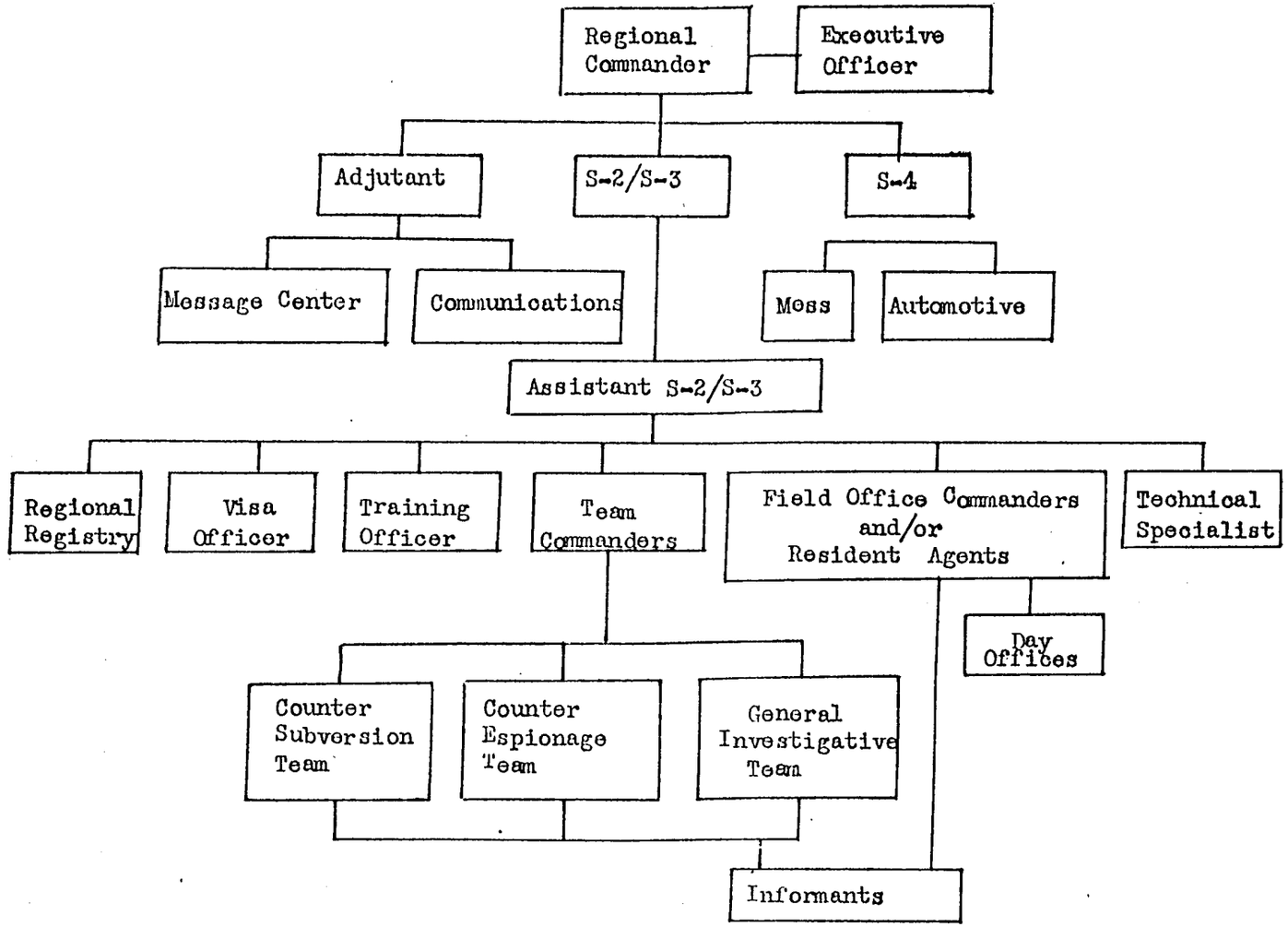
Internal Organization of 66th CIC Detachment Headquarters



Appendix 5

Source: Annual Narrative Report, 66th CIC Detachment, 31 Dec. 49

Regional Organization



Appendix 6
Source: Annual Narrative Report, 66th CIC Detachment, 31 Dec. 49

*U.S. GOVERNMENT PRINTING OFFICE : 1983 0-418-476/1459