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DoJ/OSI

Chapter Sixteen

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CIA's First Cases (U)

FOR COORDINATION WITH DoJ/OSI

The Office of Special Investigations inherited a mixed bag of cases from the Special Litigation Unit. By the time of OSI's establishment in the spring of 1979, SLU's reputation had plummeted because it had mishandled several investigations, which subsequently affected the Federal government's efforts to bring Nazi war criminals to trial. Attorney General Benjamin R. Civiletti even declared that the SLU had a "sort of system of non-management." Outside observers quickly seized on these failures as yet another example of the "open secret" within Washington that intelligence agencies planned to stonewall Nazi war criminal investigations. In the words of one author, SLU was simply "a goldfish in a tank of bureaucratic barracuda."¹ (U)

¹A summary of SLU's problems is found in Charles R. Allen, Jr., "Nazi War Criminals in the United States," *The Jewish Veteran* (September-October 1979), pp. 1-4. OSI's uneven birthing was not enhanced by internal squabbling within the organization during its first year of existence. Martin Mendelsohn, SLU's former director and now OSI's deputy director, and Walter Rockler, OSI's new director, simply did not get along. Philip B. Heymann, Assistant Attorney General, consequently reassigned Mendelsohn to other duties within the Department of Justice in January 1980. Mendelsohn's removal prompted yet another outcry in Congress and two members of Congress wrote the US Attorney General to protest the action. In their opinion (joined by over 40 other Congressmen), OSI clearly lost "an invaluable resource" with Mendelsohn's departure. [] , the Directorate of Operations's point of contact with the new agency, aptly noted that Mendelsohn's firing highlighted the sensitive nature of the Nazi war criminal investigations. "We must," [] stressed, "continue to deal with the **political** issue of the Nazi

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In the meantime, Walter Rockler, who had left a prestigious position with a Washington law firm to serve as acting director of OSI, felt uncomfortable in his new role. An expert on the Federal tax code, Rockler's only work with war criminals had been at Nuremberg over 30 years earlier. He found the work at OSI too demanding, and he admitted that he had taken the job "with great reluctance." He stepped down in March 1980 and was succeeded by his deputy director, Allan A. Ryan, Jr., later that spring.² (U)

A New Director, A New Start (U)

Ryan realized that OSI needed strong leadership and direction if the office were to overcome its initial handicaps. Among his first actions, Ryan reviewed OSI's entire caseload, primarily former INS and SLU actions. He found a jumble of cases, ranging from rather solid ones to mere "my neighbor-is-a-Nazi" accusations. Ryan scored a victory when the US Supreme Court upheld the legality of the Holtzman Amendment and denaturalized Feodor Fedorenko, a former Ukrainian concentration camp guard, in 1981.

war criminals as carefully as in the past." See Robert Pear, "Justice Dept. to Oust Nazi Hunter," *New York Times*, 7 January 1980, pp. 1 and 18; Jack Anderson, "Nazi Hunter is Victim of Infighting," *Washington Post*, 9 January 1980, p. B15; and Christopher Todd and Bill Frenzel to Benjamin R. Civiletti, 19 February 1980, with attached petition, in DO Records, ☐ ☐ Box 1, Folder 2, CIA ARC.☐ ☐ made his comments on a cover note to the Todd and Frenzel letter. (U)

²Walter J. Rockler, "I Took on My Assignment with Great Reluctance," *Legal Times of Washington*, 25 February 1980. Rockler's work with the Nuremberg trials and later with OSI left him uncertain as to the value of war criminal prosecutions. "They had important symbolic value," he said in 1995, "but no substantial impact." Rockler, who spent 36 years at the law firm of Arnold & Porter, died in 2002. See Adam Bernstein, "Nuremberg Prosecutor Walter

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Attorney General Civiletti personally argued OSI's case against Fedorenko before the Supreme Court, stressing the Government's interest in bringing Nazi war criminals to justice.³ (U)

In late 1979, OSI assigned Arthur Sinai as its liaison to the CIA for requests for name traces. His CIA counterpart was ██████████ of the Office of General Counsel.⁴ In February 1980, Sinai passed OSI's first major request to CIA to review its holdings for information on 275 individuals.⁵ ██████████ in transmitting the OSI request to the Directorate of Operations and the Office of Security, emphasized the importance of the Agency's accurate response.⁶ The Agency's work in this effort marked the beginning of CIA's assistance to OSI in conducting over a thousand name traces.⁷ (U)

Rockler," *Washington Post*, 12 March 2002, p. B6, and "Walter J. Rockler, War-Crimes Agency Chief, Dies at 81," *New York Times*, 21 March 2002, p. A31. (U)

³Elizabeth Olson, "Civiletti Urges Supreme Court to Allow Stripping of Ex-Nazi Guard's Citizenship," *Washington Post*, 16 October 1980, p. A-2. See also Aric Press and Diane Camper, "A New Hunt for Old Nazis," *Newsweek*, 27 October 1980, p. 84. (U)

⁴Philip B. Heymann, Assistant Attorney General, Criminal Division, to Frank Carlucci, Deputy Director, CIA, 17 December 1979, ER 79-8922, in OGC Records, ██████████, Box 1, Folder 6, CIA ARC. ██████████ designation as the OGC point of contact is found in ██████████ to Heymann, 3 January 1980, OGC 80-00032, in OGC Records, ██████████, Box 1, Folder 5, CIA ARC. (U)

⁵Arthur Sinai, Deputy Director, OSI to Adm. Turner, 19 February 1980, in OGC Records, ██████████, Box 1, Folder 5, CIA ARC. (U)

⁶██████████ to Chief, IMS/FPLG and Chief, Security Analysis Group, "Name Trace Requests from Office of Special Investigations, Department of Justice," 12 March 1980, OGC 80-02039, in DO Records, ██████████, Box 1, Folder 2, CIA ARC. (U)

⁷CIA provided feedback to OSI concerning the February 1980 request in ██████████ to Ryan, 11 July 1980, OGC 80-06025, (C), and ██████████ to Richard Sullivan, Assistant Deputy Director, OSI, 25 July 1980, OGC 80-06437, (C), both in OGC Records, ██████████, Box 1, Folder 5, CIA ARC. (C)

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CIA faced a new challenge in responding to the growing demands of the Office of Special Investigations. In late February 1980, CIA officials met with OSI representatives to determine how the Agency would respond to the name trace requests. The DO agreed that it would conduct only "on-the-head" traces. The DO then provided the Office of General Counsel with four general responses: No Trace, No Positively Identifiable Information, Possibly Identifiable Information is Available, or Information on Subject is Available.⁸ In mid-July 1980, Ryan met with [redacted] of the Office of General Counsel to determine procedures for OSI's review of the CIA records that the name traces had identified. Following this meeting, [redacted] in turn, outlined the specific agreements reached between the two agencies on 7 August 1980. This meeting [redacted]

[redacted] established the working principles between CIA and OSI that continue to the present day.⁹ (U)

The Soobzokov Case (U)

Despite the progress that Ryan made with CIA during his first months as OSI's director, a certain degree of suspicion lingered between the two agencies. The Soobzokov case revealed the intricacies of coordinating a Federal prosecution among

⁸ [redacted] IMS/FPLG to [redacted], Chief, IMS/OG/EIRS, "Department of Justice Request for Information on Alleged Nazi War Criminals," 10 March 1980, (S), in DO Records, [redacted], Box 1, Folder 4, CIA ARC. (S)

⁹ [redacted] 7 August 1980 letter to Ryan, OGC 80-06918, is found in OGC Records, [redacted] Box 1, Folder 5, CIA ARC. (U)

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shortcomings within the Agency in handling and communicating information. The CIA's failure in 1962, for example, to notify the Immigration and Naturalization Service that Laipeniks had lied on his application for immigration later created problems. Similarly, the Agency's responses to his requests for information in the mid-1970s appeared overly friendly. Laipeniks exploited the Agency's letters to forestall deportation hearings, which sowed the perception that the CIA had actually intervened with the INS in the Latvian's favor. It was subsequently difficult for the Agency to explain its actions and to demonstrate that it had not assisted Laipeniks. (U)

The Laipeniks case showed that the Agency could provide OSI with crucial evidence without jeopardizing national security or its responsibility to protect sources and methods. Likewise, the CIA provided the Office of Special Investigations with full access to all "third agency" material contained in Laipeniks' records. The case marked an important step forward in broadening the working relationship between CIA and the Department of Justice. (U)

Bolschwing's Reappearance (U)

The Department of Justice scored another coup when it stripped Otto Albrecht Alfred von Bolschwing of his citizenship. As discussed in Chapter Ten, Bolschwing had been a major asset of the Central Intelligence Agency in the late 1940s and early 1950s.

⁶⁴Associated Press report, "San Diego Man Ordered Deported for World War II Activities," 15

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The Agency brought Bolschwing and his family to the United States in 1954, although it had little to do with him after that point. Bolschwing became an American citizen in 1959 and worked with various American companies in New York and California.⁶⁵ (U)

Following the arrest of Adolf Eichmann and his trial in Israel, the Central Intelligence Agency examined its records concerning the "architect of the Final Solution." [redacted] an expert on the Counterintelligence Staff, discovered that Bolschwing had played a larger role in the SS than he had admitted. At the same time, some of Bolschwing's former CIA case officers in Austria, including [redacted] wondered about their agent's claims. In 1961, [redacted] stated that one of Bolschwing's singleton agents had proved "fraudulent" following Bolschwing's departure to the United States.⁶⁶ The Agency, however, did not take any action against Bolschwing after the discovery of his false record beyond asking him to withdraw his application for a US government-sponsored position in India.⁶⁷ In 1963, Headquarters informed its German Station that Bolschwing, then in Europe, had no CIA connection.⁶⁸ (S)

September 1983, in OGC Records, [redacted] Box 2, Folder 24, CIA ARC. (U)

⁶⁵For further information, see Kevin C. Ruffner, "Prussian Nobleman, SS Officer, and CIA Agent: The Case of Otto Albrecht Alfred von Bolschwing," *Studies in Intelligence* (1998), vol. 42, no. 1, pp. 61-77, now declassified. (U)

⁶⁶[redacted] to [redacted], "Inge von der Tann," [undated c. 1961], (S), in OGC Records, [redacted] Box 2, Folder 29, CIA ARC. (S)

⁶⁷Gordon M. Stewart, Chief, Eastern Europe Division to DDP, "Otto Albrecht Alfred von Bolschwing," 10 May 1961, (S), in OGC Records, [redacted] Box 2, Folder 29, CIA ARC. (S)

⁶⁸Cable, Headquarters to Frankfurt, DIR 70116, 19 September 1963, (S), in OGC Records, [redacted] Box 2, Folder 29, CIA ARC. (S)

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Bolschwing came to the attention of the Special Litigation Unit (SLU) in a circuitous manner. While investigating Valerian Trifa, a Romanian bishop, for his role as an Iron Guard leader during the war, attorney Eugene M. Thirolf inquired about certain German officials posted to Romania in 1941. Thirolf requested information on Otto Albrecht Alfred von Bolschwing, a captain in the German SS and the SD's representative in Bucharest.⁶⁹ Thirolf's letter raised alarm bells in CIA because Bolschwing had an extensive record in the Agency. A quick review of these files by the CIA and Martin Mendelsohn, SLU's chief, revealed that Bolschwing "may not have been totally frank when he neglected to mention past membership in the Nazi Party" on applying for naturalization in 1959.⁷⁰ OGC's [redacted] [redacted] warned in early March 1979 that an investigation of Bolschwing threatened the Agency because a preliminary examination of his records raised a number of "obvious questions" about his relationship with CIA over the years.⁷¹ (S)

⁶⁹ Thirolf to Anthony A. Lapham, OGC, 18 July 1978, CO 1421, with attachment dated 9 August 1978, in OGC Records, [redacted] [redacted] Box 2, Folder 29, CIA ARC. Thirolf also sought information on Col. Boris T. Pash, a US Army officer detailed to CIA at various times, and two other Germans, Artur A. Konradi and Dr. Heinrich Graf von Meran. (U)

⁷⁰ [redacted] [redacted] to Mendelsohn, 2 February 1979, OGC 79-01118, (S), in OGC Records, Box 2, Folder 29, CIA ARC. (S)

⁷¹ For a discussion of the early aspects of this case, see [redacted] [redacted] to General Counsel, "Otto Albrecht Alfred von Bolschwing-Possible Violation of 18 USC 1001 and 1015 (False Statements to the US Government)," 12 March 1979, (S). [redacted] [redacted] added some comments to this memo in April 1979 that shed further information about the early Bolschwing investigation. See [redacted] [redacted] to [redacted] [redacted] "Attached Memorandum on Otto Albrecht Alfred von Bolschwing," 5 April 1979, (C), both documents in OGC Records, [redacted] [redacted] , Box 2, Folder 29, CIA ARC. (U)

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A New Campaign (U)

In early 1979, SLU launched a full investigation of Bolschwing's immigration and wartime activities in early 1977. Ironically, Mendelsohn had initially planned only to use Bolschwing as a witness against Trifa. Jeffrey Mausner took over the Bolschwing investigation for the new Office of Special Investigations in the summer of 1979 and continued to examine the Agency's holdings.⁷² In November of that year, Mendelsohn approached CIA with several urgent questions regarding the Agency's affiliation with Bolschwing. In light of OSI's pending suit against Bolschwing, the Department of Justice was concerned whether CIA had any objections to the legal proceedings or if the German could blackmail the Agency. Mendelsohn also expressed uncertainty as to whether CIA officials might testify on Bolschwing's behalf in light of his close connection to the Agency.⁷³ (S)

In January 1980, representatives of CIA's Office of General Counsel and the Directorate of Operations held a meeting with the Office of Special Investigations to address Mendelsohn's questions. Speaking for the Agency, the DO's [redacted] said that CIA did not plan to assist Bolschwing in his defense, but that the Agency could

⁷²Mendelsohn to [redacted] 16 July 1979, OGC 79-06581; [redacted] to [redacted] 'Department of Justice Investigation of Alleged Nazi War Criminals--Otto Albrecht von Bolschwing,' OGC 79-07460, 13 August 1979, (S); Mausner to [redacted] 22 August 1979, OGC 79-07895, (S); and [redacted] to Mausner, 26 October 1979, OGC 79-09696, (S), all documents in OGC Records, [redacted] Box 2, Folder 29, CIA ARC. (S)

⁷³Mendelsohn to [redacted] 30 November 1979, OGC 79-10974, (S), in OGC Records, [redacted] Box 2, Folder 29, CIA ARC. (S)

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help OSI in bringing Bolschwing to trial. Given the fact that Bolschwing's knowledge of CIA operations was dated, [redacted] doubted that the Agency had to worry about any form of blackmail. [redacted] warned, however, that the Agency did not know what Bolschwing's case officer, [redacted] had told him when applying for a visa because [redacted] had died. Likewise, the DO noted that the INS had possessed an "auxiliary" file on Bolschwing at the time of his departure from Austria; neither CIA nor the INS, however, could locate these records.⁷⁴ (S)

Public pressure grew in 1980 after Simon Wiesenthal's *Dokumentationszentrum des Bundes Judisches Verfolgter des Naziregimes* in Vienna announced Bolschwing's presence in the United States.⁷⁵ Despite [redacted] verbal assurances in January 1980 that CIA had no objections to OSI's suit, the Agency failed to state this assurance in writing. Pressed by OSI's new director, Allan A. Ryan, Jr., for an answer to his office's letter of 30 November 1979 about Bolschwing, CIA did not respond until the summer of 1980. At that time, [redacted] attempted to clarify some of OSI's concerns about the Agency's views on this case and the availability of its records for use in court. He reiterated [redacted] point that "CIA has no objection to the initiation of proceedings against von Bolschwing. Indeed, our position on this matter is neutral, and our only interest is to

⁷⁴ [redacted] Memorandum for the Record, "Meeting with Department of Justice Representatives on Alleged Nazi War Criminals Otto von Bolschwing and Tscherim Soobzokov," 17 January 1980, OGC 80-00581, (S), in OGC Records, [redacted], Box 2, Folder 29, CIA ARC. (S)

⁷⁵ Bulletin of Information No. 20, 31 January 1980, *Dokumentationszentrum des Bundes Judisches Verfolgter des Naziregimes*, in OGC Records, [redacted], Box 2, Folder 29, CIA ARC. In a routing sheet to OGC, [redacted] annotated, "FYI. It looks like the start of a campaign to get Von Bolschwing." (U)

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protect sensitive and classified information concerning our former relationship with von Bolschwing.”⁷⁶ (S)

OSI still expressed anxiety about the Agency and its knowledge of Bolschwing’s activities at the time of his immigration in the mid-1950s. A month after Ryan announced that OSI had to drop its suit against Tscherim Soobzokov because of the discovery of new evidence in CIA’s files, Jeffrey Mausner, the OSI attorney handling the Bolschwing investigation, submitted an eight page letter to the Agency. He emphasized, “most of our cases are based on a claim that the defendant misrepresented his Nazi background at the time of his entry into the US or at the time of his naturalization. It is,” Mausner wrote, “therefore important to know exactly what INS, State Department, and CIA knew about von Bolschwing at the time of his entry and naturalization.” OSI asked that the CIA search its records for any “preliminary questionnaire” used by the State Department’s consular office in Munich to process his visa application in the second half of 1953. Likewise, the Department of Justice asked the Agency to produce an expert witness to explain how the Alien Affairs Staff dealt with the Immigration and Naturalization Service in the 1950s. OSI clearly wanted to avoid a repetition of the Soobzokov debacle.⁷⁷ (S)

⁷⁶See Ryan to [redacted] 3 May 1980, OGC 80-0492, (S), and [redacted] reply, [redacted] to Ryan, 12 June 1980, OGC 80-04978, (S), both in OGC Records, [redacted] Box 2, Folder 28, CIA ARC. For background information about [redacted] response, see [redacted] to [redacted], “Department of Justice Questions concerning Otto von Bolschwing,” 2 April 1980, OGC 80-02813, (S), in OGC Records, [redacted] Box 2, Folder 29, CIA ARC. (S)

⁷⁷Mausner, “Otto von Bolschwing,” 28 August 1980; and [redacted] to [redacted] ‘Meeting with DOJ Representatives concerning their Investigation of Edgars Laipenieks and Otto von

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The Agency, however, could not satisfy many of OSI's requests because the passage of time had rendered it difficult to reconstruct the complicated twists involved with Bolschwing's immigration. Officers familiar with the work of the Alien Affairs Staff in the early 1950s had long since retired. While the Agency identified "third agency" material within its files and sent copies of these documents for review by the proper offices (including the State Department, Army, and the National Security Agency), CIA could not reconstruct the INS's supposed "auxiliary" file on Bolschwing.⁷⁸ (S)

Meeting a Former Agent (U)

OSI interviewed Otto von Bolschwing at his home in California in early 1981.

Represented by his son, Golman V. von Bolschwing, [redacted] and [redacted]

[redacted] from the Central Intelligence Agency also attended the meeting. After

Bolschwing," 2 September 1980, OGC 80-07543, (S); Note to [redacted] [redacted] "Otto von Bolschwing," [redacted] [redacted] [redacted]; and [redacted] [redacted] Director of Security to [redacted] [redacted] "Department of Justice Request re Nazi War Criminals Investigation of Otto Albrecht von Bolschwing," 19 September 1980, OGC 80-08078, (S), all documents in OGC Records, [redacted] [redacted], Box 2, Folder 28, CIA ARC. (S)

⁷⁸At the conclusion of Bolschwing's project in Austria in 1954, the CIA had 55 reels of microfilm of his reports with an additional 10 reels of indexes dating back to 1948. In addition to his large 201 file, extensive records on Bolschwing collected by the Salzburg Operations Base survive as [redacted] [redacted] and are now filed as DO Records, [redacted] [redacted], Boxes 9, 13, and 14, CIA ARC. See also Memorandum for Record, [redacted] [redacted] [redacted] Records Integration/Project Officer, "GROSSBAHN Files [redacted] [redacted]," 16 January 1956, in Bolschwing, [redacted] [redacted] DO Records. The microfilm material is located in DO/IMS, Central Files Branch. The identity and location of the "auxiliary" file remains a mystery. OSI reviewed Bolschwing's 201 file, but it is uncertain if the investigators saw any of the Austrian project files or Bolschwing's microfilm records. [redacted]

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discussing procedural issues, Golman ("Gus") von Bolschwing did most of the talking. He called OSI's actions in his father's case "hypocrisy" because the Government knew the details of Bolschwing's life before his arrival in the United States. "And so I wonder as I sit here," the younger Bolschwing asked, "does the means justify the end? Do two wrongs make a right? It is just as difficult for my father at this point to prove his case, to disprove pieces of paper that are now forty years old, as it was for certain individuals who did try to do justice and to find and to prosecute Germans when there were no living witnesses or it was very hard to obtain living witnesses." Subsequent questioning by OSI's Mausner confirmed that Bolschwing's memory about his membership in the Nazi Party and the SS was fragile.⁷⁹ (U)

The Office of Special Investigations nevertheless filed its suit against Bolschwing in late May 1981 in the US District Court for the Eastern District of California. Bolschwing faced three counts of procuring his citizenship in 1959 through willful misrepresentation when he failed to declare his membership in the Nazi party, the SS, the SD, and the RSHA, all organizations declared criminal by the International Military Tribunal at Nuremberg. The court ordered the former German officer to appear at the US Attorney's office in Sacramento for deposition and to provide all records, photographs, or other documents from 1932 to 1945.⁸⁰ (U)

⁷⁹Sullivan to [redacted] 13 February 1981, OGC 81-01452, enclosing Sworn Statement of Otto Albrecht Alfred von Bolschwing, A8-610-051, 2 February 1981, in OGC Files, [redacted] Box 2, Folder 25, CIA ARC. (U)

⁸⁰*US v. Otto Albrecht Alfred von Bolschwing*, Civil Action S-81-308 MLS, United States District Court, Eastern District of California, 27 May 1981. See also *US v. Bolschwing*, Notice of Taking

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A New Twist (U)

Bolschwing offered a new defense in a Sacramento newspaper shortly after OSI filed its charges. He now claimed that he had actually served as a "secret agent" for the Office of Strategic Services during the war. "It's not true," Bolschwing said, that "I never served in the SS or Gestapo or SD (the intelligence branch of the SS). I did serve in the OSS for the Americans, and I did parachute into Austria." According to Bolschwing, "it was dangerous work in Germany (for the Americans)." In a separate statement, Bolschwing confided that he had even met William J. Donovan, later director of OSS, in New York prior to the outbreak of World War II. Allan Ryan, speaking for OSI, immediately denounced Bolschwing's statement. "What he said is not true. Our case relates from the middle 1930s through the war, and during that period he was not a double agent for the US or anything like that. He was not affiliated in any way with the US Government."⁸¹ (U)

Deposition, 5 June 1981, both documents in OGC Records, [] Box 2, Folder 25, CIA ARC. OSI apparently dropped the charge of willful misrepresentation but retained the immoral conduct charge. See [] to [] [], "United States v. Otto Albrecht von Bolschwing," 29 May 1981, in DO Records, [] Box 1, Folder 6, CIA ARC. (C)

⁸¹Ryan to [] [] 11 June 1981, OGC 81-05212, enclosing "Alleged Nazi Denies Federal Charge, Says He Spied for US," *San Francisco Chronicle*, [c. May 1981], in OGC Records, [] [], Box 2, Folder 25, CIA ARC. Bolschwing repeated this assertion in the *New York Times*. See "Man, 71, is Ordered to Reply to Charge of Serving the Nazis," *New York Times*, 29 July 1981, p. A13. **CIA denied that Bolschwing had any connection with Donovan or the OSS.** See [] [] to Ryan, 18 August 1981, OGC 81-07107, in OGC Records, [] [] Box 1, Folder 4, CIA ARC. (U)

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Like many of OSI's cases, the Bolschwing suit presented numerous legal complications. Bolschwing's attorneys and his son requested security clearances to speak with him about his relationship with the CIA during the postwar years. Likewise, the defense wanted access to all government records pertaining to Bolschwing, which delayed the case because neither OSI nor CIA were prepared to comply. OSI insisted that Bolschwing could mount a defense using only those government records relevant to the court case. This prompted Bolschwing's attorney, Arthur J. Ruthenbeck, to tell the media in September 1981 that "my hands have been tied . . . I'm just trying to get authorization for my client to talk with me." He added, "we're in a real Catch-22 situation. One arm of the government prosecutes the case and another says you can't talk to your client."⁸² (U)

☐ ☐ of the Office of General Counsel saw this situation in a different light. She told Ruthenbeck "Your hypothetical inability to represent your client based upon your perception of unknown contractual limitations similarly suggests a desire to infuse this litigation with premature issues."⁸³ Bolschwing, according to both OSI and CIA, was free to discuss all issues with his attorney although the Department of Justice stipulated that classified material could not be discussed outside of the courtroom. (U)

In the meantime, Bolschwing's health continued to deteriorate. At the behest of OSI, ☐ ☐ prepared a classified affidavit to support the Government's motion for a

⁸²S. Lynne Walker, "Accused Nazi's Defense Hampered by CIA Order Not to Talk, Attorney Says," *Sacramento Union*, 10 September 1981. See also Ruthenbeck to Smith, 10 September 1981, in OGC Records, ☐ ☐, Box 2, Folder 25, CIA ARC. (U)

⁸³☐ ☐ to Ruthenbeck, 21 September 1981, OGC 81-08314, in OGC Records, Job 85-00903R, Box 2, Folder 25, CIA ARC. (U)

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protective order. [redacted], the DO's Information Review Officer (IRO), cited the need to protect critical national security information from unauthorized disclosure as well as to protect confidential sources. The IRO commented that the "DO files concerning Von Bolschwing contain extensive information on intelligence methodology in use by CIA." The Agency, [redacted] asserted, "cannot, on the public record in this litigation, acknowledge the existence of such information without jeopardizing the sanctity of classified information."⁸⁴ (S)

Case Closed (U)

CIA's efforts turned out to be unnecessary. In late 1981, Allan A. Ryan, Jr., OSI's director, announced that Otto Albrecht Alfred von Bolschwing had voluntarily surrendered his American citizenship after admitting his membership in various Nazi organizations. Ryan agreed that the aging Bolschwing, diagnosed with a "progressive neurological condition," could remain in the United States until his health improved enough to permit deportation. He also noted that the consent decision, offered by Bolschwing's defense, "was made by this Office in consultation with higher authorities in the Department of Justice and was not reviewed by, or submitted for the approval of, any

⁸⁴See [redacted] to Neil Sher, Deputy Director, OSI, 6 November 1981, enclosure [redacted], Affidavit, *US v. Bolschwing*, (S), in OGC Records, [redacted], Box 2, Folder 25, CIA ARC. (S)

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other government agency.”⁸⁵ The Bolschwing case ended in March 1982 when Bolschwing died at the age of 72 of progressive supranuclear palsy.⁸⁶ (U)

By the end of 1981, the Central Intelligence Agency had worked with the Department of Justice in three major Nazi war criminal investigations: Tscherim Soobzokov, Edgars Laipenieks, and Otto Albrecht Alfred von Bolschwing. The Agency also enabled OSI to complete name trace requests on hundreds of immigrants in the United States. The Directorate of Operations, the Office of Security, and the Office of General Counsel spearheaded CIA's efforts with OSI. The Agency struggled to protect national security interests while meeting its legal obligations to support OSI. Despite some rough spots, the partnership was successful as the Agency and OSI learned how to cooperate. The nature of the Nazi war criminal investigations grew even more controversial during the 1980s. (U)

⁸⁵See “Statement of Allan A. Ryan, Jr., Director, Office of Special Investigations,” with annotated comments, in OGC Records, [] Box 2, Folder 25, CIA ARC. (U)

⁸⁶“Otto von Bolschwing; Ex-Captain in Nazi SS,” *New York Times*, 10 March 1982, p. B-5. (U)