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# DRAFT WORKING PAPER

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## Chapter Six

### As If It Had Come Off Mr. Waldheim's Xerox© Machine (U)

In 1986, the world discovered that Kurt Waldheim, former secretary general of the United Nations from 1972 until 1982 and a candidate for Austria's presidency, had served as a Wehrmacht staff officer in the Balkans during World War II. While he had never denied that he had been in the German army, Waldheim's 1985 autobiography, *In the Eye of the Storm*, lent the impression that his military service had been curtailed after he had received wounds in late 1941 on the Russian front. After his recovery, Waldheim went on to law school in Vienna.<sup>1</sup> As subsequent investigations easily discovered, *Oberleutnant* Waldheim held staff positions in senior army-level commands in Yugoslavia and Greece until the end of the war. The brutal nature of the war against local partisans and Allied commandos coupled with Nazi Germany's brutal treatment of

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<sup>1</sup>Kurt Waldheim, *In the Eye of the Storm: A Memoir* (Bethesda: Adler and Adler, 1986). Waldheim's book had first been published in England a year earlier. *Im Glaspalast der Weltpolitik* (Dusseldorf and Vienna: Econ Verlag, 1985), the German-language version of the Waldheim's book contains slightly more details about his military service, including the fact that he served until 1945. Waldheim's other publications, *The Challenge of Peace* (London: Weidenfeld and Nicholson, 1980) and *Building the Future Order: The Search for Peace in an Interdependent World* (New York: The Free Press, 1980) do not discuss his pre-UN activities.

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Balkan civilians, including Jews, and Italian prisoners of war after 1943, raised questions about Waldheim's own activities and his knowledge of the German atrocities.<sup>2</sup> (U)

In the midst of Austria's presidential campaign in 1986, Waldheim's military service over 40 years earlier attracted considerable international attention. Waldheim, the candidate of the conservative Austrian People's Party, became a symbol of the unfinished world war. Coming on the heels of Ronald Reagan's controversial visit in 1985 to a German military cemetery in Bitburg, Waldheim's election was seen as yet another milestone in reconciling Europe's past in the context of the continuing Cold War struggle between the United States and the Soviet Union.<sup>3</sup> (U)

Austria, however, appeared to suffer from a sort of historical amnesia about its role in the Third Reich.<sup>4</sup> Austria, which had been occupied by the Allies after the war and became a unified nation in 1955, had long held up its role in World War II as Nazi Germany's first victim. The Austrians heralded their limited resistance efforts against the

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<sup>2</sup>In addition to the investigations of Kurt Waldheim conducted by the Austrian magazine, *Profil*, and the World Jewish Congress, there were four official investigations done by the US Department of Justice, the Austrian Government, the British Government, and an independent panel of military historians. Thames Television also produced a televised "trial" of Waldheim entitled "Waldheim: A Commission of Inquiry" in June 1988. Jack Saltman, the show's producer, published his research for Thames Television in *Kurt Waldheim—A Case to Answer?* (London: Robson Books, 1988). (U)

<sup>3</sup>Geoffrey H. Hartman, ed., *Bitburg in Moral and Political Perspective* (Bloomington: Indiana University Press, 1986). See also Deborah Lipstadt, *Denying the Holocaust: The Growing Assault on Truth and Memory* (New York: The Free Press, 1993) and Mary Fulbrook, *German National Identity after the Holocaust* (Cambridge: Polity Press, 1999). (U)

<sup>4</sup>Several articles in Gunter Bischof and Anton Pelinka, eds., *Austrian Historical Memory and National Identity* (New Brunswick: Transaction Publishers, 1997) discuss the "politics of

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Nazis and had conveniently forgotten, or suppressed, the fact that the country had enthusiastically welcomed its annexation, or *Anschluss*, into the Third Reich in 1938. Many prominent Nazi officials, including Adolf Hitler and the “Architect of the Final Solution,” Adolf Eichmann, were natives of Austria. The Nazis, with the active collaboration of many Austrians, destroyed the country’s large and important Jewish population. In addition, over a million Austrians served in the German Wehrmacht, while the country’s industrial and agricultural resources sustained the Third Reich until the bitter end.<sup>5</sup> (U)

Eli M. Rosenbaum, who headed the investigation into Waldheim’s wartime past for the World Jewish Congress (WJC), regarded the case as critical in the struggle for historical memory as the 20<sup>th</sup> century came to a close. Writing in 1993, Rosenbaum noted:

In a sense, Waldheim was an unimportant man, who had distinguished himself at the UN more by his mediocrity than anything else. He was eased into diplomatic semiretirement and then won the largely ceremonial post of president of a small

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memory<sup>6</sup> about Austria in the 1930s and 40s. See also George E. Berkley, *Vienna and Its Jews: The Tragedy of Success, 1880s–1980s* (Cambridge: Abt Books, 1988). (U)

<sup>5</sup>By 1945, Austria, for example, produced 10 percent of Nazi Germany’s small arms, 20 percent of its locomotives, 30 percent of its aircraft fighters, and 55 percent of its mainstay tank. In addition, some 1.2 million Austrians served in the German armed forces, including 228 as generals and admirals. A total of 247,000 Austrians were killed or reported missing during the war and an additional 24,000 civilians died as a result of Allied bombings. Altogether, some 372,000 Austrians (including Jews and political dissidents) lost their lives between 1938 and 1945, some 5.6 percent of the population. Austria’s prewar Jewish population of nearly 200,000 was wiped out as a result of Nazi activities. For further details, see Evan Burr Bukey, *Hitler’s Austria: Popular Sentiment in the Nazi Era 1938–1945* (Chapel Hill: University of North Carolina Press, 2000). See also Bruce F. Pauley, *Hitler and the Forgotten Nazis: A History of Austrian National Socialism* (Chapel Hill: The University of North Carolina Press, 1981). (U)

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European nation that was comparatively unimportant politically, economically, and militarily.

But in another sense, he was a vital symbol. The crimes of the Nazis were not accomplished by a mere handful of evil leaders like Hitler, Eichmann, and the Berlin-based commanders. The execution of those ghastly crimes, on an unparalleled scale, required the complicity of many thousands of people. They were the essential gears in a giant criminal machine. Waldheim was such a gear, a component in a horrific, lawless enterprise that brought devastation, misery, and tragedy to vast areas of Europe. His postwar career was, therefore, an intolerable affront to human decency—as was the conduct of those governments and individuals who had enabled his deception to succeed and who had aided him even after he was exposed.<sup>6</sup> (U)

Allegations about Waldheim's military service prompted Attorney General Edward Meese to direct the Office of Special Investigations (OSI) in the US Department of Justice to open an investigation in March 1986 whether he should be excluded from entering the United States under the provisions of the "Holtzman Amendment." A year later, Meese announced that Waldheim had been placed on the "watch list" of war criminals excluded from entry into the United States. In an unprecedented move, the United States Government formally prohibited Waldheim, who had been elected Austria's president in June 1986, from visiting America in either an official or unofficial capacity.<sup>7</sup> The United States continues to exclude Waldheim to this day. (U)

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<sup>6</sup>Eli M. Rosenbaum with William Hoffer, *Betrayal: The Untold Story of the Kurt Waldheim Investigation and Cover-Up* (New York: St. Martin's Press, 1993), pp. 471-472. (U)

<sup>7</sup>Leslie Maitland Werner, "Waldheim Barred from Entering US over Role in War," *New York Times*, 28 April 1987, pp. A1 and 28. (U)

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**DRAFT WORKING PAPER****Waldheim and the CIA (U)**

The Waldheim affair is important for several reasons, not to mention the international isolation that the country faced after Waldheim's election and the lingering effects on relations between Austria and the United States.<sup>8</sup> While the media branded Waldheim as a Nazi and then closed the case after the Attorney General's announcement in April 1987, the Federal government's decision to exclude the Austrian president remains an emotional issue to this day.<sup>9</sup> The controversy surrounding Waldheim also divided the Jewish community. Stunned that an international figure of Waldheim's stature could hide a tainted past, some Jewish activists accused Simon Wiesenthal, Austria's famed "Nazi hunter," of sheltering Kurt Waldheim. This schism continues to be played out years after Waldheim's exposure.<sup>10</sup> (U)

The Central Intelligence Agency has endured withering criticism in the media and in the halls of Congress for its failure to know about Waldheim's hidden past. More

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<sup>8</sup>Richard Bassett, *Waldheim and Austria* (New York: Viking Press, 1989). See also Luc Rosenzweig and Bernard Cohen, *Waldheim*. Trans. by Josephine Bacon. (New York: Adam Books, 1987). (U)

<sup>9</sup>A retired CIA officer, John R. Mapother, has been one of the most vocal critics of the US Government's decision to bar Waldheim from American soil. See John R. Mapother, *Wie man auf die Watchlist kommt* (Vienna: Iberra and Molden Verlag, 1997). For a translated version, see Mapother, *News as Entertainment: How Austria's Anti-Nazi President Became America's Favorite Nazi Culprit* (Potomac: n.p., 1999). See also Harold H. Tittman III, *The Waldheim Affair: Democracy Subverted* (Dunkirk: Olin Frederick, 2000). (U)

<sup>10</sup>See Alan Levy, *The Wiesenthal File* (Grand Rapids: William B. Eerdmans Publishing Company, 1993) and Simon Wiesenthal, *Justice, Not Vengeance* (London: Weidenfeld and Nicholson, 1989). Rosenbaum's book, *Betrayal*, is as much of an attack against Wiesenthal as it is against Waldheim. For further details, see Jacob Heilbrunn, "Waldheim and His Protectors:

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damning, some critics have charged that the CIA actually knew about Waldheim's wartime service and covered it up for its own clandestine purposes. In the years since the Waldheim case came to light, a steady drumbeat has reverberated in the press that the CIA lied to protect Waldheim. These critics demanded that the US Government force the Agency to open its Waldheim files in order to expose the CIA's duplicity. The Agency, using its often-cited need to safeguard "sources and methods," rebuffed these efforts and fought a long, but in the end, vain fight to preserve the sanctity of its operational records.

(U)

### The Agency's Late Interest in Waldheim (U)

Waldheim had a normal, if not distinguished, career as an Austrian diplomat when he was elected secretary-general of the United Nations in late 1971. The Agency, meanwhile, did not consider Waldheim of intelligence interest and did not even open his 201, or personality, file until January 1972. Aside from a few scattered references to Waldheim's work in the Austrian Foreign Ministry during the 1950s, the Agency conducted its first checks on him only after he rose to the top leadership position in the UN.<sup>11</sup> (S)

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The Search for Truth Leads the Author Down Some Surprising Paths," *New York Times Book Review*, 10 October 1993, p. 9. (U)

<sup>11</sup>The Agency opened its "201" file on Kurt Waldheim on 10 January 1972. □ See Cable, Director to DO/ □ □ 11 January 1972, Director 219714, (S), in Kurt Waldheim, File 201-0896881, Records of the Directorate of Operations (hereafter cited as Waldheim, File 201-0896881, DO Records). (S)

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While Waldheim was not of particular interest to the CIA until his rise to the helm of the United Nations, the Directorate of Intelligence published some 20 biographical profiles of Waldheim between 1964 and 1987. Interestingly, the Agency's first biographical profile of Waldheim as Austria's ambassador to the United Nations did not even list his military service.<sup>12</sup> By the time that Waldheim became secretary general, the DI reported that he had served in the German army and had been wounded. This report commented, "Waldheim is a devoted friend of the United States, and he has been very cooperative and helpful in promoting US interests. When he was Foreign Minister his personal cooperation was particularly effective in confidentially working out Austrian formulations acceptable to the United States covering such subjects as Vietnam, the Middle East and European security. His long service in the United States," the Agency noted, "has given him an understanding of American thinking and foreign policy objectives."<sup>13</sup> (U)

Shortly after his swearing in as the new UN chief, the CIA queried its sources in early January 1972 about rumors that Waldheim had been a member of the Nazi party.<sup>14</sup>

One source denied "emphatically" that Waldheim had ever belonged to the National Socialist German Workers' Party, or NSDAP, although he knew that Waldheim had

<sup>12</sup>Biographical profile, Kurt Waldheim, July 1964, in Kurt Waldheim "CIA Name File," NARA. (U)

<sup>13</sup>Directorate of Intelligence, Intelligence Memorandum, "Kurt Waldheim of Austria, Secretary General of the United Nations," January 1972, in "CIA Name File," NARA. (U)

<sup>14</sup>For the first inquiry, see Cable, DO. C 3; to Director, 4 January 1972, DO/ C 3 20776, IN 505612, (S), in Waldheim, File 201-0896881, DO Records. (S)

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served as a staff officer in the German army. According to this report, Waldheim “never had to make a serious decision himself and he always had superiors who would take the responsibilities for decision and action.” He was, in this agent’s words, a “colorless bureaucrat.”<sup>15</sup> (S)

Headquarters took other steps to check on Waldheim, requesting its base in [redacted] to check with the State Department’s Berlin Documents Center to see if Waldheim had a Nazi party membership file. The Base reported that, while there were three men with the same name in the Nazi party, it found no trace that the UN secretary-general had joined the party. “Wish [to] point out,’ [redacted] reported, “[that] negative trace at BDC not absolute guarantee that individual being traced was not member OS [Austrian] NSDAP. Although it is presumed that master NSDAP card file [is] complete there [is] no way [of] being positive this source.”<sup>16</sup> (S)

The Agency’s station in [redacted] also queried an old source who “reiterated that he considers it very unlikely that Waldheim was a member NSDAP, pointing out that Waldheim’s father was fired from his post by Nazis.” The source furthermore added, “the rumor [of Waldheim’s Nazi membership] might have arisen from stories (which he could not vouch for) that Waldheim during WWII service as a staff officer in Paris had reputation as ‘knowing Paris’ and arranging gay evenings for VIPs.” Station could not

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<sup>15</sup>Cable, DO/[redacted] to Director, 5 January 1972, [redacted] 20787, IN 506467, (S), in Waldheim, File 201-0896881, DO Records. (S)

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find any information detailing Waldheim's wartime service and considered it unlikely—given his postwar duties in the Austrian Foreign Ministry—that he could have been a Nazi.<sup>17</sup> (S)

After this initial examination, the Agency did not actively research Waldheim's wartime service. Instead, the CIA simply kept tabs on Waldheim's official travel, his personal habits, and the activities of his staff. No evidence in the files indicates that he was an agent of the Central Intelligence Agency or the US Army's Counter Intelligence Corps (CIC) before, during, or after his tenure in the United Nations.<sup>18</sup> Likewise, the CIA's records do not provide any leads that Waldheim was a source for the Soviets, the Yugoslavs, or any other communist nation. (S)

**Congress Takes Note (U)**

Waldheim's World War II activities attracted occasional attention in the United States. After the *New Republic* published two articles on the United Nations and

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<sup>16</sup>See Cable, Headquarters to [redacted] 7 January 1972, Director 219136, OUT 219436, (S), and Cable, [redacted] to Headquarters, 12 January 1972 [redacted] 15294, IN 511536, (S), both in Waldheim, File 201-0896881, DO Records. (S)

<sup>17</sup>Cable, [redacted] to Headquarters, 17 January 1972, [redacted] 14703, IN 514652, (S). For clarification about Station's use of "gay," see Cable, DO/ [redacted] to [redacted] 20 January 1972, [redacted] 20910, IN 518332, (S), and Cable, [redacted] to DO/ [redacted] 21 January 1972, [redacted] 14748, IN 518954, (S), all in Waldheim, File 201-0896881, DO Records. (S)

<sup>18</sup>Waldheim's 201 file contains no information to indicate that the US government had any intelligence interest in Waldheim prior to his rise to the top at the United Nations. Likewise, the CIA also has a 1951 master index card list of sources belonging to the 430<sup>th</sup> Counter Intelligence Corps Detachment in Austria. Waldheim's name does not appear in the alphabetical section of this list. (S)

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Waldheim, Stephen J. Solarz, a New York Democratic congressman, wrote to Waldheim and to DCI Adm. Stansfield Turner in late 1980 asking several questions to clarify the secretary general's record.<sup>19</sup> On the last day of 1980, Frederick P. Hitz of CIA's Office of Legislative Counsel replied to Solarz, "we believe that Waldheim was not a member of the Nazi Youth Movement, nor was he involved in anti-Jewish activities." Hitz then provided Solarz with a brief synopsis of Waldheim's military record, commenting that he entered the German army at the age of 20 in 1939. Following service as a staff officer with the 45th Infantry Division in Poland and France, Waldheim's "service with this Division ended in 1941 when he received a leg wound" in the Soviet Union. After a lengthy recovery, the Agency told Solarz that the German army discharged Waldheim to return to law school in Vienna. Waldheim received his degree in 1944 and entered the Foreign Ministry in 1945. The Agency could not find any indications that Waldheim had "participated directly or indirectly in anti-Jewish activities."<sup>20</sup> (U)

In 1980, after informing the congressman what it knew about Waldheim's military and civilian careers, the CIA did not follow up on fresh reports received in 1981 that raised new questions about his whereabouts between 1941 to 1945. A source provided a

<sup>19</sup>Waldheim's 19 December 1980 reply to Solarz is located in Waldheim's 201 file. Solarz's letter to the DCI, however, is not in the file. For details about this correspondence, see Shirley Hazzard, *Countenance of Truth: The United Nations and the Waldheim Case* (New York: Viking, 1990). (U)

<sup>20</sup>See Hitz to Solarz, 31 December 1980, OLC 80-2248/a, in Waldheim, File 201-0896881, DO Records. Hitz's letter, signed by [redacted] had been based upon research conducted by [redacted]. See also [redacted] Memorandum for the Record, "Inquiry Concerning UN Secretary General Waldheim," 9 March 1981, in Waldheim, File 201-0896881, DO Records. (S)

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letter from a West German publisher that claimed that Waldheim served as an "aid[e]" to a German general on the Eastern Front who commanded a unit of Russian Cossacks fighting for the Third Reich. An additional report stated that Waldheim commanded a special unit behind Soviet lines and that the Russians had captured him. According to this source, the Soviets released Waldheim while they executed other German officers for war crimes. Consequently, "Waldheim has never forgotten what the Soviets had done for him, and this would explain his lenience toward the USSR."<sup>21</sup> (S)

Headquarters, however, dismissed these reports and reiterated its faith in Waldheim's standard biography. In a message from Washington to various stations, the Agency commented, "the fact that Waldheim has enjoyed a public career of some 35 years without having been 'exposed' in the past through any associations with the Nazis, suggests that such allegations have no basis."<sup>22</sup> The Agency's understanding of Waldheim's military activities sufficed until early 1986, when his murky web unraveled. The World Jewish Congress (WJC) and the *New York Times*, responding to press reports and political gossip in Austria about Waldheim, delved deeper into captured German records at the National Archives and quickly uncovered the truth. (S)

<sup>21</sup>Deferred Telepouch, DCD/ [ ] to Washington, "Information on Secretary General of UN," 8 December 1981, DCD/ [ ] 14264, (S), in Waldheim, File 201-0896881, DO Records. (S)

<sup>22</sup>Deferred Telepouch, EUR/SAR to DCD, [ ] [ ] "Information on Secretary General Waldheim," 23 December 1981, [ ] [ ] 103304, (S), in Waldheim, File 201-0896881, DO Records. (S)

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**DRAFT WORKING PAPER****Incompetent at Best, Indifferent at Worst? (U)**

Between 1986 and 1989, at least five separate investigations by the World Jewish Congress, the Office of Special Investigations, the Austrian Government, the British Government, and by an independent panel of military historians, revealed that Waldheim's military service had been far more extensive than he had led the world to believe. As a result of the Department of Justice's investigation, the Attorney General announced in 1987 that he had placed Kurt Waldheim's name on the immigration "watch list." This action barred Austria's president from visiting the United States because, according to the definition in the Nazi War Crimes Disclosure Act, he had "assisted, or otherwise participated in the persecution . . . of person[s] because of race, religion, national origin or political opinion." The OSI investigation specifically cited Waldheim's participation in the transfer of civilians to the SS for slave labor; the mass deportation of civilians to death camps; the utilization of anti-Semitic propaganda; the mistreatment and execution of Allied prisoners of war; and the reprisal execution of civilians as the basis for the Attorney General's ruling.<sup>23</sup> (U)

The extent of Waldheim's service in the German army in the Balkans became abundantly clear after these investigations, yet questions lingered as to how he avoided detection for so many years. Hitz's letter to Rep. Solarz in December 1980, essentially

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<sup>23</sup>A summary of OSI case against Waldheim is found in US Department of Justice, Criminal Division, *In the Matter of Kurt Waldheim* (Washington, DC: US Department of Justice, 1987), pp. 1-3 (hereafter cited as the Waldheim Report). Prepared in April 1987, OSI did not release the report until 1994. (U)

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exonerating Waldheim, created the impression that the Agency sought to protect the Austrian diplomat. Solarz, testifying at a Congressional hearing in 1986, blasted the CIA's response because "it looked as if it had come off Mr. Waldheim's xerox machine. Their investigation," Solarz declared, "was incompetent at best and indifferent at worst."<sup>24</sup> (U)

New information added to the confusion about Waldheim's relationship to the Americans. The US Army, in fact, had submitted Waldheim's name to the Central Registry of War Criminals and Security Suspects (CROWCASS) while the United Nations War Crimes Commission (UNWWC) had indicted him for murder at the insistence of the Yugoslavs in 1948, but again it was uncertain how Waldheim evaded these charges. Waldheim's tale became even more intriguing when Karl Gruber, Austria's first postwar Foreign Minister, acknowledged that Fritz Molden, an Austrian who worked for OSS and later married the daughter of DCI Allen Dulles, had first proposed that the young Austrian lawyer join the diplomatic corps only months after the war's end.<sup>25</sup> Molden furthermore claimed that he had appointed Waldheim to this new post not only after checking with Austrian officials as to Waldheim's Nazi record, but also after checking with American occupation authorities, including the Army's CIC and

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<sup>24</sup>US Congress. House. Subcommittee on Human Rights and International Organizations of the Committee on Foreign Relations. *Allegations Concerning Dr. Kurt Waldheim*. 99th Cong., 2nd sess., 22 April 1986, p. 5. (U)

<sup>25</sup>Gruber testified in the US Congress as to his relationship with Waldheim. See *Ibid*, p. 36-37, and Rosenbaum, *Betrayal*, pp. 174-175. (U)

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OSS.<sup>26</sup> Further examinations of Waldheim's postwar actions indicated that he had supported the Yugoslavs and the Soviets on a number of issues. All of this information lent credence to suspicions that more than one nation wanted to protect Waldheim. (U)

### **A Ghost from the Past: The SIME Report (U)**

In the midst of the mounting scandal, the Agency compounded its December 1980 letter to Solarz with an unfortunate series of blunders. After the scandal broke, Congressional figures demanded that the CIA provide answers to the allegations facing Waldheim. Lee H. Hamilton, chairman of the House Permanent Select Committee on Intelligence (HPSCI), Rep. Solarz, and Sen. D'Amato all asked for full access to the Agency's holdings.<sup>27</sup> The Agency's response was rather perfunctory and simply reiterated the known "facts" in its Congressional correspondence and in briefings to both

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<sup>26</sup>Molden's account can be found in the Austrian government's "White Book," which also examined Waldheim's wartime service and rebutted accusations that he was a war criminal. See *Kurt Waldheim's Wartime Years—A Documentation* (Vienna: Carl Gerold's Sohn, 1987). (U)

<sup>27</sup>Hamilton to Casey, 24 March 1986; Solarz to Director, Office of General Counsel, 27 March 1986, OGC 86-01340; D'Amato to Casey, 10 April 1986, ER 86-1625X; all in Waldheim, File 201-0896881, DO Records. (U)

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oversight committees in Congress.<sup>28</sup> In one case, the CIA even relegated Solarz's request for information to the channels of the Agency's Freedom of Information Act office.<sup>29</sup> (U)

The Agency initially had little new information based on reviews of its 201 file. Checks on Waldheim in 1972 had been limited to the Berlin Documents Center and not other archives in the West.<sup>30</sup> As Congressional interest in Waldheim mounted, the CIA undertook an expanded search, locating several additional documents not located in his 201 file that contained references to a Waldheim.<sup>31</sup> At first, the Agency could not ascertain whether they referred to Kurt Waldheim or another person with the same last name. One document, in particular, quickly drew Congressional interest and later media attention. A British intelligence brief from 26 April 1945, known as Security Intelligence Middle East (S.I.M.E.) Report Number 4, contained the interrogation of Hans Jurgen Kirchner, a captured German intelligence officer. In the report, Kirchner described some

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<sup>28</sup>For examples, see "HPSCI Chairman Hamilton's and Congressman Solarz Request for Information on Kurt Waldheim," 25 April 1986, (S); David D. Gries, Director of Congressional Affairs to Hamilton, 25 April 1986, OCA 86-1361(S); Gries to D'Amato, 29 April 1986, OCA 86-1394; [redacted] Deputy Director for Senate Affairs to Bernard McMahon, Staff Director, Senate Select Committee on Intelligence, 28 April 1986, OCA 86-1378, (S); and Gries to Solarz, 1 May 1986, OCA 86-1425, (S), all in Waldheim, File 201-0896881, DO Records. (S)

<sup>29</sup>See Solarz to [redacted] Freedom of Information Act Officer, 8 April 1986, F86-0431, and Gries to Solarz, 1 May 1986, OCA 86-1425, (S), both in Waldheim, File 201-0896881, DO Records. (S)

<sup>30</sup>The CIA explained how it conducted its search in 1972 in a letter to Solarz. See John L. Helgerson, Director of Congressional Affairs to Solarz, 3 June 1988, OCA 88-1735, in Waldheim, File 201-0896881, DO Records. (U)

<sup>31</sup>[redacted] Chief, Operations Group to [redacted] ; EPS/LG, "Waldheim, Kurt," 25 April 1986, DOR-02215, (S), in Waldheim, File 201-0896881, DO Records. (S)

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238 German intelligence personnel stationed in the Balkans and elsewhere in Europe.<sup>32</sup>

(C)

The British provided this report to the Americans at some point at the end of the war, and it was filed at OSS Headquarters in Washington and later transferred to the new CIA in 1947. An altogether unremarkable document, the S.I.M.E. report made a short reference on page 47 to *Oberleutnant* Waldheim. Kirchner briefly described Waldheim as a "subordinate officer to WARNSTORFF in SALONIKA" while also providing some general physical characteristics, such as his height, age, hair and eye color. Immediately below the Waldheim entry is a similar, although slightly more detailed, description of *Oberstleutnant* Warnstorff. The S.I.M.E. report sat in the CIA's files for decades after the war, and it was not cross-referenced or placed in Waldheim's 201 file when it was opened in 1972. Likewise, the Agency did not transfer the S.I.M.E. report with the bulk of its OSS holdings to the National Archives in the 1980s because of its British origins. Thus, the document came to light in 1986 only after the Agency undertook a review of its holdings as a result of worldwide interest in Waldheim. (C)

In 1986, the Agency provided sufficient detail about the report's contents to Congressional inquiries, but it refused to release the report in its entirety to FOIA requesters. The Agency explained that it could not declassify the report because Executive Order 12356 and US Code 403 (g) of the Central Intelligence Agency Act of

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<sup>32</sup>S.I.M.E. Report No. 4, 26 April 1945, originally filed as XARZ-8307 in Rome-X-2-PTS-113, XARX-8307, (S), is now found in Waldheim, File 201-0896881, DO Records. (S)

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1949 required it to protect foreign government information in addition to protecting sources and methods.<sup>33</sup> (C)

Congressman Solarz, apprised of the report's general contents in 1986, demanded a year later that the Agency release the document to the public. "I find this information," Solarz declared, "both surprising and distressing in light of the assurances given me in 1980 that no such reporting existed."<sup>34</sup> In late 1987, David D. Gries, director of the Office of Congressional Affairs, told Solarz that "the 1945 document [the S.I.M.E. report] you cite is not relevant, nor does it speak to your concerns. By way of explanation, we did have the reference to an Oberleutnant Waldheim when we responded to your 1980 request. However," Gries admitted, "at that time, all other available information placed Kurt Waldheim in a civilian capacity in 1945 after being wounded in 1942. The one incomplete reference, which was extracted in our 1986 letter to you, was not adequate evidence to contradict all other known information on the then Secretary General, and so our 1980 letter to you did not mention it."<sup>35</sup> (S)

By 1987, the existence of the 1945 report had become common knowledge because the Agency also refused to release it to the World Jewish Congress. In an effort

<sup>33</sup>The Agency refused to release the report in response to a FOIA request by the World Jewish Congress. See Lee S. Strickland, Information and Privacy Coordinator to Eli M. Rosenbaum, World Jewish Congress, 9 June 1987, in Waldheim, File 201-0896881, DO Records. (U)

<sup>34</sup>Solarz to the DCI, 23 October 1987, ER 87-4677x, in Waldheim, File 201-0896881, DO Records. (U)

<sup>35</sup>Gries to Solarz, 16 November 1987, OCA 87-5713. For background material to Gries's reply, see  $\sphericalangle$   $\sqsupset$  to Chief, EUR Division, "Congressman Solarz's Request for Information on Kurt Waldheim," [undated], (S), both in Waldheim, File 201-0896881, DO Records. (S)

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to bolster Waldheim's case, the Austrian Embassy in Washington telephoned the Central Intelligence Agency in October 1987 and asked that the Americans provide a copy of the report.<sup>36</sup> "The Embassy," Lee S. Strickland, the Agency's Information and Privacy Coordinator recalled, "was highly concerned about the recent spate of news articles which have variously, but all erroneously, stated that the CIA knew Kurt Waldheim was involved in Nazi activities and/or was an agent of American intelligence." After a lengthy discussion, Strickland convinced Christian Prosel, the Austrian counselor, that his government should make a formal request through their ambassador or liaison officer.<sup>37</sup> The following day, the Austrian embassy passed a note to the State Department, expressing its desire to receive a full or redacted copy of the report.<sup>38</sup> (U)

The official Austrian request presented a new problem for the Agency because it still had an obligation to protect intelligence provided by a foreign government from dissemination to another foreign power. The Agency consequently approached its British counterparts with an unusual request: could the United States provide the Austrians with a copy of the report pertaining to Waldheim and his superior officer? After a week of ~~deliberations~~ deliberations, the British Government agreed to release that portion of the 1945 S.I.M.E. report with its brief references to Waldheim and Warnstorff. The Americans, however,

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<sup>36</sup>"Austria Seeks Waldheim File," *Washington Post*, 21 October 1987, p. A30. (U)

<sup>37</sup>Lee S. Strickland, Privacy and Information Coordinator to DDA et al, "Inquiry from Embassy of Austria," 21 October 1987, (S), in Waldheim, File 201-0896881, DO Records. The Austrians probably reacted to American press accounts, such as "New Links to a Nazi Past?" in *Newsweek*, 5 October 1987, p. 9. (S)

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could only pass this information to the Austrians with the express indication that the material still retained its secret classification and that it came only from "an allied government."<sup>39</sup> In early November 1987, the CIA passed the sanitized section to the State Department for transfer to the Austrian Government.<sup>40</sup> (S)

**Steady Criticism (U)**

Waldheim dismissed the S.I.M.E. report after the Austrian Government received the sanitized portion. An independent panel of military historians looking into Waldheim's role also had little use for it.<sup>41</sup> Despite its overall insignificance, the British press seized upon the 1945 report and suggested that Her Majesty's Government refused to support the Nazi war criminal investigations. A Reuters dispatch quoted an unnamed source that "the United States cannot, in accordance with its agreement with the British, release the document without British permission."<sup>42</sup> Indeed, the British had apparently lost the S.I.M.E. report in the years after the war, and the copy in the CIA's files turned

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<sup>38</sup> Austrian Embassy, Verbal Note, 22 October 1987, in Waldheim, File 201-0896881, DO Records. (S)

<sup>39</sup> [redacted] Chief, EUR Division to Strickland, "Release of Information," 30 October 1987, (S), in Waldheim, File 201-0896881, DO Records. (S)

<sup>40</sup> Strickland to Ambassador Rozanne L. Ridgway, Assistant Secretary of State for European and Canadian Affairs, 5 November 1987, (S), in Waldheim, File 201-0896881, DO Records. The Austrian Government used the S.I.M.E. Report as a part of its "White Book" on Waldheim. See *Kurt Waldheim's Wartime Years: A Documentation*. (S)

<sup>41</sup> International Commission of Historians, *The Waldheim Report* (Copenhagen: Museum Tusulanum Press, 1993). (U)

<sup>42</sup> Arthur Spiegelman, "British Blocking CIA from Releasing Waldheim Document," Reuters, 2 March 1988. (U)

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out to be the only surviving example. In 1988, the Directorate of Operations expressed its overall willingness to release the entire report provided that American markings were removed. The British, however, preferred to "hold firm to principle of not releasing any intel docs, no matter how old or innocent."<sup>43</sup> (S)

With its hands tied by the British, the CIA absorbed a steady stream of criticism over the years. Congressman Solarz demanded that the Agency reveal the contents of the 1945 report and inform him if the OSS had conducted any interrogations of Waldheim.<sup>44</sup> In 1989, the British Government cleared Waldheim of any role in the deaths of British military personnel captured in Greece and the Greek Islands in 1943-44.<sup>45</sup> In an official report published by the British Government late that year, the British released a sanitized version of the 1945 S.I.M.E. report.<sup>46</sup> The British, however, neglected to inform the

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<sup>43</sup>Cable, Headquarters to C-3 "Press Reports on Kurt Waldheim," 1 March 1988, Director 928535, (S), in Waldheim, File 201-0896881, DO Records. Few days later, Headquarters informed C-3 that "British FCO and MOD are now inclined to quote from and possibly even release 26 Apr 45 S.I.M.E. document as part of Commando investigation and to counter increasingly fantastic press claims as to its content." The Agency told the British that "we cannot strongly object to British release, and that copy being released can even be sourced to USG (or if necessary [CIA]) archives since [CIA] has already surfaced in the press as holder of doc." See Cable, Headquarters to C-3 "Waldheim Reports/Document," 5 March 1988, Director 937491, (S), in Waldheim, File 201-0896881, DO Records. (S)

<sup>44</sup>Solarz to DCI, 3 May 1988, ER 88-1931x, and Helgeson to Solarz, 8 June 1988, OCA 88-1735, both in Waldheim, File 201-0896881, DO Records. (U)

<sup>45</sup>See Michael Evans, "Waldheim 'Not Linked to Shooting of Britons,'" *The Times* (London), 11 October 1989, p. 24; Michael Evans, "MoD Report Clears Waldheim of Blame over War Murders," *The Times* (London), 18 October 1989, p. 8. (U)

<sup>46</sup>Ministry of Defence, *Review of the Results of Investigations Carried Out by the Ministry of Defence in 1986 into the fate of British Servicemen Captured in Greece and the Greek Islands between October 1943 and October 1944 and the Involvement, If Any, of the Then Lieutenant Waldheim* (London: Her Majesty's Stationery Office, 1989). (U)

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Central Intelligence Agency of this release at that time. Consequently, the Agency continued to withhold the British World War II report until it was finally declassified in 2001. By this time, British intelligence officials had no interest in the S.I.M.E. report and expressed surprise that the CIA had kept it under wraps for so long. (U)

The British 1989 report on Waldheim brought about a wave of fresh criticism against the CIA. In November of that year, A.M. Rosenthal, a columnist in the *New York Times*, recited the story of CIA's 1972 check on the new Secretary General, the Agency's letter to Congressman Solarz in 1980, and the saga of the 1945 British report. Rosenthal quoted Robert E. Herzstein, a University of South Carolina historian and author of a newly published book on Waldheim, who asserted, "now there is proof that the CIA investigated Waldheim, cleared him, declared him to be of operational interest and shielded him. It did so while having in its files at least one document placing Dr. Waldheim in the Balkans, a fact which if published would have unveiled a 30-year coverup." Rosenthal, citing Herzstein's research, urged Congress to open the Agency's Waldheim file, "or what remains of it," to determine whether the former UN secretary general was an American "operational asset."<sup>47</sup> (U)

A week later, the World Jewish Congress unveiled its copy of the S.I.M.E. report obtained from "contacts in Europe." "What you have here," Elan Steinberg, the WJC's executive director declared, "is the CIA not only confirming Waldheim's big lie, which is

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to say his coverup, but a document showing that the CIA knew and, in fact, has known for 40 years that that was a big lie.” The World Jewish Congress maintained that the Agency knew about Waldheim’s “secret” past even as he was confirmed as UN secretary general in 1971 and later as it responded to Solarz’s inquiry.<sup>48</sup> (U)

The reaction to the WJC’s release was immediate. In an article entitled “CIA Held File on Waldheim War Role,” the *Washington Post* claimed that an unidentified US Government source had confirmed that the document obtained by the WJC was genuine and had been in CIA’s files. An Agency spokesman, however, offered no comment and simply replied, “it will take time to investigate this.” The *Post* also quoted Prof. Herzstein about why the CIA had this document, but had not reported on Waldheim’s military service in the Balkans. “I have to assume there was a pattern of protection,” said Herzstein. “It is conceivable that Waldheim could have been an agent of influence or a source of information about KGB influence in the UN secretariat.” Herzstein claimed that the Agency’s failure to reveal the existence of the British report was the result of “incompetence or a pattern of protection.”<sup>49</sup> (U)

### The Decade of the Nazi War Criminal (U)

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<sup>47</sup>A.M. Rosenthal, “The Waldheim File,” *New York Times*, 24 November 1989, p. A35. Herzstein presents his case in his book, *Waldheim: The Missing Years* (New York: Arbor House/William Morrow, 1988). (U)

<sup>48</sup>Dennis Hevesi, “CIA Document Said to Contradict Waldheim,” *New York Times*, 30 November 1989, p. A13. (U)

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As the 1980s came to a close, the world had witnessed a crescendo of major Nazi war criminal investigations, including Klaus Barbie, Josef Mengele, and Kurt Waldheim. The CIA was badly hurt by the Waldheim investigations after 1986. The Agency's missteps were compounded by its cursory background check on the new UN secretary general in 1972 and its stubbornness to declassify relevant documents, such as the 1945 British intelligence report. These would come back to haunt the Agency. (U)

The major Nazi war criminal investigations of the 1980s provided gist for speculation about the Agency's role since World War II. The investigations by the GAO and OSI failed to dampen suspicions about the CIA; on the contrary, they spurred further criticism and new demands to "open the files." With the fall of the Berlin Wall in 1989 and the collapse of the Soviet Union two years later, these calls grew louder. The Agency found itself pressed to explain its relationships with Nazi war criminals. The end of the Cold War opened a new chapter in the Agency's involvement in the Nazi war criminal investigations, by now the longest external examination of the Central Intelligence Agency. (U)

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<sup>49</sup>Arthur Spiegelman, "CIA Held File on Waldheim War Role: Record Names Former UN Leader as German Intelligence Liaison," *Washington Post*, 30 November 1989, p. A51. (U)