

SECRET

DRAFT WORKING PAPER

Chapter Twelve

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Essential to the Furtherance of the National Intelligence Mission (U)

Although Congress established the Central Intelligence Agency under the National Security Act of 1947, it left unanswered a number of questions about its status as a Federal body. In an effort to regulate the Agency and to provide administrative guidance, the Congress passed the Central Intelligence Agency Act of 1949 during the summer of that year. Dealing with a variety of issues, such as the seal of office and the DCI's responsibility to protect sources and methods, the act (ratified as Public Law 110) also covered immigration to the United States.¹ Section 8 of the CIA Act of 1949 (later amended as Section 7) granted the Director of Central Intelligence considerable leeway to facilitate the movement of foreigners to the United States. The law specifically stated:

Whenever the Director, the Attorney General, and the Commissioner of Immigration shall determine that the entry of a particular alien into the United States for permanent residence is in the interest of national security or essential to the furtherance of the national intelligence mission, such alien and his immediate family shall be given entry into the United States for permanent residence without regard to their inadmissibility under the immigration or any other laws and regulations, or to the failure to comply with such laws and regulations pertaining to admissibility: Provided, That the number of aliens and members of their immediate families entering the United States under the

¹For a general discussion of the Congressional action in the establishment of CIA, see []
The Central Intelligence Agency: The First Thirty Years 1947-77, pp. 29-30. (S)

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authority of this section shall in no case exceed one hundred persons in any one fiscal year.² (U)

The CIA Act of 1949 became law several years after American intelligence first realized that it faced mounting problems in terms of handling agents who outlived their usefulness as operatives. Indeed, within weeks of the cessation of fighting in 1945, the Office of Strategic Services faced the task of settling accounts with countless European agents, including Allen Dulles's "Crown Jewels." In addition to questions of "agent disposal," American intelligence faced a quandary in deciding what to do with men and women who abandoned communism and sought refuge in the West.³ (S)

The Hungarian Connection (U)

OSS, however, lacked the legal means to resettle these individuals or to reward them in other ways for their faithful service to the United States. Zsolt Aradi was among the first agents that OSS, and later the Strategic Services Unit, attempted to compensate by allowing the Hungarian and his family to immigrate to the United States.⁴ Aradi had worked as an agent for SI in Italy during the war and continued to serve with the

²John S. Warner, Acting General Counsel, Memorandum to Chief, FI, "Laws Relating to the Central Intelligence Agency," 6 March 1953, DO Records, [] Box 2, Folder 3, CIA ARC (R), enclosing "Text and Explanation of the Central Intelligence Act of 1949 as Amended, Provisions Pertaining to the Establishment of the Central Intelligence Agency from the National Security Act of 1947 as Amended, and a Compilation of Extracts from Other Statutes Referring Specifically to the Central Intelligence Agency or the Director of Central Intelligence." (S)

³Two early examples of the dilemma that American intelligence faced in Europe are seen in D. DeBardeleben to Frank G. Wisner, "Proposed Protection of and Assistance to OSS Contacts and Agents," 5 July 1945, L-003-705, (S), and Crosby Lewis to DCI, "Return to the United States of Mr. George Wood, SSU Undercover Agent in Germany," 22 May 1946, MGH-003-522, (S), both in DO Records, [] Box 2, Folder 21, CIA ARC. (S)

⁴First Lieutenant Hart Perry, Chief, SI to Lieutenant Colonel Howard M. Chapin, "Biographies of Aliens Desiring Visas for the United States," 17 August 1945, in Aradi, [] DO Records. (S)

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Americans in Austria and Germany following VE-Day. Aradi's real ambition centered on leaving Europe for America, and he collected testimonials from those who worked with him. [redacted] in Washington, for example, observed that "there is no question in my mind concerning the integrity and loyalty of Mr. Aradi to our organization. He is a highly intelligent and effective worker, and he merits every consideration."⁵ (S)

Despite efforts by several key American intelligence officers on Aradi's behalf, the Hungarian encountered numerous obstacles that kept him in Europe.⁶ Almost throwing up his hands in despair in late 1946, Richard Helms, Foreign Branch M's chief, told [redacted], the chief of the Austrian mission, that "in all candor, the subject of immigration to the United States is one of the most confusing problems that any of us have ever had to deal with."⁷ While both Helms and [redacted], among others, wanted to assist Aradi's immigration, there were limits to what these officials could do. The State Department, which regulated the issuance of visas in overseas consulates, had no legal recourse to enable Aradi to travel to the United States. The Immigration Act of 1924 established a quota system for each nation with preference going to immigrants who were family members of US citizens or resident aliens. All other persons desiring to immigrate (and this included Aradi) fell into the "nonpreference" category. Due to restrictive US

⁵ [redacted] to [redacted], "Zsolt Aradi," 1 November 1946, (S), in DO Records, [redacted], Box 4, (no folder listed), CIA ARC. See also Chapin to Aradi, 22 September 1945; and Aradi to Chapin, 13 October 1945, both in Aradi, [redacted] DO Records. (S)

⁶ US officials appealed to the State Department for assistance. See Alfred C. Ulmer, Jr., to American Consul General, Naples, 16 July 1946; Edward J. Green to Richard Helms, 26 July 1946, (S); and [redacted] to Helms, "Aradi, Zsolt," 1 November 1946, (S), in Aradi, [redacted] DO Records. (S)

⁷ Helms to [redacted], "Your Memorandum of 1 November [1946] on Zsolt Aradi," 25 November 1946, (S), in Aradi, [redacted] DO Records. (S)

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immigration policies and overtaxed quotas, Aradi faced the prospect of a long wait for a visa.⁸ (S)

In an effort to alleviate the burden that the 1924 act placed on US Government agencies in sponsoring the immigration of foreigners, the Secretary of State and the US Attorney General approved a change in the policy of admitting nonpreference immigrants in late 1946.⁹ With the consensus of the Joint Chiefs of Staff of "persons whose admission is highly desirable in the national interest," the State Department permitted these immigrants to have a higher priority over other nonpreference immigrants. The regulatory change, however, did not give these aliens a higher standing than those immigrants who enjoyed a preferred status because of family ties to the United States. While a slight improvement, visas for nonpreference immigrants from Europe still remained vastly oversubscribed.¹⁰ Special immigrants, including Zsolt Aradi and Gustav Hilger, were forced to remain in Austria and Germany while waiting for the State Department to reach their quota slots.¹¹ In fact, Aradi and his family did not depart Germany for the United States until the spring of 1948. (S)

⁸ [redacted] Helms, "Aradi, Zsolt," 1 November 1946, (S), in Aradi, [redacted] DO Records. (S) As of this date, the Austrian Mission reported that Aradi ranked 202 on the Hungarian immigrant quota. His wife and children numbered in the upper 200s on the German quota. (S)

⁹ Attachment A to Aradi to [redacted] 25 February 1947, and Memorandum for the Special Assistant to the Secretary of State, "Visa Priority Applications," 7 April 1947, (S), in Aradi, [redacted] DO Records. (S)

¹⁰ Ibid. (S)

¹¹ Carmel Offie initially wanted to use the special JCS clause to bring Hilger and his wife to the United States. While OPC brought Hilger and his family to America on visitors' visas and US military government travel passes, George Kennan wanted the US Consulate in Montreal to have Hilger admitted under the German quota. The State Department and the Immigration and Naturalization Service disagreed and stated that Hilger and his wife, both Russian-born, had to enter as nonpreference immigrants under the Soviet quota of the Immigration Act of 1924. "In view of the heavily oversubscribed condition of the Soviet quota, nonpreference applicants now registering will experience an indefinite waiting period." See George F. Kennan to Cecil F.

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Serious Embarrassment for the Organization (U)

The problems that Aradi and other American agents experienced in their immigration forced Headquarters to take action. In September 1946, Colonel Knox P. Pruden issued a staff memorandum "in order to avoid unauthorized commitments in connection with aliens employed or otherwise used as agents overseas." Detailing the exact procedures followed by the Department of State in issuing visas and the role of the INS in admitting immigrants, Pruden warned that "no official of the United States Government can guarantee entry or naturalization to any individual alien, and any promise or commitment to obtain entry or citizenship is without warranty or effect." Possibly casting an eye on Aradi, SSU's adjutant commented, "experience has shown that such promises and commitments have been made in the past and have been accepted at face value by the aliens concerned. Subsequent requests for fulfillment of these obligations have resulted in serious embarrassment for the organization."¹² (C)

For the next two years, SSU and its successors, the Central Intelligence Group and the Central Intelligence Agency, experienced growing difficulties in handling former agents and defectors. In the fall of 1946, CIG established the Office of Operations (OO), drawing its resources from OSO's "B" Branch that, primarily sought to exploit American international business firms for foreign intelligence. The Office of Operations, lacking a definite mission in 1946, only gradually assumed the role of handling defectors. In fact,

Cross, American Consulate General, Montreal, Canada, undated [c.1949]; and H.J. L'Heureux to Mr. Schwartz, 3 January 1950, both in Hilger, [redacted], DO Records. (U)

¹²Strategic Services Unit, Staff Memorandum No. 81, "Immigration and Naturalization of Aliens," 3 September 1946, (C), in CIA History Staff Records, HS/CSG 651, [redacted] [redacted] Box 4, Folder 15, CIA ARC. (C)

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OO lacked an overall sense of purpose because the FBI opposed the CIG's use of foreign nationality groups within the United States. As a result of this disagreement, OO did not interrogate aliens within the continental United States until 1948.¹³ (S)

CIA handled its first defector case in the United States within months after its formation in the fall of 1947. The following year, two Soviet pilots, [] and [] defected to American forces in Austria, and the State Department ordered that they be sent to the United States to provide information to the Voice of America. After a brief period of time in America, one of the Russians grew disenchanted with his new life and expressed his desire to return to the Soviet Union. The Immigration and Naturalization Service, learning of this development, arrested the Russian and deported him to his homeland. OO's Contact Branch consequently gained the unofficial task of supporting the remaining pilot and ensuring his well-being. The unfortunate experiences of these defectors in America highlighted the overall weakness of the US Government's ad hoc planning regarding defectors.¹⁴ (S)

Spoiled agents and defectors in Europe presented even greater challenges than those faced by Headquarters with the [] affair. USFET and USFA, the major Army commands in Germany and Austria respectively, had ambivalent policies regarding Soviet defectors. Depending on the rank and often individual whims of the receiving officials, the Army retained some defectors for interrogation while it returned others to Soviet hands.¹⁵ The Clay-Sokolovsky agreement, an informal arrangement in

¹³ [] Directorate of
Intelligence History []
[], "Draft History []

¹⁴ [] [], pp. 2-6. (S)

¹⁵ Helms to ADSO, "Russian Deserters in Germany and Austria," 3 February 1948, (C), in DO Records, [] [], Box 5, Folder 2, CIA ARC. For a discussion of early procedures

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1946 between US and Soviet military commanders in Germany, called for the United States to return all Soviet military defectors, deserters, and political exiles residing in the American zone of Germany. This agreement, in addition to the Yalta Agreement, allowed the Soviets to demand the return of both important figures, such as Stefan Bandera, as well as mere enlisted men. Both Army and civilian intelligence agencies in Germany intensely disliked this policy because it did not offer much encouragement for Iron Curtain defectors.¹⁶ (C)

Just as CIA fell into the business of handling defectors in the United States during 1947-48, it also became involved with these people in Europe.¹⁷ Not until mid-1947 did CIG publish a brief memorandum to assist its stations in dealing with defectors. This guidance, however, remained limited and noncommittal as it clearly stated that CIG

regarding defectors, []

[], Clandestine Service History Program []

¹⁶A copy of the Clay-Sokolovsky agreement is found in US Department of State, *Foreign Relations of the United States 1946*, vol. V (Washington, DC: Government Printing Office, 1969), pp. 730-731. Its impact on Soviet defection is discussed in [] to [] "Defectors: McNarney (Clay)-Sokolovsky Agreement," 5 March 1951, (C), and Lt. Col. Peter Calza, Headquarters, USFET, to Commanding Generals, "Implementation of US-Soviet Agreement on Arrest of Citizens," 23 December 1946, (C), both documents in DO Records, [] [], Box 1, Folder 26, CIA ARC. Frank Wisner in 1948 advocated that US officials in Germany utilize "administrative action" to circumvent the agreement. See Robert A. Lovett, Acting Secretary of State to James Forrestal, Secretary of Defense, 1 October 1948, (S), and Wisner to Robert Blum, Office of the Secretary of Defense, "Proposed Modifications of Policy regarding Soviet Repatriation and Foreign Political Activities in Germany," 6 October 1948, PC-116, (S), both documents in DO Records, [] [], Box 2, Folder 41, CIA ARC. (S)

¹⁷As late as November 1946, CIG became involved with discussions as to how to repatriate three members of the Vlasov Army who had been held as prisoners of war in the United States since 1945. The War Department was frustrated in its efforts to send the men back to the USSR, and it approached the intelligence to see if they could be utilized by CIG. See [] to Col. Galloway, "Disposition of Soviet Prisoners held by War Department as Prisoners of War," 1 November 1946, (S); Col. George R. Grunert, Control, to Col. Galloway, "Three Soviet Citizens Held as PWs," 1 November 1946, (S); and Col. Galloway to Director of Intelligence, WDGS, "Soviet Citizens Now in Custody of War Department," 1 November 1946, (S), all in DO Records, [] [], Box 4, [no folder listed], CIA ARC. (S)

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should not play a leading role to encourage defection.¹⁸ In fact, as late as the fall of that year, OSO downplayed its role in handling defectors. In a cable to Berlin and Heidelberg, Headquarters specified its policy regarding "high-level political refugee cases." OSO wanted only persons with "yardstick" intelligence potential and sought to have complete control over these few cases. It did not desire to work with run-of-the-mill defectors or to "accept the job of disposal or long-time billeting." Washington remained adamant that there was "no [original emphasis] reason for us to jeopardize security completely by being obliged to involve ourselves with every political refugee who flees SOVZONE."¹⁹ (S)

You Can Dump Him in the IRO (U)

Despite this rather firm statement, SSU, CIG, and CIA evacuated a total of 38 defectors and former agents from Germany between 1945 and early 1949.²⁰ As early as January 1947, Gordon M. Stewart, the new chief of mission in Germany, recognized that CIG could not depend on the Army to deal with defectors. He recommended that CIG establish its own interrogation center as opposed to using the Army's facilities at

¹⁸See Chief, Operations, Memorandum #26, "General Policy on Soviet Defectors," 5 June 1947, (S). A copy of this memorandum has not been found but a card summarizing its main points is maintained in the CIA History Staff files. This memo is cited in a number of contemporary documents listed in the footnotes. (S)

¹⁹Cable, Washington to Berlin, Heidelberg, 15 September 1947, Washington 6502, OUT 51472, in DO Records, [redacted], Box 7, Folder 202, CIA ARC (S). Berlin's request for advice on dealing with defectors is found in Cable, Berlin to Washington, Heidelberg, 12 September 1947, Berlin 411, IN 23032, (S), in the same job as above. (S)

²⁰Chief of Station, Karlsruhe to Chief, FBM, "Defection and Disposal," 7 March 1949, MGK-A-6723, (S), in DO Records, [redacted], Box 1, Folder 34, CIA ARC. This document provides a complete list of all reports sent from Germany to Washington during 1948-49 dealing with defection and disposal. Unfortunately, a search of the Agency's records system has failed to locate any copies of these documents, and it appears that they were destroyed in 1989.

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Oberursel.²¹ By this point, the quality of EUCOM's Interrogation Center had dropped significantly because of the lack of trained interrogators as well as from notable security lapses.²² By March 1947, the CIG representative in Brussels announced that it could assist in the evacuation of a "hot body" from Europe through a well-placed agent and bribes.²³ (S)

The German mission organized a small project in 1948, known as HARVARD, to provide safe house and operational aid facilities for all CIA activities in Germany.²⁴ A

²¹ Stewart to Helms, "Proposal for Interrogation Center," 10 February 1947, MGH-002IB-210b, (S), in DO Records, [redacted], Box 49, Folder 1, CIA ARC.

²² Security problems at Army's Camp King in Oberursel are discussed in [unsigned], "7707 European Command Intelligence Center," 24 September 1949, (S), in DO Records, [redacted]

[redacted] Box 1, Folder 6, CIA ARC. See also Lyman B. Kirkpatrick, Acting ADSO to DCI, "Establishment of a Defector Exploitation Center in Germany," 21 November 1950, (S), with attachment, "Organization and Operation of the European Command Intelligence Center," (S), in CIA History Staff Records, HS/CSG-1300, [redacted], Box 9, CIA ARC. The Center also served as the home for the Army's RUSTY operations until it moved to Pullach in 1947. The poor conditions at Oberursel, the rundown of the US Army in Europe, and bureaucratic obstacles persuaded ECIC's chief interrogator, Arnold M. Silver, to leave civilian service with the Army in mid-1948. [redacted] Silver, born in 1919 of Russian parents, entered the US Army in 1942 after graduation from Tufts College and Harvard University. He served as an interrogator in Europe, both in the military and as a civilian. [redacted]

[redacted] His experiences as an Army interrogator at Camp King are recounted in Arnold M. Silver, "Questions, Questions, Questions: Memories of Oberursel," *Intelligence and National Security* 8 (April 1993): 199-213. This same article was reprinted after Silver's death in the Winter 1993 issue of *Studies in Intelligence*. (S)

²³ Cable [redacted] to SO, 29 March 1947, [redacted] 029, IN 11573, (S), in DO Records, [redacted] Box 8, Folder 162, CIA ARC. (S)

²⁴ HARVARD, as an agent training site, was first discussed in 1947. See Stewart to Helms, 23 April 1947, MGH-008-423, (S), enclosing Lt. (j.g.) Dean Woodruff to Stewart, "Report on 'Harvard' Project," 8 April 1947, (S); Helms to Stewart, "Attached Letter for [redacted]

[redacted]" 16 May 1947, MGH-005-516, (S), enclosing Dean Woodruff to [redacted] 9 May 1947, (S); both in DO Records, [redacted] Box 50, Folder 3, CIA ARC. See also [redacted] to Stewart, "HARVARD Training Plan," 25 June 1947, MGH-A-268, (S), in DO Records, [redacted] Box 276, [no folder listed], CIA ARC. As will be discussed later, HARVARD took on greater responsibilities in 1952. See Chief, EE to Chief,

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year later, in the spring of 1949, Lt. Col. Louis E. Kubler returned to the United States on leave.²⁵ While in Washington on temporary duty, the German Mission's executive officer debriefed Headquarters on the disposal situation in the field.²⁶ Kubler described HARVARD's setup in Germany, documentation efforts, various operational cases, and disposal measures. He noted that the German Mission's disposal unit actually consisted of two sections with Kubler in charge of the Karlsruhe office. (The German Mission had moved its headquarters from Heidelberg to Karlsruhe in 1948). This office obtained original documents, such as identity cards, labor cards, ration cards, and birth and marriage certificates, for prospective defectors. Kubler procured these documents through various overt and covert means, although he preferred to alter original records as opposed to making forgeries.²⁷ (S)

At the same time, Capt. Lucien E. Conein in Frankfurt was responsible for the actual housing, care, and resettlement of the agents, defectors, and their families. Capt. Conein handled most of the defector cases in Germany while Lt. Col. Kubler handled cover support. Conein, according to Kubler, employed two general methods to evacuate individuals from Germany. "If you want to send someone to South America because he

Foreign Intelligence, "Project HARVARD," [no date listed but pertaining to project renewal in summer of 1955], (S), in DO Records, [] [] , Box 1, Folder 10, CIA ARC. (S)

²⁵Overseas Division to Deputy Personnel Officer, "Casual Status Report," 31 May 1949, (S), in DO Records, [] [] , Box 2, Folder 34, CIA ARC. Louis E. Kubler served as the Executive Officer for the War Department Detachment in Germany from 1946 until 1949. A veteran of World War I, Kubler also saw service with the OSS in the Middle East, the Balkans, and China. He entered the military in 1943 after working for 18 years with the New Jersey State Police. Kubler resigned from the Army in 1950 []

²⁶Chief of Station, Karlsruhe to Chief, FBM, "Debriefing Report," 6 July 1949, MGK-A-9433, (S), in DO Records, [] [] , Box 3, Folder 27, CIA ARC.

²⁷Ibid. (S)

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has done something of reasonable value to the organization, but not enough to the States, provided he is no longer a security hazard, you can dump him in the IRO," the colonel commented. Using the International Refugee Organization was relatively simple and inexpensive because many of the defectors or former agents could pose as either refugees or displaced persons. Through IRO sponsorship, they could immigrate in turn to North America, Australia, or other nations within Europe.²⁸ (S)

With agents or defectors "where the case is very sensitive," the Agency handled disposal through "black" channels. Kubler noted that the CIA evacuated these people through [] by posing them as American soldiers on leave. Prior to this point, CIA [] had bribed an official of a [] country to provide an immigrant visa. At the same time, US officials "convinced" [] to issue a transit visa and overlook the fact that the American soldiers never returned to Germany. Kubler estimated the cost of removing one person to be between \$1200 and \$1500, not including living costs while in Germany. While Lt. Col. Kubler was aware of the Italian ratline, he did not say that the German Mission employed CIC's evacuation channels. The majority of the Agency's defectors appeared to have been Russian officers or various Eastern European political officials.²⁹ (S)

The Kemritz Case (U)

The Agency not only evacuated defectors and agents from Germany to other nations, but it also made similar arrangements for agents to move within the occupied

²⁸Ibid. (S)

²⁹Ibid. (S)

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country.³⁰ Hans Kemritz presented an unusual case that created large headaches for American intelligence.³¹ Born in 1888, Kemritz had been a prominent Berlin lawyer before the war and an NSDAP member. While he claimed to have held anti-Nazi sentiments, Kemritz served in the *Abwehr* as an officer from 1939 until his capture by the Russians at the end of the war. Following his release from prison, the Soviets used Kemritz to lure his former Army and SS intelligence comrades to Berlin where the Russian Intelligence Service then arrested them.³² In February 1946, SSU managed to recruit Kemritz and, according to one report, "SAVOY [his operational codename] is the outstanding double-agent under our control at present and continues to supply excellent material which has contributed to our knowledge of MVD organization, techniques and plans."³³ (S)

Due to his exposed position in Berlin, OSO moved Kemritz to the American zone in November 1946 and settled him near Frankfurt. After working several years as a lawyer, the German police arrested him on charges dating to his work for the Soviets in Berlin. Realizing that Kemritz's arrest threatened to reveal the work of American intelligence in the divided city, the US High Commissioner arranged to have the case transferred from the German judicial system. The US Government then dropped the charges against Kemritz while placing both he and his wife under "protective custody" at

³⁰Cables from Berlin to Washington concerning various defector cases in 1947 are found in DO Records, [redacted] [redacted], Box 7, Folder 202, CIA ARC. Additional correspondence about 1947 defector cases are found in DO Records, [redacted] [redacted], Box 5, Folder 203, CIA ARC. (S)

³¹Chief, EE/SO to Acting Chief, WH, "Request for Rehabilitation and Resettlement of Hans and Else Kemritz," 21 March 1952, (C), in DO Records, [redacted] [redacted], Box 5, Folder 2, CIA ARC. (C)

³²Chief, SSU/X-2 Germany to Chief, Counter-Intelligence Branch, G-2, USFET, "Request for CIB Approval Kemritz Project, Berlin," 29 April 1946, LWX-275, (S), in DO Records, [redacted] [redacted], Box 1, Folder 13, CIA ARC. (S)

³³SAINT, AMZON to SAINT, "Security Control Division Report for Month of June, 1946," 10 July 1946, LWX-593, (S), in DO Records, [redacted] [redacted], Box 1, Folder 10, CIA ARC. (S)

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Camp King from June 1951 until early March 1952. The Kemritz case, however, drew public attention and upset German-American relations; hence, the West German Government thought that his removal from Europe offered the best solution. As a consequence, the CIA transported Kemritz and his wife from Germany to the United States in the spring of 1952 pending a complete decision about his ultimate destination.³⁴

(S)

The Right Hand of Uncle Joe (U)

Just as Kemritz's case had its own problems, the disposal of other agents and defectors was also "irregular." In fact, the American caretakers dealt with a number of peculiar cases.³⁵ It was often difficult to establish the *bona fides* of the defectors and to determine their true motivation. They had overblown ideas of their importance and, in the words of ██████████ "everyone of the characters feel that they were the right hand of Uncle Joe."³⁶ Maintaining control over the defectors was often tested when the Agency held them for months and sometimes years while waiting for resettlement. The familiarity and knowledge that the defectors gained during their long stay with American intelligence in Germany contributed to the overall insecurity of the disposal operations.

(S)

³⁴Chief, EE/SO to Acting Chief, WH, "Request for Rehabilitation and Resettlement of Hans and Else Kemritz," 21 March 1952, (C), in DO Records, ██████████, Box 5, Folder 2, CIA ARC. Ironically, Mrs. Kemritz stirred US-German relations in the late 1960s when she desired to return to Germany from Argentina following her husband's death. ██████████ interview, 3 July 1995. (C)

³⁵As an example of one former agent's actions, see Chief of Station, Heidelberg to Chief, FBM, "Disposal of ██████████," 5 January 1947 [1948], MGH-A-2553, (S), in DO Records, ██████████, Box 6, Folder 209, CIA ARC. (S)

³⁶Chief of Station, Karlsruhe to Chief, FBM, "Debriefing Report," 6 July 1949, MGK-A-9433, (S) in DO Records, ██████████, Box 3, Folder 27, CIA ARC. (S)

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The overall topic of disposal generated considerable unrest within the Central Intelligence Agency. As early as February 1948, [redacted] [redacted] (formerly SSU's chief of the Austrian Mission) told FBM's chief, Richard Helms, that "in Germany, Austria and in eastern Europe generally, disposal of agents or compromised personalities is extremely troublesome." [redacted] [redacted] protested that the Office of Special Operations had not examined all facets of the evacuation process from Europe. Until the Agency took steps to consolidate its efforts in South America and infiltrate the International Refugee Organization, its halfhearted measures would contribute to "the logjam of displaced persons in our operational areas in Germany."³⁷ (S)

Miscellaneous Operations Section (U)

In an effort to coordinate worldwide disposal activities, [redacted] [redacted] took charge of the Miscellaneous Operations Section (MOS) in OSO in March 1948.³⁸ His first steps included sending a questionnaire to all foreign branches to ascertain the exact disposal needs for each station. [redacted] [redacted] also wanted to learn how each nation handled immigration, passport control, and to see how the Agency might influence policies

³⁷ [redacted] [redacted] to Helms, "Disposal of Agents, Suggested Solutions for," 10 February 1948, (S), in DO Records, [redacted] [redacted] Box 1, Folder 18, CIA ARC. (S)

³⁸ [redacted] [redacted] had a doctorate in [redacted] [redacted] from [redacted] [redacted] University when he received a commission as a Navy officer in 1943. He served with OSS in Washington, North Africa, Italy, and Germany and received his discharge in 1946. [redacted] [redacted] joined SSU in August of that year and became chief of MOS in the summer of 1947. In addition to his duties of coordinating OSO's disposal efforts, [redacted] [redacted] was also in charge [redacted]

[redacted] [redacted] He resigned in May 1949 to return to archeology [redacted]

[redacted]

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through bribes or favors.³⁹ Even before [] sent his questionnaire to the overseas stations, he knew that he needed to get more information on the IRO.⁴⁰ (S)

The CIA's general inability to cope with defectors continued to plague officials in both Germany and Washington. In early March 1949, [] and [] summarized the German Mission's experiences with defectors.⁴¹ After reviewing the numerous problems encountered in Germany (including low-level defectors who caused more difficulties than the intelligence they produced), both men appealed to Headquarters for support:

The crux of our position is that, unless the interrogation of high-level defectors and preparations for their disposal can take place in the US, OSO will have to forego to a large extent the benefits that can be derived from defection cases. Two requirements must be met: facilities should be brought into existence for the handling of high-level defectors in the US; and provisions should be made to accept only personnel of highest intelligence caliber.⁴² (S)

Upon the return of [] and [] to Washington later that month, both officers discussed the situation with their Headquarters counterparts. The representatives from Germany, including Gordon Stewart, quickly realized that Washington was not fully cognizant of the difficulties of using the IRO as a disposal channel. At the same time, the

³⁹Chief, MOS to COPS, "Disposal Problem," 25 February 1948, (S), in DO Records, [] - [] Box 1, Folder 18, CIA ARC. [] COPS, approved his proposal on 26 March 1948. Responses to the questionnaire from various Latin American countries are located in DO Records, [] [], Box 3, Folders 51-69, CIA ARC. (S)

⁴⁰Chief, MOS to Deputy Chief of Operations for Plans and Projects, "International Refugee Organization," 25 February 1948, (S), in DO Records, [] [], Box 1, Folder 17, CIA ARC. (S)

⁴¹Ibid. [] and [] ran the German Mission's disposal operations in 1949. (S)

⁴²Chief of Station, Karlsruhe to Chief, FBM, "Defection and Disposal," 7 March 1949, MGK-A-6723, (S), in DO Records, [] [], Box 1, Folder 34, CIA ARC. (S)

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German Mission personnel criticized the fact that the CIA smuggled the defectors out of Europe through covert means. "The United States Government is overtly in the business of encouraging defection from iron curtain countries," the conferees noted. "Why can't it openly approach a Latin American country seeking immigrants and make arrangements from government to government, providing a haven and work for these people?" By resorting to "black" methods, the Agency's "short-sighted policy . . . may solve a few cases now but will make the business harder than ever a year from now."⁴³ (S)

The lukewarm reports from [] and [] persuaded OSO that it was time to undertake a review of its defector procedures. While [] had been in charge at Headquarters, his resignation spurred [] to appoint [] the chief of Special Equipment Staff, to assess disposal operations.⁴⁴ At the end of June 1949, [] submitted his report outlining the current state of disposal methods and made a number of recommendations to formalize links between the "disposal control officer" at Headquarters and the "Field Disposal Unit."⁴⁵ (S)

Agency Steps (U)

⁴³"Notes on a Meeting on 13 March between []' (S), in DO Records, [] Box 1, Folder 18, CIA ARC. (S)

⁴⁴ [], born in 1921, joined COI in 1941 and later served in the US Navy during the war. Suffering serious wounds in combat, [] served in headquarters positions with OSS and SSU in Washington. He later served in Germany at the Pullach Operations Base working with the German intelligence service on technical collection methods. [] resigned in 1963 []

[] See also David Wise, *Molehunt: The Secret Search for Traitors that Shattered the CIA* (New York: Random House, 1992). (S)

⁴⁵Chief, Special Equipment Staff to ADSO, "Disposal Operations," 30 June 1949, (S), in DO Records, [], Box 1, Folder 18, CIA ARC. (S)

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☐ efforts were soon overtaken by actions at the national level. The formation of the Office of Policy Coordination, with its plans to draw upon emigre groups, led to greater cooperation between the new organization and the Office of Operations. By early October 1948, Frank Wisner took steps to ensure that defectors "are dealt with in a manner which will be productive of the best results not only from the foreign intelligence procurement but also in order that the 'political warfare' interests of OPC may be served."⁴⁶ Wisner followed this up with a memorandum of understanding between the three branches of CIA (OSO, OPC, and OO) that sought to coordinate the treatment, recruitment, and operational use of "significant political refugees" in the United States.⁴⁷ The ADPC then pressed the DCI for better control of defectors within CIA.⁴⁸ (S)

Over the next several years, the CIA resolved many of the uncertainties regarding defection and disposal through the establishment of formal procedures. In the spring of 1949, the ADSO asked the DCI to "appoint an inter-office committee to study, and, if possible, resolve the problems facing this Agency." Col. Robert A. Schow specifically

⁴⁶Wisner to DDCI, "Division of Responsibility between OPC and OO for Domestic Handling and Disposition of 'Defectors,'" 12 October 1948, (C), in DO Records, ☐ ☐ Box 5, Folder 3, CIA ARC. (C)

⁴⁷Wisner, Memorandum of Understanding between OSO, OO, and OPC, "Handling of Refugees in the United States," 15 October 1948, (C), in DO Records, ☐ ☐ Box 4, Folder 5, CIA ARC. For Hillenkoetter's response, see DCI to ADPC, 12 November 1948, ER-O-2010, (C), in DCI Records, ☐ ☐ , Box 13, Folder 538, CIA ARC. (C)

⁴⁸ADSO, ADOO, and ADPC to DCI, "Establishment of a Secure and Orderly Procedure for the Handling of Individuals Seeking to Present Proposals involving Covert Intelligence or Operational Activities," 19 October 1948, (C), in DO Records, ☐ ☐ , Box 4, Folder 5, CIA ARC. See also Wisner to ☐ ☐ and Kirkpatrick, 18 October 1948, (C), in same job as above. The DCI approved the recommendations of the three assistant directors in November 1948. See DCI to ADOO, ADPC, and ADSO, "Establishment of a Secure and Orderly Procedure for the Handling of Individuals Seeking to Present Proposals involving Covert Intelligence or Operational Activities," 17 November 1948, ER-O-1742, (C), in DCI Records, ☐ ☐ , Box 13, Folder 538, CIA ARC. (C)

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cited the mounting problems in Germany where most defectors were located.⁴⁹ Adm. Hillenkoetter did not take action until the late summer after he was prompted by two significant events: the CIA Act of 1949 (passed in June) and the debacle concerning the handling of the two Soviet pilots brought to the United States after their defection in Austria. (C)

Section 8 of Public Law 110 did not appreciably alter the state of defection and disposal; in fact, Hillenkoetter took a conservative approach to the subject. In a letter to the Attorney General on 1 August 1949, the DCI announced that he was in the process of establishing internal procedures. He wrote, "this authority is purely for the fulfillment of urgent operational needs and is in no sense to be used as a substitute for immigration authorities or other current laws and regulations pertaining to the entry of aliens into the United States." The DCI also acknowledged that the CIA was responsible for all individuals who entered the country under the auspices of PL 110, and he recognized that they could be deported for "causes arising out of circumstances subsequent to such arrival."⁵⁰ Adm. Hillenkoetter took Section 8 seriously because the Agency used it to bring only two aliens into the country during the course of 1949 and 1950.⁵¹ (C)

There was mounting pressure from departments and agencies throughout Washington for the CIA to coordinate defector activities at the national level. In the fall

⁴⁹ADSO to DCI, "Defectors and Disposal," 5 April 1949, DO Records, C, Box 5, Folder 2, CIA ARC. (C)

⁵⁰DCI to US Attorney General, 1 August 1949, ER-O-4673a, (S), in DCI Records, C, Box 13, Folder 538, CIA ARC. Hillenkoetter made similar guarantees to the Immigration and Naturalization Service. See DCI to Watson B. Miller, Commissioner of Immigration and Naturalization, 28 November 1949, ER-O-7709, (C), in DCI Records, C, Box 13, Folder 538, CIA ARC. (C)

⁵¹Both DCI Hillenkoetter and Smith provided written reports to Sen. Pat McCarran, chairman of the Senate Committee on the Judiciary, every quarter to inform him how many aliens were admitted under Section 8. Copies of these reports are found in DCI Records, C, Box 13, Folder 538, CIA ARC. (S)

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of 1949, Adm. Hillenkoetter finally established a working committee to determine the Agency's responsibilities for defectors. Chaired by Harry Rositske, who also served as chief of Foreign Division S, the group provided, for the first time, a definition of defectors as opposed to simple refugees:

Individuals who escape from control of the USSR or countries in the Soviet orbit, or who, being outside such jurisdiction or control, are unwilling to return to it, and who are of special interest to the US Government (a) because they are able to add valuable new or confirmatory information to existing US knowledge of the Soviet world, (b) because they are of operational value to a US agency, or (c) because their defection can be exploited in the psychological field.⁵² (S)

Additionally, Rositzke's group concluded that the CIA should have the primary responsibility for coordination of defector policies and handling. In January 1950, the National Security Council adopted the committee's report and issued it as NSCID No. 13. Within the course of the following year, CIA quickly moved to take the lead for defectors with NSCID 14 in March 1950, which delineated the responsibilities for defectors between the CIA, FBI, and other agencies. Director of Central Intelligence Directive (DCID) No. 14/1 in July 1950 established an Interagency Defector Committee (IDC) with members from the CIA, State Department, the Army and Navy, as well as the FBI to implement the two new NSCIDs.⁵³ (S)

Hillenkoetter and his successor, Gen. Smith, also took steps to improve the CIA's internal procedures. A new CIA Defector Committee came into existence in 1950 to review disposal cases under revised administrative instructions issued by Headquarters.⁵⁴

⁵² [] p. 6. (S)

⁵³ Ibid., pp. 7-8. (S)

⁵⁴ CIA, Administrative Instruction [] 1950, (S), in DO Records, [] Box 1, Folder 23, CIA ARC. (S)

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In Germany, the Agency succeeded in establishing its own Defector Reception Center (DRC) near Frankfurt in early 1951 to handle interrogation of defectors and their preliminary resettlement.⁵⁵ Within the first year, DRC processed 22 defectors with the majority being Russians, Czechs, and Poles. The group was nearly split between civilian and military personnel and several of the defectors brought their wives and children. From these 22 defectors, CIA obtained nearly 400 positive intelligence reports. The Agency resettled 23 of the defectors in Canada, the United States, Brazil, France, and Sweden. 23 of the defectors entered into "operational use" with CIA, while a handful joined labor service companies in Germany and even enlisted in the US Army. At the same time, the CIA commenced a debriefing program of German scientists returning from the Soviet Union.⁵⁶ (S)

The motives behind Soviet defection particularly interested Frank Wisner, who continually strived to exploit fission within the USSR. Responding to an inquiry from British intelligence in 1952, Wisner provided a breakdown as to why 23 Soviets had defected to the Americans. He noted that only a few Russians left for purely ideological reasons; fear of the Soviets and discontent with the regime were the main elements. Of the 23 men who expressed fear of imminent recall to the USSR or fear of arrest, 15 were afraid because of wartime collaboration with the Germans. Consequently, the largest

⁵⁵ [redacted] for full details. (S)

⁵⁶ Undated, unsigned, memorandum providing synopsis of DRC's activities during the first year of operation. Considerable material concerning DRC and the Returnee Exploitation Group (REG) is found in CIA History Staff Records, HS/CSG-1300, [redacted], Box 9, CIA ARC. See also DCS-2, pp. 34-36. Further information on DRC is also found in DO Records [redacted], Box 1, Folder 12, CIA ARC. (S)

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single motive that impelled Soviet defection to the Americans had its roots in wartime activities with the Nazis, according to Wisner.⁵⁷ (S)

In late 1953, the Inspector General reviewed CIA's defector program and found that it had achieved its overall goals, especially in Germany where HARVARD (which had been expanded) and DRC were performing well.⁵⁸ In contrast, the Agency's

☐ had proven costly and original estimates had been "unrealistic."⁵⁹ Closely tied to the Agency's own efforts to encourage defection, the CIA also took advantage of other US programs designed to aid postwar Europe and to fight communism. The Displaced Persons Act of 1948, the US Escapee Program, the Army Enlistment Program, or Lodge Act, and the 1953 Refugee Relief Act, all enabled the Agency to resettle some defectors.⁶⁰ (S)

⁵⁷Wisner to ☐, 9 June 1952, ER 2-9708, (S), in CIA History Staff Records, ☐ ☐ Box 1, CIA ARC. (S)

⁵⁸Records concerning HARVARD's activities following its 1952 expansion are located in DO Records, ☐ ☐, Box 3, Folder 23, and ☐ ☐, Box 1, Folders 9 and 10, CIA ARC. (S)

⁵⁹Chief, Inspection and Review to Inspector General, "Survey of the Defector Program," 25 November 1953, (C), in DO Records, ☐ ☐, Box 15, Folder 13, CIA ARC. See also Chief of Administration to Acting DCI, "Defector Program," 11 February 1953, (C), in the same job as above. (C)

⁶⁰For further description of the Displaced Persons Act, see the various semi-annual reports of the Displaced Persons Commission from 1949 to 1951. Section 2(d) of the amended DP Act in 1950 contained a provision for US Government agencies to bring persons of interest, not to exceed 500, to America. See Chief, Inspection and Security to ADSO, "Displaced Persons Act of 1948 as Amended on 16 June 1950," 29 August 1950, (C), in DO Records, ☐ ☐, Box 1, Folder 17, CIA ARC. Further description of this provision is found in Innis D. Harris, State Member, State-Defense Committee, Frankfurt, to George B. McManus, Chief, Collection and Evaluation Division, Office of Intelligence, HICOG, "Immigration into the US of 500 Persons who fall under Provisions of Section 2 (d) of the Displaced Persons Act," 2 March 1951, (C), in CIA History Staff Records, HS/CSG-1300, ☐ ☐, Box 9, CIA ARC. McManus was the first director of the Defector Reception Center in Germany. For information on the other programs, see Chief, Defector Branch, FI to Disposal Seminar Participants, "Topics for Consideration at Disposal Seminar," 7 December 1953, (C), in DO Records, ☐ ☐, Box 15, Folder 14, CIA ARC. The 1953 act is covered in Director of Security to DCI, "Use of

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The Barbie Fallout and PL 110 (U)

The issue of defectors and their disposal came under Congressional scrutiny in 1983 after the public learned of Klaus Barbie's escape through the Army's ratline operation in southern Europe. The Agency's sensitivity about the entire topic, in the light of the Barbie affair, created the impression that the CIA abused its privilege under Public Law 110 to bring Nazis and their collaborators to the United States. In 1983, the Senate Select Committee on Intelligence requested that the Agency account for its use of 1949 law to admit aliens for permanent residence in the United States.⁶¹ (S)

The Agency informed the legislative branch that some 100 individuals had entered the US between 1949 and 1982 under PL 110 status; an average of 8 each year. 10 of these defectors and former agents arrived during the 11 years after the law's enactment. After examining the application paperwork of the 100 cases, 100 CIA's legislative liaison, determined that there was "no evidence of Nazi war criminals being admitted to the US under Section 7." 100 did not consider the furor about Gustav Hilger and Mykola Lebed justified because there were no allegations or information of war crimes activity in the files of either man. "We are not aware," the legislative counsel wrote, "that the war crimes allegations have been substantiated with respect to either of these individuals."⁶² (S)

the Refugee Relief Act of 1953 in CIA Resettlement Cases," 10 March 1954, ER-5-3117, (S), in DCI Records, 100, Box 13, Folder 537, CIA ARC. (S)

⁶¹ 100, Deputy Director, Office of Legislative Liaison, to Peter Sullivan, Minority Counsel, Senate Select Committee on Intelligence, 7 October 1983, OLL-83-2477, (S), in Lebed, 100 DO Records. (S)

⁶²Ibid. (S)

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It is interesting to note the background of the 23 individuals who entered the country between 1949 and 1960. The Directorate of Operations had 23 files while the Office of Security maintained the remaining 23. Of those 23 files, the DO located 23 records that provided information regarding the application for PL 110 status. The records ascertained that three of the applicants had served in the German army, three had been members of the Vlasov army, while another three "may have had some possible Nazi connection."⁶³ Thus, the DO determined that only nine of 23 individuals were known at the time to have been affiliated in some form with the Third Reich. As can be seen from this brief sample, the Nazi background of the PL 110 immigrants was rather limited. This is not surprising given that Section 8 (later Section 7) existed as a law to permit the Agency to bring communist party members to the United States for intelligence and propaganda purposes. At that time, Federal immigration laws excluded communists from immigrating to America; consequently, PL 110 served as the main conduit to legally circumvent this barrier. (S)

What can be summarized as the legacy of the Agency's Cold War defector program? Initially, OSS wanted to reward its European agents for faithful service during the war. Within months, however, this changed as the Soviets drew a tighter grip over Eastern Europe and the Americans found it necessary to evacuate its covert personnel from danger. The United States did not have a set plan to permit the emigration of its agents from Europe or to deal with defectors or deserters from the Soviet bloc. As a result, SSU, CIG, and CIA gradually slipped into the role as the responsible agency to handle defectors and their resettlement. By 1949, the problem of how to deal with these

⁶³ [redacted], Memorandum for the Record, "Review of Office of Security Files," 18 February 1983, OGC 83-01425, (S), in OGC Records, [redacted], Box 1, Folder 2, CIA ARC. (S)

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people had become critical, especially in Germany. New laws, such as the Displaced Persons Act of 1948 and the CIA Act of 1949, provided some help, but the NSC intelligence directives gave real direction to the Agency. After 1950, the Central Intelligence Agency was fully committed to using defectors as a weapon in fighting the Cold War. (C)

While an imperfect weapon, CIA did not deliberately use its position to "smuggle" Nazis out of Europe or to bring them or their collaborators to the United States. There were some definite mistakes; Otto von Bolschwing stands out as a prime example, although the Agency did not use Section 8 in the Prussian's case. The Central Intelligence Agency did not conduct clandestine defection and disposal without supervision. On the contrary, the Agency, after some delay and reluctance, became the forerunner in establishing the legal channels to facilitate the resettlement of agents and defectors from the Soviet bloc. In the long run, the Agency's insistence on forming these procedures to regulate the handling of defectors contributed not only to its intelligence mission, but also prevented other Klaus Barbies from evading justice. (C)