

## LETTER FROM THE CHAIR

Since the last issue of *Disclosure*, the IWG has undergone a transformation in management and in name, but not in its basic objectives. The Working Group has welcomed several new faces, including my own.

In February, I was honored to be asked by Archivist of the United States John Carlin to fill the position of IWG Chair, recently vacated by Dr. Michael Kurtz, who continues his work as Assistant Archivist for Records Services at the National Archives and Records Administration. I appreciate the enormous contribution Mike made to the effort through his strong leadership, and the dedication of the IWG's public and Government agency members. I am also most pleased to be working with the outstanding group of archivists, historians, historical researchers, and other professionals who comprise the IWG staff.

With more than 20 years at the helm of the Information Security Oversight Office (ISOO), a position I continue to hold, I bring to the IWG what might be called a "macrocosmic" perspective on declassification. As ISOO Director, I am responsible to the President for policy oversight of the Government-wide security classification system and for the National Industrial Security Program. I helped draft the nation's current legal foundations for the security classification and industrial security systems, including development of Executive Order 12958, under which executive branch agencies have declassified almost 1 billion pages of permanently valuable records.

Another new face at the IWG is that of Larry Taylor, the new IWG Executive Director, who joins us from the Department of State, where he organized the agency's approach to surveying 12 million pages of records potentially relevant under the Nazi War Crimes Disclosure Act. A 30-year veteran of the Foreign Service, Mr. Taylor brings a variety of skills to the task of coordinating the efforts of the IWG staff and historians, under the direction of agency and public members.

New legislation, enacted as part of the Intelligence Authorization Act for 2001 (P.L. 106-567), has extended the prospective life of the group through March 2004, and provided it a new name that more fully reflects the scope of its mission. The Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group has begun to make headway in the search for relevant records of Japanese wartime criminality. The 4 million pages already made available by the IWG—especially the valuable intelligence records described in this issue—have stirred a flurry of new research into a critical period in world history. Most of the credit for the IWG's progress to date goes to the agency heads, senior managers, and declassification reviewers in the agencies responsible for these records. I look forward to reporting on further progress again soon. •



IWG Chair Steven Garfinkel and IWG Executive Director Larry Taylor in Taylor's office with view of Pennsylvania Avenue and the U.S. Capitol.

*Steven Garfinkel*

## NAZI WAR CRIMES DISCLOSURE ACT PROMPTS RARE RELEASE OF CIA “NAME FILES”

Central Intelligence Agency files of Klaus Barbie, Adolf Eichmann, Josef Mengele, and other Nazis known or suspected to have committed wartime crimes were declassified and opened to the public on April 27, 2001, as a result of the Nazi War Crimes Disclosure Act of 1998. The historic opening covered 20 “Name Files” of the CIA, a file category rarely opened by the Agency.



IWG Chair Steven Garfinkel opened the press briefing and introduced the speakers (seated left to right): Senator Mike DeWine of Ohio; Representative Carolyn Maloney of New York; and public members Thomas H. Baer, Richard Ben-Veniste, and former Congresswoman Elizabeth Holtzman.

**“The level of cooperation that the IWG has received is unprecedented.”**

IWG Chair Steven Garfinkel announced the opening at a press briefing held at the United States Holocaust Memorial Museum Rubinstein Auditorium, which was packed with members of national and international media.

He described the opening as a significant step toward full disclosure of the dark history of the Nazi regime and postwar involvement by the United States with former Nazi officials, saying, “I have worked with the CIA on declassification issues for more than 20 years, and, in my experience, the level of cooperation that the IWG has received is unprecedented. That support includes the personal commitment of Director George Tenet. These

disclosures add significant new information about this most critical juncture of world and American history.”

### **Names in the Files**

CIA name files contain information from diverse sources on individuals the CIA considers significant. They include published materials, declassified documents, interrogations, confidential reports from agents or informants, and CIA analytical reports. The 20 files in the opening are only the first of several hundred related to Nazi war crimes and criminals that will be made public by the IWG.

Six prominent figures were included in this opening: Adolf Hitler, Klaus Barbie, Adolf Eichmann, Josef Mengele, Heinrich Mueller, and Kurt Waldheim. These files provide details to already well-documented bodies of historical knowledge regarding these men.

Also opened were the files of other individuals with Nazi pasts who were used by the United States, Soviet Union, United Kingdom, and other nations as intelligence resources, and others who may have been used. The individuals represented by these files are Emil Augsburg, Eugen Dollmann, Franz Goering, Wilhelm Harster, Wilhelm Hoettl, Michel Kedia, Horst Kopkow, Wilfried Krallert, Wilhelm Krichbaum, Friedrich Panzinger, Martin Sandberger, Franz Six, Hans Sommer, and Guido Zimmer. These files add to our understanding of American intelligence during the Cold War and dramatize the contemporary thinking that led to alliances with known or suspected war criminals. Some of the lesser-known individuals were involved in the Gehlen Organization, a post-war intelligence unit run by one of Hitler’s generals, Reinhard Gehlen, that was used and partly funded by the United States to gather intelligence on the Soviet Union.

Release of the Gehlen-related records follows the CIA’s acknowledgement in September 2000 that during the 1950s the Agency had an intelligence relationship with the former German general and subsequent head of West Germany’s foreign intelligence service.

### **New Evidence Addresses Long-held Theories**

The IWG historians concluded that the files being opened provide evidence of the following:

- The CIA was unable to determine whether Gestapo Chief Heinrich Mueller survived the war, but strong evidence suggests he did not.

*Continued on page 8.*

**The report tells of  
the Nazi plan for the  
destruction of “Semitism,”  
the “eradication” of the  
Jews of Europe**

Documents declassified under the Nazi War Crimes Disclosure Act of 1998 are shedding new light on what the American and British intelligence communities knew of Hitler's plans for the Jews early in World War II. By March 20, 1942, a surreptitiously obtained document appeared in the files of the Coordinator of Information (COI), a predecessor to the Office of Strategic Services (OSS) and the Central Intelligence Agency. The document is a translated copy of a despatch filed by a Chilean diplomat on November 24, 1941, which the COI received some time later from British intelligence. It clearly discusses the Nazi intent to eradicate European Jewry.

The report, by the diplomat stationed in Prague, tells of the Nazi plan for the destruction of “Semitism,” the “eradication” of the Jews of Europe. It was delivered to David Bruce, head of the Secret Intelligence Branch of the COI, who forwarded it to an administrative assistant to William J. Donovan, who served as Coordinator of Information before heading the OSS. There is no indication on the document whether other Americans may have seen it.

The document was part of a release in June 2000 at the National Archives and Records Administration of 400,000 pages of OSS records by the Interagency Working Group (IWG). Other related documents in the OSS records that add details to the story are currently being opened under the Act. A historical analysis of the Prague report and related documents is accessible at the IWG website: <http://www.nara.gov/iwg/pressrel.html>.

#### **The Chilean Despatch**

Although Prague was no longer a national capital, and most foreign diplomats had departed, the former Chilean consul, Gonzalo Montt Rivas, was able to resume his post because of friendly relations between Nazi Germany and neutral Chile. His location and good connections provided a unique vantage point for discerning the Nazi agenda and actions in Nazi-occupied territories, a perspective not afforded to most Western diplomats.

Prompting his despatch was a decree to be issued by Nazi Germany on November 25, 1941, announcing that Jews who had left Germany and were living abroad could not be German subjects (they had lost their citizenship by laws issued in 1935) and that all remaining assets of these Jews were automatically forfeited to the Reich.

The diplomat wrote to the Chilean Government, translating part of the decree and making the following observations about Nazi policy in general:

- The Jewish problem is being partially solved in the Protectorate [Reich Protectorate of Bohemia-Moravia], as it has been decided to eradicate all the Jews and send some to Poland and others to the town of Terezin, whilst looking for a more remote place.
- The German triumph [in the war] will leave Europe freed of Semites. Those [Jews] who escape with their lives from this trial will certainly be deported to Siberia, where they will not have much opportunity to make use of their financial capabilities.
- In proportion to the U.S.A. increasing its attacks on the Reich, Germany will expedite the destruction of Semitism, as she accuses international Judaism of all the calamities which have befallen the world.
- The exodus of the Jews from the Reich has not had the results prophesied by the enemies of Germany: on the contrary: they have been replaced by Aryans with obvious advantage to everything and in everything, except in the usury line in which they are past masters.

The West received partial information about the Holocaust from a multitude of sources, but Montt's November 24, 1941, despatch came to the West in early 1942, which was very early in the flow of information. The report was one of a set of despatches from Chilean diplomats in Europe to the Chilean Foreign Ministry in Santiago that were acquired by British intelligence and shared with American intelligence during the war.

*Continued on page 6.*



Richard Ben-Veniste

**“One of the things that motivated me was the sense of history that was inherent in growing up as a young Jewish American in the Post World War II period.”**

Trial lawyer Richard Ben-Veniste is used to making news; it is a byproduct of a successful career winning celebrated cases. A generation of Americans was introduced to him through the news of Watergate when he served as Assistant Special Prosecutor with the Watergate Task Force. A later generation knows him from television appearances tied to his role as minority chief counsel to the Senate Whitewater Committee. Most recently Mr. Ben-Veniste has made headlines of a different sort: through his work as a Presidential appointee of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group.

Although it was not something he solicited, Ben-Veniste said the appointment was a great honor. “I think my appointment probably reflects the fact that I am analytical, I’ve dealt with government agencies, and I am known to follow up on my questions and to be persistent.”

### **Fighting Corruption**

These qualities surfaced early in Ben-Veniste’s career, marking the young prosecutor as someone who was both tough and determined. Ben-Veniste joined the U.S. Attorney’s Office of the Southern District of New York right after completing a masters of law degree from Northwestern University in 1968. He rose quickly through the ranks. He served first in the Special Prosecutions Section, which he ultimately headed, prosecuting a number of organized crime and racketeering cases. Then he moved to head the Official Corruption Section, where he discovered a career-shaping fascination with fighting official corruption and hypocrisy.

It is an interest stemming not just from his personal sense of justice—instilled in him he said by his mother—but also from the period in which he came of age. “One of the things that motivated me was this sense of history that was inherent in growing up as a young Jewish American in the post-World War II period,” he said. “I learned very early on from events in Europe that authority was something to be questioned. As I grew older, and as we dealt with the Vietnam War as a country and as I dealt with it personally, I gained a sense of a citizen’s obligation in a democracy to examine carefully and to question the judgement of elected officials.”

In the New York United States Attorney’s office, the only admonition, said Ben-Veniste, was to “do the right thing.” The young lawyer quickly gravitated to those cases involving abuses of authority by the police, corrupt politicians, corrupt prosecutors, and ultimately by the administrative assistant to the Speaker of the U.S. House of Representatives. With guilty verdicts returned for both cases against Martin Sweig, chief aide to Speaker John W. McCormack, for perjury and bribery, Ben-Veniste was launched into the national arena. He had secured a reputation for being tough on “crooks” from both major parties.

### **Breaking into the Watergate Investigation**

In 1973, Ben-Veniste was hired by Professor Archibald Cox to join the Watergate Special Prosecution. At the age of 29, he moved to Washington, DC, and became involved in one of the most sensational political scandals in U.S. history. “I had watched the Ervin Hearings on television, not knowing that I would eventually play a role in the case,” said Ben-Veniste. “I was highly skeptical that President Nixon would have associated himself with anything so outrageous as the cover-up [of the break-in to the Democratic National Committee headquarters at the Watergate offices] that John Dean had detailed in his testimony before the Senate Watergate Committee.”

With his characteristic smile, Ben-Veniste claimed he was one of the few among the group of young lawyers assembled by Cox—principally former law review students at Harvard and former Supreme Court clerks—“who would know which way to face in court in the event we actually did prosecute somebody.” Under Professor Cox, whose personal sense of moral rectitude and commitment to upholding the Constitution became a part of the Watergate legacy, the staff was challenged not only to get the evidence of what really happened, but to do so in a way that would withstand any criticism of the methods employed. “We were continually exhorted to re-examine and justify the various techniques regularly used by prosecutors against Archie Cox’s standard of fairness. It was excellent training.”

**“With 4 million plus documents already released, we have learned substantial new information”**

Ben-Veniste eventually became head of the Watergate Task Force charged with investigating the cover-up. Upon finally obtaining the tapes, Ben-Veniste said he was “astonished and saddened” to hear Dean’s testimony corroborated in every respect by the tapes. “The only conclusion by any reasonable person reviewing the evidence,” he said, “was that President Nixon had associated himself with a criminal conspiracy to obstruct justice.”

### **Remaining in Washington**

If his trial team had not won the Watergate case, Ben-Veniste says he might not have remained in the nation’s capital to begin his career in private practice. In Washington, however, he has had the opportunity to practice privately as a civil and criminal litigator, with Weil, Gotshal, & Manges most recently, as well as work in Government on various congressional committees. In 1977, Ben-Veniste co-authored *Stonewall: The Real Story of the Watergate Prosecution*, and he has been a guest lecturer at numerous law schools, including Harvard, Yale, Columbia (his alma mater), and Georgetown.

As vice chair of the Anti Defamation League’s Washington office, Ben-Veniste takes pride in a program established by ADL and the U.S. Holocaust Memorial Museum. Under it, each new DC Metropolitan Police recruit and each new FBI special agent goes through the Museum as part of his other training. “It is extraordinary to see how these new law enforcement officers respond to the history of German police complicity in the crimes against Jews and other minorities within German society committed under the official sanction of the Third Reich. The responsibility they have undertaken to represent the power of the state fairly and justly is brought home to each of them with great power and clarity in an historical context that he or she might not otherwise have thought about.”

Ben-Veniste views the work of the IWG as a history-making effort. He said, “The challenge is to convince those agencies charged with keeping the secrets of our government to actively cooperate in the effort to remove the stamp of secrecy from these still classified records regarding World War II and the years that followed.”

“Never before has any government authorized declassification of records on a single subject on such an enormous scale—with over 100 million pages of documents under review,” he said. “With the 4 million plus documents already released under this law, we have learned substantial new information in at least two areas of interest. We’ve learned about decisions made by our government to employ former Nazis in a hasty effort to create an intelligence network to contend with the Soviets in the immediate aftermath of World War II. And we have learned about the extent of knowledge by the allied forces about the intentions and activities of the Nazis to deport and murder innocent civilian populations. This has stimulated a robust debate over whether the expedience of suspending the injunction against hiring former Nazis was counter-productive in the long run—even factoring out the moral issues, and whether the Allies could have done more to save the Jews and others during the war itself.”

He continued, “The fact that we open these classified documents to public scrutiny will allow us to analyze, debate, and learn from the lessons of the past. This is the hallmark of an open society.” He added with a smile, “My college history professors would think very well of this exercise.” ●

### **Education and Experience**

Northwestern University School of Law (LL.M., 1968) Ford Foundation Fellowship  
Columbia University School of Law (LL.B., 1967) Harlan Fiske Stone Scholar  
Muhlenberg College (A.B., 1964) magna cum laude, Stuyvesant High School (1960)

1968–1972	U.S. Attorney’s Office, Southern District of New York
1973–1975	Assistant Special Prosecution Task Force (Watergate)
1976–1977	Special (outside) counsel Senate Subcommittee on Governmental Operations
1975–1981	Partner Melrod, Redman, & Gartlan
1981–1990	Ben-Veniste & Shernoff
1995–1996	Chief Minority Counsel Senate Whitewater Committee
1991–Present	Weil, Gotshal, & Manges

PROFILE

**Robert Hanyok, Special Advisor to IWG Staff**

The Interagency Working Group relies on a wide range of expertise in academia and in Government. Among other scholars who assist the IWG and its staff is Robert Hanyok, a senior historian from the National Security Agency's Center for Cryptologic History. Mr. Hanyok brings to the IWG, its staff, and the Historical Advisory Panel his knowledge of technical, operational, and archival-records aspects of the activities of America's cryptologic agencies during the Second World War, particularly those activities related to Japan. He contributed unique documents and expertise to the Government-wide report on stolen assets published in 1997 under Under-Secretary Stuart Eisenstat. He has delivered papers and written articles on topics related to the Holocaust and cryptology. ●

IWG Chair Steven Garfinkel announced the addition of Dr. Norman J. W. Goda and Dr. Marlene J. Mayo to the IWG historical research staff. The professors join Dr. Richard Breitman, Dr. Timothy Naftali, Dr. Edward Drea, Robert Wolfe, and other historians who advise the IWG regarding the historical context of newly declassified materials.

"I'm delighted that Dr. Goda and Dr. Mayo are joining the IWG historical team. With their extensive knowledge in their respective specialties in modern German and Japanese history, they will bring new insight into the meaning of records newly declassified by the IWG," said Garfinkel.

Dr. Goda comes from Ohio University, where he is an associate professor of history. With specialties in Modern Germany and international relations, Dr. Goda has taught courses in Nazi Germany and the Holocaust, and war crimes and retribution. In 1998, his book *Tomorrow the World: Hitler, Northwest Africa, and the Path toward America* appeared, and he is currently completing the book *Tales from Spandau: Diplomacy, Symbolism, and the Nuremberg War Criminals 1945–1987*. Since 1999, he has served on the editorial board of *German Studies Review*. Dr. Goda earned a B.A. in history and English at Rice University, and an M.A. and a Ph.D. in history at the University of North Carolina at Chapel Hill. He also studied abroad at the Universities of Bonn and Freiburg in Germany.



Dr. Norman J. W. Goda

Dr. Mayo is an associate professor of history at the University of Maryland, where for 35 years she has taught a host of subjects dealing with 20th-century Japanese history, including economic policy, social reform, gender issues, and U.S.-Japanese relations. Her written work includes essays for *Americans as Proconsuls, United States Military Government in Germany and Japan, 1944–1952* (edited by Robert Wolfe), and essays for the General Douglas MacArthur Memorial Conference volumes on Allied Occupation of Japan. Recently, Dr. Mayo completed a volume co-edited with J. Thomas Rimer, entitled, *War, Occupation, and Creativity: Japan and East Asia, 1920–1960*. She has served as the chair of the Northeast Asia Council of the Association for Asian Studies. Dr. Mayo holds a Ph.D. and an M.A. from Columbia University, a B.A. from Wayne State University, and has attended the London School of Economics and the University of Tokyo as a Fulbright Scholar. ●

**Early Intelligence Records from Chilean Diplomatic Reports Describe Nazi Final Solution**

*Continued from page 3.*

**Western Reactions**

The question remains whether the despatch changes what we know about Western governments' knowledge of mass killings of Jews. There is some reason to be skeptical: why would any British or American official pay particular attention to the views of an unknown Chilean diplomat in Prague? In any case, both governments were so concerned about their formidable military problems that this item might have made no impression.

According to IWG historians, Montt's report probably did not resonate deeply with Western intelligence officials given their other primary concerns. In Britain the Chilean report fit into a pattern of other completely reliable intelligence information about Nazi genocidal policy, and it may have strengthened British intelligence conclusions about Nazi policy toward Jews across the continent. In the United States, where there was less in the way of relevant and trustworthy intelligence information, there is no sign that this Chilean report had an impact. ●

By Dr. Marlene Mayo

Documents relating to Japanese war crimes have recently resurfaced, reminding us of how two alleged war criminals escaped trial and possible conviction, one by securing immunity from American authorities and the other by eluding capture.

In the first case, the Interagency Working Group staff discovered documents giving further details of discussions in Washington, DC, during the summer of 1947, leading to an agreement not to prosecute General Ishii Shiro, head of Japan's biological warfare program, and several of his colleagues. This was done in exchange for information about their experiments on plants; animals; water supplies; and human beings, including prisoners of war.

The documents, dated June 27 and July 1, 1947 (in fact, copies of documents that were declassified in one file but not in others), indicate a recommendation by the members of the State-War-Navy Coordinating Committee (which operated at the assistant secretary level) and its subcommittee of East Asia specialists and military officers, together with a special working group. The recommendation, based on information gained from a series of interrogations in Japan by technical experts, held that future embarrassment about the arrangement was worth risking because of the advanced level of Japanese research and the need to keep such information exclusively in U.S. security channels.

Although the final decision in March 1948 to spare the biological warfare officers from public trial has been previously known, the re-release of the documents suggests that the Secretaries of State, War, and Navy, the Joint Chiefs of Staff (then headed by General Eisenhower), and members of the new National Security Council (which did not first meet until September 1947) were involved or at least informed. The extent to which President Harry Truman was involved remains unclear. The documents do not fully address moral and ethical issues.

In the second case, U.S. Army intelligence documents pick up the story in 1948–49 of the unsuccessful search for Col. Tsuji Masanobu, who was wanted by British and American authorities for war crimes in all theaters of the Asia-Pacific War, including the massacre of an estimated 5,000 Chinese civilians at Singapore in February 1942 and brutal treatment of Americans during the Bataan Death March the following May.

In 1948, Tsuji reentered Japan in disguise and soon took up the mantle of recently deceased Gen. Ishiwara Kanji, one of the masterminds of the Mukden Incident, of September 18, 1931, which led to the complete takeover of Manchuria by the Japanese Army. When his war crime status was lifted in early 1950, Tsuji returned to public life. By then, he had rejoined a group of old military friends who hoped, contrary to the postwar Constitution and Article Nine, to recreate and control a Japanese army—an anticommunist army with imperialist ambitions. To what extent this group, led by Col. Hattori Takushiro, operated under the blessing of U.S. military intelligence in Japan is in question.

As an admitted ultranationalist and author of numerous best-sellers in the 1950s, glorifying his wartime record and underground escape, Tsuji was elected twice to Japan's House of Representatives followed by a 6-year term in the Upper House, but disappeared during a trip to Southeast Asia in May 1961. He was declared officially dead in 1968. In the volatile politics of the late 1950s, especially disagreement over rearmament, Tsuji clashed with Prime Minister Kishi Nobusuke, a high-level economic planner in Manchuria and wartime head of the Ministry of Munitions who was himself detained for 3 years, 1945–48, as a suspect Class A war criminal. ●



*Dr. Marlene Mayo and University of Maryland graduate student Eric Van Slander in stacks of records related to Japanese war crimes at the National Archives in College Park, MD work together.*

**Col. Tsuji Masanobu... was wanted by British and American authorities for war crimes in all theaters of the Asia-Pacific War**

**Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group**

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**Nazi War Crimes Disclosure Act Prompts Rare Release of CIA “Name Files”**

*Continued from page 2.*

- The notion that Heinrich Mueller became an intelligence resource for the United States cannot survive careful scrutiny of the CIA’s Mueller file.
- The U. S. Marshals Service believed that Dr. Josef Mengele was still alive and proposed a covert operation in 1985 to locate and apprehend him in Paraguay. (Mengele died in Brazil in 1979.)
- Former UN Secretary General Kurt Waldheim was not an intelligence resource for the United States, and the CIA could not conclude that the Soviet Union used or blackmailed Waldheim with information about his Nazi past.

- OSS official Allen Dulles sought to end the war early in Northern Italy, conducting secret negotiations in Switzerland with German officials who had committed war crimes. These Nazis used their contacts with Dulles in efforts to protect themselves after the war.
- Many lesser-known Nazis committed serious crimes, but in the postwar period received light punishment, no punishment at all, or received compensation because Western intelligence agencies considered them useful assets in the Cold War.

The efforts of the IWG and the CIA have produced significant additions to the historical record. The documents declassified in this release will be used for many years by scholars and others interested in the issue of war crimes and in the treatment of suspected war criminals. ●

*Disclosure* is a free publication of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group (IWG). The Nazi War Crimes Disclosure Act created the IWG to oversee declassification and public release of U.S. Government records related to war criminals and crimes committed by the Nazi government and its allies during World War II. In enacting the Japanese Imperial Government Disclosure Act of 2000, the U.S. Congress renamed the IWG, extended its mission through March 2004, and emphasized the need to find, review, and declassify U.S. Government records pertaining to Japanese Imperial Government war crimes and war criminals.

For more information visit the IWG Website: [www.nara.gov/iwg](http://www.nara.gov/iwg) or contact IWG Executive Director Larry Taylor: 202-756-2277 or [iwg1@starpower.net](mailto:iwg1@starpower.net). For address correction or to be removed from this mailing list, please contact the IWG Staff Director, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740, or at [iwg@nara.gov](mailto:iwg@nara.gov).

Steven Garfinkel <i>Chair, National Archives and Records Administration</i>	William H. Leary <i>National Security Council</i>
Thomas H. Baer <i>Steinhardt Baer Pictures Company</i>	David Holmes <i>Central Intelligence Agency</i>
Richard Ben-Veniste <i>Weil, Gotshal &amp; Manges, LLP</i>	Paul Shapiro <i>United States Holocaust Memorial Museum</i>
Elizabeth Holtzman <i>Herrick, Feinstein, LLP</i>	Eli M. Rosenbaum <i>Department of Justice</i>
John E. Collingwood <i>Federal Bureau of Investigation</i>	Marc J. Susser <i>Department of State</i>
Christina M. Bromwell <i>Office of the Secretary of Defense</i>	

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