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## **Eagle and Swastika: CIA and Nazi War Criminals and Collaborators (U)**

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DECLASSIFIED AND RELEASED BY  
CENTRAL INTELLIGENCE AGENCY  
SOURCE METHOD EXEMPTION 3B2B  
NAZI WAR CRIMES DISCLOSURE ACT  
DATE 2007

**History Staff  
Central Intelligence Agency  
Washington, DC  
April 2003**

**CL BY: 2196985  
CL REASON: 1.5 (b), (c), (d)  
DECLAS ON: XI  
DRV FROM: MULTIPLE**

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## Introduction (U)

*Eagle and Swastika: CIA and Nazi War Criminals and Collaborators* examines the Central Intelligence Agency's involvement with Nazis and their collaborators after World War II. It details the Agency's assistance to various US Government investigations, primarily by the Justice Department's Office of Special Investigation (OSI) and by the General Accounting Office (GAO), of dealings with Nazis from the 1970s to the present day. The study recounts the Agency's long involvement with Nazis – first as an enemy in World War II, then as a quasi-ally in the Cold War, and finally as the subjects of criminal investigations and prosecutions by Federal officials.<sup>1</sup> (U)

As a secret, intelligence agency in an open democratic society, historians, journalists, and politicians have long suspected the Central Intelligence Agency of maintaining clandestine relations with Nazis and non-Germans who aided the Third

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<sup>1</sup>The Charter and Judgment of the Nuremberg Tribunal, adopted by the United Nations in 1950 as General Assembly Resolution 95, defined crimes under international law as crimes against peace, war crimes, and crimes against humanity. The Nuremberg International Military Tribunal also charged German defendants with conspiracy. Those who served in the *Schutzstaffeln*, or SS, were accused of membership in a criminal organization. The Allied authorities also offered specific charges in subsequent trials of German war criminals after 1945. The generic term "war crimes" encompasses a variety of crimes committed by the Axis Powers and their collaborators as recognized at Nuremberg. The term is commonly used to denote support rendered to Nazi Germany by individuals even if these same individuals did not directly commit murder or other violent crimes. It should also be noted that many individuals charged with war crimes in World War II were not members of the Nazi party or even German citizens. Alan S. Rosenbaum, *Prosecuting Nazi War Criminals* (Boulder: Westview Press, 1993), pp. 22-23. See also Appendices, Norman E. Tutorow, ed., *War Crimes, War Criminals, and War Crimes Trials: An Annotated Bibliography and Source Book* (Westport: Greenwood Press, 1986), pp. 453-477. (U)

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Reich.<sup>2</sup> The story of escaped Nazis after the collapse of the Third Reich in 1945 has long gripped novelists and Hollywood screenwriters, as seen by such bestsellers and subsequent box office hits as *The Salzburg Connection*, *The Boys from Brazil*, *Marathon Man*, and *The ODESSA File*.<sup>3</sup> Since the 1970s, the topic has also proven steady fare for historians and journalists.<sup>4</sup> (U)

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<sup>2</sup>For an overall discussion, see Kevin C. Ruffner, "A Persistent Emotional Issue: CIA's Support to the Nazi War Criminal Investigations," *Studies in Intelligence* (Unclassified ed. 1997), pp. 103-109. (U)

<sup>3</sup>One guide to American spy movies notes, "Hollywood, in its unique, uncanny way, was quick to turn out dramas about unrepentant Nazis planning for the next onslaught as early as 1944. During the next few decades dozens of plots centered around schemes by former Nazis to steal gold and jewels, restore their former glory and spread fear and hatred among the peoples of the world. A few were earnest attempts to expose the flight of war criminals, some were simple entertainments and others were undisguised propaganda films." See Larry Langman and David Ebner, *Encyclopedia of American Spy Films* (New York: Garland Publishing, 1990), pp. 258-260. (U)

<sup>4</sup>Public interest in Nazi war criminals can be seen in the number of publications since the mid-1970s, including Charles R. Allen, *Nazi War Criminals in America: Facts—Action: The Basic Handbook* (New York: Highgate House, 1985); Mark Aarons and John Loftus, *Unholy Trinity: How the Vatican's Nazi Networks Betrayed Western Intelligence to the Soviets* (New York: St. Martin's Press, 1991); Charles Ashman and Robert J. Wagman, *Nazi Hunters: The Shocking True Story of the Continuing Search for Nazi War Criminals* (New York: Pharos Books, 1988); Howard Blum, *Wanted!: The Search for Nazis in America* (New York: Quadrangle/The New York Times Book Company, 1977); Tom Bower, *The Paperclip Conspiracy: The Hunt for Nazi Scientists* (Boston: Little, Brown and Company, 1987); William B. Breuer, *Race to the Moon: America's Duel with the Soviets* (Westport: Praeger Publishers, 1993); Linda Hunt, *Secret Agenda: The United States Government, Nazi Scientists, and Project Paperclip, 1945-1990* (New York: St. Martin's Press, 1991); Beate Klarsfeld, *Wherever They May Be!* (New York: Vanguard Press, 1975); John Loftus, *The Belarus Secret*, ed. Nathan Miller (New York: Paragon House, 1989, rev. ed. 1982); Allan A. Ryan, Jr., *Quiet Neighbors: Prosecuting Nazi War Criminals in America* (San Diego: Harcourt Brace Jovanovich, 1984); Rochelle G. Saidel, *The Outraged Conscience: Seekers of Justice for Nazi War Criminals in America* (Albany: State University of New York Press, 1984); Christopher Simpson, *Blowback: America's Recruitment of Nazis and Its Effects on the Cold War* (New York: Weidenfeld and Nicholson, 1988); and Efraim Zuroff, *Occupation: Nazi Hunter; The Continuing Saga for the Perpetrators of the Holocaust* (Hoboken: KTAV Publishing House, 1994). (U)

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During the first three decades after the war, however, the Soviet threat and the possibility of a cold war turning into world Armageddon muted public scrutiny. The presence of former Nazis and their collaborators in the United States generated little interest from the American public, and even less from the Federal government. In this environment, the Central Intelligence Agency simply avoided any discussion of its roles as having used America's former enemies as intelligence sources and operational assets.

(U)

Criticism by various observers takes a broad approach. In particular, the Agency comes under attack for the following activities:

1. CIA, and its predecessor organizations, including the Office of Strategic Services (OSS 1942-45), the Strategic Services Unit (SSU 1945-46), and the Central Intelligence Group (CIG 1946-47), employed German intelligence personnel as sources of information.
2. CIA sponsored the new West German intelligence service, an organization under the control of officers of the defeated German general staff. The ranks of the Gehlen Organization sheltered many officers of the German SS and SD whose loyalty to the new West German government remained in doubt.
3. CIA, and its predecessor organizations, employed former collaborators of the Third Reich, primarily from Eastern and Southern Europe, initially as sources of information and later as the operational assets for activities behind the Iron Curtain.
4. CIA, including the Office of Policy Coordination (OPC 1948-1952), brought German and Eastern European individuals to the United States to provide detailed information on the Soviet Union.
5. CIA, including OPC, formed "secret armies" from various emigre groups in Europe and trained them in the United States. The ranks of these groups included numerous former collaborators of Nazi Germany and some of these people remained active in other CIA projects.

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6. CIA evacuated Nazi war criminals through "rat lines" in Southern Europe, allowing these people to escape justice by relocating them *incognito* in South America.
7. CIA abused its legal authority to bring Soviet and Soviet Bloc defectors and other persons of interest to the United States.
8. CIA covered up these activities from Congressional and other Federal government investigators. (U)

The Agency's involvement with Nazis and their collaborators as well as the impact that these relationships had on both American foreign and domestic policies is the subject of numerous books and articles over the years. In his 1988 book, *Blowback: America's Recruitment of Nazis and Its Effects on the Cold War*, Christopher Simpson asserts that:

US intelligence agencies did know - or had good reason to suspect—that many contract agents that they hired during the cold war had committed crimes against humanity on behalf of the Nazis. The CIA, the State Department, and US Army intelligence each created special programs for the specific purpose of bringing selected former Nazis and collaborators to the United States. Other projects protected such people by placing them on US payroll overseas.<sup>5</sup> (U)

Simpson believes that the US Government's willingness to work with some of the Third Reich's worst elements "did contribute to the influence of some of the most reactionary trends in American political life."<sup>6</sup> (U)

Allan A. Ryan, Jr., a former director of Office of Special Investigations (OSI), is skeptical about claims that American intelligence deliberately brought Nazi war criminals to the United States. While he acknowledges that the government assisted in the

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<sup>5</sup> Simpson, *Blowback*, p. xiv. (U)

<sup>6</sup>Ibid, p. 10. (U)

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immigration of a "small roomful of people at the very most," Ryan is convinced that loose enforcement of US laws, such as the Displaced Persons Act of 1950, the Immigration and Nationality Act of 1952, and the Refugee Relief Act of 1953 permitted far greater numbers of Nazi war criminals and collaborators to enter the United States through legal means than any covert US intelligence project.<sup>7</sup> (U)

Ryan also criticized much of the literature dealing with US Government collusion with Nazis. "From time to time in the past few years, books or other accounts have appeared claiming to expose some newly-discovered conspiracy by CIA, or the military, or a cabal of lawless bureaucrats, to bring Nazi collaborators to the United States after the war." "These accounts," according to Ryan, "have offered dubious evidence and have been unable to survive any objective analysis." In his role as director of the Office of Special Investigations, Ryan wrote, "no Federal agency, including the CIA, ever objected to any prosecution or tried to call off any investigation."<sup>8</sup> (U)

Since the 1970s, the Central Intelligence Agency, in fact, has been one of the leading government agencies involved in the investigation of Nazi war criminals.<sup>9</sup> The Office of General Counsel (OGC), the Directorate of Operations (DO), the Office of Security (OS), and other components of CIA have worked closely with the Office of

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<sup>7</sup>Ryan, *Quiet Neighbors*, pp. 4-5, and 328-329. (U)

<sup>8</sup>Ibid, pp. 4 and 267. (U)

<sup>9</sup>The US Congress enacted Public Law 95-549 in 1978, which allows the government "to exclude from admission into the United States aliens who have persecuted any person on the basis of race, religion, national origin, or political opinion, and to facilitate the deportation of such aliens who have been admitted into the United States." This law also established the Office of Special Investigations in the Department of Justice to investigate Nazi war criminals in America. US Congress, House, *PL 95-549 Immigration and Naturalization Act - Nazi Germany*,

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Special Investigations to identify and bring Nazi war criminals and collaborators to justice for concealment of criminal activity during 1933-45. Prior to the establishment of OSI, CIA worked with the Special Litigation Unit (SLU) of the Immigration and Naturalization Service (INS) for a brief period in the 1970s. In addition, Congress ordered the General Accounting Office (GAO) to conduct two separate investigations, during 1977-78 and again during 1982-85, to determine the relationship between the US Government and Nazi war criminals. The House of Representatives held public hearings to discuss GAO's findings after both investigations.<sup>10</sup> (U)

According to the General Accounting Office, the Central Intelligence Agency did not have a formal or even an informal program to bring Nazi war criminals or collaborators into the United States.<sup>11</sup> The Agency did bring defectors from Iron Curtain countries and provided "disposal" services for American agents from Europe. In some cases, these defectors or agents also had Nazi pasts, but this did not constitute a basis for US support or assistance. In its 1985 report, *Nazis and Axis Collaborators Were Used to*

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95th Cong., 2nd sess., 1978, *United States Code*, Vol. 4: Legislative History (St. Paul: West Publishing Company, 1979), pp. 4700-4716. (U)

<sup>10</sup>US Congress, House, Committee on the Judiciary, *Hearings Before the Subcommittee on Immigration, Citizenship, and International Law on Alleged Nazi War Criminals*, 95th Cong., 1st and 2nd sess., 3 August 1977 and 19-21 July 1978. See also Committee on the Judiciary, *Oversight Hearing Before the Subcommittee on Immigration, Refugees, and International Law on GAO Report on Nazi War Criminals in the United States*, 99th Cong., 1st sess., 17 October 1985. (U)

<sup>11</sup>United States General Accounting Office, Comptroller General of the United States, *Widespread Conspiracy to Obstruct Probes of Alleged Nazi War Criminals Not Supported by Available Evidence—Controversy May Continue*, GGD-78-73 (Washington, DC: General Accounting Office, 1978) and *Nazis and Axis Collaborators Were Used to Further US Anticommunist Objectives in Europe—Some Immigrated to the United States*, GAO/GGD-85-66

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*Further US Anticommunist Objectives in Europe—Some Immigrated to the United States*, the GAO found no evidence of “any US agency program to aid Nazis or Axis collaborators to immigrate to the United States.”<sup>12</sup> (U)

*Eagle and Swastika* amplifies the findings of the 1985 GAO Report by detailing the Agency’s role in the years after Nazi Germany’s collapse. The CIA expressed reluctance to work with some individuals or organizations, as seen with the Ukrainian nationalists and the Gehlen Organization. As tensions mounted between East and West, the Agency retreated from this stand because of the pressing need for intelligence on the intentions and capabilities of the Soviet Union. The first half of this study examines many of the CIA’s earliest operations in Europe when the Agency decided to work with individuals and groups with Nazi backgrounds. The second half of the study shifts to the period of the 1970s to the present day and looks at the Agency’s role in the investigations, including such notable cases as Klaus Barbie and Kurt Waldheim. (U)

The records of the Central Intelligence Agency and its predecessor agencies, including OSS, SSU, and CIG, form the basis for this study. These sources are scattered throughout the Agency and are not easily identifiable or retrievable. Significant material can be found in various individual “201 files” or project files maintained by the Directorate of Operations as well as in individual files of the Office of Security.<sup>13</sup>

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(Washington, DC: General Accounting Office, 1985) (hereafter cited as 1978 GAO Report or 1985 GAO Report). (U)

<sup>12</sup>1985 GAO Report. (U)

<sup>13</sup>The 201 system provides the Agency with a method for identifying a person of specific interest to the Directorate of Operations (DO) and for controlling and filing all pertinent information



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Operational files of the DO and correspondence maintained in the Executive Registry of the DCI's office also provide extensive information. Records of the actual Nazi war criminal investigations after the 1970s, including outside agency inquiries and CIA responses, are maintained by the Office of General Counsel as well as by the DO. (U)

Numerous files exist in other US government agencies, including the Federal Bureau of Investigation (FBI), the Immigration and Naturalization Service (INS), the US Army's Investigative Records Repository (IRR), and the National Archives and Records Administration (NARA). Among the most important documents are those located in Record Group 226, the Records of the Office of Strategic Services, which have been declassified and transferred to the National Archives. In addition to the thousands of feet of records already declassified by CIA, the Agency has released hundreds of thousands of pages of World War II-era records under the auspices of the Nazi War Crimes Disclosure Act in 2000. This act has also brought forth a deluge of personal dossiers from the Army's Investigative Records Repository at Fort Meade, Maryland. Probably no country in the world, and certainly no intelligence service, has released to the public as much

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about that person in a single file. It consists of a unique seven digit 201 file number assigned to that individual and may be opened by a DO component when there is a reasonable expectation that additional information will be acquired or retained on that individual. Normally, a 201 file will be opened when a Main Index search reveals substantive information on that individual in five or more documents. The Headquarters 201 file is the official file containing all biographic reporting on and references to the individual such as personal history, assessments, and plans for future use. DO Instruction [ ] , copy located in CIA History Staff files. The Office of Security, likewise, maintains its own, separate file system on individuals of interest to the CIA. (S)

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information about intelligence activities during the Second World War as the United States.<sup>14</sup> (U)

The amount of material released in the last two decades, as well as material that is still retained by CIA, is overwhelming. It is often possible to find the same document (or a copy) as classified in Agency files but as declassified at the National Archives. While this study is written at the classified level, a great deal of the source material and the information itself is already available at the National Archives. This is especially true following CIA's declassification of the greater portion of the "withdrawn" OSS material in 2000.<sup>15</sup> (U)

Since 1998, the Nazi War Crimes Disclosure Act requires the CIA to search its holdings for still-classified material pertaining to Nazi war criminals and war crimes; the ensuing searches located an extensive amount of material that was otherwise previously unavailable to the author. Although the author attempted to mine this new vein of information, a lack of time and resources to plow through the sheer number of files generated by the name traces of over 60,000 known war criminals and SS officers proved to be limiting factors. (U)

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<sup>14</sup>For further details, see Kevin C. Ruffner, "Record Group 226 at the National Archives," *Center for the Study of Intelligence Newsletter* (Summer 1996), pp. 3-4; Kevin C. Ruffner, "OSS and CIA Records at the National Archives," *Center for the Study of Intelligence Newsletter* (Winter-Spring 1997), pp. 3-4; Kevin C. Ruffner, "CIA and the Search for Nazi War Criminals," *Center for the Study of Intelligence Bulletin* (Winter 2000), pp. 10-11; and Kevin C. Ruffner, "CIC Records: A Valuable Tool for Researchers," *Center for the Study of Intelligence Bulletin* (Summer 2000), pp. 11-16. (U)

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It should be noted for the record that the author did not enjoy full and unfettered access to all DO and OS records, finding aids, manual indexes, or computer search tools. Access to records and, even more importantly, the ways to find information are highly restricted within CIA and even more so within the Directorate of Operations and the Office of Security – for operational, security, and privacy reasons. While the various components permitted me to review numerous records and 201 files, the author did not enjoy *carte blanche* access to all files. This does not mean that the author did not receive significant help to order and review those records that he determined to be of possible relevance. Quite the contrary, the author received bountiful help over the years from the unsung heroes of the Agency - the recordkeepers who toil in the bowels of Headquarters and at the warehouse-like Agency Archives and Records Center. Without their help, no Agency histories could be written. (U)

After shifting through hundreds of records boxes and personality files, the author is convinced that it is impossible to write the definitive history of such a complex issue as the relationships that existed between American intelligence and the Nazis during and after the war. The topic is too broad, the issues are complex and changed over time, and the timeframe itself encompasses the entire lifespan of the CIA and its predecessors. The records are scattered, and many were destroyed or otherwise are not readily available. The identification of every single Nazi war criminal or collaborator who came into

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<sup>15</sup>The “withdrawn” records now at the National Archives consist of material that had been removed for security reasons from earlier batches of records declassified and transferred to NARA. In 2001, the Agency declassified this major collection of OSS material. (U)

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contact with CIA is well nigh impossible. Thus, it is quite likely that investigators, historians, and journalists will continue to claim to have uncovered Nazis with connections to the CIA. (U)

*Eagle and Swastika* highlights the general operational activities of the Agency and its predecessors and recounts specific projects involving those with Nazi backgrounds from 1945 to the present day. The study should be regarded as a critical guide to future research into this emotional and complicated subject. (U)

The strengths and weaknesses of this study rest primarily within the CIA's own records management system. As an item of interest, Agency records generally do not contain information that constitutes a basis for judging the guilt or innocence of war criminals. The Office of Special Investigations, however, utilizes the Agency's records as a tool in its examination of existing historical documentation. These documents, in turn, may have some impact on the overall course of the investigation and prosecution. (U)

Interviews with retired Agency officers have provided some personal anecdotes and information about the early days of American intelligence operations in Western Europe after World War II. Both the GAO and OSI also conducted extensive interviews during the course of their investigations. The interviews employed for this study have not been as far ranging, but have enabled the author to gain a better understanding of the Agency's operations in Austria and Germany in the first decade after World War II. This time period, as will be seen, is crucial because the Agency became more involved with Nazi war criminals and collaborators. (U)

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The lesson of the Nazi war criminals is perhaps best applied to present intelligence operations. Sixty years after World War II, many Americans are concerned that actions taken by the US Government during the Cold War to combat the Soviet threat actually threatened our national liberties and democratic nature. Allen Dulles, the Director of Central Intelligence during 1953-61 and a former OSS station chief, displayed a cavalier attitude about Reinhard Gehlen, West Germany's then future intelligence chief. "I don't know if he is a rascal," Dulles said about the former head of the Wehrmacht's *Fremde Heere Ost* (FHO), the Foreign Armies East branch of military intelligence, that dealt with the Soviet Union. "There are few archbishops in espionage. He's on our side and that's all that matters. Besides," Dulles added, "one needn't ask him to one's club."<sup>16</sup> (U)

Dulles's alleged response to concerns about the background and trustworthiness of such an important figure as Gehlen exemplifies the attitude that the Agency adopted with regard to the past Nazi activities and affiliations of its intelligence operatives during the Cold War. Since the 1970s, this Cold War attitude has created considerable problems, only to be compounded by other scandals that have roiled the Agency. With the end of the Cold War, the Agency is hardpressed to defend or even explain some of its actions during that trying period. The CIA still faces controversies over the backgrounds of its agents, as witnessed in the recruitment of sources in Central and Latin America as

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<sup>16</sup>Leonard Mosley, *Dulles: A Biography of Eleanor, Allen, and John Foster Dulles and Their Family Network* (New York: The Dial Press/James Wade, 1978), p. 275. (U)

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late as the 1990s. Distrustful of the Agency, many American politicians have demanded the release of all CIA records dealing with Nazis and their collaborators. (U)

The Nazi war criminal investigations are now the longest-running examination in the CIA's history. Decades after the end of World War II, controversies about the Agency's role linger. Most, but not all, of the records of the Office of Strategic Services and the Strategic Services Unit have been declassified and released to the National Archives. The US Government, however, retains control of countless other records from the early Cold War period. Until all of this information is available to the public, the Agency will continue to defend its past in the face of suspicion, intrigue, and guesswork. (U)

In researching and writing this study, the author would like to acknowledge the support and patience of J. Kenneth McDonald, [

] chief historians of the Central Intelligence Agency from 1991 to 2002. As pressure mounted for the Agency to reveal its relations with Nazi war criminals, Ken McDonald assigned me to write a history of the period in 1992. As a newly minted Ph.D. and CIA historian who had joined at the end of the Cold War, the Nazi war criminal project has proven both fascinating and frustrating. Little did I know that I would still be hard at work on the topic over ten years later. (U)

During this journey, many individuals have assisted me. Over the years, my colleagues at the History Staff and at the Center for the Study of Intelligence have provided me with many references in the Agency's records and have graciously read the

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manuscript at various stages. Lawrence H. McDonald and William Cunliffe, archivists and intelligence specialists at the National Archives, are the unsung heroes to researchers of all backgrounds. Both men took me into the stacks at the National Archives to search for every lead in the massive collection of records at College Park. The interest in my work and cooperation shown by Eli Rosenbaum, director of the Office of Special Investigations, and Elizabeth B. White, chief historian, also have been most gratifying.

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While many inside and outside the Agency have helped me in one form or another, I alone am responsible for the study's content and interpretations. (U)

Kevin Conley Ruffner