



THE JACOB RADER MARCUS CENTER OF THE  
AMERICAN JEWISH ARCHIVES

*Preserving American Jewish History*

MS-603: Rabbi Marc H. Tanenbaum Collection, 1945-1992.

Series D: International Relations Activities. 1961-1992

Box 75, Folder 6, United Nations - war crimes, 1987.

# The Heritage Foundation **Backgrounder**

**UPDATE**

214 Massachusetts Avenue N.E.

Washington, D.C. 20002

(202)546-4400

5/1/87

Number 43

## WHY THE U.N. STILL DOES NOT MERIT FULL U.S. FUNDING

(Updating Backgrounder No. 567, "United Nations Reform: Where's the Beef?" March 10, 1987.)

United States policy toward the United Nations is at a crossroads: with the General Assembly's adoption last year of a resolution specifying reforms in the U.N.'s budget process and management operations, the U.S. is facing pressure from the U.N. to exempt international organizations from the budgetary constraints facing most U.S. domestic programs. In mid-April, for example, U.N. Secretary-General Javier Perez de Cuellar had a luncheon meeting at the State Department with Deputy Secretary of State John Whitehead, at which the issue of U.N. contributions was raised.

All the U.N. has done so far, however, is make half-hearted attempts at reform. There thus are compelling economic and political reasons to freeze U.N. funding at its present level. They include:

1) **There is no justification** for boosting spending on international organizations and operations at a time when many domestic programs face severe cutbacks. This would be the case even if the U.N. clearly and directly served the interests of the United States; it is particularly true since it is widely argued that the U.S. reaps no significant benefit from the U.N.

2) **Full U.N. funding would deprive** the U.S. of one of its most effective negotiating levers at a time when the U.N. "reform" process has barely begun. The sole driving force behind this "reform" in fact has been the congressionally mandated reductions in U.S. contributions to the U.N., as well as the implied threat of even further cuts if tangible progress was not achieved. The need to maintain this pressure, commensurate with achievement of genuine reforms, was recognized recently by the House Committee on Foreign Affairs. It tied further appropriations to the U.N. to progress in the reform process. Writes Representative Gerald Solomon, a New York Republican and key architect of U.N. policy, in the Committee Report: "...the new section is so crafted as to take into account the fact that the reform process at the U.N. is a long way from being



completed, much of it could still come unraveled. Therefore, the need to maintain American financial leverage becomes even more important. By linking the amount of money to be made available to the U.N. to a Presidential determination that the reform process is working, we are maintaining our leverage over that process."

3) The reforms do not justify increasing the U.S. contribution to the U.N. If anything, the "reforms" deserve to be met by Washington with further reductions in U.S. contributions to the U.N. Although there has been reduction in the number of U.N. Secretariat personnel, primarily through attrition, and though the U.N. Secretary-General and others have committed themselves to making more changes, the most wasteful and dubious U.N. budget and management practices continue. So do violations of the U.N. Charter itself.

Example: Despite what the U.N. continues to describe as a financial crisis, the General Assembly at its last session actually revised its 1986-1987 biennial budget upward--by \$61 million, or 4.5 percent of the total budget. This prompted the U.S. representative on the Fifth (Budget) Committee to state that "The cost of running the organization continues to increase at an unacceptable rate."

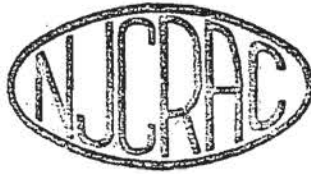
Example: A recent U.S. General Accounting Office study entitled "United Nations: Personnel Compensation and Pension Issues" confirms that U.N. employees earn substantially higher salaries and pensions than U.S. Government employees, exceeding even the U.N.'s own guidelines. States the Report: "...New York-based U.N. professional employees' net remuneration exceeded that of equivalent U.S. civil servants in Washington, D.C., by a margin of 21.3 percent. This margin doubled from 1978 to 1985." Also, "...U.N. pensions are substantially higher than those in the U.S. Civil Service." The Report also confirms the fact that all of the U.N.'s 172 Assistant and Under Secretaries General make substantially more than U.S. Senators.

Example: The abuse of the U.N. Secretariat by the Soviet Union continues unabated. Practices such as "secondment," a bureaucratic ploy that allows the USSR to maintain control over its nationals who "work" for the U.N. Secretariat, salary kickbacks from all Soviets in the Secretariat to their government, the housing of Soviet U.N. officials inside their diplomatic compound in Riverdale, and outright Soviet control over key U.N. offices--none of these questionable and in some cases illegal practices have been ended. Says one Secretariat official: "The Soviets have effectively used the 'reform' effort to consolidate their position in the Secretariat."

Example: In the Fifth Committee during the last General Assembly, 15 recorded votes were taken on budgetary issues. On 14 of these, the U.S. and other nations advocating fiscal restraint at the U.N. were outvoted. They won majority support for only one proposal.

The U.N. reform effort, in short, must go a great deal further in addressing the serious structural problems of the United Nations. Unless and until steps are taken to address these problems, the U.S. Congress, using its power of the purse, should hang tough.

Thomas E.L. Dewey  
Policy Analyst



*Memo*

## CAMPAIGN TO OPEN WAR CRIMES FILES

## VISITS WITH PERMANENT MISSIONS TO UNITED NATIONS

PROGRESS REPORT TO DATE/ 5/1/87

<u>COUNTRY</u>	<u>AGENCY HANDLING VISIT</u>	<u>DATE OF VISIT</u>
YUGOSLAVIA	ADL - Elliot Welles	Wednesday, April 29 10:00 A.M.
LUXEMBERG	N.Y. JCRC - Michael Miller NJCRAC - Abe Bayer	Wednesday, April 22 6:00 P.M.
BELGIUM	UOJCA - Mark Friedman	
DENMARK	N.Y. JCRC - Michael Miller	Monday, April 27 4:00 P.M.
NEW ZEALAND	NCJW - Dadie Perlov	Tuesday, May 5
FRANCE	AJCOMMITTEE - Mark Tanenbaum	Thursday, May 7 3L30 P.M.
CHINA	AJCONGRESS - Phil Baum	Thursday, April 23 4:00 P.M.
INDIA	AJCONGRESS - Phil Baum	
GREECE	UAHC CCAR - Rabbi Joseph Glaser	Thursday, April 30 11:00 A.M.
NORWAY	JLC - Martin Lapan	
POLAND	NJCRAC - Abe Bayer AMERICAN GATHERING - Ben Meed	



CAMPAIGN TO OPEN WAR CRIMES FILES

<u>COUNTRY</u>	<u>AGENCY HANDLING VISIT</u>	<u>DATE OF VISIT</u>
CZECHOSLOVAKIA	AJCONGRESS	
CANADA	WLCJ - Bernice Balter	Monday, May 4
GREAT BRITAIN	HADASSAH - Mark Brandriss	Friday, May 1 12 noon
NETHERLANDS	AJCOMMITTEE - Rabbi Mark Tannenbaum B'NAI ZION - Mel Parness	Wednesday, May 6 10 A.M.



Coordination of Visits: Abraham J. Bayer, NJCRAC  
Harriet Mandel, New York JCRC

# U.S., With U.N. Files, Tracks Down Nazi Suspect

By PAUL LEWIS

Special to The New York Times

UNITED NATIONS, N.Y., Oct. 14 — The United States Justice Department has for the first time used the archives of the United Nations War Crimes Commission to track down and charge an American citizen accused of war crimes, according to officials involved.

The charges, filed in Federal court in Detroit in March, say that Peter Quintus, 72 years old, of Washington, Mich., lied about his past as a Nazi concentration camp guard in Poland when he became an American citizen in 1965. The Justice Department is seeking to strip him of his citizenship.

The department's Office of Special Investigations is also investigating "four or five" other Americans it suspects may have been identified as possible war criminals by the commission but never were prosecuted, according to its director, Neal Sher.

The only earlier judicial use of material in the archives by the Justice Department, Mr. Sher said, was its decision this year to place President Kurt Waldheim of Austria on the "watch list" of aliens to be excluded on suspicion of war-crimes involvement, effectively banning him from private travel to the United States. The War Crimes Commission's file on Mr. Waldheim is marked "Class A," meaning the commission felt there was enough evidence for prosecution.

## Full Access Is Sought

In a telephone interview, Mr. Sher said his office was pressing for "full and unfettered access" to the sealed United Nations archives, which contain files on nearly 25,000 Class A cases.

At present the Justice Department must ask for files individually, naming

the person it wants information on. Mr. Sher said that he would like to send researchers to comb through the archives and see what new evidence they can find.

"There may be all sorts of clues relevant to our investigations that are not in the name files we ask for," he said.

The Justice Department's demand for easier access to the archives and its decision to charge someone identified in them as a possible war criminal have been made as the 17 countries that were members of the War Crimes Commission are debating whether to open these archives to inspection by historians and researchers. Today representatives of the 17 countries met for the second time in recent weeks to discuss the matter, but broke up without agreement, according to officials present. They said discussions would continue.

Only governments have been allowed access to the archives since they were deposited with the United Nations in 1948, when the commission wound up its work. Israel is now leading a campaign to have the archives opened, arguing that they contain evidence identifying unpunished war criminals as well as important new information about Nazi persecution of Jews, gypsies and other racial minorities.

## Israeli Argument Strengthened

The Justice Department's belief that it has tracked down a war criminal mentioned in War Crimes Archives clearly strengthens the Israeli argument that full access to the files could lead to more such prosecutions.

Another Israeli argument for greater access is that the master list of those accused of war crimes by the commission is already in the public do-

main, although the detailed evidence against them remains closed in the archives.

A copy of this master list was found on the open shelves of the National Archives last year. It identifies 24,453 Class A cases and gives brief details of the backgrounds of those accused and the charges against them. This week the American Jewish Committee said it was printing copies of the cumbersome master list in more easily readable book form. It plans to distribute these books, insuring wider public access to what is essentially a list of people accused of Nazi war crimes.

## Some Members Are Reluctant

But France and some other former commission members are reluctant to see the archives opened fully to the public, fearing they could also contain embarrassing and unsubstantiated charges against innocent people still living.

Peter Quintus, the man being prosecuted in Detroit, appears in the master list on line 898 of List 57, which is titled "Germans wanted by Poland."

He is described as an SS guard at the Majdanek concentration camp near Lublin in Poland from 1940 to 1944 and is accused of ill treatment of prisoners there. Justice Department charges filed with the Detroit court also accuse Mr. Quintus of taking part in the mistreatment of prisoners at Majdanek, where thousands died.

Mr. Quintus, who has an unlisted telephone number, could not be reached for comment.

No day is complete  
without  
The New York Times.



AJC STATEMENT ON UN WAR CRIMES LISTS OF WAR CRIMINALS

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Theodore Ellenoff, president of the American Jewish Committee, today issued the following statement:

The American Jewish Committee has compiled ten volumes containing the names of 40,000 accused Nazi war criminals prepared by the United Nations War Crimes Commission. These are reproductions of lists that were made available in the public domain at the United States National Archives.

Our purpose in compiling these lists is to help advance the process of bringing former Nazi war criminals to justice. We are determined that these lists will be evaluated in a serious and responsible manner by recognized jurists knowledgeable about the Nuremberg war Crimes laws, as well as by accredited scholars and researchers. Critical to the usefulness of these lists is the availability of the UN war crimes files.

We will make these lists available to Yad Vashem in Jerusalem which has an internationally recognized staff of scholars, research specialists, and lawyers competent in these areas.

The American Jewish Committee is interested in assuring due process and the advancement of justice under international law. We will resist any effort to hurt innocent people, or to exploit this information for sensational publicity purposes. We have one interest only and that is that murderers of innocent people be held accountable for their criminal deeds. In that way both morality and justice will be served.

10/14/87

rpr



# Group Seeks Access to Files on Nazis

Wiesenthal Center  
Presses U.N. on Issue

10.14.87

By Glenn Frankel  
Washington Post Foreign Service (2)

JERUSALEM, Oct. 13—The Simon Wiesenthal Center, the Jewish Nazi-hunting organization, today released a list of 10 most-wanted World War II criminals it believes are still alive, in an attempt to press the United Nations to open its extensive war crimes files for restricted public use.

Rabbi Marvin Hier, dean of the center, told a press conference here his group feared that the United Nations may restrict access to its files to historians and academic researchers and not allow Hier's group to examine the records for investigative purposes.

"It is imperative that murderers of our people not be protected by the very body set up to prosecute them," said Hier.

To illustrate the issue's urgency, the Wiesenthal center named 10 war crimes suspects from the U.N. list who it believes are still at large. Among them: Gestapo head Heinrich Mueller, last seen in 1945 at Adolf Hitler's Berlin bunker; three deputies of Adolf Eichmann, the official in charge of organizing the transportation of Jews to the death camps, and three doctors who allegedly selected gas chamber victims and carried out brutal medical experiments.

Hier said that releasing the U.N. files on these men could help force governments to take steps to locate and prosecute them.

The U.N. files were compiled by the War Crimes Commission, which was established in 1943 and completed its work in 1948. The 17-nation panel compiled a list of 38,000 names and 12,000 dossiers on individuals, much of it raw data. One of those on the list is former U.N. secretary general Kurt Waldheim.

Until now the files have been accessible only to governments on a confidential basis. But Israel—which has been allowed to examine the files over the past year, including the Waldheim dossier—has pressed Secretary General Javier Perez de Cuellar to open them for more general use. The United States has backed this request.

Perez de Cuellar has said the decision is up to the 17 former members of the commission, and all have agreed to increased access, but disagree widely on the extent. Perez de Cuellar is to meet with the members Wednesday in New York.

Hier said some members, including France, have expressed fears that the raw files and list of names, many of them misspelled and duplicated, could be used to smear innocent people if released. Hier said the Wiesenthal center—named after the Austrian Jewish Nazi hunter—sympathizes with that position and believes access should be limited to responsible groups.

Nonetheless, he contended that a clause restricting access to scholars "would not protect the innocent but rather the perpetrators. . . . We feel that some of the countries must have something to hide."

Hier said western governments "have done a dismal job" in pursuing Nazi war criminals over the years and needed outside public pressure to continue working. A systematic search of the U.N. files could turn up new evidence to strengthen the case against suspected war criminals, he said.

"Frankly this is the tip of the iceberg," Hier said of his list. He said his group estimates that the number of Nazi war criminals still living is "in the thousands."

Among those he named were:

■ Alois Brunner, Eichmann's principal assistant, allegedly responsible for deportation to the death camps of 128,000 Jews. He is said to be living in Damascus, under the name of Georg Fischer. Eichmann was kidnaped from Argentina by Israeli agents in 1960 and tried and executed in Israel.

■ Friedrich Warzok, commandant of the Janowska concentration camp in Lwow, Poland, who allegedly assisted in the murder of 40,000 people. His whereabouts is unknown.

■ Drs. Hans Wilhelom Koenig and Horst Schumann, who worked at the Auschwitz death camp. Their whereabouts are unknown, although Koenig is believed to be living somewhere in Scandinavia.

The center also released a list of 10 other alleged war criminals believed to be living in western countries. It named one of them, Antanas Gecas, who allegedly ordered mass murders of Jews in Lithuania and who lives in Edinburgh, Scotland, where he is under investigation by the British authorities.

Gecas' name has appeared publicly before. Nine others on the list were not named because they are under investigation by authorities in Britain, Australia and Canada.

Ephraim Zuroff, the center's representative here, said the United States, Australia and Canada make good-faith efforts to investigate war criminals living in their countries, but he said Britain "refuses to take any action whatsoever."

Oct 14, 1987 - NY Times

## Group Threatens to Publish List of War-Crime Suspects

Special to The New York Times

UNITED NATIONS, N.Y., Oct. 13 — A leading American Jewish organization said today that it would publish a list of 40,000 names of possible World War II criminals contained in secret United Nations archives unless the archives are opened to inspection soon.

The threat came from the American Jewish Committee on the eve of a meeting here of representatives of the 17 member countries of the United Nations War Crimes Commission to discuss opening the archives.

Last month, several countries expressed fear that public inspection of the archives could lead to unfounded accusations against people still alive.



→ To: Rabbi Marc Tanenbaum



Jewish  
Community  
Relations  
Council  
OF NEW YORK, INC.

*Washell  
Lopez*

TELECOMMUNICATIONS COVER SHEET

Date: 10/12/87  
Time: 4:45  
From: Harriet MANDER

Please deliver the following 6 pages (which includes this cover letter) to:

NAME: \_\_\_\_\_  
FAX #: 319 - 0975

REMARKS: As per our discussion -  
Best Regards  
Harriet

If copy is illegible or if not all pages are received, please call immediately for retransmission.

Operator Name: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

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Jewish Community Relations Council OF NEW YORK, INC.

JACK D. WEILER CENTER FOR INTERGROUP RELATIONS 711 Third Avenue, 12th Floor, New York, NY 10017 Tel. 212-983-4800 Facs. 212-983-4084

October 12, 1987

TO: Member Agencies
FROM: Harriet Mandel
Assistant Director, Israel and International Affairs
RE: Public Access to U.N. War Crimes Commission Files

SUGGESTED MAILGRAM TEXT



The need to open the U.N. War Crimes Commission archives is a moral and historical imperative.

We are certain that an approach to access which would satisfy both the concerns of the nations involved as well as honor the obligation of the international body to make this information public can be worked out effectively when the Commission meets on October 14.

Restrictions on access and publication of findings would in effect continue to render the information confidential. Such limitations would do nothing to change the access rules which have been in effect to date and which we consider unacceptable.

We urge you to reconsider your position on this matter and open the files.

Vertical list of names and organizations on the left side of the page, including: Jack D. Weiler, President; Richard Kagan; Lawrence A. Tison; Peggy Fishman; George Klein; Robert Israel Miller; Daniel Shapiro; Michael S. Miller; and various other individuals and organizational affiliations.



Jewish Community Relations Council OF NEW YORK, INC

JACK D. WEILER CENTER FOR INTERGROUP RELATIONS 711 Third Avenue, 12th Floor, New York, NY 10017 Tel. 212-983-4800 Facs. 212-983-4084

October 6, 1987

H.E. M. Pierre Louis Blanc Ambassador Extraordinary and Plenipotentiary Permanent Representative to the United Nations Permanent Mission of France to the United Nations One Dag Hammarskjold Plaza New York, NY 10017

Dear Ambassador Blanc:

The Jewish Community Relations Council of New York, as the coordinating and resource body for 59 major Jewish organizations in the New York metropolitan area, has been in contact with the Office of the Secretariat and the seventeen former member states of the United Nations War Crimes Commission as attempts are made to adopt new rules which would allow for broader public access to the Commission files.

We have been particularly understanding of the sensitive nature of the archival material and recognize the potential problems inherent in unfettered access to the files. However, the United States, along with other commission member states have given long and arduous consideration to these matters and, to our mind, have arrived at an approach to access which would both satisfy the concerns of the nations involved as well as fulfill the obligation of the international body to make this information available. Review and research of the archives by accredited scholars and researchers would undoubtedly assure responsible scholarship, which could then be made available to the public.

Reports on the recent consultations held between the Secretary General and representatives of the seventeen member states suggest that strong reservations by a few countries on revising conditions for wider access continue to obstruct a final agreement. It is our understanding that there has been a call for a stipulation which would prohibit publication or public statements on the findings, thus continuing to render the material virtually inaccessible. We find this position totally untenable.

By maintaining a policy restricting access to the files, the Commission has committed a profound

Vertical list of names and titles on the left side of the page, including: Jack D. Weiler, Richard Ravitch, Lawrence A. Tisch, Peggy Eisenman, George Klein, Robert Israel Miller, Daniel Shapiro, Michael S. Miller, and various members of the Board of Directors and Officers.

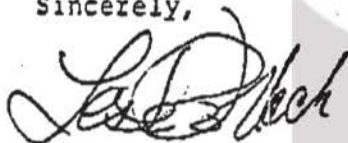
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disservice to history and justice. Under present conditions, detailed information on individuals who participated in the greatest crimes against humanity, may never see the light of day.

We urge that you reconsider your position and recognize the importance of free access to the information, with no prohibitions on publication. By opening the files, the Commission has an opportunity to be a significant force for good. To do otherwise would be a gross injustice to the victims of the Holocaust and its survivors.

Sincerely,



Lester Pollack  
President



Kenneth J. Bialkin  
Chairman, International Commission



Michael S. Miller  
Executive Director







We urge the Secretary General and the Commission members to reconsider their position and to recognize the importance of free access to all information, with no prohibitions on publication. By opening the files, the Commission has an opportunity to be a significant force for good. To do otherwise would be a gross injustice to the victims of the Holocaust and its survivors.

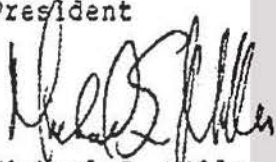
Sincerely,



Lester Pollack  
President



Kenneth J. Bialkin  
Chairman, International Commission



Michael S. Miller  
Executive Director



[end]

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DEC 24 1987 AMERICAN JEWISH WORLD SERVICE

National Office: 729 Boylston Street, Boston, MA 02116 (617) 267-6656 Telex: 6972685

Chairman  
Lawrence S. Phillips

President  
Laurence R. Simon

MEMORANDUM / ETHIOPIA EMERGENCY

DATE: December 19, 1987

TO: Members of the Board of Trustees  
FROM: Laurence R. Simon  
SUBJECT: Report on Israeli Consultations

I have just returned from several days of intensive consultations in Israel in preparation for our Ethiopia program. Accompanying me was Frederick Cuny, the disaster specialist, who will lead our field assessment.

The primary objectives of our consultation were more than met and, as you will read, we believe we are developing a package for Ethiopia which will be a contribution to disaster response worldwide.

Our consultations were hosted by Drs. Shlomo Navarro and Jonathan Donahaye, grain storage scientists at the Agricultural Research Organization (The Volcani Centre.) We also met with Joseph Shalheret, Director of Volcani; Yehoshua Nahar and Amram Galili of Haogenplast; and Yitzhak Abt, Director of CINADCO, the international agricultural aid program of the State of Israel.

Results:

1. Volcani has committed its full scientific and logistical support to the AJWS Ethiopia program. Dr. Donahaye will accompany Cuny and myself into Ethiopia arriving January 4.
2. Initial design work has begun to make all necessary engineering adaptations of the AJWS / Volcani silo so that it will be suitable for the rugged environment and extremely difficult conditions under which they will be used.
3. The government of Israel, through its international agricultural extension service (CINADCO), has strongly encouraged this initiative.

4. Consultations with the plastics manufacturer, Kibbutz Haogen, were especially fruitful. We discovered several "off-the-shelf" products which are ideal for use in refugee camps. Among these are a Haogenplast above ground fish pond which is ideally constructed for use as an aeration system for a refugee camp's potable water supply. This and other products will be packaged by AJWS and made available to the international relief community. We believe interest in the package will be significant.

5. Subsequent consultations were held by Cuny in Rome with the United Nations World Food Program. We have now received requests from the UN system for rapid installation of the AJWS adapted silos for six other Sahelian and West African nations. We will be assessing this request in the next couple of weeks.

The UN has offered to take full logistical and transport responsibilities. The silos would be moved under the UN symbol to ease their travel over state borders.

I hope to arrange a briefing on this program for available board members prior to my departure.

Best wishes to all.





**THE AMERICAN JEWISH COMMITTEE**

**date** November 16, 1987  
**to** Marc Tanenbaum  
**from** David Geller  
**subject** Meeting with Neil Sher -- OSI

Yesterday, November 12, I had a long discussion with Neil Sher regarding several issues.

1. **UN Archives.** Neil will be meeting in New York this Monday with Alf Erlandsson, the Chief UN Archivist to discuss the procedure for gaining access to the files. He promised to get in touch with me later in the week, and let me know what was worked out. In a general discussion of what other organizations might do in terms of research etc., I mentioned that we were thinking of approaching some prominent academic institutions. Neil suggested that we approach Cornell University which has a law school as well as an Institute of Jewish Studies which they are trying to expand. He knows several key people at the school with whom he could raise the topic if we wished. Regarding additional funding, Neil mentioned that Ronald Lauder, the former US Ambassador to Austria has expressed much interest in the Archives.

2. **OSI.** Neil said that for the time being OSI has adequate staff and funding. There are now almost 50 people on the staff including 16 lawyers, 8 historians, (2 more will be joining the staff soon), paralegals, researchers, etc. Since 1983, 19 individuals have been "removed" i.e. deported, extradited or voluntarily departed. Since 1979, 26 individuals have been de-naturalized and there are now 6 individuals whose deportation has been ordered and are now being processed. There are currently 25 cases under litigation, and 600 under investigation.

3. **Jacob Tanenbaum Case.** Regarding the Tanenbaum case a Jewish capo Neil had been taking a deposition during August but had to stop when Tanenbaum was taken ill and hospitalized. Neil confided in me that over 60 witnesses have volunteered to testify against him. Nevertheless his state of health is very poor, and while it is almost certain that he would be found guilty, it is not at all certain what could be done.

4. **W. Germany.** Neil mentioned to me that since Bitburg, the Germans have become more difficult and "obstructive" in terms of their willingness to assist in prosecutions, accepting those deported, etc. In addition, the recent case of Reinhold Kulle a former SS guard, who was deported to Germany last month and was freed because of their statute of limitations is a serious and demoralizing event. Witnesses saw him grab

a 4 year old girl, order her to beg for her life, and then shoot her. German lawyers claimed that he could not be charged as a War Criminal because it first had to be proved that he hated the girl and planned to kill her.

In addition, to the above Neil has been troubled by recent statements of Ambassador Richard Burt suggesting that the issue of former Nazi criminals not be dealt with so aggressively.

5. **Ukrainians in Cleveland.** Neil shared with me a page of the Ukrainian Weekly of Sunday, November 1. He said that in virtually every issue there is an attack on him and/or the OSI, and he was surprised to find an ad which printed a joint declaration by the AJC Cleveland Chapter, The Jewish Federation of Cleveland, and the United Ukrainian Organizations of Cleveland. Neil felt that we should be careful about our association with these Ukrainian groups and how we might be 'used'. For example, in the abovementioned declaration regarding issues to be jointly explored, item 8 says: "The use of anti-Semitic and anti-Ukrainian propaganda by the government of the Soviet Union and the effect of these biases on the kinds of documents offered by the Soviet government in legal matters.." The issue of Soviet documentation has been the basis of much Ukrainian opposition to OSI and their support of people like Demjanjuk.

6. **Austria.** Neil said that the Austrians, especially Alois Mock, are pushing the line that the US does not have a real case against Waldheim. They have distorted some of the information that they have received. It would be possible in an ordinary trial procedure to prove the case against Waldheim. However, at the present time the State Department does not want to exacerbate the already troubled relationship with Austria, and has declined to rebut in a public way some of the statements that have been made. As for the panel of jurists which is now reviewing the case, Neil said that he is not impressed with the caliber of the participants, but claims nevertheless that if they objectively examine the evidence, they will come to the same conclusion as the US. It is possible however, that they may use different standards in terms of how they define a war criminal, but that remains to be seen.

Neil was quite receptive to the idea of reporting to our Commission or any other group. I tentatively suggested December 7, but he said that he is at Cornell University on Monday mornings.

\* \* \*

DG/SM  
87-560

cc: Bert Gold  
Charney Bromberg

6235-(IRD-1)



# U.S., With U.N. Files, Tracks Down Nazi Suspect

By PAUL LEWIS

Special to The New York Times

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"There may be all sorts of clues relevant to our investigations that are not in the name files we ask for," he said.

The Justice Department's demand for easier access to the archives and its decision to charge someone identified in them as a possible war criminal have been made as the 17 countries that were members of the War Crimes Commission are debating whether to open these archives to inspection by historians and researchers. Today representatives of the 17 countries met for the second time in recent weeks to discuss the matter, but broke up without agreement, according to officials present. They said discussions would continue.

Only governments have been allowed access to the archives since they were deposited with the United Nations in 1948, when the commission wound up its work. Israel is now leading a campaign to have the archives opened, arguing that they contain evidence identifying unpunished war criminals as well as important new information about Nazi persecution of Jews, gypsies and other racial minorities.

## Israeli Argument Strengthened

The Justice Department's belief that it has tracked down a war criminal mentioned in War Crimes Archives clearly strengthens the Israeli argument that full access to the files could lead to more such prosecutions.

Another Israeli argument for greater access is that the master list of those accused of war crimes by the commission is already in the public do-

main, although the detailed evidence against them remains closed in the archives.

A copy of this master list was found on the open shelves of the National Archives last year. It identifies 24,453 Class A cases and gives brief details of the backgrounds of those accused and the charges against them. This week the American Jewish Committee said it was printing copies of the cumbersome master list in more easily readable book form. It plans to distribute these books, insuring wider public access to what is essentially a list of people accused of Nazi war crimes.

## Some Members Are Reluctant

But France and some other former commission members are reluctant to see the archives opened fully to the public, fearing they could also contain embarrassing and unsubstantiated charges against innocent people still living.

Peter Quintus, the man being prosecuted in Detroit, appears in the master list on line 898 of List 57, which is titled "Germans wanted by Poland."

He is described as an SS guard at the Majdanek concentration camp near Lublin in Poland from 1940 to 1944 and is accused of ill treatment of prisoners there. Justice Department charges filed with the Detroit court also accuse Mr. Quintus of taking part in the mistreatment of prisoners at Majdanek, where thousands died.

Mr. Quintus, who has an unlisted telephone number, could not be reached for comment.

No day is complete  
without  
The New York Times.

UNITED NATIONS



NATIONS UNIES

POSTAL ADDRESS—ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017  
CABLE ADDRESS—ADRESSE TELEGRAPHIQUE: UNATIONS NEWYORK

REFERENCE:

22 April 1987

Dear Dr. Schoenberg,

I have been asked to reply to your letter of 10 April 1987, addressed to the Secretary-General, concerning the archives of the former United Nations War Crimes Commission (UNWCC). I understand that you have been informed that in view of the Secretary-General's travel schedule it was not possible to arrange the meeting you have requested with him.

In response to the concern you have expressed in your letter, I should like to make it clear from the outset that what is at issue in the ongoing debate about access to the UNWCC archives is not accessibility to the files as such. Access has always been and still is available to Governments for official purposes including in particular the investigation and prosecution of persons suspected of war crimes. Requests by Governments for access for specific investigations have never been declined and the condition of confidentiality which the United Nations has maintained in granting access to material relating to specified individuals does not go beyond what is usual in criminal investigations. What is at issue now is whether access should be extended beyond Governments to the general public.

Unrestricted access to the material relating to specified individuals had not been granted by the UNWCC since the sources of the material in the individual charge files were not checked and since the allegations contained in them against the individuals concerned had

Mr. Harris O. Schoenberg, Director  
B'Nai B'Rith International  
823 United Nations Plaza





not been submitted to judicial process or otherwise subjected to legal evaluation. Consequently, the rules governing access established by the Secretariat in consultation with senior officials of the UNWCC when the archives were entrusted to the custody of the United Nations in 1949 similarly did not provide for unrestricted access to the public to files relating to specified individuals. Under these rules the more general information contained in the archives relating to the work of UNWCC is accessible for purposes of serious research.

As the custodian of the UNWCC files, the Secretary-General is not in a position to change the aforementioned rules unilaterally and must be guided in this regard by the views of the States which were members of the UNWCC. When a request for unrestricted access to all UNWCC records was made last year by Israel the Secretary-General, therefore, brought it to the attention of the States which had been members of the UNWCC. Consultations with the seventeen States concerned revealed that only one State supported unrestricted public access whereas the overwhelming majority of the States consulted considered that the existing rules and policy were satisfactory and should be maintained.

The United Nations has always regarded and continues to regard the provision of assistance to all States in bringing war criminals to trial as one of its responsibilities. However, the issue of unrestricted access to all UNWCC records is a political question which, I repeat, cannot under the circumstances be decided unilaterally by the Secretary-General.

Yours sincerely,

A handwritten signature in cursive script that reads 'Alexander Borg Olivier'.

Alexander Borg Olivier  
Senior Legal Officer  
Office of the Legal Counsel  
Office of Legal Affairs

ON MY MIND | A. M. Rosenthal

# The Locked Files

There are news stories that simply will not go away. The press can forget about them, bureaucrats can try to hide them, governments can try to wipe them from national memories. Every now and then somebody insists they be remembered. Suddenly they are alive again, demanding attention again.

This is about the case of the United Nations' vast secret archive of Nazi war criminals. Officials of the United Nations have kept the files hidden from historians, journalists and other interested members of the public for nearly 40 years.

And the countries that could demand that they be opened keep refusing — including the United States. It is a story that shows a deep reluctance in both Western and Communist countries to take a real look at the whole war crime era. "Pandora's box," U.N. diplomats call the archives; a revealing cliché.

The story begins in 1948 when the Allied War Crimes Commission, going out of business, handed over about 38,000 files dealing with war criminals to the three-year-old United Nations. The commission, 17 nations, did not expect them to be put away and locked up.

About 25,000 names were on a special "A" list of people about whom the commission felt there was sufficient evidence to warrant prosecution. And the commission itself had decided in 1946 to remove the lists from the "secret" category. Quite logical: how could war criminals be prosecuted when the names and charges were secret? The commission also said the archives were a valuable record for historians. Historians do not write secret books.

But about a year after they were entrusted to the United Nations its officials decided that it would be best to lock them away from the public, and open them only to governments who discovered the names, and on a confidential basis.

No nation was interested until 1986 when the World Jewish Congress disclosed that the commission had concluded in 1948 that there was sufficient evidence to prosecute Kurt Waldheim for the murder of Yugoslav partisans in World War II. Mr. Waldheim, reluctantly stepping out after 10 years as Secretary General of the United Nations, was running for president of Austria when the disclosure came. He won.

Then about nine months ago the pesky Israelis demanded and got confidential access to 300 files.

They also asked Secretary General Javier Pérez de Cuéllar to open the files so historians, scholars and journalists could examine them. Veteran

U.N. specialists agree with Israel that it is plainly within the power of the Secretary General to open archives the U.N. staff itself had closed.

But the Secretary General said he had to ask former member states of the long-dead war crimes commission — the Western allies and Eastern European governments that had offices in London during the war.

"Studying the matter," a United States representative told Elaine Sciolino of *The Times* in June 1986. "Very sensitive subject," confided the Belgians. The files remained locked.

Now the Israelis have asked for 2,000 more files but insist that the issue in any case is public access. Israel's Ambassador, Benjamin Netanyahu, again asked the Secretary General to open the archives. No, said the Secretary General, the former members of the commission objected.

The Israeli position, which makes sense, is that the secrecy issue was created by the U.N. staff, and runs counter to the original intent of the commission. They point out that a

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## U.N. refuses key, U.S. won't ask.

---

master list of names and summaries of charges found its way to a public American archive in Maryland. Any "protection of the innocent" argument is moot.

The material Israelis have already examined under confidentiality demands the attention not simply of prosecutors but of scholars and historians. It includes important material about who knew what in the West during the Holocaust, Gestapo actions in Poland, what German courts did in occupied lands, new details on Nazi medical experiments. It is not "secrets" that are locked up at the U.N. but a heartbreaking, invaluable record of organized murder, which belongs to history, not the U.N.

Exactly one commission member said open the files. Thus Australia burnished her name.

Moscow, not a member, was not asked but could have influenced the Eastern European states.

These are the countries that said no to opening the archives: Belgium, Britain, Canada, China, Czechoslovakia, France, Greece, India, Luxembourg, the Netherlands, New Zealand, Norway, Poland, the United States.

Strange alliance. □



# Israel Cites New Data in

## U.N. Nazi Files

Special to The New York Times

UNITED NATIONS, N.Y., March 24 — United Nations war-crimes files that have been examined by Israel hold a "treasure trove of new information" on the Nazis that "could change our understanding of that era," Israel's chief delegate to the world body said today.

The 300 files opened so far have previously unknown lists of Gestapo agents in Poland, details of the working of concentration camps in Poland and Germany, and new information on Nazi attempts to calm Jewish leaders before the genocide campaign began, the delegate, Benjamin Netanyahu, said.

Mr. Netanyahu announced the findings at a news conference at which he vowed to press Israel's demand that all 40,000 files on Nazi war crimes in the United Nations archives be opened to historians and the public.

Secretary General Javier Pérez de Cuéllar rejected the Israeli request last week after consulting with former members of the United Nations War Crimes Commission, a 17-nation body that investigated Nazi atrocities. Under rules drawn up by the Secretariat in 1949, the files are available only to governments on a confidential basis. Israel seeks to make them available to a private organization.

### 'Of Great Benefit'

"We've argued and asked that these archives be opened because they would be of great benefit to the kind of historical research envisioned by the war commission's founders," Mr. Netanyahu said.

"If the Secretary General would give this new evidence his full attention, we hope he would consider changing the rules of confidentiality," he said.

Israel has requested the 300 files for examination by officials at the Yad Vashem Holocaust center in Jerusalem, and will request 2,000 more in the next few weeks, Mr. Netanyahu said.

New information found in the 300 files include lists of Gestapo agents in the Polish city of Cracow and elsewhere, previously unknown reports on Nazi courts in occupied territories, new details on Nazi medical experiments, staff lists from the Auschwitz death camp, and reports on the operation of other camps including Theresienstadt, Treblinka, Maidanek and Belzec, Mr. Netanyahu said.

### A Talk With Eichmann

Among the most interesting information found, Israeli officials said, is a record of a 1939 conversation between Adolf Eichmann and Dr. Emil Kafka, a leading Czech Jew, in which Eichmann said that German Jews were emigrating "of their own free will." The record may provide insight into German attempts to calm Jewish leaders before their genocide campaign began.

Eichmann, who organized transportation that carried Jews to the death camps, was tried and executed by the Israelis.

Details of the Israeli findings must remain secret because of the confidentiality rule.

"The findings indicate there is here an enormous amount of invaluable information, new and detailed information, on the workings of the extermination machinery throughout Europe," Mr. Netanyahu said.

The United States was one of 16 nations that had been represented on the commission that told the Secretary General they opposed the Israeli proposal. Australia was the only nation to approve the Israeli request.

Explaining the American decision, a State Department official said on Friday that the department favored "unimpeded access to the files by law enforcement officials," but believed that "unrestricted public access would not serve the interest of justice."

Mr. Netanyahu disputed that conclusion today and said law enforcement officials do not have the resources needed to investigate the archive. He cited the effort made by Israel in the current trial of John Demanjuk, an accused Nazi war criminal extradited from the United States.

The Secretary General's decision drew strong protests from the academic community. David Wymann, the Josiah Dubois Professor of Holocaust Remembrance at the University of Massachusetts at Amherst, called the

decision "outrageous." "It is unconscionable for any international organization to hold back that kind of information, unless they have a very good reason — and there cannot be one in this case," he said.



# New York Newsday

EDITORIALS

28/3/87

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## Decide When to Open UN War Crimes Files

From 1943 to 1948, the 17-nation War Crimes Commission of jurists representing the nations allied in World War II sat in London collecting evidence, investigating charges and opening case files on people and organizations from Nazi Germany and other Axis countries. Eventually it published "wanted" lists in the hope that suspects could be found and prosecuted. When it disbanded, the commission turned 36,810 files over to the United Nations for safekeeping. Rules were drawn up requiring that they be made available "for official United Nations purposes" but not for "inquiries regarding persons charged or suspected of war crimes."

In all the time since then, these records — stored on two floors of a Manhattan office building — have remained sealed, with four exceptions: those of Adolf Eichmann, Josef Mengele, Klaus Barbie and Kurt Waldheim. The world was astonished to learn last spring that Waldheim, a former UN secretary general, not only had a file but was one of 24,500 people given an A rating, meaning that the commission felt that there was enough evidence to prosecute him as a war criminal.

All the commission's other records were treated with extreme sensitivity. Under the

UN's interpretation of the rules, only specific files could be requested, and then only by governments and only on a confidential basis. But the names in the files were kept secret even from governments that didn't already know what they were looking for. West Germany's chief prosecutor of Nazi war crimes said his office tried to get them from 1964 on but had repeatedly been turned down. Israel's demand that the archives themselves be opened to the public also was rejected. UN Secretary General Javier Perez de Cuellar said 16 of the 17 former commission-member nations he consulted opposed public access; he did not elaborate.

If the concern was to protect people against unproved charges, the grounds for secrecy were seriously eroded when master lists turned up on an open shelf at a National Archives building near Washington. These lists contained more than just the names of the accused. They gave summaries of the accusations and suggested degrees of culpability.

So guarding the identities of the accused is no longer quite the issue it once was, although the UN continues to treat it the same way. It's hard to argue now that prosecutors shouldn't have unimpeded access to aid

them in their investigations, without a formal government request for individual files.

Scholars, historians, journalists and other responsible researchers also have a legitimate interest in these files. So do war crimes victims, including people with unsettled property claims. And so do the accused themselves, and members of their families, who might desire to clear their names.

These files represent one of the largest and most detailed compilations of war crimes data to be found anywhere in the world. Some 300 files requested and examined so far by the Israeli government are said to contain enough new information and insights into the mechanics of the Holocaust to change the world's understanding of that era.

On that basis alone, the UN should be drawing up a timetable for declassification of these records. As a guide it might consider that Britain, which is more zealous about keeping official secrets than most western countries, took the wraps off its World War II material by 1975 and similar American military documents were declassified in 1979. The UN should realize that the demands of history can't be put off indefinitely.





18 March 1986

Yad Vashem Findings on the UN War Crimes Archives

1. Yad Vashem researchers have determined that public access to the 40,000 files in the Archives of the UN War Crimes Commission would generate a significant amount of new information regarding the Holocaust.

2. A thorough investigation of the 300 files obtained last May from the UN Secretariat has partially revealed the following:

- A. The extent of information regarding the Holocaust that reached the West before the war's end:
1. File 79/P/G/16 describes the destruction of hundreds of thousands of Jews at Treblinka concentration camp. It was delivered to the UN War Crimes Commission on 24 April 1944.
  2. File 123/P/G/21 describes similar destruction at the Maydenak and Belzak death camps. It was delivered to the UN War Crimes Commission on 3 June 1944.
- B. Lists of personnel who ran the camps:
1. File 4975/P/G/174 includes a "staff" list of 297 people at Aushwitz. File 4789/P/G/144 lists 140 names for the Stothof camp.
- C. Lists of Gestapo agents in Cracow and in Bardum (File 5229/P/G/308 and File 5434/P/G/368).

- D. The nature and amount of property confiscated from European Jewry by the Nazis: (File 7811/P/G/1508 - little is known about this subject).
  - E. The number of victims and survivors of the Holocaust (File 7183/P/G/1310).
  - F. Information on the "Sondergerichte" -- special German courts in occupied Nazi territories (File 7145/P/G/1301 -- little is known about these courts).
  - G. Official reports, unknown until now, detailing Nazi policy on European Jewry and the camps:
    - 1. A report filed by an engineer named Pollack on the structure of Theresienstadt (File 465/C2/G/85).
    - 2. A record of a conversation between Adolph Eichmann and Dr. Emil Kafka, President of Jewish Community in Prague, (July 1939), in which Eichmann claimed that German Jews were immigrating "at their own will" (File 2504/CZ/G/33).
  - H. New details on Nazi medical experiments (Dr. Irving Ding - File 1535/CZ/G/18)
3. Many of the files were written in English. This is highly unusual and would benefit many young researchers not fluent in German, Polish, Czech, and other East European languages.

Two central conclusions emerge from this preliminary analysis:

- 1. Public access to the files is indispensable to establish a more accurate record of that historical period. The present rules of confidentiality prevent widespread research into this material and its publication and dissemination.
- 2. Unfettered access to the files would facilitate the work of governmental agencies pursuing and prosecuting Nazi war criminals by providing new historical accounts and legal documents.



## The United Nations War Crimes Commission and its Archives

Approximately 40,000 files of accused Nazi war criminals have been lying dormant in UN archives for nearly 40 years. These files were handed over to the UN in 1948 by the War Crimes Commission established in 1943 by Winston Churchill. That original commission consisted of representatives of 17 governments (the Allies and Eastern European Governments with exile office in London).

The files contain the hierarchy of the Nazi extermination machinery, the leading war criminals and others accused of collaborating with them. The commission's purpose was to bring the guilty to justice and to have a full public accountability of their crimes so that they would not recur. Both considerations, of justice and history, have not been met. The files had remained under lock and key until the Waldheim Affair alerted Israel to their full significance and content. Israel requested that the files be open to public scrutiny to enable not only the government prosecutors to study them, but also historians, teachers, journalists, and researchers precisely as the commission intended.

There is a practical consideration behind this request. Most government departments are too small and ill-equipped to deal with the massive task of collating, studying and investigating so many thousands of files. This is best done by specialized research institutions such as Yad Vashem in Israel and similar bodies in other countries. They alone are capable of producing the comprehensive and objective account so indispensable to historical record-keeping and public education.

Regrettably, the demand to open the files has so far not been met. One of the main contentions raised against the opening of this archive to the public at large is the possibility that persons not guilty of war crimes would be exposed to undue embarrassment and inference of guilt. That argument is not valid for two reasons. First, the master lists containing the names of the accused and a summary of the crimes they are accused of are publicly available in the United States, so confidentiality does not apply anyway. Quite the contrary: Those who claim their innocence ought to be interested in clearing themselves with a full and open investigation.



Second, given the magnitude of the Nazi war crimes and the grief of the millions of victims and their families, it would be absurd to insist that because there may be a small number of innocent persons documented in the Archives, this consideration should provide a shield to protect the overwhelming majority of war criminals who have not been brought to justice.

The opening of the Archives is at heart not a matter of procedure. It is rather a supreme moral and historical imperative. Vital information concerning the greatest crimes in history has remained unexposed for close to 40 years. Many of the criminals are still alive and are shielded from investigation and prosecution by a self-imposed confidentiality. Commitment to truth and justice requires that the files be opened to public scrutiny as soon as possible. Such scrutiny is the best assurance that the files will no longer be dormant as they have been since 1948. Confidentiality is neither appropriate nor acceptable. Removing it will help correct a major lapse in the international system of justice.



General Assembly  
Economic and Social Council

Distr.  
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14 May 1986

ORIGINAL: ENGLISH

GENERAL ASSEMBLY

Forty-first session

Items 12 and 135 of the preliminary list\*

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

REPORT OF THE SPECIAL COMMITTEE ON THE

CHARTER OF THE UNITED NATIONS AND ON

THE STRENGTHENING OF THE ROLE OF THE

ORGANIZATION

ECONOMIC AND SOCIAL COUNCIL

First regular session of 1986

Agenda item 9

HUMAN RIGHTS

Letter dated 12 May 1986 from the Permanent Representative of Israel  
to the United Nations addressed to the Secretary-General

In reference to your letter of 9 May 1986 about the Archives of the United Nations War Crimes Commission (UNWCC), I would like to examine further the matter of the Archives' confidentiality.

1. Let me first address the question of who has the power to alter the rules of access. When the Archives were transferred to the United Nations, these rules were established not by the Commission but by the United Nations Secretariat. True, the United Nations consulted with the former Chairman and the former Legal Adviser of the Commission, both in their personal capacity. But this does not change the fact that the United Nations Secretariat was the body that ultimately established all the rules governing access to the files.

All the correspondence between the Commission and officials at the United Nations Secretariat show this unmistakably. Indeed, it is plainly stated in the memorandum dated 17 November 1949 concerning the Rules of Access to Archives of UNWCC by A. Pelt, Assistant Secretary-General for Conference and General Services. Mr. Pelt writes (see attached copy of the original memorandum): "I have approved these rules on behalf of the Secretary-General, and they are to be placed into immediate effect". As if to drive the point home, there is a handwritten note on this very same document signed by a United Nations official, J.A.O. (who I am sure can be easily identified), which reads as follows:

\* A/41/50/Rev.1.



"Mr Pelt: The Legal Department (Schachter) states that there is no question of your authority to promulgate these rules on the Secretary-General's behalf. I suggest you sign all copies of the rules, as well as the original of the covering memo. (signed) J.A.O."

This point has been reaffirmed most recently on page 5 of the document you circulated on 9 May 1986, entitled: "Annex II, History and Organization (of the UNWCC): The Rules for Access to records of the United Nations War Crimes Commission established in 1949 by the then Assistant Secretary-General for Conference and General Services are still in effect today" (emphasis mine).

The United Nations Secretariat therefore has the power to determine the access rules. This power is vested in the Secretariat, and in the Secretariat alone.

2. A demonstration of how the United Nations has exercised that power is the case of the Lists of War Criminals (i.e., the Archives index). Initially, these lists were not deemed secret. Indeed, "On 6 November 1946, the Commission decided, with retroactive effect, to remove them from the 'secret' category" (Memorandum from Bertil A. Renborg, Chief of Communications and Records Division, to Adrian Pelt, Assistant Secretary-General of Conference and General Services, 1 September 1949).

It was the United Nations Secretariat that decided on 17 November 1949 to restore the secret status to these lists (Rules for Access to Archives of the United Nations War Commission approved by A. Pelt; CGA 71/8/02). Significantly, this step contravened the Commission's wish that the "lists will be a valuable record for future historians" (History of the United Nations War Crimes Commission, London, 1948, p. 6). How can the lists be used by historians if they are not widely distributed? Clearly, the Commission did not intend to have the lists stored away in perpetuity. The United Nations Secretariat decided otherwise.

The power of the United Nations Secretariat to alter the status of the lists was spelled out in the Legal Counsel given on 30 January 1960 by the United Nations legal adviser, C. A. Stavropoulos: "There is no legal impediment deriving either from the policy of the War Crimes Commission itself or from any arrangements between the United Nations and the Commission to a change in our policy respecting the war criminals list" (United Nations memorandum AD 233/3 WCC).

In other words, the case of the lists illustrates the fact that the United Nations custodial role has from the very beginning included the right to establish, and consequently to alter, access rules. If this was done to the lists, which summarize the most crucial and incriminating findings in the files (names, description, and classification of crimes), there is no reason to keep the rest of the material confidential.

3. Does the confidentiality rule therefore make any sense? Clearly not. The lists, as we have shown, were made public by the Commission. Further, the Commission, in its official history published in 1948, presented over a dozen case studies of war crimes. These cases, considered by the Commission but not yet

brought to trial, were discussed in detail - names, ranks, description and categorization of crimes (mostly 'A's), places dates, etc. (History of the United Nations War Crimes Commission, London, 1948, pp. 485-497).

Yet all this does not address the most crucial point. The opening of the Archives is at heart not a matter of procedure. It is rather a supreme moral and historical imperative. Vital information concerning the greatest crimes in history has remained unexposed for close to 40 years. Many of the criminals are still alive and are shielded from investigation and prosecution by a self-imposed confidentiality. Commitment to truth and justice requires that the files be opened to public scrutiny as soon as possible. Such scrutiny is the best assurance that the files will no longer be dormant as they have been since 1948. Confidentiality is neither appropriate nor acceptable. Removing it will help correct a major lapse in the international system of justice.

I should be grateful if you would have this letter circulated as an official document of the General Assembly, under items 12 and 135 of the preliminary list, and of the Economic and Social Council, under item 9 of the agenda of its first regular session of 1986, in connection with the topic on measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror.

(Signed) Benjamin NETANYAHU  
Ambassador





ANNEX I

CCS 71/8/02 - Confidential

27/30

NOV 21 1949

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INTEROFFICE MEMORANDUM

ACTION

TO	<i>Mr. Wood</i>
<input checked="" type="checkbox"/>	Action Comp.
<input type="checkbox"/>	Acknowledged
<input type="checkbox"/>	No Action Req.
INITIALS	<i>EW</i>
<i>7/4/02 wood</i>	

TO: Mr. Byron F. Wood, Director  
Bureau of General Services

FROM: A. Pelt, Assistant Secretary-General  
Conference and General Services

SUBJECT: Rules for Access to Archives of  
United Nations War Crimes Commission ①

Date 17 November 1949

The attached Rules for Access to Archives of the United Nations War Crimes Commission have been established in accordance with the provisions of the Secretary-General's Bulletin No. 63/Rev. 1, dated 14 July 1948. I have approved these rules on behalf of the Secretary-General, and they are to be placed into immediate effect.

*A. Pelt.*

cc Mr. Brodnax  
Mr. Claus

Encl

*Noted  
Pelt in effect as of 18 Nov. 49.  
A. Claus  
22 Nov. 49*

*Mr. Brodnax*

*Please put these rules  
into effect immediately*

*B. Wood  
Nov 21/49*

*Mr. Claus:*  
*R. M. Woods notes the  
Rules of Access are effective  
immediately.*

ANNEX II

CGS 71/8/02 - Confidential

28/30

Mr. Byron F. Wood, Director  
Bureau of General Services

A. Felt, Assistant Secretary-General  
Conference and General Services

17 November 1949

Rules For Access to Archives of  
United Nations War Crimes Commission

The attached Rules for Access to Archives of the United Nations War Crimes Commission have been established in accordance with the provisions of the Secretary-General's Bulletin No. 63/Rev. 1, dated 14 July 1948. I have approved these rules on behalf of the Secretary-General, and they are to be placed into immediate effect.

cc Mr. Brodax  
Mr. Glans

Encl

Mr Pelt:  
The legal Dept. (Schachter) states that there is no question of your authority to promulgate these rules on Sg's behalf. I suggest you sign all copies of the rules, as well as the original of the covering memo. I suggest you covering memo. J.RO.



# NEWS

## Congressman Stephen J. Solarz

13th District/Brooklyn, N.Y.

New York: (718) 372-8600

Washington: (202) 225-2361

0822 2/3

FOR IMMEDIATE RELEASE  
MARCH 25, 1987

CONTACT: BOB HATHAWAY  
TEL. NO.: 202/225-2361

### KEY HOUSE COMMITTEE ADOPTS SOLARZ INITIATIVE ----- ASKS U.S. TO SUPPORT OPENING OF WAR CRIMES FILES

WASHINGTON, D.C. The House Foreign Affairs Committee today adopted a measure sponsored by Congressman Stephen J. Solarz (D-NY) calling upon the United States government to support opening the files of the United Nations War Crimes Commission.

"That the United States should be working to keep these documents from public scrutiny after forty years is outrageous," Solarz stated shortly after the committee vote. "Simple justice demands that we open these files. The Holocaust cannot be brushed aside and forgotten."

Congressman Solarz, a senior member of the Foreign Affairs Committee, referred to news reports that the United States and all but one of the 17 former member nations of the now-defunct United Nations War Crimes Commission have blocked an Israeli request that the Commission files be opened to historians and other interested individuals.

The War Crimes Commission in the years following World War II compiled extensive materials documenting the Nazi campaign of genocide against the Jews. Under rules drawn up in 1949, these materials are available only to official law enforcement authorities. The government of Israel has requested that the Commission's 40,000 files be made available to private individuals as well, but sixteen of the seventeen nations which sat on the Commission, including the United States, have refused to waive the rule.

The Solarz resolution, adopted as an amendment to the State Department authorization bill, declares that United States policy should be to support access by interested individuals and organizations to all Commission files. "Any other position, at this late date and on a matter of this import, is morally indefensible," Solarz stated. "Four decades of silence is more than enough. We must get the full story into the open so that mankind will never again embark upon the systematic extermination of an entire people."

The full text of the adopted amendment follows:

AMERICAN JEWISH ARCHIVES 822 3/3  
Amendment to the Committee Print  
Offered by Mr. Solarz of New York

Page 37 after line 16, insert the following new section:

(a) FINDINGS. -- Four decades after the Second World War, when memories of that tragic conflict are beginning to fade, it is important that knowledge of the war crimes and crimes against humanity, such as the genocide perpetrated by the Nazis against the Jewish people, not be forgotten.

(b) It is the sense of Congress --

- (1) that United States policy should be to support access by interested individuals and organizations to the files of the United Nations War Crimes Commission deposited in the archives of the United Nations;
- (2) that the United States Ambassador to the United Nations should advise the Secretary General of the United Nations of such policy; and
- (3) that all appropriate steps should be taken to persuade the former member states of the United Nations War Crimes Commission to adopt such policy.

- END -



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REFERENCE:

22 April 1987

Dear Dr. Schoenberg,

I have been asked to reply to your letter of 10 April 1987, addressed to the Secretary-General, concerning the archives of the former United Nations War Crimes Commission (UNWCC). I understand that you have been informed that in view of the Secretary-General's travel schedule it was not possible to arrange the meeting you have requested with him.

In response to the concern you have expressed in your letter, I should like to make it clear from the outset that what is at issue in the ongoing debate about access to the UNWCC archives is not accessibility to the files as such. Access has always been and still is available to Governments for official purposes including in particular the investigation and prosecution of persons suspected of war crimes. Requests by Governments for access for specific investigations have never been declined and the condition of confidentiality which the United Nations has maintained in granting access to material relating to specified individuals does not go beyond what is usual in criminal investigations. What is at issue now is whether access should be extended beyond Governments to the general public.

Unrestricted access to the material relating to specified individuals had not been granted by the UNWCC since the sources of the material in the individual charge files were not checked and since the allegations contained in them against the individuals concerned had

Mr. Harris O. Schoenberg, Director  
B'Nai B'Rith International  
823 United Nations Plaza



not been submitted to judicial process or otherwise subjected to legal evaluation. Consequently, the rules governing access established by the Secretariat in consultation with senior officials of the UNWCC when the archives were entrusted to the custody of the United Nations in 1949 similarly did not provide for unrestricted access to the public to files relating to specified individuals. Under these rules the more general information contained in the archives relating to the work of UNWCC is accessible for purposes of serious research.

As the custodian of the UNWCC files, the Secretary-General is not in a position to change the aforementioned rules unilaterally and must be guided in this regard by the views of the States which were members of the UNWCC. When a request for unrestricted access to all UNWCC records was made last year by Israel the Secretary-General, therefore, brought it to the attention of the States which had been members of the UNWCC. Consultations with the seventeen States concerned revealed that only one State supported unrestricted public access whereas the overwhelming majority of the States consulted considered that the existing rules and policy were satisfactory and should be maintained.

The United Nations has always regarded and continues to regard the provision of assistance to all States in bringing war criminals to trial as one of its responsibilities. However, the issue of unrestricted access to all UNWCC records is a political question which, I repeat, cannot under the circumstances be decided unilaterally by the Secretary-General.

Yours sincerely,

A handwritten signature in cursive script that reads "Alexander Borg Olivier".

Alexander Borg Olivier  
Senior Legal Officer  
Office of the Legal Counsel  
Office of Legal Affairs



# For U.N. Chief, Diplomacy Suddenly Gets Hotter

By PAUL LEWIS

Special to The New York Times

UNITED NATIONS, N.Y., Oct. 14 — As the United Nations grapples with the Persian Gulf war and other regional conflicts, the Secretary General, Javier Pérez de Cuéllar, suddenly finds himself engaged in active and significant diplomacy at a level highly unusual for a secretary general of the last 20 years.

But while the cautious and somewhat bland 67-year-old Peruvian seeks to accomplish his mandate from the Security Council to bring the seven-year-old gulf war to an end, debate has arisen among those involved in United Nations affairs as to whether he is well suited for the task by style and temperament.

After failing for decades to live up to its founders' expectations, the United Nations has been thrust unexpectedly into a more active role in several trouble spots.

The Security Council is trying for the first time to use its considerable powers to end the gulf war and create a precedent for similar action on conflicts like the one in Afghanistan. The Soviet Union is being slowly nudged into disengaging from Afghanistan at United Nations-sponsored peace talks.

#### Soviet Call for Peacekeeping

At the same time, the Soviet leader, Mikhail S. Gorbachev, appears to be reversing traditional Soviet suspicion of the United Nations by calling for a strengthening of its peacekeeping role in the world.

The questions about Mr. Pérez de Cuéllar's effectiveness arise largely from his style of leadership, which appears cautious and consistently unexciting. Some specialists in United Nations affairs say this is exactly the kind of leadership the organization needs; others, inside and outside the organization, have criticized it.

A lawyer of aristocratic background, Mr. Pérez de Cuéllar is a seasoned diplomat who has served as Peru's Ambassador in Switzerland and the Soviet Union. But while he has a reputation for being intelligent and honest, he recoils from the limelight and appears reluctant to take initiatives.

Predecessors like Dag Hammarskjöld, the Swede who was the most active and visionary Secretary General, sought vague instructions from the member governments to increase their scope for personal initiatives. As Mr. Pérez de Cuéllar tries to coax the Iranians toward peace, he insists on the tightest of mandates from his Security Council masters.

"A quiet, highly intelligent and civi-



Associated Press

Javier Pérez de Cuéllar, Secretary General of the United Nations, discussing with reporters last month his subsequent trip to Iran and Iraq.

lized man with a wide knowledge of the job he was undertaking" is how Brian E. Urquhart, the recently retired Under Secretary General for Special Political Affairs, describes Mr. Pérez de Cuéllar in his autobiography, "A Life in Peace and War."

#### Doubt Worries Many

But the doubt Mr. Urquhart then raises worries others, too. "Whether he was too civilized, or too lacking in ego or cutting edge, remained to be seen," he wrote, without offering a final verdict.

"Relentless passivity" is the description used by a Western chief representative to the United Nations, who said he wished Mr. Pérez de Cuéllar would provide more public leadership on such issues as apartheid, the environment and human rights.

Yet many experts contend that Mr. Pérez de Cuéllar's caution is the only style of leadership that can preserve a

role for the United Nations at a time when the major powers have shown they will not tolerate an individualist.

"We have the Secretary General that times dictate," said Prof. Richard N. Gardner of Columbia University, a former Deputy Assistant Secretary of State for International Organization Affairs, who also served as United States Ambassador to Italy. "He's doing a superb job keeping the big powers united, and without that the U.N. is nothing."

#### What Superpowers Want

Lincoln P. Bloomfield of the Massachusetts Institute of Technology, who served as adviser on global issues for President Carter's National Security Council, said: "The Secretary General must mirror the political atmosphere to be effective. The superpowers don't want an activist, but by working with them he can accomplish a lot."

Elected in 1981 as a compromise can-

didate after 16 rounds of balloting, Mr. Pérez de Cuéllar was unanimously elected to a second five-year term last year. Margaret Thatcher, the British Prime Minister, noted then that "he didn't cause us any trouble last time."

The United Nations Charter gives the Secretary General a vaguely political role, assigning him to keep the world alert to threats to peace and requiring him to be "exclusively international."

Past holders of the office have built the post into one of considerable prestige, dealing directly with Government leaders and taking a wide range of initiatives on their own authority. Along with the job go a \$200,000 annual salary, a Volvo limousine with telephone (donated by the maker) and a private house at 3 Sutton Place in Manhattan.

#### The Predecessors

The experience of some of Mr. Pérez de Cuéllar's predecessors suggests why he might not try to play as independent a role as they did.

The first, Trygve Lie of Norway, who served from 1946 to 1953, left under Soviet pressure for supporting the United Nations involvement in the Korean War. Even Mr. Hammarskjöld, as Secretary General from 1953 to 1961, quarreled bitterly with Moscow, over the Congo peacekeeping operation. In his case, the quarrel was so fierce that the Russians tried to abolish the post altogether.

U Thant of Burma, who had the job from 1962 to 1971, fell afoul of the United States when he tried to mediate in the Vietnam War. Only during the tenure of Kurt Waldheim, from 1972 to 1981, did the Secretary General start to cast himself in what Thomas M. Franck of the New York University Law School has called "a functional role," acting more as adviser and emissary of the big powers.

Even so, aides contend that Mr. Pérez de Cuéllar has played a more independent role than he is credited with.

#### A Mediator Iran Trusts

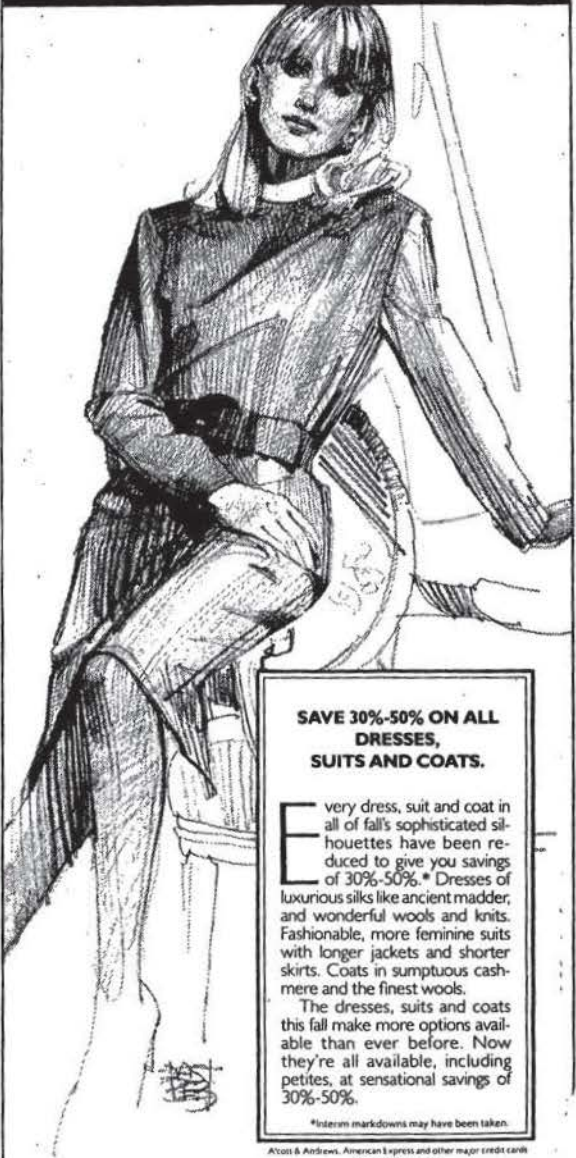
He keeps close to the big powers in the gulf now because seven years of private diplomacy got nowhere, they say. But a nine-month truce on civilian targets that he negotiated in 1984 and his investigation of claims that Iraq was using poison gas have left him as the only mediator Iran will trust today.

Another reason that the Secretary General must act cautiously, many diplomats argue, is that the present improvement in the fortunes of the United Nations is fragile and could easily break down.

While Moscow is warming toward the United Nations, the United States is continuing to withhold funds — apparently jeopardizing third world support for moves to revamp the organization's administration and procedures — and has boycotted or sent low-ranking representatives to many meetings.

"Pérez de Cuéllar has a chance to improve the U.N.," Professor Gardner said. "But we're not giving him much help."

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## Unesco Director Fails To Get Majority Again

Special to The New York Times

PARIS, Oct. 14 — Amadou-Mahtar M'Bow, running for a third term as Unesco's Director General, placed first again tonight in the executive board's fourth ballot and again failed to achieve the required majority — but for the first time received fewer votes than in the previous round.

Mr. M'Bow, whose 13 years as Unesco's head has split the organization, received 21 votes tonight, mostly from African and Arab nations. That was two less than his total Tuesday and five below what he needs to obtain a majority from the 50-member board.

Federico Mayor Zaragoza, Spain's former Education Minister, narrowed the gap by winning 19 votes, one more than in the previous ballot.

The fifth and final ballot is scheduled Friday evening. In that ballot, all candidates are excluded except the top two from the fourth ballot, namely Mr. M'Bow and Mr. Mayor.

In the fourth ballot, Nicolai Todorov of Bulgaria, chairman of Unesco's General Council, received four votes. Soedjatmoko, an Indonesian who was rector of the United Nations University in Japan until Aug. 31, also received four votes. Sheila Solomon, Trinidad and Tobago's Unesco delegate, received the vote of her home country. There was also one invalid vote cast.





# CAB RIDERS FACE STEEP FARE HIKE

STORY  
PAGE  
SEVEN

# NEW YORK POST

Tuesday March 24 1987

35 CENTS

**FINAL**

TODAY: Sunny, mid 60s. TONIGHT: Clear, mid 40s. TOMORROW: Increasing cloudiness, 60-65. Details: Page 2.

TV listings: P. 79

# ISRAELIS TRACK NAZI KILLERS

USING SECRET UN FILES: PAGE 2

*Haig's the name,  
politics the game*

★  
Retired Army Gen. Alexander Haig had fire in his eyes, champagne in his glass and grandchildren galore last night at the Waldorf where 1000 of his fans honored him with a \$500-a-plate dinner — setting the stage for the announcement today that he'll join the Republican race for the presidency. SEE PAGE 2



New York Post: Lenora Davis





# ISRAEL: SECRET UN FILES UNMASK NAZI BUTCHERS

## Gen. Haig launches campaign for White House

By MICHAEL J. HEERIN  
SECRET UN files on Nazi war crimes include lists of officers who ran the death camps and covert Gestapo agents who operated in Poland during World War II, Israel revealed today.

On the basis of the files, Israel has launched a global hunt for the war criminals involved.

This and other potentially explosive information emerged from the initial study of 300 sample files by Israeli experts at the Yad Vashem center on the Holocaust, Israeli UN Ambassador Benjamin Netanyahu told The Post.

He renewed Israel's demand that the UN open the archives to scholars and the press.

"Public access to the files is indispensable to facilitate the prosecution of war criminals

and establish a more accurate record of that period," he said.

UN Secretary-General Javier Perez de Cuellar announced last week that the archives, given to the UN in 1949 by the War Crimes Commission, would remain closed.

He said the U.S. and 15 other former members preferred restricted access, and that only Australia agreed to open them.

Under present rules, only governments can look at the files — asking for each one by name — and must promise not to reveal the details.

So far, the war crimes files have provided new data on the Nazi past of Austrian President Kurt Waldheim.

Israel has served notice that it will request 2000 more files.

Netanyahu said the 300 sample dossiers contain:

- Evidence that the Western allies knew long before the war ended — in the spring of 1944 — that hundreds of thousands of Jews had been slaughtered by the Nazis.
- A list of 297 Nazi officials at Auschwitz, 140 officials at the Stophof camp, and the names of known and covert Gestapo agents in Poland.
- The commission, created at the suggestion of Winston Churchill, disbanded in 1949 and gave its files to the UN, which decided to lock them up.
- "I'm positive archives will be opened," said Eyal Arad, the spokesman at the Israeli UN Mission.
- "It may be a long campaign, but it is a morally indefensible position to keep them closed."



Associated Press

## Wiesenthal: open the UN archives

THE Simon Wiesenthal Center on the Holocaust condemned the U.S. and 15 other countries yesterday for failing to support the opening of UN files on Nazi war crimes.

Among the 17 former members of the UN War Crimes Commission, only Australia backed public access to the archives, which are stored on Park Avenue South.

"We think this is an outrage," said Rabbi Marvin Hier, the center director.

"All this does is protect Nazis."

• Evidence that the Western allies knew long before the war ended — in the spring of 1944 — that hundreds of thousands of Jews had been slaughtered by the Nazis.

• A list of 297 Nazi officials at Auschwitz, 140 officials at the Stophof camp, and the names of known and covert Gestapo agents in Poland.

• The commission, created at the suggestion of Winston Churchill, disbanded in 1949 and gave its files to the UN, which decided to lock them up.

• "I'm positive archives will be opened," said Eyal Arad, the spokesman at the Israeli UN Mission.

• "It may be a long campaign, but it is a morally indefensible position to keep them closed."

## Soap queen & the princess

'A-Team' leader George Peppard listens in as 'Dynasty' star Joan Collins chats it up with Diana, Princess of Wales, at the 1987 Royal Film performance in the presence of the Queen Mother in London last night.

### LOTTERY

— NEW YORK —  
Daily no. for Mon.: 209  
Win-4 no. for Mon.: 4962  
CASH 40 nos. for Mon.:  
21, 14, 9, 11, 19, 7  
Win-10 nos. for Mon.:  
3, 4, 8, 14, 15, 17, 20, 22,  
27, 35, 42, 43, 44, 47, 55,  
57, 59, 63, 68, 71

— NEW JERSEY —  
Pick-3 no. for Mon.: 622  
Straight payoff: \$243  
Box payoff: \$81  
Pairs payoff: \$24

— CONNECTICUT —  
Daily no. for Mon.: 647  
Play-4 no. for Mon.: 2982

Tuesday Zingo nos.:  
2: 1; 12: N 4; G 5; O: 7

### INDEX

Adams, Cindy	22
Adams, Jay	28
Amusement	21/27
Barnes, Clive	23
Berger, Dr. Stuart	82/63
Brothers, Dr. Joyce	53
Business	29/52
Cover Opportunities	43/52
City People	61/43
Classified	64
Comics	28
Crossword	66
Daily Features	65
Dear Abby	63
Editorials	18
Fallon, Beth	9
Horsepage	28
Kerrison, Ray	13
Lazarovic, Karen	36
Movie Clock	29
Op-Ed	19
Podkornik, Norman	19
Post Script	36
Scrabble	66
Shelton on Bridge	66
Sury	8
Tavel	53/60
TV/Radio	77/79
Wonderword/Word Power	66

### WEATHER / New York, the nation, the world

**TODAY:** Sunny and mild, highs in the mid 60s.  
**TONIGHT:** Clear, lows in the mid 40s.  
**TOMORROW:** Increasing cloudiness, highs of 60 to 65.  
**EXTENDED OUTLOOK:** Chance of rain Thursday. A few showers Friday morning, partly cloudy Friday afternoon. Mostly sunny Saturday. Highs will be from 55 to 60, overnight lows will be in the mid 40s along the coast and in the upper 30s inland.  
**SUNSET TODAY:** 6:12 p.m. **SUNRISE TOMORROW:** 5:52 a.m.

### YESTERDAY'S TEMPERATURES

Albany	Hi Lo	Houston	Hi Lo	Athens	Hi Lo
Atlanta	71 49	Las Vegas	80 38	Barbados	86 77
Atlanta City	58 43	Los Angeles	94 41	Beirut	57 54
Baltimore	65 39	Miami Beach	74 64	Belgrade	46 34
Boston	43 36	Nashville	77 43	Berlin	46 28
Charleston, S.C.	89 50	New Orleans	78 58	Cairo	54 52
Chicago	67 40	New York City	66 43	Calgary	27 21
Dallas-Ft. Worth	69 50	Phoenix	71 44	Dublin	50 41
Denver	45 24	San Antonio	74 53	Hong Kong	79 75
Detroit	63 34	San Francisco	62 48	Jerusalem	70 53
Hartford	63 39	Tampa-St. Petersburg	81 58	Jo'burg	73 55
Honolulu	87 68	Washington, D.C.	64 38	Kiev	25 20
				Tokyo	65 48

### Travelers' Forecasts

City	Temp.	Hi/Lo
Albany	Clear	64/53
Boston	Clear	60/50
Chicago	Rain	61/41
Dallas-Ft. Worth	Cloudy	62/41
Honolulu	Clear	87/69
Houston	Cloudy	73/45
Los Angeles	Clear	98/49
Miami	Cloudy	79/71
Nashville	Rain	64/53
Phoenix	Cloudy	66/47
St. Pete-Tampa	Rain	74/65
San Antonio	Cloudy	76/42
Washington, D.C.	Clear	70/43

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By DEBORAH ORIN  
GEN. Alexander Haig — who declared himself "in control" after President Reagan was shot in 1981 — today launches a bid to take control of the White House by being elected President.

Haig, who was secretary of state when Reagan was shot, concedes his remark hurt him but hints that now Intranscan will lead America to seek a take-charge guy for the Oval Office.

"Over time, I think most Americans do want a President who is in control," the retired Army general told The Post yesterday, shortly before 1000 fans honored the GOP contender at a \$500-a-plate Waldorf dinner.

Haig conceded that some people are "suspicious of my military background" and "my in-control day."

But in contrast to his stern and arrogant image, Haig, 62, comes across as relaxed and chuckling.

"Anybody that knows me knows that's my normal demeanor — I'm a pixie," he insisted.

A what?  
"A pixie — I see the light side of most things."

In the polls, he gets only about 2 percent and trails Vice President Bush, Sen. Robert Dole and Rep. Jack Kemp.

Entertainers at the Waldorf included comic Mort Sahl, once one of John F. Kennedy's favorite comedians and now a staunch Haig fan.

Sahl needed Haig by recalling Reagan's on-air quip about bombing Russia in five minutes, adding that Haig's response was "You think this is another empty campaign promise?"

Haig served as Richard Nixon's chief of staff after Watergate (he encouraged Nixon to resign and some say Haig encouraged Gerald Ford to pardon the ex-President).

Meanwhile, former UN Ambassador Jeane Kirkpatrick said last night she won't run for President.

Asked if the GOP should have a woman on its 1988 ticket, she replied: "No, not necessarily."



# Secret memos warned Nazi files were in danger

By URI DAN and ERIC FETTMANN  
©1987 News America

UNITED Nations officials were warned two years ago that security at their Park Avenue South archives — housing Nazi war crimes files — was so lax it constituted "a dangerous situation," The Post has learned.

Internal UN documents obtained by The Post show that officials were told that "any stranger can come in now" on the floor housing the war crimes files.

The new disclosures follow the UN's confirmation last Friday of a Post report that files were missing from the recently unsealed UN War Crimes Commission records.

UN officials admitted that eight significant files containing allegations against "far more than eight people" — were still unaccounted for.

They said another 441 documents, earlier described by archives officials as missing, were located after being filed separately.

In a Nov. 8, 1985 memo, UN Security Chief A. Vaz was warned by Ursula-Maria Ruser, chief of the Accession, Appraisal and Disposal unit, that:

"The Security Officer said it is a dangerous situation because the 11th floor [at 345 Park Av. South] is not covered by Security and any stranger can come in now.

"Very often, all kinds of strangers were found on the 11th floor looking for some offices."

In an earlier memo, dated Oct. 9, 1985, Vaz was notified by archives chief Alf Erlandsson that the 11th floor — where the war crimes records were filed — "is now accessible to strangers from the elevator."

"I am concerned that non-UN personnel have such easy access to an area where the permanent and irreplaceable records of the United Nations are maintained," Erlandsson wrote.

"There is no Security Officer on the 11th floor."

The memo also reports that the archive was burglarized on Sept. 24, 1985 — an incident sources told The Post was never reported to police.

According to the memo, at 10:20 that morning "Mrs. Ruser discovered that the small floor adjacent to the 11th floor elevator was ajar . . ."

"It was obvious that the door had been forced from the outside and that both the door and knob lock were damaged. The door's upper lock had been inoperable for some time.

"Late that afternoon," the memo adds, "Ms. Johanna Meskers discovered that her IBM Selectric typewriter was missing."

The memos also

# NEW UN SECURITY SCANDAL



The UN building has been rocked again.

**NEW YORK POST** METRO

**Exclusive UN scandal**

**NAZI FILES VANISH**

*"That information on executed criminals in history may have been destroyed"*

*"It's the Gorbey and Raisa show!"*

**Suicide gunman downed jet**

**NEW YORK POST** METRO

**NO GUARD ON NAZI FILES**

**Scandal at UN grows**

*Full probe to follow*

*— Dan, I*

*DOPE, NAZIS! YOUR SELF IS SHOWING!*

**NEW YORK POST** METRO

**Another Post EXCLUSIVE**

**More chilling stories uncovered in UN files**

**NEW NAZI ATROCITIES BARED**

**Massive hunt for missing records**

**JAPANESE OFFER YANKEE STAR STOM**

The sorry saga of shoddy security at the UN unfolded last week in a series of exclusive Post reports — and these front pages.

## Guns stolen from two guards



Revolver similar to those stolen from guards.

THE United Nations' security problems apparently aren't limited to its archives.

Police at the E. 51st Street stationhouse confirmed to The Post last night that two guns were stolen recently from security guards' lockers in the main Secretariat Building at 42d St. and First Av.

One guard returned from a two-

week vacation on October 14 to find a Smith and Wesson revolver missing from his locker.

A search of the area revealed that a similar gun was missing from another guard's locker.

Police told The Post the two guns were still listed as missing. UN officials did not return phone calls for comment. — URI DAN

notes that the overnight security alarm was broken for an unknown period of time, since Erlandsson said it had just been repaired "on Tuesday, 24 September, just after midnight."

The memos indicate that as a result of the break-in, locks were installed on the 11th and 12th floors at the archives, making the offices inaccessible except by elevator.

But The Post reported last week that sources insist security

inside the archives offices themselves was virtually nonexistent until earlier this year.

According to the sources, persons with unchecked credentials were allowed to remain alone inside the archives.

Not until earlier this year, the sources said, were the war crimes files — supposedly open only to official government representatives — separated from other less-restricted material.

UN spokesman Francois Giuliani said last night he "could not comment until I have checked into it, and now I will check it."

Last week, in response to The Post's earlier story, Giuliani said he was "satisfied that security at the archives is adequate."

The September 1985 break-in took place the same month kidnappers began circulating in Vienna about former Secretary General Kurt

Waldheim's wartime record.

In March 1986, allegations were first published linking him to Nazi atrocities against Greek Jews and Yugoslav partisans.

Later that month, a master index was discovered in the National Archives in Washington showing the War Crimes Commission had a "Class A," or top suspect, file on Waldheim; accusing him of "mass murder." The Post has learned that

following its disclosures, UN officials have dramatically beefed up security.

Last Thursday, the day after The Post's disclosure of lapses, 24-hour security was installed.

According to the sources, officials also doubled the number of daytime security guards and have begun plans to install closed-circuit surveillance cameras.

In addition, special lockers have been brought to the se-

curity offices on the 12th floor, where all researchers' coats and briefcases must be checked.

The war crimes files, sealed by UN order since 1948, were first opened to public inspection on Nov. 23 following an intensive diplomatic campaign led by Israeli UN Ambassador Benjamin Netanyahu.

The Post was the first paper allowed to inspect the war crimes records.

But UN officials continued a campaign of harassment against The Post, apparently in retaliation for the paper's disclosures.

The application of one Post researcher, who was approved in accordance to UN guidelines, is being held up by Asst. Secretary General J. Richard Foran for "unexplained" reasons while other newspapers are allowed access.



# HOLTZMAN FACING MISCONDUCT PROBE



LIZ HOLTZMAN  
Judge cleared.

By PAT SMITH & LEO STANDORA  
BROOKLYN District Attorney Elizabeth Holtzman faces investigation by a special state prosecutor for criminal misconduct, The Post has learned.

Word of a possible probe came as it also was revealed that the Brooklyn judge Holtzman accused of forcing a woman to reenact an alleged sexual assault has been cleared of the charges.

Sources said the Office of Court Administration — watchdog of the city's judges — may ask Special State Prosecutor Charles Hynes to investigate Holtzman's role in the scandal.

A special prosecutor would seek to determine if anyone lied or withheld evidence.

Hynes told The Post last week that a special prosecutor would step into the case only "if there were a suspicion of criminal conduct."

"The only criminal conduct here is if someone lied" to Chief Criminal Court Administrative Judge Robert Keating, Hynes said.

Hynes stressed he was speaking hypothetically and that he was not yet involved in any aspect of the case.

Whether Hynes would personally handle the Holtzman investi-

gation is unclear because both he and Keating served as prosecutors under former Brooklyn DA Eugene Gold.

Sources told The Post that Keating's inquiry into the DA's charges against Judge Irving Levine, completed last week, uncovered no evidence of wrongdoing.

Keating is expected to turn over his findings to judicial officials later this week.

Meanwhile, the Appellate Division's grievance committee is waiting for Keating's full report before it decides on action.

The committee already has discussed the possibility of punish-

ing Holtzman and the prosecutor in the sex-assault case — Asst. DA Gary Farrell — for violating the Lawyer's Code of Professional Responsibility.

The committee can recommend disbarment.

On Dec. 1, Holtzman accused Levine of ordering the alleged sex-assault victim to get down on her hands and knees to show how she said she was attacked.

The reenactment allegedly took place two months earlier in a court anteroom. The defendant was later acquitted.

But last week the victim insisted it was the defense lawyer who asked for the reenactment of the

attack and that Levine stopped it after barely two seconds.

Holtzman called the victim's account "an important vindication" because it confirmed that the incident did take place.

Farrell has provided at least one affidavit that also backs up Holtzman's version of the incident, but it was not known what he told Keating under oath.

The victim's lawyer, Paul Ascher, two court officers and a stenographer all swore earlier that the incident never happened.

Holtzman insists she did nothing wrong and dismisses any talk of resignation.

## COURT KAYOS ABORT CURB

Post Wire Services  
WASHINGTON — An evenly divided Supreme Court today struck down an Illinois law that could have limited the right of some young girls to have abortions.

By a 4-4 vote and with no accompanying opinion, the court upheld a ruling that the challenged Illinois law impermissibly interferes with abortion rights. The split vote raises the possibility that once the current vacancy on the Supreme Court is filled, the justices could reconsider the issue — and the previous majority supporting abortion rights could be reversed.

President Reagan's latest nominee, federal appeals court judge Anthony Kennedy, is likely to become the swing vote on future abortion cases.

Kennedy's views on the subject are not known, but he is expected to be asked about it during his Senate confirmation hearings, which were to begin later today.

The Illinois law reviewed today required some girls under 18 who seek abortions to wait 24 hours to have the operation after telling their parents of a judge about their decision.

## FBI seize parents who kidnaped their own kid



Barbara Smith hugs adopted 13-month-old Brian yesterday after the FBI restored the abducted tot to his new parents.

# Back in the arms of love!

A 13-MONTH-OLD boy is back in the arms of his adoptive parents today after being kidnaped by his natural parents — who gave him up and then changed their minds, the FBI charged.

Francis Kiefer, 41, and his wife, Bonnie, of Mooristown, N.J., were arrested over the weekend in the abduction of their son, Brian, Friday from the home of his new parents, Kenneth and Barbara Smith in Pacific Palisades, Cal.

"Friday was the worst day of our lives," Smith said yesterday. "Today is the happiest."

His jubilant comments came as he and his wife appeared at a Newark press conference a few hours after the FBI turned the boy over to them.

The blond, blue-eyed boy was found with his natural mother when she was arrested yesterday at her home. Her husband was nabbed Saturday night.

John McGinley, special agent in charge of the FBI's Newark office, said



KENNETH SMITH: "Our happiest day."

the Kiefers hired a gunman to take the child.

The gunman, described as a Hispanic man, is being sought.

"We have a few leads," McGinley said.

Smith told reporters the shotgunning kidnaper burst into his home

while the child was with a babysitter.

He took the sitter into "the bedroom, tied and gagged her and then left with the baby," he said.

The kidnaper "rifled through some things" apparently to make the crime appear to be an intended robbery, Smith said.



# UN Missing Nazi war crime files turn up COVERED!

**Day 5:  
special  
Post  
probe**

By RANDELL PIERSON & ERIC FETTMANN

RED-FACED United Nations officials admitted yesterday that 441 War Crimes Commission files described by their own archivists as "missing" and "disappeared" were actually in the UN Archives all along.

But in a report that was released to scornful report-

ers, Assistant Secretary General J. Richard Foran also revealed that another eight files are still missing.

Eyal Arad, a spokesman for the Israeli UN Mission, said the disclosure "only proves the necessity of having the press delve into the archives because it was a newspaper, the New York Post, which discovered the files were missing."

"The actual whereabouts of eight files remain undetermined" said Foran in a five-page report

**UN's peculiar language: P. 14**

prompted by The Post's disclosures that more than 400 files could not be located.

"It's a mystery," he added later. "My dilemma is that I cannot substantiate that the eight files ever came here or ever left here."

UN spokesman Joseph Sillis told The Post the still-missing files, which include such names as Gestapo chief Heinrich Himmler, Luftwaffe head Hermann Goer-

ing and army commander Walter Brauchitsch, contain war crimes allegations against "far more than eight persons."

Amid gales of laughter from 25 journalists who scoffed at his explanation, UN spokesman Francois Giuliani insisted Chief Archivist Alf Erlandsson never meant to imply the 441 files that turned up were actually missing.

"Missing" is a term used by archivists that "doesn't mean actually that they have disappeared," Giuliani insisted. "It means they are out of se-

quence or they're not actually in the particular package that the researchers are looking into."

Asked why Secretary General Javier Perez de Cuellar had also described the files as "missing" and that he was "surprised and disturbed," Giuliani replied:

"Because when he read in the newspaper they were missing, he understood it also to mean missing."

"The secretary general is not an archivist either," he added to more laughter.

But Tim Ericson of the Society of American Archivists in Chicago told The Post that "missing can mean many different things."

"It can mean, 'I can't put my hands on it.' It could mean you can't find it."

He said the UN was "putting the onus on the researcher by saying he should have understood this."

Giuliani also initially denied Erlandsson also used the word "disappeared" to describe the files.

But told that he had in fact used the word in a phone interview on Monday, Giuliani replied: "Mr. Erlandsson probably didn't make himself clear to your correspondent."

Erlandsson also told The Post on Monday that "it's very, very difficult to give any real explanation" for the missing files.

Foran said his investigation showed that 465 files "could not initially be accounted for."

Of those, he said, 441 were located in a separate file of so-called "adjourned" cases, in which there

Continued on Page 8



UN staffer Jean Pierre Halbwachs shows one of the "missing" Nazi war crimes files yesterday.



URI DAN Barred from files.



PEREZ DE CUELLAR Files were "missing."

## UN files finger ex-Nazi monster in Michigan

UN WAR Crimes Commission files have identified a Michigan man as a former Nazi concentration camp guard.

Peter Quintus, 72, appears in the files as an SS guard at Majdanek, where between 1.5 million and 2 million Jews were killed.

Quintus, who now lives in Washington, Michigan, is No. 87 on a list compiled of 249 Nazis at Majdanek, according to The Post's review of UN files.

The slim dossier on Quintus — filed under a list of "Germans wanted by Poland" — says he was born April 18, 1915, and was a farmer before the war.

It says he was wanted for "ill-treatment" of Jewish at the camp.

Quintus is the first accused war criminal tracked down from the UN files.

The Justice Dept. filed charges, last

By URI DAN

March in Detroit to strip him of his citizenship for allegedly lying about his Nazi past when he became a U.S. citizen in 1965.

Another dossier reviewed yesterday by The Post details atrocity accusations against Josef Schwammberger,

Nazi commander of a labor camp, in the

Polish ghetto of Przemysl.

Schwammberger, arrested last month on a remote ranch in Argentina, personally shot between 80 and 86 Jews who were hiding in a bunker in Nazi-occupied eastern Poland, according to the records.

The short, balding Schwammberger, 75, was arrested in 1945

but escaped detention. He was one of the Nazi war machine's most brutal camp commanders.

Witnesses told how he set his dogs on prisoners and used pliers to tear gold teeth out of Jewish inmates.

Sacks of gold from slave laborers' teeth were found in his possession after the camp was liberated.



UN files say Josef Schwammberger shot 60 to 80 Jews.





Grieving mother Rose Olmo declares: "He was my baby. All I had."

# MOM'S TRAGIC PLEA AS SHOT TEEN'S LIFE SLIPS AWAY

By PAT SMITH, *Ex-lynn Bureau Chief*  
A FLATBUSH mother said goodbye to her beloved 18-year-old son as doctors prepared to take off life support systems after he was left brain dead by a mugger's bullet.

"Please give me one more chance to see him," Rose Olmo begged when Long Island College Hospital doctors said there was no hope for the strapping, friendly six-footer who was cut down Thursday on his way home from Bishop Loughlin HS.

"He's the only child I've got. He's my life. I drove him to school yesterday and he said: 'Momma, you treat me like a little child.'"

"But he was my baby. All I had." Rose and her husband, Abdulla, worked hard to make a life for John.

Yesterday, they picked through the college brochures on his desk — reminders of the dreams shattered on the sidewalk near Flatbush and Atlantic Avenues when John refused a mugger's demand for his gold chain.

Ronald Ebron, 20, of Queens and Kelly Battle, 17, of Brooklyn, were grabbed in a subway minutes after the 2:45 p.m. shooting.

Ebron pulled the trigger, police said, but he, Battle and a third youth being questioned face murder charges.

At Loughlin HS yesterday, Brother James Bonilla, the principal, was frustrated that he can't extend the safe haven that the prestigious school provides its students.

Almost all of Loughlin's 1200 students are black or Hispanic,



JOHN OLMO  
As happy youth.

most of them too familiar with street violence.

"This school has been a haven from the violence and chaos of their neighborhoods," Brother James said of his students.

At Loughlin, street-smart kids learn and grow to love each other "as a family," Bonilla said.

"Our school and the blocks around our school are safer than most places," he said.

Brother James could protect John Olmo inside his school and on the blocks around the school. He was frustrated that he could not protect his student six blocks away.

"The mayor goes around, he's got his bodyguards. He's safe. But the people are not safe on the streets."

## Hells Angels boss guilty

THE president of the Manhattan branch of the Hells Angels motorcycle gang was convicted yesterday on federal drug conspiracy charges.

A Manhattan federal court jury returned its verdict against Brendan Manning, 31, after two days of deliberations in a trial that began September 21.

Manning faces a maximum sentence of 20 years in jail when he is sentenced by Federal Court Judge Pierre Leval. Three former Hells Angels testified that Manning participated with them in the sale of methamphetamine between 1982-85.

— MARVIN SMILON.

## Quint beats Santa home

By ROBERT WEDDLE  
A QUEENS couple went "Christmas shopping" yesterday at Long Island Jewish Medical Center — and picked up the first of five babies they brought into the world two months ago.

Tiny Angelo Cangiolioli gurgled in the arms of his mom, Alice, 26. Papa Angelo, 28, beamed with pride as they headed for their Utopia Parkway apartment in Flushing.

Small as he was, the 5-pound-3-ounce boy was the big brother to 5-pound-3-ounce Nicholas, 4-pound-11-ounce Ellen, 4-pound-3-ounce Jennifer, and 3-pound-14-ounce Allison.

Angelo was born first — and was followed by the others in order of their size.

"They will all be home for Christmas," said his mom. "We can't wait to get there."

Her husband is a \$31,000-a-year electrician.



Two-month-old Queens quint Angelo Cangiolioli heads for home yesterday from Long Island Jewish Medical Center with mom and dad Alice and Angelo.

# MISSING UN NAZI FILES TURN UP

Continued from Page 5  
was insufficient evidence to prosecute.

The Post had suggested in its initial report that the missing files might turn out to be adjoined cases.

Of the remaining 24 files, he said, five were sent back by the commission in the late 60s to the original governments and never returned.

Another seven had dual numbers as a result of mistaken nationality, three file numbers were never used and one was withdrawn.

Six of the still-missing eight files originated in Poland and the other two in the U.S.

The contents of those eight files was not disclosed.

Giuliani later invited a pool of reporters, selected by the UN Correspondents Association, to view the newly-located files.

Association president Claude Robinson refused to allow The Post to join the pool, saying it was restricted to three people.

But reporters for Newsday and the New York Times were later allowed to join the pool — while a security guard specifically barred The

Post's Uri Dan from entering.

"I am under orders from Mr. Foran not to allow you in to see the files — you can't get in with the rest of them," an archives security guard told Dan.

Robinson confirmed said he could not explain why The Post was barred.

"It's certainly a brand new situation for us," he said. "I

have no knowledge how they got there. I'm sorry about what happened."

Foran also charged that Erlandsson was unaware Dan was a reporter and actually questioned his credentials as a researcher.

Erlandsson "had not been made aware of the fact that he was being interviewed and that he would be quoted, in his opinion, out

of context," Foran said.

But in a conversation last week with a Post editor inquiring about credentials, Erlandsson volunteered that "the only person I have accredited for the New York Post is Uri Dan."

Dan, The Post's Mid-east correspondent since 1982, has been a distinguished journalist for Israeli, U.S. and

European publications for 30 years.

He won the 1980 Overseas Press Club Award for a two-part series in the New York Times Magazine on the Camp David peace talks.

In 1961, his exclusive report led to Austria's arrest of Kazi Wolf, a former SS general accused of complicity in mass murder of Jews, and sentence to five years in prison.