

Archives, Books and the Role of Historical Commissions

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British and Allied Restitution Policy during and after the Second World War

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During the Second World War, the major Allies - the United Kingdom, United States of America and the Soviet Union - were naturally more concerned with winning the war and bringing hostilities to an end than they were with forward planning to attempt to repair the damage done by that devastating conflict. Nonetheless, the documentary evidence shows that postwar planning began to take shape as early as 1941-42, long before the end of the war could be foreseen; and that restitution, by which was meant restoring the stolen property belonging to European governments, was seen as an issue with early priority when hostilities ended. The British and American governments, at least, took the view that it should be far easier to reach agreement on restitution than on reparations, and that restitution could be settled at an early stage. It became a bone of contention between all three major Allies, and between them and the European powers who had been occupied by Germany and her allies.¹

In Britain, serious consideration of postwar restitution was prompted at an early stage by the representatives of the occupied countries who based themselves in London. Exiled from their countries, their principal concern in anticipating the end of hostilities was the

¹ Cf. *Documents on British Policy Overseas* (hereafter *DBPO*), Series I, Volume V (HMSO, 1990), Preface, p.xiv: 'In practice the problem...caused at least as much damage to British relations with the liberated countries as an other matter in clearing up after the war.'

recovery and restoration of their property and assets. In May 1941 the Czechoslovak Minister for Foreign Affairs, Jan Masaryk, wrote to Frank Roberts at the Foreign Office regarding the seizure by the German occupying forces of Czechoslovak shares and securities, and asking the British government to draw the attention of neutral governments to the fact that the sale or Purchase of such securities would not be recognized by the Czechoslovak government.² At about the same time, the Ministry of Economic Welfare suggested that joint action be taken by the Allied governments to discourage the purchase by neutrals of securities seized by Germany in occupied territories. Although it was decided at an interdepartmental meeting in July 1941 that the question of Allied declaration should be deferred “until the machinery of Allied cooperation, which was still in its initial stages, had had been developed rather further,”³ These two initiatives led to further consultation within the British government and with the US government, and formed the basis of the Inter-Allied Declaration against Acts of Dispossession Committed in Territories under Enemy Occupation or Control issued on 5 January 1943 by British and 16 other governments of the United Nations.⁴ Allied postwar restitution policies were based upon that Declaration, which was intended as a “general statement of the attitude of the governments concerned towards the acts of dispossession...practiced by the enemy powers in the territories which they have occupied or brought under their control by their successive aggressions against the free peoples of the world.”⁵

The records show that the Allied governments were well aware of the concerns of the occupied territories and appreciated the importance of helping them to recover their looted property, both to enable their economic reconstruction and in order to lessen possible resentment against the three Great Powers who might be seen to be deciding policies without consultation with them. The major Allies were, however, also concerned with protecting their own postwar interests as powers who had borne the brunt of prosecuting the war and paying for it: this was

² Letter of 21 May 1941, C 5610/550/12.

³ Record of interdepartmental meeting held at the Foreign Office on 8 July 1941, C 7081/550/12.

⁴ The Declaration was published as Cmd. 6418 of 1943. See also FCO history Note No. 11, *Nazi Gold: Information from the British Archives* (hereafter *Nazi Gold*) Revised end. January 1997, pp.4-5.

⁵ Draft guidance note on the proposed Allied Declaration, 21 November 1942, W 15270/108/64.

particularly true in the case of the Soviet Union, which had experienced invasion and human and material loss on a vast scale, and was now determined to extract maximum compensation. Even for the UK and US, who had not been occupied, the costs had been great, the UK in particular having been brought to a 'financial Dunkirk' by her war effort.⁶ The sweeping measures of restitution sought by the smaller allies, which included compensation for spoliation and the impressment of goods and services from Germany, would have a damaging effect on the reparation claims of the Big Three: as a memorandum prepared in the British government's Trading with the Enemy Department in April 1944 noted, it was "clear that the small disarmed Allies are seeking to obtain for themselves certain drastic powers in priority to the general reparation claims of all the Allies."⁷

These concerns confirmed the major Allies consensus that restitution and reparation should, be treated as separate, if coordinated issues. They were not in agreement, however, as to the relationship between the two issues and even how they should be defined. Although there was a shared understanding that restitution meant the return or replacement of property lost or looted as a result of Nazi aggression, they held strong and differing views on whether restitution policies should encompass only property seized by force, or should include property found by the Germans on occupation or paid for by them in forced or voluntary sale. The definition was crucial to the linked issue of reparation, that, is of using German assets to pay back those who had footed the bill for the war, for the more that was included in restitution, the less would be available for reparation shares for the Allies. Nevertheless, restitution and reparation were not discussed at the same meetings. The Allies agreed that talks on restitution should be relegated to the Allied Reparation Commission, ostensibly because the subject was too technical and complicated to be dealt with at major international meetings such as the Potsdam Conference of July 1945, where France was not represented; but also because reparation was the issue on which agreement was most eagerly sought after (particularly by the Soviet

⁶ A phrase used by Lord Keynes, the distinguished economist and advisor to HM Treasury, in a paper of 13 August 1945 entitled 'Our Overseas Financial DBPO, Series I, Volume III, *Britain and America: Negotiation of the United States Loan, 3 August-7 December 1945* (UMSO, 1986), enclosure in No. 6.

⁷ TWED memo., Bank of England records.

Union), and which was thought to be the most politically sensitive and potentially difficult to resolve.

Another complication was presented by the lack of agreement between the Allies on what sort of Germany would emerge from the war, an issue of vital importance to restitution policy. Would Germany be a single economic unit, or divided?⁸ An industrialized state, or reduced to pastoral status as envisioned by US Treasury Secretary Morgenthau in 1944?⁹ These questions had a direct bearing on what might be available from Germany in terms of restitution. The Soviet Union was clear in the view that Germany must be stripped and de-industrialized, but Britain, and to a lesser degree the United States, was uneasily aware of the potential financial burden that would fall on her in supporting a crippled Germany with no economic life of its own. France was equally clear that Germany must not retain any form of central administration, and with the other occupied countries, wished to get back her looted possessions from Germany as soon as possible, in addition to obtaining essential supplies from her.

The UK, US, France and other occupied countries generally agreed on the desirability of tackling restitution before reparation, partly in order to speed up the movement of essential supplies from Germany, and partly to remove restitutable items before the remainder were calculated for the division of reparation shares: as Mr. Coulson of the Foreign wrote to Mr. Playfair of the Treasury in February 1944, “if we leave restitution until too late, there may be a danger that property belonging to other countries will be handed over as deliveries in kind.”¹⁰ French Foreign Minister Georges Bidault, urging the Council of Foreign Ministers in September 1945 towards the speedy adoption of restitution policies, put it even more succinctly, “reparations from Germany should be levied on German property and not on Allied property stolen by the Germans.”¹¹

⁸ On the question of ‘one Germany or Two’, see *DBPO*, Series I, Volume I, *The Conference at Postdam, July-August 1945* (HMSO, 1984), Nos 153 and 164.

⁹ For British views on the plan for the pastoralization of Germany (printed in *Foreign Relations of the United States (FRUS), the Conference at Quebec 1944*, pp. 101 – 5) advanced by Mr. Morgenthau in 1944, see Sir. L. Underwood, *British Foreign Policy in the Second World* (London, 1970), vol.V., pp. 222-9.

¹⁰ Letter of 23 February 1944, U 1322/104/70.

¹¹ See *DBPO*, Series I, Volume II, *Conferences and Conversations 1945: London, Washington and Moscow* (HMSO, 1985), No. 128.

President Truman, meanwhile, had expressed the view that “the required coordination between reparations and restitution shall not act to retard unnecessarily (1) the withdrawal from Germany in the form of restitution or any other form of supplies badly needed by Allied Nations for their economic reconstruction or (2) the return of works of art to those nations from which they were taken.”¹² None of these approaches, however, was satisfactory to the Soviet Union, whose chief aim was to obtain as much as possible in reparations before restitution claims were dealt with, to ensure maximum profit from the operation. Consequently, the Soviet negotiators dealing with the definition of restitution and draft directives to implement restitution played their hand long and obstructively, so that by the end of June 1945 the US government, exasperated with the delay, unilaterally launched a limited program of restitution from their zone of Germany (restricted mainly to the return of identifiable works of art – the one area where there was general agreement to restitution) to the governments of Allied nations and the removal from Germany of supplies needed by Allied governments for their economic reconstruction.¹³

Although protesting the US action (“This subject is one on which it is most desirable to work out a policy common to all four zones, particular in view of the wider aim to secure the treatment of Germany as an economic unit”), the British authorities moved towards a similar policy in their own zone, acting on a directive issued by the War Office on 14 August.¹⁴ Stressing that these were interim measures to be taken while a formal policy was being worked out, the British Control Commission was ordered to deliver to Allied governments identifiable plant, equipment, livestock and valuables “in respect of which there is satisfactory evidence that the property was located in the territory of the Ally concerned and was the subject of an act of dispossessions by the enemy.” Despite this directive, implementation proved problematic and long-drawn out, and the British government was subject to considerable criticism from the formerly occupied countries, who blamed the British military authorities for the delay in restoring looted property.¹⁵ Meanwhile, the Soviet government stripped their own zone of Germany and extracted as much in reparation from the other zones as they could.

¹² Message from US ARC representative Pauley to Eisenhower, 27 June 1945, *FRUS, The Conference at Berlin*, vol. I, pp. 514-15.

¹³ *Ibid.*

¹⁴ *DBPO*, Series I, Volume V, No. 6.

¹⁵ See, for example, *DBPO*, Series I, Volume I, No., 584.

British and American efforts to carry out restitution policies from their zones of Germany continued into the winter of 1945. The formerly occupied countries were allowed to send inspecting teams in to look for their property while policies were worked out at an intergovernmental level for the restitution of gold, money and securities.¹⁶ The quadripartite control machinery addressed, if slowly and with difficulty, the question of restitution, and by 1948 elaborate quadripartite machinery was in place. Meanwhile, the Occupation authorities in Germany worked tirelessly to develop and implement policies that would enable people in the Zones to keep alive and recover, where possible, the necessities of survival: agricultural implements; livestock; and raw material for essential industries. The documentation on their efforts reveals frustration, prevarication, administrative obstruction and political stalemate. On another level, however, it shows men and women working in a new and very difficult situation to help in practical ways where they could.

As the above summary account shows, the concern of the Allied governments during and after the war was directed towards restituting property to governments, not to individuals. They all accepted the principle set out by the US delegation at Potsdam in a resolution of 22 July: "All questions of restitution shall be dealt with on behalf of the injured property owners by the State of which they are citizens, unless such State shall make other arrangements with the State from whose territories the property was removed."¹⁷ Discussion of restitution in the 1990s is naturally focused on individual losses suffered by those who survived the conflict, or their heirs, a who may now need help. At the time, however, the Allied governments were concerned with inter-governmental policies, not individual property, on the premise that there was no prospect of restoring individual property until a nation's economic life were restarted and the urgent priorities of food, fuel, and shelter addressed. The archival evidence reveals intergovernmental talks and negotiations, not records of individual cases. That came later, when the governments had signed the reparations agreement at Potsdam and begun to settle between themselves questions of mutual debt and

¹⁶ See *Nazi Gold I*, and also Fco history Note No. 12, *Nazi Gold: Information from the British Archives Part II: Monetary Gold, Non-Monetary Gold and the Tripartite Gold Commission* (May 1997).

¹⁷ *FRUS*, *ibid.*, pp.542-.

repayment.¹⁸ This focus did not mean that governments were unaware or uncaring of the terrible price that the Second World War had exacted on a personal level from millions of their citizens. But it did mean that their first priority was to restore some kind of political and economic normality in Europe, so that people could stay alive through the winter, and re-establish a base from which to rebuild their lives.

¹⁸ For an account of the postwar payments agreements and debt settlements negotiated between Britain and her Allies and former enemies, see the Annexes to FCO History Note No. 13, *British Policy Towards Enemy Property during the Second World War* (April 1998).

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Searching for Truth: The Relationship Between National Archives and Independent Commissions

Plenary Session on Archives, Books and Historical Commissions

This morning I would like to discuss the relationship between national archives and independent commissions in the search for an accurate historical record of what transpired during the Holocaust-era to Jewish and other looted assets. I will use the experience of the U.S. National Archives and Records Administration (NARA) as a case study in discussing issues that affect access to the historical record. Hopefully, our experience will offer some insights into the complementary roles of national archives and the various independent commissions investigating events of the Holocaust and World War II eras. For success in establishing an accurate historical record and rectifying past injustices lies to a very great extent in the relationship between national archives and independent commissions.

I would like to begin by quoting from a letter to the editor of Time magazine (March 17, 1997) by John W. Carlin, Archivist of the United States.

“Everyone should understand the role of records in establishing rights and legitimate identities and liberties. The dramatic case of the search for Nazi gold is an excellent example of the value of records not only in documenting historical facts but also in preserving essential evidence. For us at the National Archives and Records Administration, the role of preserving and providing access to this essential evidence of history is at the core of our mission.”

Indeed, NARA's holdings of records relating to all looted assets - gold, art, insurance, dormant accounts - and the ability to make those records available in a timely manner has demonstrated the value not only for the United States but to peoples, governments, and organizations in other countries. Though methods of operations may vary from country to country, all national archives share a common vision of preserving the historical record and making it available for historical and objective scrutiny. In pursuing this vision the various national archives and nations represented here share in NARA's experience of assisting the search for truth even in other countries.

Let me share NARA's experience in providing access to records relating to Holocaust-era looted assets; and something of what can be expected by those national archives in the early stages of research and reference activities.

The search for what became known as "Nazi Gold" records began in March 1996, when researchers from Senator Alfonse D'Amato's office began coming to Archives II at College Park looking for records relating to World War II-era dormant bank accounts of Jews in Swiss banks. Within weeks the research expanded into issues surrounding looted Nazi gold and other assets. By midsummer 1996, the research room at College Park was the host to at least 15 researchers daily - sometimes as many as 25 - conducting research in "Nazi Gold" records. These records, contained within 30 record groups and comprising some 15 million pages of documentation, were like a magnet, drawing increasing numbers of researchers as the summer progressed.

In the early fall of 1996, President Clinton asked then Under Secretary of Commerce Stuart E. Eizenstat, who also served as Special Envoy of the Department of State on Property Restitution in Central and Eastern Europe, to prepare a report that would "describe, to the fullest extent possible, U.S. and Allied efforts to recover and restore this gold [gold the Nazis looted from the central banks of occupied Europe, as well as gold taken from individual victims of Nazi persecution] and other assets stolen by Nazi Germany." Eizenstat, in October, formed an 11-agency Interagency Group on Nazi Assets, including NARA, to do the research and produce the report, under the direction of William Z. Slany, Historian, Department of State. Slany formed his research team, consisting of researchers from the Departments of Defense, Treasury, Justice, and State, the U.S. Holocaust Memorial Museum, the Central Intelligence Agency, and the Federal Reserve Board. They soon made Archives II their home.

This cross-government research effort, mandated by the President, focused attention and effort in a manner that lower-level efforts could never have achieved. The search for accountability and justice requires leadership and support from the highest political levels. The efforts of national archives and independent commissions will not be successful without this type of support and on-going commitment.

During the next five months the demands on NARA's staff were enormous. Not only were both government and non-government researchers making relentless demands for records, often the same records at the same time, but also relevant records from the World War II-era were accessioned from the Department of the Treasury in November 1996, and the Federal Reserve Board in March 1997, and declassified under great pressure to make them immediately available.

While research was being conducted during the fall of 1996 and the following winter, the media discovered that an important aspect of the "Nazi Gold" story was NARA: its records, its staff, and its researchers. Thus, journalists and documentary film makers began appearing on a regular basis during the winter of 1996-1997, and the first stories highlighting NARA's role appeared in November 1996 in *USA Today* and in early February, 1997, in *Le Monde*. *Time* also ran a cover story in late February regarding the quest for records relating to "Nazi

NARA management and staff realized that their work would receive unprecedented scrutiny, a factor promising the possibility of reward or peril. The work of all national archives and independent commissions can expect similar scrutiny and accountability for its professional performance.

THE NARA-SWISS CONNECTION

Starting in the winter of 1996-1997 and continuing since, Archives II has become a gathering place for prominent individuals representing various groups involved in the "Nazi Gold" and looted assets phenomenon. This has been particularly true of the Swiss, because their country was the initial and primary focus of the "Nazi Gold" story. The NARA connection to the Swiss has become a very close one, in part, because of an agreement between the United States and Swiss governments. This agreement, signed in early 1997, by Under Secretary Eizenstat and Ambassador Thomas Borer, head of the Swiss

Federal Task Force, provided that their respective countries, including national archives, would closely cooperate.

Among the Swiss visiting Archives II have been a member of the Swiss Federal Task Force; a member of the Swiss Parliament; the first secretary of the Swiss Bankers Association; the chairman of the Independent Commission of Experts (looking into all facets of World War II Switzerland), and four commission members; and, members of the Swiss Embassy staff. Researchers representing the Swiss Bankers Association began their research at Archives II in spring of 1996, and were joined in July 1997, by a four-member research team from the Bergier Commission. Other researchers, including accountants from the Volcker Committee (created by the Swiss Bankers Association and the World Jewish Congress to investigate deposits made in Swiss banks by victims of Nazi persecution), have also found NARA a useful source of information.

During the past two years NARA and the Swiss Federal Archives have developed close ties. There have been frequent communications between Dr. Christoph Graf, the Director of the Swiss Federal Archives, and NARA. In November 1997, Dr. Greg Bradsher, NARA coordinator of Holocaust-era research, visited Dr. Graf and the Swiss Federal Archives in Bern. He also met with Madeleine Kunin, America's Ambassador to Switzerland, and Jacques Picard, a member of the Swiss Independent Commission of Experts, to discuss ongoing research and NARA's critical role in what President Clinton stated was one of the aims of his Administration - to "bring whatever measure of justice might be possible to Holocaust survivors, their families, and the heirs of those who perished."

THE MEDIA INTEREST

By the spring of 1997, NARA had become a magnet for the media as well as researchers. The media, unable to obtain stories from those government historians researching and drafting the first Eizenstat Report, found that much of the document base upon which the report would be derived was in NARA. Not only were the documents reviewed and filmed, but researchers and NARA staff members were interviewed. Feature stories appeared in *The New York Times*, *The Washington Times*, *The Jewish Times*, and *The Cleveland Plain Dealer*, among other newspapers.

Also, major periodicals such as *Newsweek* and *US News & World Report* contacted NARA for information. The History Channel, the Arts and Entertainment Network, the Public Broadcasting System, and the Cable News Network ran specials based on interviews with NARA staff and researchers. Press interest has continued since May 1997. ABC News, Dateline NBC and a wide variety of print and visual media have regularly contacted NARA, as have Swiss TV, Swedish Public Radio, and numerous film makers, newspapers and magazines.

THE FIRST EIZENSTAT REPORT

On May 7, 1997, the Interagency Group on Nazi Assets, headed by Ambassador Eizenstat, issued its report entitled *U.S. and Allied Efforts To Recover and Restore Gold and Other Assets Stolen or Hidden by Germany During World War II: Preliminary Study*. The report, based primarily on NARA's holdings, was quite critical of the Swiss and the other World War II neutrals. The author of the report acknowledged NARA's contributions to the completion of the report. In his preface he wrote "All of the research depended directly upon the unfailing support, assistance, and encouragement of the Archivist of the United States and the staff of the National Archives and Records Administration. Our work simply could not have been carried out without this assistance... It is to the credit of the National Archives staff that the needs of all researchers-government and private, domestic and foreign-were met with unfailing courtesy and without disruption to research schedules."

My point in quoting this complimentary statement is to highlight the key points on which NARA's performance was judged; opening all pertinent records and providing equal access, in a timely manner, to all researchers. These are the key points on which any national archives will be judged.

SPECIAL FINDING AIDS

The issue of equal access depends on the researchers' ability to navigate through often voluminous records, many untouched for decades. Finding aids are indispensable tools in this effort. If such finding aids do not exist, in all likelihood they will need to be created. This was certainly NARA's experience.

With the help of NARA staff and others, Dr. Bradsher prepared a 300-page finding aid to the records at Archives II. This finding aid served as the appendix to the Interagency Group's report. This report and finding aid were issued on May 7, 1997, and immediately made available at the Department of State's website and sold by the U.S. Government Printing Office. When the research widened to more countries and more subjects, and there was a great desire for an expanded finding aid to relevant records, we issued a 300-page supplemental finding aid in the fall of 1997. It was placed on the Department of State's website in November 1997. A revised and expanded finding aid, some 750 pages, was placed on the United States Holocaust Memorial Museum's website in March 1998 at [ww.ushmm.org/assets/nazigold.htm](http://www.ushmm.org/assets/nazigold.htm).

NEW RECORDS

The legal bases on which national archives operate vary from country to country. Likewise the type of records maintained will vary. But for purpose of preservation and ease of access records related to Holocaust-era assets and related issues are best placed within the custody of national archives. Even NARA, which is the legal repository of the historically valuable records of the U.S. Federal Government did not have all pertinent records.

In 1996, The Clinton administration urged agencies to transfer relevant records to the National Archives. In 1997, the Central Intelligence Agency transferred Office of Strategic Services records, as well as biographical profile documentation on Thomas McKittrick, the wartime president of the Bank for International Settlements, and Emil Puhl, the Reichsbank vice-president. The National Security Agency, on the day before the report was released, transferred to NARA copies of Army Security Agency intercepts of communications between the Swiss legation in Washington, and the Swiss Foreign Ministry in Bern, Switzerland. Although their records are not federal records, the Federal Reserve Bank of New York sent to NARA two cubic feet of copies of pertinent materials. During the summer of 1997, the Department of Justice transferred to NARA a major body of Office of Alien Property Trading With the Enemy Act case files. All of the records accessioned were immediately declassified, if this had not already been done, and made available and used by researchers.

MORE RESEARCHERS

In the wake of the Eizenstat report, more researchers found their way to College Park. Not only were the researchers, including claimants, continuing to seek information about looted Nazi gold and related topics, but the boundaries of research had widened to include questions relating to looted securities, looted works of art, unclaimed and unpaid insurance policies, refugee policies, slave labor practices, and wartime trade between the neutrals and the Axis powers.

Law firms and other research teams involved in class action litigation relating to dormant accounts in Swiss banks and unpaid insurance policies of victims of Nazi persecution have found NARA's holdings critical to their research. Jewish organizations, banking organizations, and art restitution research teams have also used NARA's holdings.

Foreign researchers have found NARA an important resource to supplement the information available in the archival records in their own countries. During the past year there have been dozens of private researchers from various countries, including Austria, Sweden, the Netherlands, France, Great Britain, Germany, and Switzerland. During the summer of 1997, six researchers from Sweden made their home at Archives II for several weeks, looking at records relating to their country. In February 1998, researchers representing independent commissions from Spain, Portugal, and Argentina began their research. Representatives of foreign banks and foreign archivists, including those from Israel and Sweden have also sought information.

LEGISLATIVE INTEREST

The quest for historical accountability draws great attention from national legislative bodies. The work of national archives and independent commissions need sustained political and legislative support. The transparency of the work performed is a key element for obtaining sustained support. Fortunately for NARA our experience with Congress to date has been successful.

The Senate Banking Committee and the House Banking and Financial Services Committee have made use of NARA's holdings. Senator D'Amato, appreciative of NARA's efforts, said, "The National Archives at College Park has been nothing less that amazing...Their help

was indispensable in establishing, continuing and expanding the research of the Committee.”

The House committee was interested in records pertaining to heirless assets in America. Committee staff research contributed to the Holocaust Victims Redress Act being introduced in Congress during the fall of 1997 and passed and signed by President Clinton on February 13, 1998. The law authorizes \$20 million for restitution and \$5 million for archival research. In signing the law, the president noted that it “recognizes the need for long overdue archival research... to set the

In addition, Congress passed, and the President signed, legislation creating the United States Holocaust Presidential Advisory Commission, which will address American-related Holocaust assets issues.

NARA AND THE INTER AGENCY GROUP ON NAZI ASSETS

Within days of issuing its first report, the Inter Agency Group on Nazi Assets was asked by political leaders to prepare another report. Thus, in the summer of 1997, researchers from the Department of State, the Central Intelligence Agency, and the National Security Agency, representing the Interagency Group on Nazi Assets, began to do their research again with NARA’s assistance. Their efforts resulted in the publication of a report, entitled *U.S. and Allied Wartime and Postwar Relations and Negotiations With Argentina, Portugal, Spain, Sweden, and Turkey on Looted Gold and German External Assets and U.S. Concerns about the Fate of the Wartime Ustasha Treasury*. This report, also authored by William Z. Slany; was issued in June 1998.

Dr. Slany and Dr. Bradsher traveled to Ascona, Switzerland, in October 1997 to attend a conference on “Nazi gold” records and research. This conference, sponsored by the Bergier Commission, was attended by representatives from Argentina, Canada, Great Britain, France, Belgium, the Netherlands, Portugal, Sweden, Switzerland, and the United States. At the conference, research methodology and archival resources were among the primary topics of discussion. Rarely, if ever, have archival records been so inextricably a part of such a major international issue. The work of all the national archives is a key to the successful conclusion of this quest for historical accountability.

THE FUTURE

Secretary of State Madeleine K. Albright, speaking to the Swiss parliament on November 15, 1997, said that “doing all we can to discover the truth about the Holocaust and events related to it, and to act on the consequence of that truth, are among the vital unfinished tasks of this century.” Throughout the world, many countries, organizations, groups, and individuals share this belief. Thus, interest in the looted assets issue remains high. Commissions have been appointed in Sweden, Portugal, Argentina, France, Belgium, Norway, the Netherlands, Switzerland, the United States, and half a dozen other countries to address issues relating to victims of Nazi persecution, postwar restitution efforts, and dormant bank accounts.

In December 1997, hundreds of representatives from 41 nations met in London, England at a conference sponsored by the British Foreign Office to discuss looted gold and the disposition of the remaining gold held by the Tripartite Gold Commission. Small conferences were also held in Lisbon, Portugal, in February 1998 and in Monaco in March 1998. At the London meeting, Under Secretary of State Eizenstat announced that another international conference would be held in Washington, DC. This conference is now pushing forward into assets and restitution issues beyond that of “Nazi Gold.”

If the independent commissions are to succeed in their task of clarifying the historical record and assist with the issues of accountability and compensation, they require the closest cooperation with their national archives. The national archives need to bring all relevant documentation into their custody, preserve them, and provide equal access. This is necessarily a symbiotic relationship which requires understanding the roles of each partner and providing support for their respective tasks. Both parties will succeed together or fail together. NARA certainly faces this challenge and responsibility with the soon to commence work of the American Commission of independent experts.

Undoubtedly, interest in and all aspects of the looted assets issues will continue for years, if not decades, and just as certainly archival research will accompany that interest. NARA will continue to be a critical resource for those doing “Nazi Gold” research, for contained in its holdings is what the Archivist terms “essential evidence.” This evidence, with the assistance of NARA’s skilled and dedicated staff, will be made available and used for a multitude of purposes. The end result of the various research efforts at NARA and elsewhere, one hopes, will

contribute to countries, including the United States, being more capable of addressing their pasts and accepting their current responsibilities.

Thank you.

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The Treatment of Enemy Archives in the Third Reich

Plenary Session on Archives, Books and Role of Historical
Commissions

PRELIMINARY REMARK

History is, in a complex manner, information embedded in a context. Historical facts cannot be understood in any other way.

Archives consist of recorded facts and a context which can either be depicted openly or hidden in the structure of the documents, the archives and the overall portrayal of events.

While, however, understanding history involves linking historical facts and complex phenomena with present-day individual and social awareness, archives are solely bound by the visible as well as hidden historical origin and context from which they emerged. For they should enable every future generation to gain access to information which will help it understand what has been. That is the purpose of the archival principle of provenance.

Unfortunately, my short contribution deals with a historical situation in which archivists themselves failed to uphold this principle and helped damage, distort and destroy records in the pursuit of goals which they regarded as victorious and enduring.

However, the Nazis did not invent the concept of using archives and records for one's own "superior" principles and objectives. It existed up until recently, and indeed still exists.

What the Nazis, both organizations and individuals, did can only be compared to a limited degree to what had previously taken place between enemy states. Rather, they began encroachments on archival

records which, in most cases, were irreversible and could only be rectified to a certain extent. The outcome of this and subsequent measures carried out by the Allies under the conditions of the Cold War was that records and documents of German origin of all kinds, including those of Jewish communities, are today fragmented and scattered around the world.

The disaster began with the immediate confiscation in 1933 of the archives (as well as libraries and research institutions) of the Nazis' political opponents with the aim, on the one hand, of using them in the direct fight against Communists, Social Democrats, left-wing trade unionists and their organizations and, on the other, as propaganda against these groups. The archives, including those of the national executive of the German Trade Union Federation and some of its affiliated trade unions were handed over to the archives of the NSDAP and the German Labor Front, as trophies as it were.

From 1938 onwards the archives (and academic institutions) of those intellectual, religious and racial groups considered enemies by the Nazis, e.g. Jews, Freemasons, writers, artists, etc., were seized and exploited for the purposes of so-called research and propaganda with the aim of "eradicating" them from the "Volkskörper" (national community). One of the most important Jewish archives, the complete archive of German Jews, fell, without it being formally seized, into the hands of the Reichssippenamt (Reich Genealogy Office) and under the control of the Security Police (SD) of the SS, and was then used as a central agency for Jewish genealogy up to the 1940s. Although this helped to preserve the records of the Jewish community in Berlin and many others collated in this archive, it was in the end no less fragmented than other German archives.

From the outbreak of war the archives in the annexed and occupied territories were subject to many different measures aimed at protecting and securing, exploiting and seizing them, in some cases removing and destroying them, the latter most pronounced in Poland and the Soviet Union. Naturally, this included not only the archives of the state there and everywhere else but also all those of the aforementioned "enemies". Several specialized organizations were set up for this purpose in addition to the police and the SD.

The most specialized was the Archivschutz (Archive Protection) headed by Ernst Zipfel, Archivschutzbeauftragter (Commissioner for Archive Protection) in the Reich Ministry of the Interior, who was also President of the Reich Archive and Director of the Prussian Secret State Archive. In addition to his function of protecting archives he quickly

gained corresponding responsibilities in Reichsleiter Rosenberg's task force (Einsatzstab Reichsleiter Rosenberg - ERR) and in the Reich Ministry for the Occupied Eastern Territories. The archivists sent out by him were set different tasks depending on the country in which they were working: in Poland it was to deprive the Polish people of its identity, in Denmark, for example, and in The Netherlands their task was to genuinely conserve buildings and records. The army (the head of the army archive) seconded archivists independent of the Commissioner for Archive Protection but with the same aims.

The ERR was established in occupied France with a view to capturing academic material and works of art, in particular those of Jewish origin. It later developed its most diverse and extensive operations in the East. The feigned academic objective of researching Jewry was used as a pretext to seize major academic libraries and collections, as well as the personal papers of academics and religious leaders.

The task of the Künsberg Special Unit (Sonderkommando Künsberg), which was answerable to the Federal Foreign Office, was to continue in Warsaw what had been started in Paris with the seizure of the documents of the Quai d'Orsay; however, the unit took advantage of being with the combat troops in Poland to extend its terms of reference to include libraries and works of art, including those in the territory of the Soviet Union and Norway.

Other organizations, such as the Reichskommissar für die Festigung deutschen Volkstums (Reich Commissioner for the Consolidation of German Traditions) and the Ahnenerbe (Ancestral Heritage) subordinate to him sometimes cooperated and sometimes competed with one another, so that loot often became a bone of contention.

The SD and the Gestapo remained predominant.

Even after the war had ended an interest in being able to identify and combat opponents under mostly humane conditions based on the rule of law but, at the same time, governed by the laws of the Cold War, determined the fate of the archives stolen by the Nazis and the files and documents of the Reich and NSDAP subsequently seized by the Allies. The Soviet occupying power acted likewise in this regard:

In general, the fate of archives and documents seized from Nazi organizations cannot be understood fully without looking at the treatment of German archives, which was quite different in East and West. But that is not on the agenda here.

In the former GDR, however, we still find fragments of archives or documents which were originally seized by the SD or Gestapo, e.g. unpublished papers of émigré writers from Paris or Amsterdam.

In the Secret State Archive of Prussian Cultural Heritage there are also some documents taken from Polish archives (e.g. the 74 medieval documents relating to the Teutonic Order).

As far as I know, the western German state archives have no material of this kind.

The documents handed over by the former Soviet Union to the state security service of the GDR also include papers seized earlier, e.g. those belonging to Office VII of the Reichssicherheitshauptamt (Reich Central Security Office) ("Ideological research and evaluation"), a large part of which is still in Moscow. They include many individual papers whose origin can no longer be established.

In general, however, the situation created by measures taken by Nazi Germany against "enemy" archives did not last long: in the western occupied territories especially the American military government collected the archival material stolen by the Nazis in the Offenbach Archival Depot in order to hand it back to the owners; in particular this included most of the material stolen by the ERR. The Red Army initially kept most material as booty. Parts of it are still in the special archive (Archive for the Preservation of Historical Documents), others were returned to Germany. Before they reached the state archives, the GDR security service (Stasi) raked through them on behalf of the Party.

After the fall of the Communist regime, the Central State Archive of the GDR began to return seized archives (the estates of émigrés, the archive of the exiled publishing house Allert and Lange in Amsterdam), and the Federal Archives continue to act in accordance with the owners' instructions. However, returns on such a small scale are out of all proportion to the magnitude of the overall damage which will have a long-term impact.

The damage was caused by the fact that parts of the written records of one and the same historical individual (a person, organization, authority, government) fell into the area of responsibility of various agencies, was used for different purposes, i.e. often reordered and opened up with differing aims, which leads to many misunderstandings, perhaps especially when all lists of documents are made available alongside each other in the Internet.

IF THE DAMAGE CANNOT BE REMEDIED WHAT LESSONS CAN AT LEAST BE LEARNED FROM THIS?

1. Archives are not like any other cultural asset which might be looted in times of war. Each archive belongs to a historical individual. He or she will have the most enduring interest in preserving an archive because it is part of their lives.

2. For this reason the confiscation or long-term disposal over the archive is an ineffective means of fostering historical truth. Even good intentions, for example the punishment of German war criminals, arise from prevailing conditions and should have as little effect as possible on the archival records themselves.

3. When it comes to dealing with the past each individual and organization has a responsibility, especially with regard to written records, to ensure that the historical truth (what has happened) remains unadulterated. Hopefully the controversial discussions of the last few years have helped to foster awareness of this responsibility, also in private organizations.

4. Individuals and peoples do not always live in harmony; they have conflicts and wage wars. If they involve their archives in this they damage more than each other. Once the conflict is over our viewpoints and attitudes change, as the ending of the Cold War showed. After that it is certainly conceivable that interests concerning written historical records can also be reconciled, thus enabling a people, for instance, to gain its own historical portrayal from the records of the occupiers during a period of foreign rule or occupation by opening them up and perhaps microfilming them. The cooperation between the National Archives, the Institute of Contemporary History and the Federal Archives at the end of the seventies in opening up and filming the files of the Office of the Military Government of Germany, U.S. Element (OMGUS) is, in my view, an example of this. I hope that the ongoing process of reconciling interests in various directions with all our eastern neighbors can be brought to a speedy conclusion.

No conflict should involve archival records; their use is liable enough as it is to provoke conflict.

Professor Jean-François Bergier

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"SWITZERLAND – SECOND WORLD WAR"
SWITZERLAND

*Statement translated from the original French by the
U.S. Department of State Office of Language Services, Translating Division*

Plenary Session on Archives, Books and Historical Commissions

In my capacity as Chairman of the Independent Commission of Experts: Switzerland – Second World War, first of all I want to welcome all the participants at this Conference and thank those who took the initiative for it and organized it, particularly Mr. Stuart Eizenstat and Mr. Miles Lerman. My Commission highly values and attaches great importance to this meeting, inasmuch as it could be conclusive with respect to the two issues in which we are all involved: restitution of the property of the victims, and an obligation to remember. Beyond these specific requirements, knowledge about our pasts is the foundation of our national identity, as well as a condition for harmony among our countries.

It is in this spirit that our Commission was established by the Swiss Authorities in December 1996 and assigned the mission of conducting the historical and legal investigation of all questions that could shed light on the responsibility of Switzerland, its public and private institutions, or its private citizens, in the tragic events brought about by National Socialism and the Second World War. Thus, these investigations concern not only unclaimed assets, insurance policies, or stolen or missing cultural property, but also anything that may have intentionally or unintentionally caused harm to the victims and anything that may have afforded an advantage to the National Socialist regime, its allies, and its accomplices. The Commission must submit the results of its work to the Swiss Federal Council within five years, that is, by 2001. It has for this purpose a budget of 22 million francs and the legal privilege to override the secrecy of business records, subject to respect for the requirement of confidentiality.

The investigations in progress are proving more complex than anticipated owing to the myriad questions that require examination and the volume of sources to be consulted, sources which are widely scattered. In addition, we should resist the pressure of those who, either because memories are, inevitably, imprecise, or because they wish to draw a partial or one-sided picture, do not want to know about this, or think they already know everything about it.

In order to prevent any misunderstandings, it should be clearly noted here today that the primary task of the Commission I chair is not to locate every individual asset deposited in Switzerland and identify its rightful owner. We do not have the means to do this, and other institutions have been set up for this purpose, such as the Volcker Committee for unclaimed funds in banks. The Commission must, above all, reveal the networks and mechanisms of the various transactions that have caused such assets to exist. It must attempt to analyze and comprehend the context in which these transactions were conducted and the means and conditions that made them possible. It must calculate their profits or their costs. It must account for strategies, those of the Federal State and those of the individuals involved. Its approach is economic, political, and legal, but must also bear in mind the attitudes and trends of the era in question.

At the London Conference on Nazi Gold, we introduced a highly preliminary, very provisional balance sheet of the gold transactions of the National Bank of Switzerland. In it we proposed definitions of gold that were more precise and historically more useful than the political distinction customarily made between monetary and non-monetary gold. And we presented statistical data contrasting the amount of gold held by the German Reichsbank, classified by source, with the amount deposited in Switzerland on behalf of Germany or other Central Banks. This past May we submitted more complete findings, which reveal that, on the one hand, as of 1941, the National Bank of Switzerland suspected, and as of 1943, had knowledge of, the suspicious, to say the least, origin of a large part of the gold it was acquiring from the Reichsbank, but that, on the other hand, it did not know that about 120 kilograms of gold deposited in its coffers had been extracted from the victims, melted down, and recast. The National Bank continued its purchases, at reduced levels, until the end of the War, justifying them with legal and political arguments that do not stand up to examination. We have also revealed the more discreet role played by some commercial banks and other economic agents such as insurance companies.

Next year, probably in the fall, we will publish a new report focusing on refugees. A document was made available to all participants at this Conference which presents an outline of this report and the principal questions it will seek to answer. It will put the Swiss policy on refugees back in the international context; it will examine the good or not so good reasons for this restrictive policy and the reactions of the population; it will attempt, despite the shortage of sources, to count the refugees admitted or turned away at various times between 1933 and 1945, at various segments of a border that was, as of 1940, completely controlled by the Axis and, as of September 1943, exclusively by agents of the Third Reich. It will describe the material and psychological conditions of the refugees and will assess the financing of their admission (approximately 100,000 civilians) and the action of the Jewish organizations, as well as of the charitable institutions, churches, labor unions, etc., that were active in this field. It will also address the infamous issue of the “J,” the Evian Conference of 1938, the ransoms demanded for the safety of certain people, and the role of those figures who dared to break the law in order to save lives, such as Police Officer Grüniger in St. Gallen in 1938 and Consul Lutz in Budapest in 1944.

The Commission is not yet ready to present here today the results of its investigations on stolen or lost cultural property. A report of the Federal Office of Culture on this subject will be published in a few days, and will serve as a basis for our own work. This work, however, can be fully accomplished only in close cooperation with the authorities of the other countries, since in this area, international networks operated, and the links must be traced. We are expecting a great deal from this Conference in terms of laying the groundwork for managing such cooperation.

Beyond these issues, our efforts are directed essentially toward learning about the behavior and activities of private Swiss companies: banks, insurance companies, business firms, and industrial corporations. We are looking at the “repossession”, in Germany and the occupied countries, of Jewish-owned businesses and real estate (Aryanization), the use of forced labor, the export of weapons or any other hardware that could have contributed to the war effort of either the Germans or the Allies, movements of capital, sales of licenses, etc. From another perspective, we must take into account the Swiss need for supplies, fuel, and raw materials. Under the circumstances in which it found itself, Switzerland had to make concessions to both sides but especially to Germany, of which it was – geographically – the hostage. The issue is how much room Swiss economic policy had to maneuver and to what

extent that room to maneuver was perceived by public or private leaders. That is where Switzerland's responsibilities lie.

This is a very extensive program to be achieved in a relatively short period of time, that is, by the end of the year 2001. It will have to address all items listed above with as much clarity as possible. This effort to achieve clarity is something we owe to the memory of our victims; to Switzerland and its inhabitants, whose lives it has affected and rendered unsettled; and to the international community.

Permit me to conclude with two wishes:

It is my wish that our Conference will implement the means urgently needed for international cooperation in identifying the problems and the sources, as well as in establishing an effective methodology. In particular, it is necessary to render possible and convenient access to all relevant sources and to prepare lists of such sources. I propose that an international working group be established to ensure follow-up for this Conference in terms of investigations.

It is also my wish that the sharing of our work with one another will enable us to overcome prejudices and taboos, as well as futile and costly confrontations, and will help us be sure of our history so that we can look towards the future with confidence. Mrs. Madeleine Albright recalled here yesterday the power of memory, reason, and justice. It is up to us to help restore this power.

Prof. Eric Ketelaar

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Understanding Archives of the People, by the People, and for the People

Break-out Session on Archives and Books

SUMMARY

Archival documents are more than bits and pieces of information. Assessing the evidential and research values of archives presupposes an understanding of records creation. Records are created to support and manage work, to record why, when, where, in what capacity and by whom what actions were carried out. These actions determine context and structure of an archival *fonds*, and convey meaning of the form and the content of a document. Presentation of archival information has to focus on context, structure, and form, rather than content.

Thorough research commissioned by the Netherlands commissions on Holocaust-assets has established a catalogue of actions and actors involved in the looting of assets (1940-1945), their recuperation (1945-1950), restoration of legal rights and restitution (1945-1971) and compensation (1950-1987). This catalogue will be published on December 9th. It is a 364 pages guide of 75 agencies, both public and private, Dutch and German, and their archives (ranging from one file to more than 2500 running meters of shelving). Even with this guide, searching for individual names will be difficult and time-consuming, since many institutions did not create indexes to their records, and because one individual case may have been dealt with by different agencies, each according to its mandate.

Understanding of archives contributes to enhancing their evidential and research value. Such research requires free and equal access to public archives 'of the people, by the people, and for the people'. According to Freedom of Information and archival legislation in the Netherlands, no government record or archival document from the '40s, '50s and '60s is totally closed: they are either accessible for anyone, Dutch and non-Dutch, or – if restricted e.g. to protect the privacy of living individuals – by special clearance if the interest of the applicant outweighs the interest served by the restrictions. Any decision concerning access is liable to judicial appeal.

A framework for legislation and regulations is provided by the Draft Recommendation for a Standard European Policy on Access to Archives, prepared by the Council of Europe. Archival practice is guided by the code of ethics, adopted by the International Council on Archives. It requires from archivists that they promote the widest possible access to archival material and provide an impartial service to all users.

"That this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, and for the people, shall not perish from the earth."

- Abraham Lincoln, Gettysburg Address (1863)

INTRODUCTION

From these famous words I have taken the title of my paper. Archives - well preserved and accessible to the people - are as essential in a free democracy as government of the people, by the people, and for the people. Because archives are not only tools of government, not only sources for historical research: access to public archives gives the people the possibility to exercise their rights and to control their government, its successes, and its failures.

Archives of the people, by the people, and for the people. As the great American archival teacher Theodore Schellenberg affirmed: "Public records obviously define the relations of the government to the governed. They are the ultimate proof for all permanent civic rights and privileges; and the immediate proof for all temporary property and financial rights that are derived from or are connected with the citizen's

relations to the government."¹ The consequence is that the public archivist is not merely a state official, but truly a public servant, who has "an implicit obligation to safeguard the integrity of the contractual relationship that exists between citizens and their government which the records document; and to intercede on behalf of record subjects in administering access to such records so as to ensure that citizens' rights are protected under the terms of that contract".² Concomitant is the people's right on access to public archives. A Draft Recommendation on a European Policy on Access to Archives, currently under consideration within the Council of Europe³, identifies access to public archives as 'part of the rights of the citizen, and, by extension, in a political system that respects democratic values, part of human rights'.

Hundred years ago, 1898, Zola's 'J'accuse' started the Dreyfus affair.⁴ Zola engaged chemical experts and archivists to expose the infamous *bordereau* as a forgery. Giry and other professors of the Ecole des Chartes were among the scholars who in court and in the press used their scientific methodologies in taking a stand in the political debate that had grown out of the Dreyfus affair. They made it clear that their professional ethics, based upon integrity and objectivity of the scientific method, should play a role in the public arena too. Scientific integrity and objectivity should be the instruments to restore truth and human dignity.

Today, as in 1898, archivists can be called to arms, when public affairs question their professional ethics, when archivists have to use their moral defense to defend societal values, which are at the heart of the archivist's endeavor. Archivists have to cry out and to denounce any manipulation of evidence so as to conceal or distort facts. The code of ethics, adopted in 1996 by the International Council on Archives, requires from archivists that they promote the widest possible access to archival material and provide an impartial service to all users.

¹ T.R. Schellenberg, *Modern archives. Principles and techniques* (Chicago 1956) p.9.

² H. MacNeil, *Without consent; the ethics of disclosing personal information in public archives* (Metuchen; NJ, 1992) p. 144.

³ Council of Europe, Draft Recommendation on a European Policy on Access to Archives, cc/livre (97) 7 rev.

⁴ B.Joly, L'École des chartes et l'affaire Dreyfus, in: *Bibliothèque de l'École des chartes* 147 (1989) p. 611-671; A.B. Spitzer, *Historical truth and lies about the past. Reflections on Dewey, Dreyfus, de Man and Reagan* (London 1996) p. 50.

The same year 1898 saw the publication, in The Netherlands, of the 'Manual for the arrangement and description of archives,' drawn up at the instruction of the Netherlands Society of Archivists, by Muller, Feith en Fruin. Their Manual has had a global impact: it was translated into German, Italian, French, Bulgarian, English, Portuguese, Chinese, and Estonian. The Manual was the first to formulate and disseminate coherently the basic principles of archival science and methodology. These principles are the principle of respect for archival structure and the principle of provenance: archives of the same provenance are a whole whose historically determined individual structure may not be disturbed, but on the contrary should be restored if necessary; every archival document should be part of the *fonds* to which it by nature belongs and to which it should be restored. We respect the provenance, the administrative context in which the archival document, as a component part of the *fonds*, was created or received. Archives (records) are created, received and maintained by institutions and individuals by virtue of and as a by-product of their activities and business. Archival information is intrinsically bound to a specific business process, be it managing an agency, treating a patient or looting Holocaust-assets. That origin as transaction-tied information gives archives their special value as a historical source. This contextuality gives each record its specific meaning.

Why referring to the 1898 Dutch manual for archival processing and to the role archivists played in the 1898 Dreyfus affair?

Because today, in bringing to light the sources revealing what happened in the looting, recuperation, restoration and restitution of Holocaust-era assets, archivists have to deliver the same message as in 1898. Professional integrity and objectivity are the instruments to sustain society's dignity and to restore truth. That requires the widest possible and impartial access to archival material. Archival information that must be processed, presented, used, and interpreted in the context in which the archival documents originated.

ACCESS TO ARCHIVES⁵

Access to public records and archives is realized at different levels or layers.⁶

The first layer is legislation: Freedom of Information legislation, archival legislation, legislation protecting personal data and personal privacy.⁷ Dutch archival legislation states that access restrictions must be specified at the time the records are transferred to a repository. The conditions of transfer therefore constitute a second layer of regulation of access.

Legislation should specify an authority that may grant exceptional access to closed records. This 'special clearance' is the third layer of regulation of access.

In The Netherlands, the conditions of transfer for personal information often include a regulation stipulating that archives that are sensitive are only accessible to researchers who have signed an undertaking. This undertaking constitutes a fourth layer for regulating access to and publication of personal information.

The fifth layer of access regulation is formed by the physical and practical regulations that archives have in place to prevent records being examined by unauthorized persons: storage in secure repositories (sometimes, additionally, in locked cases), careful application and lending procedures, an archives control system (such as Archeion, in use in all state archives in The Netherlands) that alerts whenever a part of a record group may not be issued to a researcher etc.

⁵ See my: 'Archives of the people, by the people, for the people', in: *S.A. Argiefblad / S.A. Archives Journal* 34 (1992) p. 5-16; 'The right to know, the right to forget? Personal information in public archives', in: *Archives and manuscripts. The Journal of the Australian Society of Archivists* 23 (1995) p. 8-17; 'Der Archivar als Vermittler zwischen der toten Vergangenheit und dem lebenden Volk', in: *Der Archivar* 48 (1995) col. 589-596; 'Can we trust information?', in: *The International Information & Library Review* 29 (1997) p. 333-338. All four have been reprinted in: Eric Ketelaar, *The Archival Image. Collected essays* (Hilversum 1997).

⁶ I have derived this image of layers of protection from: H. Raaska, *Personal privacy and the archivist* (unpublished paper; NARA Professional Career Training Program; 1989).

⁷ *Access to archives. Legal aspects. Proceedings of the thirty-second International Conference of the Round Table on Archives XXXII Edinburgh 1997* (Paris 1998).

The final layer is the area where professional ethics guide access to archives.

Let us consider these six layers.

1. In The Netherlands the archives law limits the grounds to restrict access to public records transferred to a public repository. Restrictions may be imposed solely in the interests of

- the respect for personal privacy or
- the interest of the State or its allies or
- the prevention of disproportionate advantage or
- disadvantage to the persons concerned or to third parties

2. Each restriction on access must be specified in a formal document, with reference to the legal basis and the purpose of the restriction. Restrictions should preferably apply to individual items, and not indiscriminately to whole bodies of records.

3. In 1996 the International Council on Archives published 'Principles for archives and current records legislation', building upon an earlier set of principles and guidelines developed in an UNESCO study.⁸ One of these principles is 'Legislation should specify an authority who may grant exceptional access to closed records...This power should be exercised within a process that provides a further opportunity for citizens to appeal the decision'. Such a special clearance procedure was recommended as early as 1985 by the 23rd International Conference of the Round Table on Archives under the proviso that such procedure 'should be transparent and governed by objective criteria, so as to guarantee equal treatment of all interested parties'.⁹ The Council of Europe's Draft Recommendation on a European Policy on Access to Archives also insists on 'the possibility of seeking from the competent authority special permission for access to documents that are not freely available. Special permissions for access should be granted under the same conditions to all users who request them.'

⁸ See www.archives.ca/ica. The UNESCO study was: E. Ketelaar, *Archival and records management legislation and regulations; a RAMP study with guidelines* (Paris 1985).

⁹ Access to archives and privacy. Proceedings of the twenty-third International Archival Round Table Conference, Austin 1985 (Paris 1987) p. 174.

Under Dutch legislation, whenever access has been restricted, the archival authority can, having heard the transferring agency, lift the restrictions on access or set them aside in favor of a particular applicant, if the interest of the applicant's ability to consult or use the document outweighs the interest of the restrictions. Generally speaking, the interest of the citizen, seeking for his rights, outweighs other interests which may be served by access restrictions (and which were specified in the document mentioned under 2). In this way we can serve individuals researching the Holocaust-era, while still adhering to a general restriction on access.

4. Another means to give access to records, which are generally closed to protect privacy, in Dutch archival institutions, is the declaration that researchers have to sign before they are granted access to specific sensitive records. That declaration is based upon regulations that the Council of Ministers drew up in 1973 with regard to the use of Council minutes and related documents. The researcher confirms with his or her signature

- that the data obtained from the documents will be used solely for a specified purpose
- that he or she shall divulge nothing, by publication or by any other means, which might harm disproportionately the interests of living people
- that he or she shall not publish anything from the documents without written permission of the State or municipal archivist concerned
- that he or she shall use information from the documents for which no permission has been obtained to publish, for his or her own study only and that this information will not be communicated to third parties.

This arrangement was accepted in 1984 by the Society of Dutch Archivists, on the proposal of a commission consisting of both archivists and researchers. The arrangement resembles the 'contractual agreement' procedure, which is applied in the states of Michigan and New York. In Michigan it has even been codified: an act stipulates that confidential records from government agencies 'shall be kept confidential pursuant to the

terms of a written agreement'.¹⁰ One of the main differences, however, between the Dutch and the American arrangement is that the latter includes a penalty of \$ 1 000 for violating the provisions of the agreement. In The Netherlands we do not need such a penalty, because the researcher - historian or journalist - knows the issue at stake: his future research. If he fails to comply, the researcher risks exclusion by virtue of the authority of the archivist to refuse access, if in his opinion documents 'cannot be safely entrusted to the applicant'. Since this came into force in 1968 the sanction has been applied in the General State Archives in The Hague only two or three times, during the whole period, out of a hundred to two hundred applications per year to get access to confidential records. And in our Dutch permissive society, with its long tradition of a free press and unhampered scholarly research, it is the exception that it appears necessary to consult with the researcher about a change in his manuscript to prevent disproportionate harm to the interests of still living people.

5. The Council of Europe's Draft Recommendation on a European Policy on Access to Archives rightly points to the fact that how liberal the access rules may be, 'the actual communication of archives depends primarily on the facilities and on the human and financial resources which an archives service possesses for the preservation and the processing of its holdings'. But in my opinion this should never be an argument to withhold documents from victims seeking their rights!

In providing access to sensitive records it may be necessary to involve social workers and other counselors who help people to cope with the psychological effects of a confrontation of the past. This is being done in Amsterdam at the Foundation for Jewish Social Work and at the Institute for War Documentation, as is the case in the archives of Metropolitan London with regard to patient records.

The first five forms of access regulation - legislation, conditions of transfer, special clearance, researchers' undertakings, and

¹⁰ R.M. Baumann, The administration of access to confidential records in state archives: common practices and the need for a model law, in: *American Archivist* 49 (1986) p. 360-366.

physical conditions - appear sufficient enough. But not quite. The first four protective layers consist partly of flexible provisions. For example, how will, in the case of the first and second layers, 'respect for personal privacy' be substantiated, how does one weigh up the need to restrict the disclosure of personal information against the interests of the researcher who requests dispensation or special clearance, at the third layer, how does one test at the fourth layer whether the interests of living persons could be unfairly impaired?

6. At this point we reach the sixth and final layer, an area not formally and legally defined: an area where only professional ethics can provide guidance¹¹. The code of ethics, adopted in 1996 by the International Council on Archives, requires from archivists that they promote the widest possible access to archival material and provide an impartial service to all users. Archivists should protect the integrity of archives and should resist pressure from any source to manipulate evidence so as to conceal or distort facts. They also have to take into account the rights and interests of owners and data subjects and they must think of the user. Archivists should discourage unreasonable restrictions on access and use. They should observe faithfully and apply impartially all agreements made at the time of acquisition, but, in the interest of liberalization of access, should renegotiate conditions in accordance with changes of circumstance.¹²

UNDERSTANDING ARCHIVES

Access to archives, in Dutch archival terminology, covers two concepts: the availability of archival documents for consultation as a

¹¹ Anne Cooke, 'A code of ethics for archivists: some points for discussion', in: *Archives and Manuscripts*, 15, no. 2 (1987), p. 8 quotes EW. Russell (1978): professional ethics being of the kind which are too particular to be controlled by law, by-law or regulation but too general to be regarded solely as a matter for the individual judgement of the archivist concerned. See G.M. Peterson -T. Huskamp Peterson, *Archives & Manuscripts: Law* (Chicago 1985), for the difference between ethical and formal legal responsibilities.

¹² *Code of ethics adopted by the General Assembly of the International Council on Archives, 6 September 1996: www.archives.ca/ica.*

result of legal authorization (*openbaarheid*) and the consultability (*toegankelijkheid*): the intellectual control of archives by arrangement and description in such a way that a user can effectively consult the archives. 'Records that are merely accumulated, and never arranged or described, are as unavailable to future users as records that have been destroyed,' Sharon Thibodeau remarks.¹³ She continues by specifying the fundamental principles for arrangement and description, first articulated in the Dutch Manual of 1898. Underlying these principles mentioned in the introduction of this paper (the principle of respect for archival structure and the principle of provenance) is the premise that the arrangement and description of a body of records 'reflect a knowledge of its custodial history as well as an understanding of any previously established methods of intellectual control', to quote Thibodeau. And it is here that the archivist as well as the researcher is daunted by the documentary heritage of the Holocaust-era. Not only the sheer bulk of the archives is intimidating. Most archives have been subject to intricate adventures during and after World War II: dislocation, dispersion, confounding disarrangement, re-use of original documents in building new files, destruction of parts of an archival *fonds* and restructuring of the remainder, etc. The resulting confusion is not only bound to confuse and intimidate any researcher, but it also has made the evidential and historical value of many archives and records questionable at least, not to say void.

This complexity of the Holocaust-era archives is aggravated by the intricacies of the administrative organizations, agencies and institutions that created, processed, used and maintained the records - both during and after the war. An archival *fonds* is a fabric of relationships and context. Because we have to respect that structure and to understand that fabric, we have to study its history, to get insight in the historical process that determined the structure of the *fonds*. This contextual approach is a powerful tool for any user to find, to use and to interpret his sources properly. But this presupposes that the user is enabled by the archivist to have access to the records' contextual history.¹⁴

¹³ S. Gibbs Thibodeau, Archival arrangement and description, in: J.G. Bradsher (ed.), *Managing archives and archival institutions* (Chicago 1989) p. 67

¹⁴ E. Ketelaar, Archival Theory and the Dutch Manual, in: *Archivaria* 41 (Spring 1996) p. 31-40, reprinted in E. Ketelaar, *The Archival Image. Collected essays* (Hilversum 1997) p. 55-65; R.J. Cox, Archival anchorites. Building

Let us take as an example the fate of diamonds of Dutch Jews. In 1942 Jews had to hand in all jewelry and other valuables to Lippmann Rosenthal & Co., Sarphatistraat (Liro), who also received all or most goods confiscated by the Germans on deportation. Diamonds were used by Jews as payment to get a

'Sperr' stamp which temporarily exempted them from deportation. Diamonds deposited by Jews with the Amsterdamsche Bank were confiscated by the Devisenschuttkommando Niederlande and sent to Berlin in January 1945. To Berlin were also brought (by Seyss-Inquart personally) the diamonds 'safeguarded' by the Rijksbureau voor Diamant, locked away in bank safes in Arnhem and looted by the Germans in September 1944. A third shipment to Berlin consisted of the diamonds of Jewish diamond cutters and dealers, requisitioned by the leader of the Devisenschuttkommando and sent by him to Berlin in March 1945.

Restitution and reparations payment with regard to diamonds after the war were dealt with by different agencies and organizations: the Liquidators of Liro (LVVS), the Recuperation Bureau of the Ministry of Finance, the Foundation Jewelry-Committee (Stichting Sieraden-Comité) and the Foundation Recuperaated Diamonds (Stichting Teruggevoerde Diamant), the Commissioner General for Netherlands Economic Recuperation, the Ministry of Foreign Affairs, the Netherlands Military Mission at the Allied Control Council, the Restitution Control Council OMGGUS, the Reparation, Deliveries and Restitution Division UK, the Wiedergutmachungsämter.

To discover the fate of a particular set of diamonds, one has - before actually searching the archives - to get acquainted with the different 'missions' of both looting and restituting agencies and organizations, and to check to which competency the looting, restitution and reparation of that type of diamonds might have belonged. Furthermore one has to study the administrative histories of the institutions and the vicissitudes of their archives and to ascertain where within the archival remains of an individual agency one has to search. All this pertains to the contextual and custodial history of the records.

Through this jungle the searcher is led by the archivist, cutting a path, pointing to pitfalls and peculiarities, assisting without taking over. Serving as an itinerary in The Netherlands is a guide of actions and actors involved in the looting of assets (1940-1945), their recuperation (1945-1950), restoration of legal rights and restitution (1945-1971) and

compensation (1950-1987).¹⁵ This research guide - to be published on December 9th - is the fruit of thorough research commissioned by the Netherlands commissions on Holocaust-assets. It is a 364 pages guide of 75 agencies, both public and private, Dutch and German, and their archives (ranging from one file to more than 2500 running meters of shelving). The guide is the key to grasping the institutional and administrative history of the agencies, and the custodial history of the archives. It is a prerequisite for finding one's way to and into the archives and to understanding the archives.

The guide also mentions finding aids that may guide the searcher to the document level. Sometimes a particular *fonds* is enriched by lists and indexes with names, in other cases the files may be arranged physically according to names. The guide explains the meaning of the various signs, symbols, stamps, and references like 'H.R.' (presumably for Hausrat = household effects), with a number between 1 and 23015, used by Liro and, after the war, by various recuperation, restoration and restitution agencies. For indeed, German and Dutch bureaucrats maintained their files, card indexes and ledgers so meticulously that, once we understand the administrative and record keeping history, their detailed accounts can be checked as if their creators are still working at their desks.

All too often, however, the custodian of the material can only identify the boxes on the shelves, and has to leave it to the researcher to browse through the documents and to find the needle in the haystack. Searching for individual names will be difficult and time-consuming, since many institutions did not create indexes to their records, and because one individual case may have been dealt with by different agencies, each according to its mandate.

By dissecting the machinery of looting, recuperation, restoration and restitution of Holocaust-era assets, as well as making its archival vestiges contextually transparent, the guide constitutes a major instrument not only in understanding archives as a tool for research. We also plan to develop the guide into an educational instrument. To teach young people how bureaucratic control, registration and accounting during and after the war were used for good and for evil purposes. This

¹⁵ J.M.L. van Boxmeer - P.C.A. Lamboo - H.A.J. van Schie, *Onderzoekgids Archieven Joodse oorlogsgetroffenen. Overzicht van archieven met gegevens over roof, recuperatie, rechtsherstel en schadevergoeding van vermogens van Joden in Nederland in de periode 1940-1987, vervaardigd in opdracht van de Commissie van Onderzoek Liro-archieven* (Den Haag 1998).

may assist in Holocaust education and remembrance but also serve current concerns about registration of immigrants, discrimination, invasion of privacy etc. In this broader framework the guide will constitute a major instrument in understanding ARCHIVES OF THE PEOPLE, BY THE PEOPLE, AND FOR THE PEOPLE.

Rev. Fr. Marcel Chappin

PROFESSOR, GREGORIANA PONTIFICAL UNIVERSITY
THE HOLY SEE

Statement by The Holy See about the Accessibility of its Archives

Break-out Session on Archives and Books

1. The Holy See wants to call to mind the principles of International Legislation regarding State Archives, in which is stated that every State is autonomous in its exclusive right of regulating the conservation and the accessibility of its Archives. It is therefore an inherent attribute of the sovereign character of the Holy See, that it alone must be the judge of the pace, timing and scope of the process of making its Archives accessible for research.

2. Ecclesiastical Archives cannot be compared with the Archives of secular governments and institutions. Because of the primarily spiritual mission of the Church, documentation in these archives mostly include discussions and correspondence on religious and spiritual matters, which also concern the "forum internum", the realm of conscience, on which guidance and counsel are sought and offered for the spiritual life of persons. This applies to Diocesan archives and those of Religious Orders, but also to the Archives of the Holy See, since no aspect of its activity, including its diplomatic one, is really separate from its primary spiritual, religious, apostolic and pastoral mission.

The Church would be unfaithful to her mission, and indeed hindered in that same mission, if she would not maintain a scrupulous regard for the most intimate sphere of personal privacy. This respect for privacy is intrinsic and unrenounceable for the life of the Church. She has a sacrosanct duty towards the persons who entrusted her with their secrets and cannot and should not betray them, for any reason

whatsoever. People have to be sure that their innermost secrets are safe with the Church.

3. This fact explains that the process of making Church Archives gradually accessible for research – as the Holy See is doing for more than a century – is necessarily a slow one. A scrupulous screening has to take place, one which can only be done by those who have enough knowledge not only of civil and ecclesiastical history, but are also experts in moral theology and canon law.

The period up until 1922 has been completed. More recent decades are being processed now.

4. However, for the Holocaust-Era is at disposal the exhaustive information in the twelve volumes of the *Actes et Documents du Saint-Siège relatifs à la Deuxième Guerre Mondiale*. Notwithstanding insinuations, the curators of this publication have in no way tried to hide documents that would incriminate the Holy See, as explained by one of them, Fr. Pierre Blet S.J., in an article in *Civiltà Cattolica*, published March 21, 1998 (*La Civiltà Cattolica* 1998 I 531-541); an English translation is available.

5. An attentive study of the 12 volumes will reveal the constant policy of the Holy See: trying to stop the outbreak of the war, to alleviate the suffering of its victims and to help to hide and to save as many persecuted people as possible. The same volumes as well as other published testimonies also reveal the motivation why there was not an explicit public protest. The Holy See judged that such a protest would not stop the persecutions, but only result in even more victims, while at the same time it would block the prudent but persistent efforts to save human lives through the means of diplomacy. Many statements of gratitude, also by Jewish persons, organizations and institutions, are found on the public record. They thank the Holy See for what it achieved by its persistent efforts.

Would an open protest have saved more lives? There is no answer to this question that is and always will be hypothetical. If there is any hint at all, the contrary seems to be true. The open protest of the Dutch bishops resulted in even more victims. In any case, the Holy See rejects all accusations that it did not do its best to save as many lives as it could in the given circumstances.

6. The Holy See is aware of the fact that the 12 volumes do not make for quick and easy reading, although it has to insist that they be taken seriously. It wants however to draw the attention to the summary prepared recently by Fr. Pierre Blet, S.J., "Pie XII et la Seconde Guerre

Mondiale d'après les archives du Vatican". An English translation is soon to be published by the Paulist Press.

7. During this Conference and the preceding one, the words "truth and justice" have been uttered many times. The Holy See wants to insist also on "trust", if a better world is to be built. No fruitful discussion and dialogue, no real understanding and reconciliation are possible without mutual respect and trust. One has to be confident that the other is not telling lies or in any other way being deceitful or following some hidden agenda. If the Holy See is not trusted about what it has said or published so far, why should it expect to be trusted afterwards?

It is essential that the respect and trust shown by the Holy See to others, are in no less measure shown by those others to the Holy See.

Dr. Yaacov Lozowick

DIRECTOR OF THE ARCHIVES

YAD VASHEM

THE HOLOCAUST MARTYRS' AND HEROES'
REMEMBRANCE AUTHORITY

The Names of the Jews

Break-out Session on Archives and Books

Yad Vashem in Jerusalem is uniquely positioned to assist in attempts to restore Holocaust era assets to their rightful owners, in two ways:

1. THE LIST OF JEWS IN THE HOLOCAUST

Since there never was a full list of Jews persecuted in the Holocaust, no archive can ever be in possession of it. In lieu of such a list, however, many thousands of local lists were created by various agencies during and after the Holocaust, and Yad Vashem has been collecting them for decades: Approximately 10,000 lists to date, with a rough estimate of 16-20,000,000 relevant names.

We have created a computerized database with information about the lists; however, only a small proportion of the names themselves have so far been computerized. The collection of additional lists is an actively pursued, ongoing project, and many hundreds of lists are added each year.

Some of the information is overlapping data about the same individuals: i.e., an attempt to cross a border in 1941, a deportation list from 1942, a list of transfers between camps in 1943, and an official post-Holocaust death notice. The amount of information on each individual varies from list to list. Only by collating all the information do we acquire a detailed profile of the individual victims. Such collating,

however, is extremely complex, and hence the need for Yad Vashem's second set of capabilities:

2. THE ORGANIZED KNOWLEDGE

In the volatile cauldron that was Europe in the first half of the 20th century, individuals often went by more than one name, cities and towns changed their names or were simultaneously referred to differently by their various ethnic inhabitants, administrative regions were in a state of constant flux, and borders often moved. Even countries were often founded only to be abolished a few years later, perhaps to be re-established later on. The lists reflect this chaos: the same individual may appear on two lists with different names, places of birth and vocation, and still be the same person; elsewhere, two individuals who seem likely to be identical, may indeed not be – and all of the information will be accurate and authentic.

In an attempt to overcome these pitfalls, Yad Vashem has created computerized tools, or thesauri, that contain libraries of knowledge about the politics, semantics and geography of Europe in the 20th century. We have collated information from contemporary lexicons, atlases, indexes, as well as executed data-mining on the documentation in our collections. For example, we can tell that Jewish men in Hungary who were called Avraham at home, called themselves Adolf outside. This custom did not apply anywhere else, and thus is useful only for identifying Adolfs and Avrahams from Hungary – a country whose borders changed frequently. These computerized thesauri contain hundreds of thousands of items, and will be essential in any attempt to integrate information on individuals in the Holocaust.

The combined significance of the lists of victims and the organized knowledge is that it is now possible to create a list, at times quite detailed, of the Jews in the Holocaust: the sic million who perished and hundreds of thousands who survived. These resources are indispensable to any effort to identify individuals, their assets, their fate, or their possible heirs.

Yad Vashem alone has both the extensive data and the know-how to cross-reference and collate them.

Description	Estimated number	Type of Persons	Digitization
Hall of Names: Pages of Testimony	1,700,000	Jews who perished	450,000 digitized without scanning
Hall of Names: Survivors	160,000	Jews who survived	Partially digitized
<i>Yizkor</i> books	1,000,000	Jews who perished	Non-digitized
Archival lists	15-17,000,000	People of all types, but mainly Jews	Non-digitized
Total	18-20,000,000		

Mr. Robert J. Vanni
GENERAL COUNSEL, NEW YORK PUBLIC LIBRARY
UNITED STATES

Opening Statement

Break-out Session on Archives and Books

The purpose of this session is to examine the complex issues surrounding various types of assets seized, looted, plundered, captured and confiscated during the Holocaust-era, and in particular, the matter of archives and books. Being associated with one of the world's great research libraries, it is an honor to be included on this session to make some comments which, I hope, will serve as a departure point for discussion, though I point out that the opinions I offer are strictly my own.

For purposes of analysis, I would like to separate the materials we are discussing into two main categories. The first is book and library materials, seized, looted and confiscated during the Nazi era that originated in national, local, private and other collections, which, due to their great historical significance, rarity, value or uniqueness, can be considered cultural objects or "collectibles." Such "collectibles" might include antique or unique manuscripts, fine bindings and first editions. The second category is records and archives of individuals, organizations (religious, fraternal, charitable or commercial), and governmental or quasi-governmental entities such as towns and municipalities. It is my opinion that the first category of "collectibles", are more in the nature of precious museum or art-type assets, and should be treated as such for the purposes of restitution, repatriation and compensation. Further, much of these precious materials have been carefully handled by their current custodians, catalogued and preserved and to a degree are accessible for study and research. It is the second category, more routine in nature, of archives and records of individuals, organizations and governmental entities that I would like to direct my comments. I would submit that for

the following reasons these materials are unique among the Holocaust-era assets being discussed and hence should be dealt with differently. Unlike other assets, they may have little intrinsic monetary value in comparison to precious books and manuscripts, art, gold or bank accounts. Their great value, however, lies in the information and intellectual content preserved on their pages. It is this information that gives witness to lives, communities and organizations that no longer exist. It is this information that may perhaps offer the very proof needed by those seeking restitution of all the other types of Holocaust-era assets. And it is this information that will add to the history of each nation represented here, since as a result of the war time diaspora, population movements across national boundaries and continental divides, all our national histories are revealed, in part, in these records and archives.

Archives and records are also unique and different from art and cultural objects in that their value can be exploited separate and apart from the original artifact or document through the use of what librarians refer to as "surrogates", that is, research copies created by use of xerography, microfilming techniques or newer technologies. The original artifacts should, to the extent possible, be preserved, but the minimum to be done is to capture for posterity the intellectual content they contain. Let me also state at the very outset, that the great artifactual, and associational value of the original documents must not be lost sight of. In this regard there need be a two-pronged discussion as to these materials. First, how to preserve and make accessible their intellectual content; and second, once accomplished, where should the original artifact reside. This second question is very much one for diplomatic negotiation or private claims, since many countries and organizations have legitimate claim to be custodians of artifactual original materials, should restitution to their rightful owners not be possible. It would be unjust and immoral to delay access to the intellectual content of such material while solutions to the complex questions of reparation and return of the original documents to rightful claimants is completed.

Returning to the first question of preservation and access, I would suggest there are three steps to be taken:

1. The troves of records and archives need to be identified and catalogued, at least into broad categories, including location and physical condition. Such information should be integrated into existing catalogues, perhaps being made accessible via the internet.

2. A triage effort must be undertaken to identify those collections of greatest research and historic value and/or at greatest risk of physical deterioration, so as to establish a reasoned priority order in which to expend limited resources available for preservation and preparation.
3. A useable surrogate (using xerography, microfilming and newer electronic technologies) needs to be created to both preserve the intellectual content of such material and make it broadly available for access by claimants, researchers and scholars.

Though these three steps are a major task, already many nations have commenced the work of cataloguing, preserving and making such materials accessible over the past decades.

How then, might this work be organized and undertaken? As a departure point for discussion, I would suggest the formation of an international commission of interested governments, institutions and organizations that would serve as a coordinator and liaison with existing and to be established national efforts to:

- a) Set standards for the cataloging and collection of information on extant collections of historical Holocaust-era documents, as well as the establishment of standardized protocols for preservation techniques;
- b) Upon the recommendation of scholars and specialists, assist in the triage of those materials establishing which categories should be acted upon first;
- c) Coordinate and cooperate with and/or assist in establishing national projects for the cataloguing, preservation and accessibility of these materials;
- d) Assist in raising funds in support of national projects, (which might include government and international organization grants, private sector donations or perhaps using a small percentage of cash equivalent Holocaust-era assets that cannot otherwise be restituted to their rightful owners).
- e) Serve as a facilitator or forum for the consideration of where the original artifacts, documents, records and archives might best reside, and as a conduit for claims;
- f) Assist in educating professionals in whose care these materials reside, as well as informing researchers, scholars and claimants of the availability of such materials, by making use, among other things, of the internet and world wide web.

As for the establishment of country or locally-based projects for cataloguing and preservation, grants can serve to equip preservation and microfilming laboratories, assist in creation of electronic catalogues and databases, train personnel and, to a limited extent, assist in meeting local costs.

My fear is that unless swift action is taken in regard to the preservation and accessibility of Holocaust-era records and archives, those individuals and institutions seeking information upon which to base claims will continue to be frustrated in their efforts, while the slow fires of deteriorating acid based papers made worse by inadequate environmental storage will result in the loss to the world forever, not only of these unique original archives and records, but, more significantly, the intellectual content and the national, organizational and personal histories they contain.

Dr. Abby Smith

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Recovering the Past: How Books and Archives Matter

Break-out Session on Archives and Books

It has often been said at this conference that the present attempt to locate and restore Holocaust-era assets to their rightful owners or heirs is not about money, but about memory. Be that as it may, it is certainly about *assets*, about things that are of value to people, past and present, things that mattered greatly to those who suffered and who perished, as well as things of value for those who remember the dead today. If the current endeavor is indeed about justice and not retribution, if it is about memory and not money, then books and archives play special roles as agents of justice in our efforts.

Books matter because few things are more dear in purchase than knowledge. At the same time, few things are more freely shared than books, because they are such efficient and civilized carriers of knowledge. It is paradoxical that, in the context of this conference, focusing as it is on artworks, insurance claims, and property disputes, books and manuscripts appear to be cheap. True, most books have little financial value -- rare books that are, in fact, of some monetary value are treated as works of art, along with paintings, furniture, jewels, and other objects prized by connoisseurs. Most books are not usually assigned this value because they are not rare or unique, at least not books printed within the last 150 years. Moreover, the contents of books are easily replicated without substantial loss of value in most cases and, in fact, are designed to be easily affordable, readily shared, and inexpensively copied.

But beyond any value that a book might or might not have as an aesthetic object, there are other, one might even say higher, levels of value for the recorded word. How we approach the matter of the rightful place and ownership of these words, and of the books and manuscripts that contained them and that have been displaced, depredated, or orphaned by the war, depends largely on why we value them.

THE PAST

There are essentially three ways in which print and manuscript materials are of value in the context of the task at hand:

* *As keys to the past:* Books and manuscripts provide information about the past that can unlock for us different types of consciousness and cultural sensibility. The recorded words that are valuable for the information that they contain -- cultural history and memory found in newspapers, novels, journals -- are important sources for understanding the way people lived and thought. Daily newspapers from the Vilna ghetto in the 1930s that tell us what the community ate and wore; socialist tracts that reveal how some political activists understood the revolutions of Russia and how they conceived the ideal relationship between state and individual; novels published in Tallinn that bear witness to how the Estonian literary language evolved in the inter-war period -- these constitute important sources for historians of language, culture, music, art, politics, and so on. These sources are important for the information they contain, and should be copied and made available internationally, especially because they were often printed on acidic paper now aged and fragile.

* *As records of the past:* Archival records, both official and unofficial, can provide important evidence for locating relatives, lost assets, and so forth, because they testify to the whereabouts of people and things before, during, and after the war. Many of these records are in government archives and repositories and should be made accessible to researchers without restrictions and to the best of any given repository's ability to process and make available their records.

* *As relics of the past:* There are books and papers that are important as objects themselves because of their associational value. While they may not be valuable because of their intellectual content, nor be particularly rare, they were once the personal property of someone. This is, in my view, the only category of book in which the object itself should be returned to legitimate claimants in order to achieve restitution.

To the extent that books and manuscripts are valuable for the information they contain, we need to distinguish between the ownership of the physical objects themselves and access to the information that they contain. One does not speak of possession of information the way one does of, say, an art object. Is information per se property? Can it be privately owned? This is a question of more than passing interest, because the copyright regimes in effect in each nation represented here today, designed to protect intellectual property at the same time they promote its dissemination, are challenged by a new digital environment in which ownership of and access to information are no longer synonymous. There are well-established traditions in libraries and archives of making information widely accessible, traditions that are observed in the breach in totalitarian countries where information, like intelligence, is considered to be the property of the state. There are no countries here that espouse that ethic today. Ten years ago we could not have said that, and ten years ago we could not have had such a colloquy.

It is important to note that we are not talking just about Jewish materials. The Nazis were fighting an ideological war, and ideas were the most powerful tools of engagement. There were certain ideas that were considered, in and of themselves, to be pernicious. Books that were written by Freemasons, by anti-fascist writers, by devotional and patriotic writers in Catholic and Orthodox Slavic countries, by homosexuals, socialists, communists, and other so-called degenerates – these works were seized and disposed of, destroyed or hidden. And those books and manuscripts that after the war came within the pale of the Red Army were twice seized and repressed. All these books together bear witness to the past. Those books that managed to survive after the communities they belonged to were entirely wiped out, especially the communities or individuals who were dissenters of conscience and who left no heirs or relatives, should be located and restored so that their reality can now become part of history as told in their own, now silent, voices.

THE PRESENT

The important tasks for us today are *identification*, *preservation*, and *access*. We must identify library and archival materials that are missing, we must preserve those that we can, and we must make them accessible to those who need to consult them. As I said, books of associational value should, when possible, be returned to rightful

claimants in order to achieve restitution. Given the physical state of much that remains, this is often a daunting challenge and demands major expenditures of time and money.

For materials that contain valuable cultural information, copies can be made and widely shared. Physical restitution may or may not be desirable, but it is at times simply impractical. These items are often severely damaged due to poor storage conditions and improper handling; they are also frequently very fragile because they were printed on poor-quality, high-acid paper. It is important to make these materials accessible, even when we cannot preserve them, and preservation microfilming is an efficient and relatively inexpensive way to maximize universal access to remote and fragile resources. For those records that are of value to current and future researchers trying to determine the fate of people and their possessions, we must press for open access to archives, a principle endorsed both by the International Council on Archives (ICA) and the International Federation of Library Associations and Institutions (IFLA).

For purposes of access, digital technology offers an unparalleled opportunity to share not only databases of information about people, places, and things, but also the historic documents themselves. I must caution the enthusiastic, though, that digital conversion is very labor intensive and expensive. It can range anywhere from \$5 to \$30 an image, with yet more expense for creating all the access points that make digital information retrievable. Access to digital materials depends upon computer hardware and software, both of which are expensive and prone to obsolescence. Materials scanned and made available in one file format today may well be obsolete and unreadable 20 or 30 years hence. We have not yet developed practical solutions to the problem posed by the impermanence of digital information.

Given the expense of digital conversion, especially for archival materials that may be infrequently consulted, we are better off putting our limited resources into creating inventories of and finding aids to collections. This route offers the best way to share information – by making known that it exists and where it can be found.

Libraries and archives seldom, if ever, have enough funds to provide the kind of services they want to. As the national archives in America and the Netherlands know quite well, researchers gaining access to Holocaust-era records represent a new constituency and added workload. And in Eastern Europe, where many of the most valuable materials are found, we are talking about libraries and archives that are opening up to public use for the first time in our lives, at exactly the

moment in history when they are losing – have already lost -- their core funding. They are forced to close reading rooms because they cannot pay utility bills, and more often than readers know, the small staff that remain on the job to serve them are not merely underpaid. They are often unpaid for months at a time.

Frankly, of the three actions that we must undertake now – identification, preservation, and access -- the first is the by far the hardest. It is not uncommon that libraries and archives, even those that are well funded and staffed, do not know precisely what they have and where it is. There may well be books and manuscripts that lie unidentified in libraries and archives. Gaining control over those backlogs involves physical processing of items that are often in precarious states of preservation. To make those items accessible, catalogers and archivists must grapple with name authority problems, the use of multiple names for people and places in Eastern Europe. Certainly some libraries that took possession of book collections that had been confiscated received them with no record of their provenance and, if they were not known to be rare or from an important collection, these collections would have been broken up and shelved according to the usual library scheme rather than kept together as a coherent collection. To reassemble collections would involve physical examination of whole library collections shelf by shelf, book by book.

THE FUTURE

Restitution as such is a troubling and difficult concept when it comes to books. Who are the rightful heirs of the books in stranded in book depots in such cities as Vilnius and Kaunas, books that belonged to communities that have been effaced from the earth? To some extent, books belong to anyone who cares about them, anyone who finds value in them, anyone who uses them. Without readers, books lose their meaning as well as their value. We all know that history is written by the survivors, and we, as survivors, must take some responsibility for the way that the history of the Holocaust era is written. All books and manuscripts, claimed and unclaimed, are keys to the past, and I would encourage all who seek to recover the truth about the past to declare their interest in the fate of the information about the past that these resources carry.

Dr. Shimon Samuels

DIRECTOR FOR INTERNATIONAL LIAISON,
THE SIMON WIESENTHAL CENTER, PARIS

Break-out Session on Archives and Books

I am grateful to Under Secretary Eizenstat for his invitation, extended to me at last week's Buenos Aires meeting of the CEANA (Argentine Commission on Nazi Activities) of which we are both members.

As Paris-based Director of the Simon Wiesenthal Center for both Europe and Latin America, I have long focussed on the trans-Atlantic triangulation of war criminals, gold, art and other assets, flowing from Germany, through the Iberian Peninsula to the Southern Cone.

As this jigsaw required the Argentine Commission to have access to Spanish and Portuguese archives, so too the porous borders show the need for a regional approach to what are now called the Mercosur countries. In this context, I have had meetings with government and Central Bank officials in Brazil, Chile and Uruguay.

A massive lacuna has been the absence of access to the Stroessner period archives in Paraguay. Last week, I met in Asuncion with Foreign Minister Dido Florentin and the Paraguayan Central Bank Director Dr. Jorge Schreiner, to propose an Argentine-style commission.

Our Center was requested to present models of national commissions for Paraguay's consideration, especially in view of a current investigation by the Central Bank's Controller into the 1989 disappearance of Argentine-origin gold ingots, allegedly bearing Reichsbank markings.

Moreover, in Buenos Aires, I proposed to President Carlos Menem, the establishment of a Mercosur-level commission, especially to track the intra-regional traffic in assets through the Latin American network of such Nazi banks as the Banco Aleman Transatlantico and the Banco Germanico.

Menem charged Interior Minister Carlos Corach with discussing this proposal with his Mercosur counterparts.

I believe that with the end of this conference a phase will be closing, i.e. that of **defining** the problem through the work of the national archival research commissions.

We now enter phase two – that of enforcing settlement, the closure of commitments, the fulfillment of promises. In the spirit of the Biblical injunction of Leviticus, Chapter 25, verse 10: “In the fiftieth year...thou shalt restitute to each...his property...”

From my perspective in Paris, I wish to mention the following examples:

- An ironic paradox, in some cases, is that the creation of a national archival commission has cut off access to formerly available archives, e.g. the Bercy French Finance Ministry, where I was able to research the Tripartite Gold Commission reports, until these were closed for the use of the Matteoli Commission.
- The Spanish Central Bank archives were open to me and others until Lord Janner called for the creation of a Spanish Commission. Henceforth, the researcher of the Argentine CEANA has been denied access.

Other obstacles to transparency are:

- Delay in granting access to the Tripartite Gold Commission archives recently moved to Paris.
- Refusal of the Portuguese Central Bank to permit research on gold flow to Latin America and Asia.
- Access to the Austrian Finance Ministry archives relating to pre-Anschluss bank accounts, especially of the State-owned PSK.
- The opening by the Holy See of its World War Two-era archives relating to Croatian-looted gold and other Holocaust issues.
- Immediate implementation of restitution by the British government of property and accounts confiscated from “enemy aliens”, including thousands of Nazi victims. *To attempt archival reconstruction, the Simon Wiesenthal Center posted a questionnaire on its Internet site to seek potential claimants. We have since been mandated by some 130 account holders.*
- The fulfillment of the promise to transfer several looted art objects, currently in French State museums, to the newly-opened Paris Museum of Jewish Art and Tradition.

I am reminded of a bitter historical coincidence. In August 1944, with the Allies about to liberate Paris, the Resistance stopped a train of looted art that was on its way to the German frontier. On the

same day, the last train of deportees left Drancy for Auschwitz – it was never stopped. *Ars longa, vita brevis*.

In conclusion, restitution is not charity, nor of concern exclusively to Jewish claimants. The work here is a contribution to an evolving jurisprudence on the war crime of looting. CNN's financial analyst, Myron Kandell, emphasized this during Kabila's march on Kinshasa, when he said, "It took a Holocaust bank scandal to open

We are also refining an expanding moral pedagogy on human rights with significance for the treatment of refugees, the professional responsibility of insurance companies towards beneficiaries, an exercise in prudence for art dealers and museum curators, and a reminder of client-first good practice for the banking industry. Above all, exposure of the truth lances a long-festering boil, allowing the pus to drain. The cleansing of this wound can be an act of catharsis for the collaborator, added armament against Holocaust denial and a final accounting for the victim – both Jewish and Gentile – and for their heirs.

Thank you.

Prof. Peter W. Klein

SECRETARY OF THE SCHOLTEN COMMISSION
THE NETHERLANDS

Report on Dutch Historical Research on Financial Restitution for War Victims

Break-out Session on the role of Historical Commissions

Let me say first that the following short survey of Dutch committees engaged in research on restitution for Dutch war victims will be as factual as possible. I will try to avoid any value judgements. Of course this in no way implies that there are no moral issues at stake. The organized, systematic persecution and robbery, by the German national socialist civil authorities, to which the Netherlands, and its Jewish population of 135,000 in particular, were subjected, was, of course, absolutely reprehensible from a moral point of view. Contrary to the pretence of the German occupying forces it was, moreover, completely criminal and illegal. The small and rather helpless Dutch nation of about ten million people, that for more than a century had taken great pride in its pacifist principles of neutrality, was in no way prepared to cope with the national socialist reign of terror - either mentally or physically. Its reaction was not unambiguous. It consisted partly of passive, unheroic accommodation and partly of active and courageous resistance. It also took the form of collaboration with the enemy, either indirectly and unwillingly, or directly and with full intent. The variety of reactions of course also raises many moral issues, but they are not the subject of this report.

The Dutch government in exile in London carried on fighting the war, in particular at sea, where the substantial Dutch merchant navy succeeded in contributing significantly to the Allied success. While contending with serious shortages of qualified manpower, the

government also took the legal steps required to undo the harm done at home as far as possible.

Repairing the war damage and reconstructing postwar Dutch society was naturally one of the major issues concerning the Dutch government in exile. The preparation of emergency legislation for the restitution of Dutch Nazi war victims' legal rights had begun as early as June 1940, one month after the occupation. Drawn up meticulously by one of the most distinguished representatives of the Dutch legal profession, this extensive and extremely complicated legislation was not completed until 17th September 1944, on the very day Allied paratroopers landed a bridge too far in the Netherlands, and lost the Battle of Arnhem.

At the time nobody could have predicted that the fighting in the Netherlands would rage on for yet another 8 months, throughout the terrible, bitter winter of 1944 - 1945. Nobody could have predicted that at the end of the war the most damaged economy in Western Europe would be that of the Netherlands. The extent of the damage is comparable only with the destruction of the most heavily hit industrialized areas of Germany itself. Nobody could have predicted that the liberation would not be followed immediately by the restoration of the traditionally tolerant Dutch regime of parliamentary democracy. Instead, the government retained its military status until well after the war. Nobody could have foreseen the absolutely overwhelming number of complex problems, some new and some extremely urgent, confronting postwar Dutch society. They included purging society of traitors and collaborators; restoring public health, which had suffered badly; guaranteeing a food supply; repairing war damage; reconstructing the economy; bringing order to chaotic public finances; reviewing traditional foreign policies; coping with the decolonization of the Dutch East Indies, and so on.

There was also of course the problem of rehabilitating war victims. Amidst all these worries few Dutchmen realized that in the end only about 5,000 of their Jewish fellow countrymen were to return from the death camps. Let me repeat: only 5,000 of the 107,000 who were deported ever returned. Who could have realized it then? Who can even now? Half a century after the war, Dutch society - now prosperous and content - has been confronted almost out of the blue by a terrible question: is it possible that the state, insurance companies, banks and other sectors of the Dutch business community systematically profited - illegally or improperly - from large-scale looting, amounting to an

unknown and now undoubtedly large sum of money? The next question is, of course: if this is the case, what can we do about it?

The Dutch tribe, being Dutch, followed its tried and tested, traditional way of doing things - particularly where there is something to be investigated. It sets up committees - not just one, but preferably as many as possible, each recruited from its own specific sector of society and well-stocked with professional expertise. Apart from the separate ministerial committee of five or six members, headed by the prime minister himself, and instructed by the Dutch government to supervise and coordinate the research, there are now another five committees. Each of them works according to its own rules, methods and research techniques, and each has its own job description and its own perspective. There are also of course a number of sub-committees, each with its own job description and perspective. Needless to say, there is some overlap and duplication. It would appear that we have major coordination problems and that efficiency is suffering somewhat. But the advantage of this rather cumbersome approach is evident: the chance that anything will be overlooked is less than minimal.

The first committee to be appointed by the Minister of Finance was intended to monitor international research in order to learn from it. Headed by an eminent representative of the body politic, it consists of distinguished civil servants, members of the business community, scholars, lawyers, economists and persons who have close relations with the Dutch Jewish community. It has also instigated academic research into the matter of looting and restitution, and the financial and demographic background. Its report is expected in the middle of next year. This committee established a second committee, headed by the former vice president of the Council of State, to guide independent and autonomous academic research on financial restitution. It first of all focused on the controversial matter of dormant accounts with banks and insurance companies. The research was soon extended, however, to include other financial assets such as shares and securities, social insurance, patents, royalties, copyrights, mortgages and so on. The research is being carried out by historians, lawyers and economists under my direction. The committee will publish its first report on 16th December. It will publish its final report in the spring of next year. A third committee, headed by the former Auditor General, concerns itself mainly with the problem of restitution of material property. Its final report will be published on 9th December. Each of the three committees will present its results to the Minister of Finance. This is not the case with the committee established to trace works of art looted by the

Germans. When the time comes it will report its findings to the Minister of Education, Culture and Science. A separate committee has been set up by the Minister of Health, Welfare and Sport. It is looking into the matter of financial damages in the Far East resulting from unlawful Japanese war activities. It has already published its first report showing that there is no evidence of such activities. The committee will continue its research until the end of next year.

Leiden, 26th November 1998

Ambassador Krister Wahlbäck

SWEDISH FOREIGN MINISTRY
AND MEMBER OF THE SWEDISH COMMISSION ON JEWISH ASSETS
SWEDEN

Break-out Session on the Role of Historical Commissions

Madam Chairman,

Before I left Stockholm for Washington, I was told that our American hosts wanted me to address at this session problems with regard to source material faced by the Swedish Commission on Jewish Assets. Thus the focus of my presentation will be a bit different than that of some of the previous speakers.

I am not going to discuss the results or the conclusions of the Swedish Commission except to say that we are not empowered to investigate or pass judgement on Sweden's foreign and trade policies in general during the war. Our terms of reference as laid down by the Government are not remotely as wide in their scope as those given to Commissions in some other countries, for instance the Bergier Commission in Switzerland. The task assigned to us is a fairly precise one: to establish to what extent Jewish property, in whatever form, came into Swedish hands as a result of Nazi persecution.

In fact, even this limited task is quite extensive and complicated, considering that we are looking for transactions which took place more than fifty years ago, and that we want to identify all kinds of transactions, whether they concern arts and antiques, bank accounts and safe deposits, patents and licenses, shares and looted gold. However, the Government has decided that our final report should be presented before the end of February 1999, i.e. after less than two years' work.

Now, which are the difficulties with regard to source material that we have run into? First, access has not been a problem. With regard to official record in public authorities, they are in principle always available even to ordinary citizens in Sweden, according to a constitutional law which has been in force for more than two hundred years. There are some exceptions, however, one of them covering documents dealing with Sweden's relations to foreign powers during the last forty years. But this, of course, does not now apply to any documents relevant to our investigations.

As for the records of our security services, restrictions apply for reasons of safeguarding the personal integrity of people under surveillance. While the Commission's access to these records has not been restricted, we have had to deal carefully, in a somewhat time-consuming way, with a lot of quite interesting documents about illegal German business-related activities in Sweden.

Concerning private archives, or documents in the possession of individual political or business leaders and their families, they are of course private, i.e. researchers depend upon the good will of their keepers to be granted access. However, while the Commission has not been given any special investigative powers by legislation, we have never been denied access to the records of banks, companies or private persons that we have approached. On the contrary, in most cases we have encountered a quite helpful attitude. This applies not least to the Wallenberg bank, Stockholms Enskilda Bank, which has by far the best kept records of any Swedish bank, dating all the way back to 1856. Of course, these cooperative attitudes are not unrelated to the Commission's official status, and I would certainly not wish to give you the impression that they can be taken for granted when other researchers come knocking on the door.

If access has not been a problem, paucity or scantiness certainly have. It is a regrettable fact that traditionally, in the Swedish political and administrative system, only formal minutes are kept of discussions preceding decisions. This is true even for cabinet meetings. The formal sessions with the King on Friday morning were meticulously documented, but not the real, informal debates in the course of the preceding week. These may be recorded in the private diaries kept by five or six cabinet members; but as issues concerning gold transactions or other possible transferal of Jewish property were not considered high politics, very little of interest to us has been found in these diaries.

The Foreign Ministry, which handled all foreign trade matters, was a quite small outfit in the 1940's. Most decisions were taken by informal consultation among half a dozen of top officials, with no records whatsoever. Further, we have got nothing comparable to the British tradition at this time of circulating important documents inside a folded four-sided sheet of foolscap on which different layers of the hierarchy could scribble their comments, and even remark upon previous comments by their colleagues. Thus, the reasoning of the Foreign Ministry and the Government often has to be inferred from decisions, unfortunately in a somewhat speculative way.

Happily, the culture was a bit different in the Bank of Sweden. Fairly good records were kept at their Board meetings, and above all, the President of the Bank in the 1929-1948 period, Mr. Ivar Rooth, was a painstaking diarist, or perhaps I should say compulsive diarist. Not at all in the sense of registering his private life or private thoughts. But he always kept a pen in hand when receiving visitors or taking phone calls, and he was exceptionally able in jotting down what was said in a legible handwriting. These daily notes, thousands of pages each year, have been a most important source to us. And they are now of course freely available to any serious researcher.

Paucity of source material may occur not only by poor note-taking at decision-making gatherings, but also by records being destroyed, or weeded out because of their presumed routine nature. As for official records, this is a rigorously regulated process, but in one or two instances it has in fact happened that investigations contemplated by us, involving very extensive perusal of records covering routine transactions, have proved impossible to carry out because of such weeding many years ago.

In the private and business sector, this problem is much worse. It is costly to keep and maintain archives, and there are no legal obligations in Sweden for private companies or banks to safeguard records more than ten years old. And unfortunately, few of them do. It is primarily in companies run by the same family for a long time that a sense of history may emerge. Again, the Wallenberg bank is the prime example. As I said, the Commission has full access to their archives, including the private correspondence of the two brothers who were running the bank at the time, Jacob and Marcus. Marcus Wallenberg's private diary, which he kept in the 1938-43 years and to which no researcher has been granted access before, is available to the Commission as well.

Madam Chairman,

As indicated at the outset, I have not told you anything at all about the results or conclusions of the Commission. We are right now in the process of drafting these parts of the Commission's Report, which is scheduled for publication in early March 1999. An Interim Report, covering only the gold transactions of the Bank of Sweden with Nazi Germany, was published in July 1998 and is now available in English translation.

Ambassador Sevinc Dalyanoglu

GENERAL DIRECTOR FOR MULTILATERAL ECONOMIC AFFAIRS,
MINISTRY OF FOREIGN AFFAIRS
TURKEY

Notes on Archival Research Undertaken by the Turkish Commission to Determine the Actual Position of Turkey Before, During and After the Second World War

Break-out Session on the Role of Historical Commissions

At the very outset, we did not expect to be involved in this issue at all. We had been surprised when we learned that we would be involved, but we are used to being surprised and therefore we reacted swiftly by forming a Commission under the leadership of a Minister of State, comprising three scholars, two ambassadors, two Deputy Directors-General, two representatives of the Turkish Jewish community, and the necessary staff, and moved on to work.

Following the publication of the first report by the US State Department in May 1997 on the subject of "Nazi gold", The Turkish Commissions Response, reflected in several papers, has been included in the "Nazi Gold Report Of The London Conference" published by the British Foreign And Commonwealth Office in 1998.

In the papers presented by Turkey to the London Conference Secretariat, either copy of related Turkish and foreign documents and of the relevant paragraphs of historical books and memoirs have been annexed or referred to in the footnotes. In addition, bibliographies and further reading lists have been added to these papers, when and where deemed useful for the interested reader.

As for the Turkish Research concerning the second report published by the State Department in June 1998, two press statements expressing Turkey's initial reactions were issued in that very same month

by the head of commission, Minister of State Professor Sukru Gurel. Relevant Turkish documents were attached to these two press statements as annexes. Foreign documents on the same subjects were later submitted to Dr. William Slany, the Historian of the U.S. State Department, during his visit to Ankara in November 1998.

For such encompassing research on several topics of 50 and 60 years ago, some of which persisted until the late 1950s, our main objective was to be as scholarly and objective in our endeavors and to compile data from as many different sources as possible. Naturally books on history and memoirs of prominent political figures such as Roosevelt, Churchill and Inonu were of foremost importance as starting points of our research. References and footnotes in those books helped us locate other archival sources such as articles published in Turkish newspapers 55 years ago or the texts of the laws adopted by and speeches delivered the Grand National Assembly Of The Republic Of Turkey on the chromium issue. Our point of departure for this subject was Edward Weisband's book entitled "Turkish Foreign Policy (1943-1945)."

The archives of The Turkish Central Bank and The Ministry of foreign affairs were complementing each other especially on the gold issue. The Turkish Central Bank, which is well known for the perfection and the impeccability of its archives, provided the commission with all the documentation needed to finalize the research. The Archives and records on gold transactions of the Central Bank of Turkey are open and accessible to all interested parties for research. However, nobody had previously asked to look into them. We were happy to brief Dr. Slany on the Gold Transactions of the bank from 1934 to 1952 during his visit to Turkey in November 1998. Copies of all the related documents and records were handed to him. Laborious research carried out in the archives of the Ministry Of Foreign Affairs of Turkey yielded fruitful results as well, although the ministry moved to another location some ten years ago and its archives reminded in its former building for the preliminary archival research, a retired ambassador, who has served in the past as the Deputy Director General for the ministry's Archival and Communication Department, was commissioned for this task. After a month of through research, his file contained not only the necessary Turkish documents but also some allied notes, which were not present even in the first report of May 1997.

For prospective researchers, it became easier to find the documents in the ministry's archives as the pathways led us to explore other related matters. At a later stage documents compiled as the outcome of the dedicated archival research effort by Turkish missions

abroad, primarily the Turkish Embassies in Paris and London as well as the Turkish Consulates in Paris, Marseilles and Rhodes, were brought in and utilized as further sources in the commission's historical work. These endeavors subsequently led us to another source that is, the International Committee of the Red Cross (ICRC) In Geneva. A Turkish Diplomat who was assigned the task of conducting research in the archives of the ICRC returned with a huge pile of documents testifying to Turkey's role in saving thousands of Jews fleeing from the Nazi persecution in several European countries during the last year of the war. As to the documents -- or three thick files-- we received from our Embassy in Paris we were happy to find out that every single document concerning the protection of the properties of the Turkish Jewish Citizens was kept in the archives of the Turkish Embassy in Paris. As a matter of fact, these documents were explored upon the advice of retired Ambassador Mr. Name Yolga, who is one of the more than twenty Turkish Diplomats Personally saved many Jews and their properties during the war. Unfortunately, besides Ambassador Yolga, only two others of those diplomatic are still alive.

As stated above the primary goal and principle in our research was to be as objective and honest as possible so as to confront our history with a clean conscience, without prejudice.

As the founding father of our Republic, Ataturk said very wisely: "it is more difficult to write history than to make history."

Therefore, at the outset of our studies we decided to play the "devils advocate" against us and started with two books, which directly targeted Turkey. These two books, entitled "Methoden Der Deutsch-Faschistischen Propagandataetigkeit in Der Turkei Vor Und Waehrend Des Zweiten Weltkrieges" and "Turkei Im Deutsch-Angloamerikanischen Spannungsfeld," and published in 1966 and 1968 respectively, were written by a citizen of the former German Democratic Republic, Mr. Johannes Glasneck.

Although these two books tried to dissect Turkey's position more harshly than the two recent reports of the U.S. State Department, they summarized Turkey's actual position from the mouth of the late American President, Franklin D. Roosevelt who evaluated Turkey's position more accurately and positively than Winston Churchill. President Roosevelt's son, Elliott Roosevelt has drawn the most appropriate picture of history from his father's perspective in his book, "as he saw it." To find a copy of this book, we had to refer to the Library of Congress, as original copies of it were no longer available, except for

the Turkish translation of the book, which we readily found at the Library of the Turkish War Academies.

The Book, "As He Saw It," was later complemented by other American and British books and documents the official documents of the State Department concerning the Second World War, particularly those relating to the Cairo Conference, were easy to find at the Library of the Turkish Ministry of Foreign Affairs.

The Footnotes in Mr. Stanford Shaw's book "Turkey and the Holocaust," Copies of which have been distributed to the valuable participants of this conference, also gave us some clues in discovering more facts on the Turkish role in saving the Jews from Nazi persecution throughout the European Continent, as documented in the American Archives.

For the documents of other countries, we are grateful to the Polish Embassy in Ankara, which furnished US with their documents on the 70 tons of Polish Gold that Turkey saved during the first month of the war in September 1939. We are also obliged to Ms. Bennett of the British archives for the British documents to complement ours on the chromium issue. However, we are still expecting the documents from our German Colleagues on the Gratis Return of the German assets in Turkey during the late 1950s. When we recall the remarks of the distinguished German delegate at the London Conference last year about the opening of the Turkish archives, we are now pleased that we have responded to his wish positively we think that it is now our turn to ask the same from our German colleagues.

Dr. Ignacio Klich

ACADEMIC COORDINATOR
COMMISSION OF ENQUIRY INTO THE ACTIVITIES OF NAZISM IN
ARGENTINA (CEANA)
ARGENTINA

Argentine Documents on the Nazi Era

Break-out Session on Historical Commissions

No inventory of Argentine sources on the country's performance during the Nazi era can ignore the fact that the culture of secrecy has long been prevalent here. This, and the low priority ascribed to archives and their organization, have conspired against historical research. Unsurprisingly, Argentina's diplomatic history of the period under consideration only began to be the subject of detailed academic research as U.S. and British papers entered the public domain in the 1970s, with some Argentine records only growing increasingly accessible since the latter years of the military regime that ruled the country until 1983.

Such access had little to do with decreed policy. As is the case in other Latin American and European countries, official documents were meant to be declassified half a century after the events. In practice, though, various institutions have shied away from the release of papers fifty years later, while the authorities of others have shown themselves informally prepared to lift such a restriction earlier. Against the background of such discretionary powers, Buenos Aires University Press (Eudeba) published the first annotated collection of documents on Argentina during World War II in 1988, including, among others, a host of Argentine papers post-1938.¹

Since the 1980s, the study of the subject has been facilitated by three quantum leaps in access to Argentine documents. The first took place in 1992 when the then interior minister announced that he was

¹ Mario Rapoport, comp., *¿Allados o neutrales?* (Buenos Aires, 1988).

opening the so-called Nazi archives. While Argentina has no Nazi archives as such, only materials on various aspects of the country's record during the Nazi era scattered throughout a host of repositories, the announcement resulted in the release into the public domain of some ten Federal Police files on a number of Nazi war criminals. Disappointing as these were to historians and other interested parties because of their number and the large proportion of press cuttings in such files, their release set in train developments that since then have steadily increased the body of available Argentine documents.

The second quantum leap occurred during 1993-96, when records became generally easier to consult. Access to diplomatic documents at the Foreign Ministry Archive (AMRECIC) was facilitated in 1993. All bars were removed to studying judiciary papers on the extradition of Nazi war criminals, thereby allowing researchers to access documents regardless of the date when such extradition requested were lodged or of their result. A useful selection of these has now seen the light of day as part of a documentary project sponsored by Argentina's Jewish representative body (DAIA).² In line with its housing of presidential papers, the National Archives (AGN) received records of Juan Perón's presidency, in particular those of his Ministry of Technical Affairs, which shed light on the role played by the presidential information secretariat in the arrival in the country of former Third Reich scientists, technicians and other so-called useful Europeans. By 1996, the Central Bank (BCRA) released documents on gold transactions with neutral and other countries during the Nazi era and early postwar period.

The third leap dates back to 1997 and was initiated by researchers working for the Commission of Enquiry into the Activities of Nazism in Argentina (CEANA), created that year. CEANA's wide-ranging research agenda has three major aims: (i) reaching an informed estimate of the number of Nazi war criminals that settled in Argentina and analyzing the conditions that made this influx possible; (ii) determining whether Nazi loot may have been stashed away in Argentina or used the country as a transit point; (iii) assessing Nazism's impact on Argentine society, government and culture. Included among the records consulted by CEANA that were not previously seen by others are diplomatic papers that for one or another reason have not been transferred hitherto to AMRECIC by Argentine embassies and

² Paul Warszawski, comp., *Respuesta del Estado argentino ante los pedidos de extradición de criminales de guerra y reos del delito contra la humanidad bajo el III Reich* (Buenos Aires, 1998).

consulates; papers belonging to the various branches of the military, in particular those pertaining to army and air force personnel on the one hand, and to naval operations on the other hand; papers of the Directorate of Military Industries (DGFM), nowadays under the aegis of the Economy Ministry; Federal Police files on Argentine identity documents sought by German and other newcomers (these accessed via the Ministry of Interior); other Central Bank records; Ministry of Justice papers of the vice presidential commission that investigated Perón administration irregularities.

In summary, the corpus of Argentine papers bearing on the Nazi era and early postwar period is no longer one that would impel researchers to study one or another aspect of the country's performance on the sole basis of non-Argentine papers. This said, there are limitations to what can be gained from these important documentary sources, some such hurdles making it all the more necessary to exchanging information with researcher for CEANA and other commissions at foreign repositories. Moreover, there are still Argentine papers to be seen: to name but three groups that have been requested by CEANA, there are papers of Argentina's Ministry of Defense, intelligence secretariat (SIDE) and provincial police forces.

By the end of 1999 a CEANA final report is expected. Among other things, this will include a detailed inventory of Argentine and other records consulted by each of the 23 research units that have been launched so far. For the time being, three interim CEANA reports have been issued; these can be seen at the U.S. Holocaust Memorial Museum, as well as on the Internet at www.ceana.org.ar. In this way, CEANA hopes to play its part in Argentina's lengthy transition from a culture of secrecy to one of greater transparency, a transition that should hopefully make possible other self-introspective exercises such as that in which CEANA has been involved.