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and is the author of German Influence in the Argentine Army, 1900–1945, as well as numerous articles and papers pertaining to the Holocaust, postwar use of Nazi criminals by U.S. intelligence, U.S. government efforts to investigate and prosecute Nazi persecutors, and strategies to prevent genocide and mass atrocities.

Interview by Benjamin Guterman

What were your academic interests in high school and at the university, and what did you find most appealing about those studies?

In high school, I found history intensely boring. A trip to Rome with my Latin teacher when I was 15 left me fascinated with European cultures and languages. In addition to Latin, I managed to study French, German, and ancient Greek in high school, then took up Russian when I got to Vassar. A required Western Civ course my first semester showed me that history actually combines all the subjects I was interested in. So I wound up doing an independent major that combined German, Russian, and history. My adviser and mentor, History Professor Hsi-Huey Liang, urged me to apply to graduate school in history; U.Va. offered me a fellowship, so I went there. For the MA, I specialized in modern Germany and the Soviet Union, but the realities of the job market led me to broaden my fields for the Ph.D., which was in modern European history, specializing in modern Germany, and Latin American history, for which I learned to read Spanish. My dissertation topic combined both areas: German Influence in the Argentine Army. I conducted the research in Germany on a grant from the Deutscher Akademischer Austauschdienst through the German American Fulbright Commission.

How did you get your start at the Office of Special Investigations, U.S. Department of Justice?

I responded to a job posting for a historian at OSI in 1981, but when they contacted me for an interview, I was already contracted to be an instructor at U.Va. When OSI decided to hire another historian in 1983, they tracked me down and asked if I was interested. While I really wasn't a specialist in the Nazi period or the Holocaust at that time, they liked my knowledge of the German military and that I had conducted research in some of the same archives that OSI used for its investigations.

Why was the OSI established, and what was its mandate?

During the 1970s, something of a scandal arose around the U.S. government's failure to take effective action against persons living in the United States who had participated in Nazi crimes. In 1979 the Attorney General established the Office of Special Investigations under the Justice Department's Criminal Division and vested it with exclusive responsibility for detecting, investigating, and taking legal action to denaturalize and remove Nazi persecutors living in the United States and also for preventing Nazi persecutors from entering the U.S.

You've written that prosecutors in war crimes trials in U.S. courts, unlike in German courts, need to create "historical context." Why, and what does that entail?

Judges in the United States generally had little knowledge about how and by whom Nazi crimes were carried out. Most OSI defendants had not been German citizens during the war but were Eastern Europeans who obtained immigrant visas by misrepresenting themselves as displaced persons and refugees. Without knowing the broader historical context of how Nazi Germany used indigenous forces to carry out the Final Solution in occupied areas, judges had difficulty understanding how, say, a Lithuanian auxiliary policeman's actions could constitute assistance in Nazi persecution. For example, in the pre-OSI case against Fedor Fedorenko, who admitted guarding the Treblinka killing center and lying about his service to get a U.S. visa, the prosecution put on little evidence explaining how Treblinka operated and the hands-on role played by its 100 to 120 guards in murdering some 900,000 people in just 13 months. So the judge credited Fedorenko's claims that he had only stood guard on the far perimeter of Treblinka, had never personally harmed a prisoner, and during the Treblinka uprising had only shot over escaping prisoners' heads, activities that the judge did not think contributed to the persecution and murder of Treblinka's victims.

From the failures of the government's pre-OSI Nazi cases, OSI's first leaders concluded that the office needed to place a subject's actions within the broader historical context of how Nazi crimes were committed, so that the judge could better weigh the

credibility of the subject versus that of the witnesses and evidence. Understanding the historical context helped judges to see the subject not just as an elderly American citizen but also as, say, a young SS Death's Head guard who stood with rifle pointed just six paces from starving concentration camp prisoners performing forced labor.

What have been some other major challenges in prosecuting the OSI Nazi-related cases?

The biggest challenge was the lapse in time between when the crimes were committed and when we were investigating them. Finding eyewitnesses after so many decades and then getting judges to credit their testimony proved impossible in most cases. So the cases tended to be built on historical documents, sometimes masses of them—one defense attorney accused OSI of conducting “trial by archive.” But during the Cold War, OSI could not access most of the archives in Eastern Europe that had the largest holdings of documents pertaining to Nazi crimes in that region. Using witnesses or documents that the governments in that region made available was highly controversial, and OSI was under constant attack for using such evidence by a number of organizations and public figures who accused it of collaborating in Soviet smear tactics. So the fall of the Iron Curtain really gave OSI a new lease on life, because we were finally able to get into Eastern European archives ourselves, where we found records that enabled us to win old cases that had long languished for lack of evidence, as well as leading us to new cases that we successfully litigated.

Another challenge that OSI never fully overcame was finding a country that would take OSI defendants whom U.S. courts had ordered to be removed from the United States. Unless defendants had German citizenship during the war, Germany generally would not accept them, even though they were armed, trained, and paid by Germany and carried out their acts under German orders. The countries where defendants were born also often refused to accept them. Consequently, a number of proven participants in Nazi persecution who were under final orders of removal were able to live out their lives in their homes in the United States.

Finally, like many government agencies, we faced the challenge of being a very small office with a very small budget and a very large mandate.

Can you tell us about the OSI's impressive record of court victories, and how you define the program's wider successes and contributions to Nazi war crimes prosecution internationally?

When OSI was created in 1979, few people expected it to last long or have much success. When I was hired in 1983, I was told it would last three to five years at most. The original assumption was that OSI's cases would develop from allegations made by out-

side sources and would be based on witnesses and documents supplied by the governments in the areas where the crimes were committed. Given that most OSI subjects were Eastern Europeans, that meant that the sources of allegations and evidence were often Communist governments, but during the Cold War, few judges were open to crediting anything that came from behind the Iron Curtain. Within a few years, however, OSI developed a proactive approach that allowed it to identify subjects without allegations from outside sources and to find sufficient evidence to win some cases with little or no assistance from Communist governments. This proactive approach allowed OSI to far exceed expectations: it brought successful legal action against 108 Nazi persecutors in the United States and prevented over 180 suspected Axis criminals from entering the United States. DOJ and Immigration and Customs Enforcement (ICE) continue to use this proactive approach in their pursuit of post–World War II human rights violators who have come to the United States.

In its cases, OSI “proved” the Holocaust as legal fact by the highest standards of jurisprudence, establishing that it occurred as the intentional result of policies created by Nazi Germany’s highest leaders and substantiating many of the details of how millions of Jews were murdered—such as through poison gas at Auschwitz. The cases also established firm precedent for defining assistance in persecution, making clear that those who help to enforce oppression, whatever their motive or intent, share moral responsibility for victimizing the oppressed, even if they did not personally engage in physical violence. This precedent continues to be cited in immigration cases against perpetrators of post–World War II human rights violations.

OSI’s success inspired efforts in several other countries to bring legal action against perpetrators of Nazi crimes. Canada, in particular, studied OSI carefully in creating its own war crimes prosecution unit, which also employs historians. OSI assisted a number of countries in tracing Nazi perpetrators and finding evidence against them, including not only Canada but also Croatia, Italy, Latvia, Lithuania, and the UK, among others. OSI had a particularly close and mutually beneficial relationship with the German office responsible for investigating Nazi crimes. That office’s study of OSI’s case against Sobibor guard John Demjanjuk inspired it to develop a new approach that has led to Germany’s most recent successful Nazi cases, including the conviction of Demjanjuk as an accessory to the murder of some 28,000 victims gassed at Sobibor.

Historians have been vital and central to every aspect of the OSI investigations. How many historians did the program employ, and what were their main contributions? When OSI was first established, it consisted mainly of attorneys and criminal investigators, but its support staff included a couple of historians whose role was

to explain documentary evidence and also to find evidence in Western archives that could be used to corroborate Soviet-supplied evidence. But the historians quickly demonstrated that they could find evidence that could help OSI win cases and identify new suspects. Eventually the number of criminal investigators shrank to one part-time contractor, while the number of historians rose to 10—basically, the historians became OSI’s investigators. The engine of OSI’s proactive approach, which was key to its longevity and success, was the “R&D” program that was based on the historians’ research and run by a historian (by me after the 1988 departure of historian David Marwell, who essentially created it). Here’s how it worked: the historians all collected documents about Nazi persecution and the units and people that assisted in it; the R&D historian collected data from those records to identify suspected persecutors, checked for immigration records on those persons, tracked down those who had come to the United States, and conducted research to determine whether there was a reasonable basis for opening an investigation. That’s how almost all new investigations originated from the mid-1980s. Then, it was the responsibility of the historian assigned to each investigation to find records and identify witnesses that could establish what that subject did during the war and whether/how the subject’s activities were linked to Nazi-sponsored persecution. In the 1980s and 1990s, very little was known about how the Holocaust was carried out in much of Eastern Europe and especially about the role of non-Germans in it. OSI’s historians conducted really ground-breaking research that not only helped the office win cases but that also significantly advanced historical understanding of the Holocaust.

Specifically, how did historians help with preparations for trials?

One key task was to help prepare the expert witnesses who explained and authenticated the documentary evidence on which the case was based (OSI preferred to use independent historians rather than its own historians for this). OSI was extremely fortunate to have some truly outstanding scholars of Nazi Germany and the Holocaust serve as expert witnesses in its cases: Raul Hilberg, Richard Breitman, Dieter Pohl, and Charles Sydnor to name just a few. But OSI’s cases differ from the usual focus of historical inquiry, particularly in that they are on a much more micro level (focusing on the activities of a single individual of little to no historical significance) and address very narrow legal questions. And some of the cases involved units—like the Vilnius *Saugumas* or Trawniki Training Camp—that had come under little to no historical study, so the specific subject matter might be new to the expert, although the context and methodology were not. The OSI historians provided the experts with the documents, often numbering in the hundreds, on which each case was based and with reports summarizing how the

documents related to the subject's activities and to the larger issue of assistance in Nazi-sponsored persecution. The experts used these materials to prepare their own report and testimony, which played a key role in helping the judge, prosecutors, and defense counsel alike understand the complex and voluminous evidence.

In addition to working with the expert witness, the historian assigned to a case that went to trial obtained properly certified copies of the documentary evidence, ensured that it was accurately translated, drafted historical sections of prosecution memos, and generally attended depositions as well as the trial to assist the attorneys when historical questions arose.

How did you come to research the Majdanek concentration camp in Lublin?

I served as the historian on several OSI cases involving Majdanek guards, and after I became the R&D historian I identified some additional guards who were in the United States. In both roles, I helped to collect and then thoroughly analyzed a considerable amount of wartime German documentation as well as postwar Polish scholarship pertaining to Majdanek. OSI's leadership was supportive of the historians presenting their research in papers and articles, so I presented a paper on Majdanek at an AHA conference and went on to publish it.

Can you discuss the importance of the opening of several Eastern European and Russian archives, including with regard to the Trawniki records?

Most of the documentation pertaining to the Holocaust in Eastern Europe that survived the war was captured by the Soviets and wound up in archives that Western historians could not access during the Cold War. As the Iron Curtain was falling, OSI moved quickly to get its historians into those archives. For example, Mike MacQueen spent months in Lithuanian archives at the beginning of the 1990s, where he found records that helped OSI not only to win cases that had long languished for lack of evidence but also to identify many new subjects. Similarly, in the fall of 1990, OSI's then Chief Historian, Peter Black, went to the archive of the Federal Ministry of the Interior in Prague, where he found rosters listing hundreds of SS auxiliaries who had served at Trawniki and supplied the manpower for Operation Reinhard, the SS program to murder over 1.5 million Jews in Nazi-occupied Poland. Those rosters led to records in archives in several other Eastern European countries, based on which OSI identified about 80 percent of the 5,000 Trawniki men and brought and won cases against about 14 of them. By the late 1990s, the United States Holocaust Memorial Museum was significantly advancing the OSI historians' research efforts through its rapidly expanding collections of wartime documents from Eastern European archives. It was much more pro-

ductive to conduct research in Washington than in a rushed wintertime visit to an unheated, unlighted archive in a former Soviet republic.

The accumulated historical record at the OSI must have been enormous. How did you gain control of those materials and improve access to them by OSI staff?

This was a huge challenge, both for assembling our cases and for fulfilling our discovery requirements. Although it brought its cases under civil immigration law, from the 1990s OSI followed criminal discovery rules, which require the government to turn over to the defense all records in its possession that might be relevant to the case, even if they don't pertain to the defendant or the prosecution doesn't view them as evidence. Normally in law enforcement, documentary evidence pertains to just one case, and after that case is over, the evidence is archived in a file with the case name and little to no other information. But the Holocaust was a vast criminal conspiracy, and so documents in any of OSI's cases could potentially be relevant to other cases, including ones opened decades after the original case ended. For example, a record from Sachsenhausen concentration camp that showed how the SS trained and deployed concentration camp guards could be relevant to a case against a Majdanek guard, even though it came from another camp and didn't name him. The Justice Department didn't have a record-keeping system that made it practical to identify potentially relevant records in hundreds of paper investigative files. By the time I started, OSI was already creating work-arounds, such as historians maintaining topical files with copies of records from multiple related investigations. Finally, technological developments helped us get our ever-mounting collection of documents under control. Starting in the late 1990s, we were able to scan and code documents into databases that allowed us to search and retrieve records with information relevant to our investigations or responsive to discovery requests.

How were you involved in recent years in the efforts to locate and restitute Nazi-looted gold, artworks, and other valuable materials?

Whenever issues arose related to Nazi crimes, OSI was asked to weigh in. These special assignments often fell to me, particularly while I was Chief of Investigative Research (1988–1997). In 1996, then Under Secretary of Commerce Stuart Eizenstat asked OSI to participate in the Interagency Working Group on Nazi Assets that was examining U.S. and Allied efforts to recover and restore gold and other assets looted by Nazi Germany. For this assignment, I decided that OSI should focus on the fate of gold and other valuable personal property that the Nazis looted from German Jews and from victims at killing centers and concentration camps. With the help of OSI Historian Steve Rogers, I proved that the Reichsbank, Germany's

central bank, arranged the smelting of SS-looted victim gold—including gold teeth—into bullion, some of which Germany sold to Switzerland and Italy during the war, while some was in the Reichsbank gold reserves that the United States captured and turned over to European central banks. This became a major finding of the 1997 “Eizenstat Report” and led to the establishment of the first international fund to help needy Holocaust survivors. I also participated in producing the State Department’s supplement to the Eizenstat Report, including by analyzing the wartime gold records of Argentina’s central bank, reviewing the records of the Tripartite Gold Commission, and tracing how Nazi Germany used two private German banks to sell victim gold in Turkey in exchange for badly needed Swiss francs.

To expand on the work of the Interagency Working Group on Nazi Assets, Congress created the Presidential Advisory Commission on Holocaust Assets. I advised the Justice Department’s representative on the commission and served on the expert panel that reviewed the Commission staff’s work. OSI also contributed information about looted books and artwork that wound up in U.S. government institutions.

You’ve studied the postwar U.S. Army Counter Intelligence Corps (CIC) and its use of former Nazi officers and officials for intelligence. What insights have you gained about that program?

After the war, there was real fear in the U.S. that communists would take over European states and put them under control of the USSR, leading to World War III. The CIC was desperate for information about these new enemies, and so it turned to the people who had been collecting that information: German SS, police and military intelligence officials, and their collaborators in Eastern Europe. The CIC took on many of these as informants, including some who had been involved in Nazi crimes. The CIC hired them for their intelligence knowledge, not because they were criminals, but the CIC also wasn’t interested in finding out if its informants had criminal pasts. It’s not unusual for intelligence and law enforcement agencies to use unsavory people as informants, of course. What happened in some instances with the use of Nazi informants, however, shows the potential dangers of such an arrangement, especially when best practices are not followed. Because of the U.S. Army’s rapid demobilization after the war ended, a lot of the postwar CIC officials, especially in Austria, lacked intelligence training and experience and were lax and amateurish in their handling of informants, naively believing that Nazis could be relied on to be anti-communist. Many of CIC’s Nazi informants spied for multiple countries, some were running intelligence “mills” and selling the products to anyone who would buy, some even got informant jobs by falsely claiming to have served in the SS. CIC operations were constantly being blown,

their most important operatives kidnapped or killed. And, although CIC didn't set out to employ or help Nazi criminals, when informants were exposed as criminals and threatened with arrest, CIC often protected them because they had come to know too much about its operations. So instead of controlling its informants, CIC set itself up to be blackmailed and betrayed by them, and in some cases it helped real criminals escape justice.

As Deputy Chief and Chief Historian at the HRSP in 2010—formed from the OSI—what new challenges did you face?

The challenges really started in 2004, when Congress assigned OSI responsibility for pursuing perpetrators of post–World War II human rights violations who had obtained U.S. citizenship. This was an enormous expansion of our area of focus, from Europe during World War II to the entire world in the last 60 years. And as it was an unfunded mandate, we couldn't hire anyone with the new area expertise we needed. So some of the historians had to “retool.” I arranged for the historians with Slavic languages to train in Bosnian-Croatian-Serbian, and they became real experts on the conflict in the former Yugoslavia. I assigned East Africa to Jeff Richter, now HRSP's Chief Historian, and he quickly gained recognition in the government for his expertise on Rwanda, in particular.

In 2010 OSI became part of the newly created Human Rights and Special Prosecutions Section (HRSP), part of whose mission is to prosecute human rights violators under either immigration or substantive U.S. laws (e.g., for torture or genocide). The challenges in these cases are many and daunting. Unlike OSI, responsibility for investigating and prosecuting human rights violators is not concentrated in HRSP but is scattered among various agencies and offices with differing priorities and levels of expertise. This diffusion of responsibility, in my opinion, impedes the success of the government's program to deny safe haven to human rights violators. In addition, the investigations significantly differ from the Nazi cases. Because the crimes are relatively recent, documentation about them has not been sent to an archive, and as these are criminal cases, the rules of evidence limit the possibility for basing a case on documents. Often the crimes were committed under the auspices of persons who continue to wield power, so accessing evidence and witnesses is difficult, and security for both witnesses and HRSP staff is a very real concern. And at the inception of HRSP, much of its leadership and attorney staff had not worked at OSI, so it was necessary to overcome their skepticism about the value of involving historians in their cases. This particular hurdle was easily overcome, because the historians quickly proved their value in helping attorneys and investigators to find, understand, and evaluate the credibility of evidence and witnesses. In fact, HRSP is now looking to hire additional historians.

You came to the USHMM in 2012. What have been your roles and priorities there?

I came to the Museum to serve as the Research Director of its Center for the Prevention of Genocide, today the Simon-Skjoldt Center for the Prevention of Genocide (CPG). My main duties were to develop a fellowship program that would foster innovative projects with practical application for genocide prevention; identify and monitor current cases of concern and advise on CPG efforts related to them; and provide expert advice to the Museum, scholars, policy makers, and the public on genocide and its prevention. Recently, the Museum in general has increasingly been developing programming that looks at post-Holocaust genocides and mass atrocities as part of its focus on the continuing impact of the Holocaust on the world today, and so it created a new position within the Division of the Senior Historian for an in-house expert who could provide advice and factual oversight for those efforts. I moved to that position in late 2015. In addition to providing expertise on post-Holocaust genocide, I also work on historical questions relating to the Holocaust and Nazi Germany, so in a sense I've come full circle.

Can you tell us about your work at the USHMM in efforts to prevent crimes against humanity and genocide?

The first "situation of concern" I focused on was Syria, where the conflict had yet to reach catastrophic dimensions. I commissioned a report by Ambassador Fred Hof that analyzed the likely trajectory of the conflict, most of whose predictions have now come to pass; drafted the Museum's calls for international assistance to Syrian civilians and refugees; and worked with civil society organizations to advance civilian protection and accountability for the crimes being committed in Syria. My contacts helped the Museum acquire the photos it is currently displaying of the corpses of Syrian government detainees, which show clear signs of torture and starvation. In 2013 I brought the plight of the Rohingya in Burma to the Museum's attention and helped to curate its first exhibit and program on the Rohingya. I also had the privilege of fostering some very innovative work through the CPG fellowship program. Examples include Dr. Andrew Marx's development of a new methodology for using free, mid-resolution NASA satellite imagery to detect signs of mass human rights violations; Dr. Annie Bird's atrocity assessment framework that the State Department and USAID are using to identify and prioritize prevention options in at-risk countries; and Jim Finkel's study of the Atrocity Prevention Board, which has helped spark ongoing discussions among policy makers and experts about how to make atrocity prevention a stronger focus of U.S. government policy making. One issue that I've worked on quite a lot and am still involved in is "dangerous speech"—the kind of hate speech that often helps to catalyze collective mass violence. The term was coined by Susan Benesch, the first CPG fellow whose work I managed. Based on



U.S. Holocaust Memorial Museum exhibit “Our Walls Bear Witness: The Plight of Burma’s Rohingya,” November 2013

the policy approaches she outlined, CPG has focused on how to make audiences less susceptible to the message of dangerous speech. I arranged a fellowship for Rachel Brown, founder of a peacebuilding text message subscription service in Kenya, to study how to use strategic communication strategies to counteract the impact of dangerous speech on audiences. I then led CPG’s efforts to turn her fellowship project into a useful tool for civil society organizations working in dangerous speech situations. Consisting of a reference guide and three workbooks, the project, titled “Defusing Hate: A Strategic Communication Guide to Counteract Dangerous Speech,” will be released online and in hard copy later this year.

Your work falls in the sphere of “applied history,” support for policymaking, and even museum work. What should historians coming from academia know about the very different work processes you face?

Generally, public historians don’t choose their research topics and don’t pursue them with a view to addressing the kinds of “big-picture” issues that are important in academia, though on occasion, published findings of public historians can generate or contribute to the advancement of knowledge and scholarly debate on such issues. Instead, institutional mission and priorities tend to dictate what the public historian researches and the questions to be addressed

through that research. But the work of public historians can have much greater repercussions than in academia, because their findings are presented not as the expert opinion of one historian (whose name often doesn't appear on the work) but as the official position of the agency or institution. So the reach of the public historian's work can be far broader than an academic's—well more than a million people visit the Museum's exhibits or consult its online Encyclopedia of the Holocaust every year—and the impact on individuals' lives far greater. A misinterpretation by the public historian could cause the government to lose a case—or worse, win one it ought to lose, or tarnish a museum's reputation, or perpetuate a historical misunderstanding that becomes almost impossible to correct once it has the government's imprimatur. Even well-founded findings can land a public historian's institution in hot water when they fail to support the views or agenda of certain constituencies. Deadlines may be short and pressure intense when an issue suddenly becomes “hot” and the media are clamoring for your institution to weigh in. Public historians should be thorough and meticulous in their research, rigorously apply historical method and critical analysis to their sources, avoid speculation, and acknowledge gaps and inconsistencies in the available information. Finally, they should be willing and able to back up and defend their findings in the face of internal or external pressures to modify them in ways that are not supported by the available facts.

Looking back at OSI and USHMM research, what have been some of the most important insights we've gained about the Holocaust and genocide in recent decades?

One insight that OSI's cases helped to confirm is that it takes a lot of people to commit genocide, and they contribute in a wide variety of ways and out of a wide variety of motives. This may seem self-evident, but for a long time a common perception—pushed particularly by some Germans of the wartime generation—was that the Holocaust was a secret plan ordered and organized by a few top Nazi leaders and carried out by evil German SS men. Another popular theory was that the German people committed the Holocaust out of genocidal hatred for the Jews. More than 90 percent of OSI defendants did not come from Germany, and most of them were not adherents of Nazi ideology. The Museum's current exhibit, “Some Were Neighbors: Collaboration and Complicity in the Holocaust,” vividly demonstrates the diversity of actors and actions that made the Holocaust possible. To be successful at preventing future genocides, we must eschew simplistic, self-righteous theories and do the hard work of examining the factors and dynamics that can motivate potentially any ordinary human in potentially any country to collaborate in mass murder.