

I W G

Statement of Richard Ben-Veniste

Today's announcement represents a rare victory for those in our nation who advocate more openness in government. It is my view that there is far too much secrecy in government – and that the trend of over-classification is inimical to the requirements of maintaining robust democratic institutions.

Of course, it is true that matters of legitimate national security should appropriately be kept secret. The problem arises when those who have the power to order and maintain secrecy, abuse that power for reasons unrelated to bona fide national security interests. Secrecy has often acted as the hand maiden of complacency, arrogance and incompetence. It is therefore critical that we demand of our government that transparency be the rule and secrecy the exception only in circumstances where legitimate national security interests may be compromised.

I thank our nation's Archivist, Allen Weinstein, not only for hosting this gathering today and for being a true supporter – in word and deed – of the Nazi War Crimes and Imperial Japanese Government IWG, but also for being a champion of the people's right to know. The National Archives staff has worked tirelessly for almost seven years in fulfilling the expectations of Congress and the

American people in opening more than 8 million pages of previously classified documents relevant to this important subject.

There is much to be learned from the mistakes made in the past in employing individuals with the blood of religious and ethnic oppression on their hands to work in the service of our nation. This chapter of our relatively recent history teaches us the pitfalls of a policy based on expediency rather than commitment to upholding our ideals.

I want to thank our distinguished historians for their insight and expertise in identifying leads for requested files and for the clarity of their analysis of the historical relevance and contextual importance of the newly declassified materials. Richard Breitman, Norman Goda, Tim Naftali and Bob Wolfe have made a critical difference in the IWG's ability to obtain these records and explaining their historical importance.

Finally, I want to thank our congressional sponsors and most valued friends, Sen. Mike DeWine and Rep. Carolyn Maloney, who were directly responsible for breaking the impasse that led to the CIA reversing its position denying the IWG's attempts to declassify certain materials, including some that will be discussed today.

In 2002, the CIA declared that it was no longer going to follow the criteria observed since 1999 for all the participating agencies in the IWG declassification project. Henceforth, it would produce files relating only to individuals whom we could prove had personally engaged in war crimes. Membership in the Nazi SS – prima facie evidence sufficient for the war crimes tribunal at Nuremberg – would not suffice. For 18 months the IWG tried to persuade CIA that its unilateral redefinition of its obligation was erroneous and unacceptable. As the sunset date for the IWG approached we suspected an attempt to run the clock on the IWG.

We turned to Senators De Wine and Feinstein and Rep. Maloney, who quickly sponsored legislation extending to IWG until March 2007. Next, we proposed that Senator DeWine and Rep. Maloney attend a meeting of IWG and CIA representatives, where both sides would present arguments for the interpretation of production requirements under the statute. Fortuitously, Porter Goss had just been confirmed as the new CIA Director, but had not yet appeared before Congress for any oversight hearings

To make a long story shorter, within a week of that joint meeting DCI Goss ordered the agency to revise its interpretation and co-operate fully in the declassification of relevant documents. Since that time CIA has been extremely helpful in producing important new materials and in initiating and following up on

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leads for additional documents. We thank the CIA's representatives to the IWG – Mary Walsh and Stan Moskowitz for their extraordinary helpfulness, and have every reason to believe that this co-operation will continue under the leadership of Gen. Michael Hayden.

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