

Chief, EE

26 FEB. 1959

Chief of Mission, Frankfurt

Operational/CADORY

EDJ TRIAL

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*m. Lain*

Confidential

Feb 10, 1953

BDJ Trial

On February 9, Ministerialrat Dr. Kanter of the Federal Ministry of Justice was queried as to the progress of the BDJ court action now pending in the Hessian courts. Dr. Kanter stated that the matter was now under consideration before the Investigating Judge in Frankfurt to determine whether there was sufficient evidence to authorize prosecution.

Dr. Kanter stated that a "Grey Book" on the Technische Dienst had been published by the Hessian Ministry of Interior and copies had been sent to all the Land Ministries of Interior and one single copy to the Federal Ministry of Interior, but none had been forwarded to the Federal Ministry of Justice, even after it was specifically requested. Nevertheless, a copy had been obtained by the Federal Justice Ministry from one of the Land Ministries of Interior, and it was Kanter's opinion that Minister President Zinn does not have enough evidence successfully to prosecute the four defendants, despite the latter's claims of new sensational findings in the case, which, from past experience with Zinn, Kanter is inclined to doubt.

In this regard, Kanter stated that the investigating judge from Frankfurt had visited the Ministry of Justice in Bonn on the case and was surprised at how well the Federal Solicitor General had handled the matter. In view of this preparation and the opinion in Bonn that the Hessian courts have insufficient evidence, the investigating judge remarked that he had better return to Frankfurt to have another look at the case. Kanter implied that the judge's confidence in his case was somewhat shaken after his talk with the Solicitor General.

It is Kanter's hope that the case will die in the lower courts, though it is his opinion that should the investigating judge find sufficient evidence for prosecution, the Federal Solicitor General would withdraw the case from the Hessian courts for Federal action and the matter would die there. Herr Zinn is to have a conference Thursday with the Federal authorities and Dr. Kanter stated he would advise us immediately of the outcome of any decisions made at that time.

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