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2 6. FEB. 1959

Chief of Mission, Frankfurt

Operational/CADORY

BDJ TRIAL

We are forwarding herewith for your information and records, one copy of a memorandum comparing subject trial.

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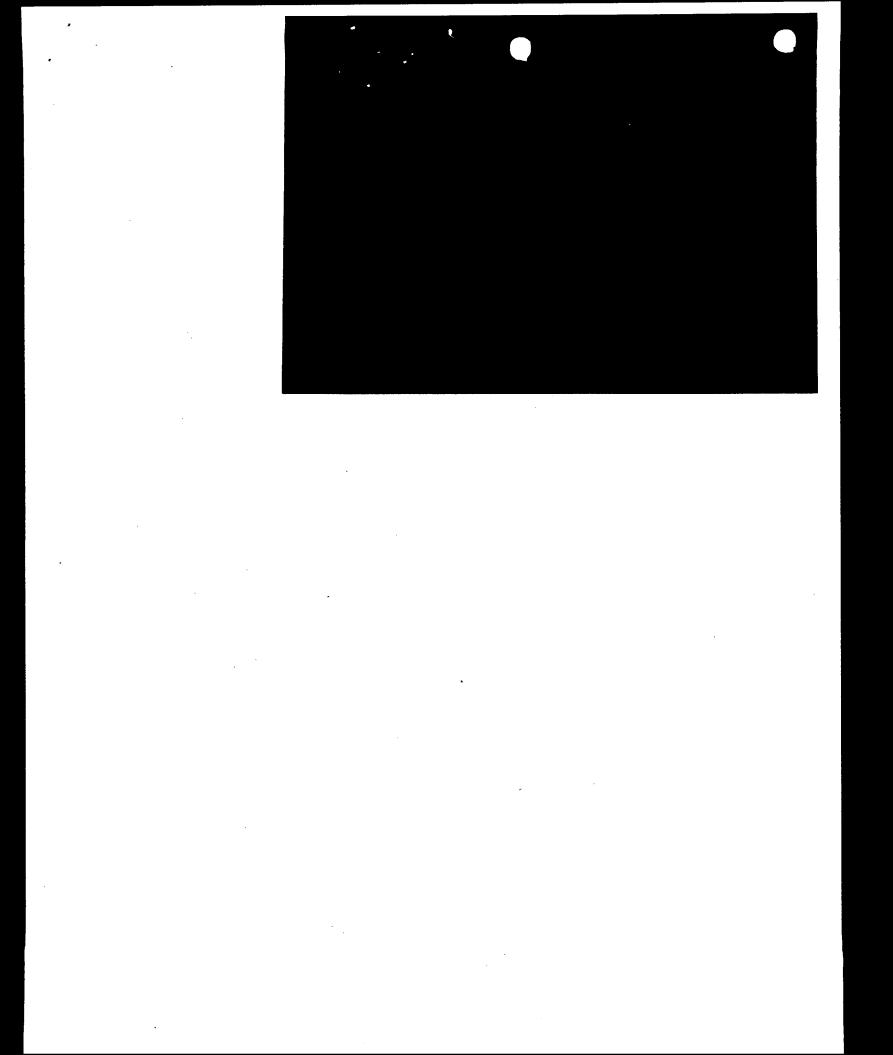
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## Confidential

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On February 9, Ministorial rat 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 Frankfort to determine whether there was sufficient evidence to entharize prescention.

Dr. Kaster stated that a "Grey Book" on the Technische Dieset had been published by the Hessian Ministry of Interior and espies had been seat to all the Land Ministries of Interior and espies had been seat to all the Land Ministries of Interior and espies to the Federal Ministry of Interior, but mass bad been forwarded to the Federal Ministry of Justice, even after it was specifically requested. Hevertheless, 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 Zina does not have enough evidence successfully to proceeded the four defendants, despite the latter's claims of new permational findings in the case, which, from past experience with Kina, Lanter is inclined to devot.

In this regard, Kanter stated that the investigating jodge from Frankfort had visited the Ministry of Justice in Boan on the case and see surprised at her well the Federal Solicitor General had handled the matter. In view of this preparation and the opinion in Boan that the Ressian courts have insufficient evidence, the investigating judge remarked that he had better return to Frankfort to have menther look at the case. Kaster 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 dis in the lower course, though it is his opinion that should the investigating judge first sufficient evidence for prosecution, the Federal Solicitor General would withdraw the case from the Secsion courts for Federal action and the astter would die there. Herr Zinn is to have a conference Thursday with the Federal authorities and Dr. Kanter stated he would advise us insediately of the extense of any decisions made at that time.

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