

CENTRAL INTELLIGENCE AGENCY

10 FEB 53

IN 36221

SECURITY INFORMATION

ROUTING	
1	PPG
2	PPG
3	CHADNO
4	
5	C/EE
6	CPP
7	
8	

TO: DIRECTOR, CIA
 FROM: SR REP BONN ROUTINE
 ACTION: EE (1-6) 0224Z 11 FEB 53
 INFORMATION: DCI (7), D/DCI (8), DD/P (9-10), PP (11-12)

BONN 0507

TO: DIR (C 1), SFRAN (C 3) CITE: SBONN

RE: DIR 39885 (OUT 87464) - LCP/PP/EE

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 subjected to systematic review.

1. REBER UNABLE TO KEEP 1000 APPOINTMENT TODAY FOR "POSSIBLE
 MINOR CHANGES" IN DRAFT (SBONN 0504 (IN 35724)) BECAUSE EARLIER THAN
 SCHEDULED ARRIVAL CONANT.

2. BASIS REF AND 1st INSTRUCTIONS 8 JAN, SAW KANTOR WITH
 KRAUSE TODAY AND TOLD HIM:

(A) STATEMENT HAD BEEN SIGNED, BUT MINOR CHANGES AND
 POSSIBLE SLIGHT FUTURE MODIFICATIONS REQUIRED TREATMENT OF PRESENT
 STATEMENT ONLY AS DRAFT. ✓

(B) WE MUST INSIST STATEMENT NOT BE ISSUED UNTIL AFTER
 WITHDRAWAL CASE BY FED AUTHORITIES SINCE STATEMENT COULD BE USED ONLY
 IN CONSIDERATIONS FED PROSECUTOR. ✓

(C) SINCE REVISED STATEMENT NECESSARY AFTER WITHDRAWAL,
 ISSUANCE MUST WAIT FOR RETURN UNLESS CASE WITHDRAWN AND SUBOR-
 DINATE'S SIGNING FOR ACCEPTABLE.

3. WAS FRANKLY CONCERNED OVER POSSIBLE IMPASSE RESULTING FROM
 DECLASSIFIED AND RELEASED BY
 CENTRAL INTELLIGENCE AGENCY
 SOURCES METHOD USE EXEMPTION 3828
 NAZI WAR CRIMES DISCLOSURE ACT
 DATE 2007

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KANTOR'S REACTION TO THIS SOMEWHAT HIGH-HANDED TREATMENT. ALTHOUGH FRIENDLY, HONEST AND COOPERATIVE, HE IS STILL THIRD MOST INFLUENTIAL MAN FED MINISTRY OF JUSTICE, AN EX-LIEUTENANT GENERAL, AND INCLINED TO REACT NEGATIVELY WHEN PRESSED. HOWEVER, HE ACCEPTED POINTS WITH FAIRLY GOOD GRACE AND STATED:

(A) PROMPT CONSIDERATION OF PRINCIPLES IN DRAFT STATEMENT BY FED PROSECUTOR ESSENTIAL, BUT HE WOULD CONTINUE TO TREAT MATTER AS SECRET AND DISCUSS ONLY WITH FED PROSECUTOR.

(B) HE WOULD NOT EVEN USE FACT WE WERE CONTEMPLATING ISSUING STATEMENT IN ANY OF HIS DISCUSSIONS WITH ZINN OR SPD AUTHORITIES WITHOUT OUR SPECIFIC APPROVAL.

(C) STATEMENT, WHEN FINALLY ISSUED TO FED PROSECUTOR MUST BE SIGNED BY PERSON ISSUING, SINCE OTHERWISE WOULD HAVE NO VALIDITY UNDER GERMAN LAW.

4. WE THEN REAFFIRMED STATEMENT COULD NO BE ISSUED PRIOR TO (A) WITHDRAWAL AND (B) [] RETURN, AND USED UNSIGNED DRAFT AS AMENDED BY REF FOR DISCUSSION. KANTOR RAISED ONLY TWO POINTS:

A. WHY HAD WE MADE NO REFERENCE TO PAPER FOUND IN []'S HOUSE IN FIRST PARA?

B. WERE WE POSITIVE OF PETERS' MEMBERSHIP IN BDJ UNTIL 1952, SINCE FED PROSECUTOR HIMSELF WAS NOT SURE ON POINT AND THOUGHT

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PETERS' MEMBERSHIP THAT LATE MAY HAVE BEEN NOMINAL, RATHER THAN ACTUAL?

WITH REGARD TO "A", REPLIED WE FELT NECESSARY ONLY TO ANSWER SUBSTANTIVE PART OF QUESTION. KANTOR FINALLY AGREED. WITH REGARD TO "B", KANTOR SAID THEY WOULD PREFER LESS PRECISE WORDING, SO AS NOT TO JEOPARDIZE FINDINGS OF FED PROSECUTOR. FINALLY AGREED FOR FOLLOWING AS SUBSTITUTE FOR LAST SENTENCE PARA 4 D, DIR 39808 (OUT 87277), SUBJECT APPROVAL MY SIDE AND POSSIBLE MINOR CHANGES WORDING: " I HAVE BEEN INFORMED THIS WAS ACCOMPLISHED IN EVERY CASE, EXCEPT POSSIBLY THAT OF PETERS WHO IS ALLEGED TO HAVE RETAINED HIS CONTACT WITH THE BDJ UNTIL 1952."

5. THEN ASKED KANTOR IF HE WOULD LIKE KRAUSE TO DICTATE IN GERMAN PRINCIPLES OF DRAFT; KANTOR SAID HE WOULD PREFER TO HAVE EXACT TRANSLATION MADE BY MINISTRY OF JUSTICE AND POINTED OUT WE HAD ALREADY AGREED DRAFT WAS SECRET AND TO BE SHOWN TO OR DISCUSSED WITH ONLY FED PROSECUTOR. SINCE WE HAVE IN WRITING FROM FED JUSTICE MINISTRY QUESTIONS ON WHICH DRAFT WAS BASED. SINCE ALL POSSIBLE SECURITY PRECAUTIONS HAD BEEN TAKEN, AND SINCE REFUSAL TO LET HIM KEEP UNSIGNED DRAFT WOULD CERTAINLY HAVE BEEN CONSIDERED AS A DELIBERATE INSULT TO HIGH REPRESENTATIVE OF FED GOV, I CLASSIFIED DRAFT SECRET AND AGREED. SIGNED COPY, OF COURSE, RETAINED.

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6. KANTOR THEN SAID HIS AND FED PROSECUTOR'S MEETING WITH ZINN SET 1500, 12 FEB; (THERE WAS A POSSIBILITY-ALTHOUGH DOUBTFUL- THE INVESTIGATING JUDGE IN FRANKFURT MIGHT FIND (A) THE CASE FELL OUTSIDE THE COMPETENCE OF THE HESSE COURTS, OR (B) THE DEFENDANTS HAD COMMITTED NO CRIMES; HE EXPECTED OUR NEXT MEETING WOULD BE REQUIRED AT EARLIEST LATE NEXT WEEK. PROMISED TO INFORM ME OF RESULTS OF ZINN MEETING THROUGH KRAUSE.

7. [] WILL CLEAR DRAFT PARA 4, DIR 39808 WITH REBER FOR MINOR CHANGES. QUERY: IN ADDITION APPROVING OR REVISING SUGGESTED CHANGE PARA 4, ABOVE, DID YOU DELIBERATELY LEAVE OUT ANY REFERENCE TO "SO-CALLED TECHNICAL SERVICE OF BDJ" IN YOUR VERSION? AS MATTERS NOW STAND ORGANIZATION NOT NAMED.

8. UNLESS SOME UNFORESEEN DEVELOPMENT, SUCH AS NEW MOVE BY ZINN, FEEL CRISIS THIS AFFAIR NOW PAST. UNDOUBTEDLY WILL BE ADDITIONAL PUBLICITY IN FUTURE, BUT SHOULD BE MINIMAL.

END OF MESSAGE

Handwritten notes and stamps at the bottom right of the page, including the words "SECRET" and "CONFIDENTIAL".

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