

11 February 1953

Chief of Mission, Frankfurt

Attn:

Chief of Base, Bonn

Operational/CADORY

Discussion of EDJ Before the Federal Constitutional Committee
on 6 February 1953

1. During the latter part of January 1953, Dr. LEHR, Federal Minister of the Interior, called a meeting of all the Laender Interior Ministers for a discussion of the EDJ case. Ministerpresident ZINN, who was also present at the meeting, made violent accusations against the BfV and particularly against RADKE without, however, mentioning his name. Neither LEHR nor JOHN, who was also present, had the courage to make an effective rebuttal of ZINN's charges, much to the disgust of RADKE.

2. On 6 February 1953, the EDJ affair was to be discussed before the Federal Constitutional Committee (Verfassungsausschuss) under the chairmanship of Walter MENZEL (SPD). Thanks to the absence of JOHN who is on vacation in Switzerland, RADKE was to represent the BfV at this meeting, at which the SPD was well represented, the CDU poorly, and, with the exception of Communist FISCH, none of the other parties were represented. The Federal Government was represented by LEHR, LEX, EGIDI, SCHMIDT, all of Federal Interior Ministry. Land Hesse was represented by SCHUSTER, Deputy Interior Minister, and MANEK, newly appointed LfV chief. The question before the committee was to act on a written request from ZINN to LEHR that the EDJ be banned in the entire Federal Republic for having engaged in subversive activities. LEHR gave a lengthy speech, saying that before such a ban could be issued, the investigation of the whole EDJ affair which is now in progress must first be completed. After two hours of speechmaking, LEHR excused himself that he had to attend a reception for Mr. Dulles. When he left the meeting, Communist FISCH could not refrain from casting a few nasty remarks at him and his meeting with Dulles.

3. Walter MENZEL and Ludwig BEROSTRAESSER (SPD) then attacked RADKE for not having informed the Federal authorities about his talks with PETERS in 1951 and for having omitted to have PETERS and his "Apparat" investigated by the BfV. RADKE replied that under no circumstances would he investigate or report on an organization that was clearly sponsored by an Allied occupation force because he did not want to run the risk of being accused of spying on the Allies. This explanation was received with mixed feelings on the part of the SPD members and, of course, by FISCH.

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4. Next RADKE was accused of having known that the Apparat and the BfV were one and the same organization. RADKE vehemently denied this accusation because PETERS had distinctly told him that the Apparat and the BfV were entirely separate although some Apparat members were recruited from the BfV. RADKE was then asked why he did not make name traces of LUSTH? In reply, RADKE cited a communication from the LFV Hesse in which it was admitted that LUSTH had been a former member of the Communist Party and seemed to have fairly good control over the BfV.

5. RADKE was next accused of being responsible for the release of the defendants when the Apparat case broke. RADKE denied this and could prove that he was on vacation when the case broke. He explained that the Federal Prosecutor had asked JOHN to get a declaration from the Americans regarding their sponsorship of the Apparat, on the basis of which he could release the prisoners. JOHN received the promise of such an American declaration, which was given to the Federal Prosecutor who then released the prisoners.

6. The final accusation against RADKE dealt with his interference in the tax case that was pending against the BfV in Hesse. As evidence SCHUSTER showed two letters, addressed to RADKE, which had been found during the search of BfV offices. In the first letter dated 1951, HAMBACHER requested that the BfV be recognized as a non-profit (gemeinnützige) organization which should be exempt from taxes. This letter was turned over to JOHN who instructed MERZ, his evaluation chief - and SPD member - to inform the Hessian government that as far as the BfV could determine, the BfV was an anti-Communist and consequently a non-profit organization. RADKE categorically denied that the BfV interfered in any way in the Hessian tax suit against the BfV. SCHUSTER was silenced on that point by RADKE's statement that HAMBACHER had written the same letter to the Kaiser Ministry and to the Interior Ministry. The second letter, dated January 1953, was from KNOLL and ROEMER, informing RADKE that the BfV had been reorganized. When SCHUSTER asked RADKE why he had not informed the Federal authorities about this letter, RADKE asked SCHUSTER if they had not found his (RADKE's) reply. SCHUSTER stuttered that they had not found any. RADKE then said his reply was as follows: "Receipt is acknowledged of your letter of, which has been submitted to Dr. Otto JOHN for further action." That reply again silenced SCHUSTER.

7. The Committee members made some acrid remarks about the lack of cooperation between the BfV and LFVs. It was decided to refer the question of banning the BfV in the Federal Republic to a sub-committee for further study. After the meeting RADKE had a beer with MANEK who told him that the Hessians had found a notebook of LUSTH which, while not containing anything incriminating, contained notes that would give rise to some more bad publicity about LUSTH and the BfV. MANEK also told RADKE that HAMBACHER is under investigation for having been a former member of the "Freies Komitee Deutschland" and for having had Communist tendencies.

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8. As you can well imagine, HADKE was rather upset about all these actions which, he feels, could have been avoided if the Americans had made a public instead of purely informal statement that the Apparat and the NDJ were sponsored by them. ZINN and his cohorts would never have dared to attack an occupation force the way they did. Without wishing to be quoted, RA DKE recommended one of two things concerning the NDJ:

- a. The NDJ should file suit with the Constitutional Court in Karlsruhe, demanding that the ban against the NDJ in the four Laender is unconstitutional or produce evidence why it should be banned.
- b. The NDJ should be disbanded and its members should join some other youth organization in western Germany.

Approved

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