

CENTRAL INTELLIGENCE AGENCY

29 JAN 53

SECURITY INFORMATION

IN 32543

ROUTING	
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TO: DIRECTOR, CIA  
 FROM: SR REP FRANKFURT  
 ACTION: EE 6  
 INFORMATION: ED/P 2, FI, FI/OPS, FI/STC, PP 2, FI/RI 2

PRIORITY

1529Z 29 JAN 53

FRAN 0989

TO: DIR

INFO: (ROUTINE) SBONN

CITE: SFRAN

CADORY/BDJ

DECLASSIFIED AND RELEASED BY  
 CENTRAL INTELLIGENCE AGENCY  
 SOURCE METHOD EXEMPTION 3B2B  
 NAZI WAR CRIMES DISCLOSURE ACT  
 DATE 2007

## 1. SUMMARY OF J'S DISCUSSIONS IN BONN:

A. MOSHEIM AND SCHMIDT OF PUBLIC SAFETY SECTION INTERIOR  
 MINISTRY INDICATED:

1. IN TEN DAYS FED GOVT PLANS TRANSFER BOTH BAN ON  
 BDJ AND ACTION AGAINST FIVE DEFENDENTS TO KARLSRUHE FEDERAL COURT.

2. WE SHOULD URGE DEFENDENTS IN HEARINGS BEGINNING  
 MONDAY TO INSIST BDJ AND TECHNICAL SERVICE ENTIRELY SEPARATE ORGAN-  
 IZATIONS AS SPD CASE BASED ON PREMISE THEY INSEPARABLE.

3. FOUR DEFENDENTS WHO WERE MEMBERS OF TECH SERVICE  
 SHOULD ASSERT AT HEARINGS THEY WERE WORKING FOR ALLIED INTELLIGENCE  
 AND CANNOT MAKE STATEMENT IN VIEW ORDERS FOR SECRECY FROM ALLIED  
 AUTHORITIES. THUS LUTH WOULD BE ONLY ONE TO PROVIDE INFORMATION  
 AND HE SHOULD MAINTAIN BDJ AND TECH SERVICE ENTIRELY SEPARATE.

4. DEFENDENTS DO NOT HAVE TO TESTIFY UNDER OATH,  
 UNLESS USED AS WITNESS AGAINST OTHERS. THIS ONLY DONE WHEN BELIEVED  
 WITNESS WILL NOT BE AVAILABLE AT TRIAL.

5. AS HEARING CLOSED, SHOULD NOT BE PUBLICITY, BUT  
 ADMITTED WHEN PRESSED THAT THEY COULD NOT BE SURE OF THIS.

B. I GATHERED GOVT PLAN RE BDJ IS NOT TO BAN IT BUT  
 TO LET IT DIE A NATURAL DEATH, THEN ARRANGE FOR SUCCESSOR ORGANIZATION  
 WITH CLEAN LEADERSHIP.

C. TALK WITH STATE SECRETARY VON LEX AND EGIDI REVEALED:

1. CONFIRMATION IN SUBSTANCE OF MOSHEIM-SCHMIDT  
 STATEMENTS.

2. DESIRE TO BE SURE DEFENDENTS DID NOT STATE  
 INTERIOR MINISTRY SUGGESTED USE LAW 62.

3. OFFHAND REMARK BY LEX THAT USE LAW 62 MIGHT  
 RESUCITATE KEMRITZ CASE AS LAW IS COMMONLY CALLED LEX KEMRITZ.

D. TALK WITH REBER, LAMB AND MENCKE REVEALED FOLLOWING:

SECURITY INFORMATION

COPY NO.

(44)

1. LAW 62 NOT A BAR TO TAKING EVIDENCE, ONLY TO CONVICTION. ON BEING QUESTIONED INTERIOR MINISTRY AGREED THIS BUT FELT JUDGE WOULD PROBABLY NOT INSIST ON HEARING EVIDENCE AFTER LAW 62 INVOKED.
2. REMOVAL UNDER LAW 13, REQUEST FOR FILES, SENDING OBSERVER ALL DISCUSSED AND DISCARDED.
3. FELT ONLY THING TO BE DONE IS TO GET DEFENDENTS GOOD LAWYERS.
4. REBER STATED DEFENDENTS SHOULD NOT AT ANY TIME BE UNTRUTHFUL.
5. REBER WILL MENTION MATTER TO OLLENHAUER 29 JAN EXPRESSING HOPE IT WILL NOT RESULT IN FURTHER UNFORTUNATE REACTION OVER ISSUE WE HAVE CONSIDERED DEAD.

2. RECOMMEND FOLLOWING ACTION:

- A. DEFENDENTS BE TOLD THEY DO NOT HAVE TO TAKE OATH.
- B. DEFENDENTS OTHER THAN LUTH TO STATE THEY WERE WORKING FOR ALLIED INTELLIGENCE SERVICE AND CANNOT MAKE STATEMENT IN VIEW ORDERS FOR SECRECY. AS OUR RESPONSIBILITY FOR TECH SERVICE ALREADY REVEALED TO GOVT AND SPD, SEE NO UNDUE HARM IN THIS.
- C. LUTH TO MAINTAIN BDJ AND TECH SERVICE ENTIRELY SEPARATE.
- D. IF JUDGE SHOULD SUPPORT SPD POSITION THAT BDJ AND TECH SERVICE NOT SEPARATE, WE MUST BE PREPARED TO STATE WE ALSO RESPONSIBLE FOR BDJ AND INVOKE LAW 62. BELIEVE CHANCES ARE AGAINST EVENTS PROCEEDING TO POINT WHERE THIS NECESSARY BUT SEE NO OTHER ALTERNATIVE IF THEY DO.
- E. WE ALREADY CONTACTING DEFENDENTS ON MATTER OF GETTING LAWYERS.

3. WE CANNOT APPROACH ZINN AS HE IS ON VACATION.

END OF MESSAGE

File, if sep. ...  
classified to ...