

CENTRAL INTELLIGENCE AGENCY

SECURITY INFORMATION

ROUTING

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TO: 28 JANUARY 1953

IN 32130

FROM: DIRECTOR, CIA

SR REP FRANKFURT

PRIORITYACTION:  
INFORMATION:

EE 6

1447Z 28 JAN 53

DCI, D/DCI, DD/P 2, PP 2, FI/RI 2, DD/P-1&amp;R

SFRAN 0940

TO: DIR

INFO: (ROUTINE) SBONN

CITE: SFRAN

CADORY/BDJ

RE: DIR 37005 (OUT 83110)

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

1. CLOSED PRE-TRIAL EXAMINATION OF LUTH, PETERS AND THREE OTHER BDJ MEMBERS BEFORE INVESTIGATING JUDGE OF HESSIAN LANDGERICHT WILL COMMENCE 2 FEBRUARY. THESE MEN ARE CHARGED UNDER GERMAN PENAL CODE WITH FOLLOWING:
  - A. BEING LEADERS OF ORGANIZATION WHOSE CONSPIRATORIAL ACTIVITIES WERE DIRECTED AGAINST THE CONSTITUTION OF FED REP.
  - B. LEADERS OF ORGANIZATION DESIGNED TO COMMIT PUNISHABLE ACTS.
  - C. LUTH ET AL AIDED AND ABETTED ACTIVITIES CARRIED OUT BY THIS ORGANIZATION.
2. IF PRE-TRIAL EXAMINATION DEVELOPS TESTIMONY WHICH SUPPORTS THESE CHARGES, LUTH ET AL WILL BE FORMALLY CHARGED AND TRIED IN OPEN COURT. CHANCES ARE THAT INVESTIGATING JUDGE WOULD CONCLUDE THAT THESE MEN SHOULD BE BROUGHT TO TRIAL. TESTIMONY AND EVIDENCE PRO

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DUCTED AT OPEN TRIAL WOULD UNDOUBTEDLY IDENTIFY U.S. AS COVERT SPONSORS OF BDJ. IT CAN BE EXPECTED THAT LUTH ET AL WOULD CLAIM AMERICAN SPONSORSHIP AS STRONG POINT IN THEIR DEFENSE. TRIAL WOULD LAY US OPEN TO FLOOD OF ADVERSE PUBLICITY.

3. ALTERNATIVES WHICH PRESENT THEMSELVES SHAPE UP AS FOLLOWS:

A. DIRECT APPROACH TO ZINN IN AN ATTEMPT TO QUASH EXAMINATION. WE WOULD REITERATE OUR SUPPORT OF AND INTEREST IN BDJ DEFINITELY TERMINATED EXCEPT FOR ACTION WE MIGHT BE FORCED TO TAKE IN DEFENSE OF GERMAN NATIONALS WHO ORGANIZED BDJ AS ANTI-COMMUNIST GROUP AT OUR BEHEST.

B. IF 3 A UNSUCCESSFUL WE SHOULD INSTRUCT LUTH ET AL TO ADMIT U.S. SPONSORSHIP AT PRE-TRIAL EXAMINATION AND CLAIM IMMUNITY FROM GERMAN PENAL CODE UNDER LAW 62. INVESTIGATING JUDGE WOULD THEN BE FORCED TO ISSUE STATEMENT THAT BDJ IS U.S. SPONSORED AND THAT THE BDJ MEMBERS CHARGED WITH ILLEGAL ACTS CANNOT BE PROSECUTED UNDER GERMAN LAW. THIS OBVIOUSLY WOULD BRING FORTH BURST OF EMBARRASSING NEWS STORIES BUT PUBLIC INTEREST WOULD PROBABLY BE SHORT-LIVED.

4. ESSENCE OF CURRENT SITUATION IS THAT WE ARE FACED WITH ONE MORE PUBLICITY BLOW ON THIS AFFAIR HOWEVER WE PLAY IT UNLESS SPD/ZINN AGREE TO QUASH CHARGES AGAINST LUTH ET AL. ONE WAY OR ANOTHER U.S. SPONSORSHIP PROPER WILL BECOME APPARENT. BY PUBLICLY ADMITTING U.S. SPONSORSHIP (WHICH WE HAVE ALREADY DONE PRIVATELY

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TO FED REP AND SPD) WE PROBABLY WILL BE ABLE TO PUT AN END TO SPD HARASSMENT AND DISARM SPD OF POLITICAL WEAPON THEY CONTINUE TO USE AGAINST FED REP.

5. REQUEST YOU CONCUR THAT LUTH ET AL BE PERMITTED TO CLAIM U.S. SPONSORSHIP DURING PRE-TRIAL EXAMINATION IF WE CANNOT GET SPD/ZINN TO QUASH THE CASE.

6. HICOG LEGAL OPINION IS THAT HESSIAN BAN OF BDJ WAS ARBITRARY IF NOT ILLEGAL ACTION AND MIGHT REBOUND TO SPD DISCREDIT. HOWEVER REBER GREATLY DISINCLINED TAKE ACTION TO SUSPEND BAN. WE CONCUR SUCH ACTION WOULD BE POLITICALLY UNWISE.

END OF MESSAGE

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