

WN 07

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CAN YOU ELABORATE ON MOSHEIM VIEW

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RE POLITICAL INADVISABILITY FEDREP.

WITHDRAWAL DURING PRELIMINARY HEARING?

DOES HE MEAN MORE POLITICALLY INADVISABLE

THAN WITH-DRAWAL AFTER PRETRIAL?

(END WN 07)

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

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~~JUST TO KEEP RECORD STRAIGHT LAW 13~~

OUT

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JUST TO KEEP RECORD STRAIGHT LAW 13

IS LEX KEMRITZ NOT LAW 62. (ALTHOUGH

WE RECOGNIZE EITHER CAN BE LABELLED

KEMRITZ. KEMRITZ WAS SPRUNG UNDER ARTICLE

7 LAW 13.

END WN 08)

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out

CONCERNED CONSTANT REITERATION OF
ADMISSION TO GERMANY THAT ACTIVITIES
UNDERTAKEN EXCEEDED AUTHORIZATION.
OUR POSITION HAS BEEN THAT, SO FAR WE
HAVE NO EVIDENCE THAT EITHER THE BDJ
OR THE APARAT HAS IN FACT DONE ANYTHING
ILLEGAL.

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ALLEGATIONS AGAINST BDJ BOIL DOWN TO
A) HIGHLY LEGALISTIC CLAIM THAT AS
PARTISAN WARFARE CONTRAVENES INTERNATIONAL
LAW AND THAT BDJ WAS IMPLICATED IN PLANNING
FOR PARTISAN WARFARE THE BDJ IS ILLEGAL
AS THE BASIC LAW FORBID ORGANIZATION WHICH
HAVE OBJECTIVES CONTRARY TO INTERNATIONAL
LAW.

B) SPURIOUS CLAIM THAT BDJ FORMULATED
LISTS OF INDIVIDUALS SEATED FOR LIQUIDATION
AS WAR TIME MEASURE OR, AT THE VERY
WORST, AS CURRENT POLITICAL OBJECTIVE.

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A). ABOVE IS ANSWERED BY FACT THAT
WE AUTHORIZED ORGANIZATION AND ITS OBJECTIVES.

B). WE BELIEVE TO BE ANSWERED BY FACT
THAT LISTS WERE KEPT AS PART OF JUSTIFIED
AND AUTHORIZED SECURITY MEASURE ON PART OF
APPARAT.

TO EXTENT WE CAN MAKE FORGOING
STICK IT IS UNNECESSARY TO TELL GERMANS
THAT [] EXCEEDED HIS AUTHORITY ETC.
WOULD APPRECIATE YOUR COMMENTS. BASIC
DIFFICULTY WE SEE IS POSSESSION BY APPARAT
OF LIST OF APPROXIMATELY 150 POLITACAL
PERSONALITIES FOR PURPOSES WHICH ARE
OBSCURE. WE SUSPECT THAT THESE LISTS
REALLY WERE KEPT BY BDJ AS PART OF
ITS POLITICAL ACTIVITIES. THE FACT THAT
THEY TURNED UP IN APPARAT MEMBERS POSSESSION
GIVES COLOR TO ZINN'S CHARGE THAT
THEY HAD SINISTER PURPOSE. THE EXISTENCE
OF THESE AND THE PROSCRIPTION LISTS IS
A CRUCIAL QUESTION. [] BELIEVES
HOWEVER THAT DEFENDANTS CAN EXPLAIN THEIR

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EXISTANCE SATISFACTORILY. ESSENTIALLY
ONE CLAIM IS THAT PROSCRIPTION LISTS
WERE TO BE SCREENED BY WESTERN AUTHORITIES
AND ANY ACTION, IF ANY, TO BE BECOME
RESPONSIBILITY OF ALLIED MILITARY AUTHORITIES
IN CASE OF SOVIET AGGRESSION:

IF FOREGOING IS ACCURATE WE CAN ADMIT
RESPONSIBILITY FOR PARA MILITARY ACTIVITIES
BDJ AND/OR APPARAT INCLUDING INTELLIGENCE
ACTIVITIES, WITHOUT RESERVATION. AND, AT
LEAST CONSIDER DESIRABILITY SAYING SO
PUBLICLY. BURDEN WOULD THEN REST ON
ZINN TO ADDUCE EVIDENCE THAT BDJ OR APPARAT
OR INDIVIDUAL MEMBERS OF EITHER DID SOMETHING
ILLEGAL. IF SO GERMAN FEDERAL COURT WOULD
APPEAR APPROPRIATE FORUM FOR TRIAL OF
ISSUE.

END WN-090

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DO YOU KNOW WHAT EVIDENCE PROSECUTION
MIGHT HAVE OF CONNECTION BETWEEN BDUJ
AND TD APART FROM:

1. DUAL MEMBERSHIP OF SOME PERSONS;

2. APPEARANCE OF "PERSONELLES"

IN TD OFFICE.

DO YOU KNOW WHAT EVIDENCE, IF ANY, THE
PROSECUTION HAS OF ILLEGAL ACTIVITY OF
BDUJ ASIDE FROM AUTHORIZED PM AND INTELLIGENCE
ACTIVITIES?

END WN10)

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WH-11

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REF FT-03

1. DO WE HAVE REASONABLE ASSURANCE
THAT CASE WILL NOT GO BEYOND PRE-TRIAL
STAGE IF WE FOLLOW NEW COURSE OF ACTION
OUTLINED REF?

2. HOW WILL NEW PLAN OF ACTION BE
CONVEYED TO DEFENDANTS AND THEIR ATTORNEYS
BETWEEN NOW AND OPENING HEARINGS ON MONDAY.
REQUEST NAMES DEFENSE ATTORNEYS AND THEIR
QUALIFICATION FOR CASE.

(END WH-11)

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REF FT103

ACCORDING TO OUR RECORDS, HAMMACHER,
DISCHOF AND SHIPLACH WERE HIGH BDJ OFFICIALS.
WERE THEY ALSO INVOLVED IN APPARAT ACTIVITIES?

IF AFFIRMATIVE AND ADMIT THEY WORKED FOR

AMERICANS AND SPECIFICALLY C 2 AS

SUGGESTED PARA 1. A REF, THEN PROSECUTION

CAN ALSO CLAIM RELATIONSHIP BETWEEN C 2

AND BDJ. HAVE ABOVE INDIVIDUALS EVER MET

OR RECEIVED DIRECT INSTRUCTIONS FROM

C 2?

(END UN-12)

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OC FT03 RPT 03 NOT 103 RPT 103

WH13

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REF FT03 SUBJECT TO ONE COMMENTS UNDER
WH09 GENERALLY CONCUR PARAS 1 AND 2.

DOUBTFUL CONCERNING PARA 3. LUETH
COULD ADMIT THAT BDJ, LIKE OTHER GERMAN
GROUPS, RECEIVED FUNDS FROM AMERICAN AND
ALSO OFFICIAL AND PRIVATE GERMAN SOURCES.
WE ARE NOT YET PREPARED HOWEVER TO ADMIT
OFFICIAL U. S. CONNECTION BDJ ACTIVITIES
APART FROM PARAMILITARY FIELD. UNDER
GERMAN PRETRIAL PROCEDURES INTERROGATION
NOT LIMITED TO MATTERS RELEVANT TO CRIMINAL
ACTS AND COULD DEVELOP ENTIRE HISTORY
BDJ INCLUDING OUR DIRECTION OF IT.

██████████

DILEMMA THEREFOR IS EITHER LUETH
REFUSES ANSWER ON GROUNDS ACTED ON U S
INSTRUCTION THEREBY REVEALING OUR OFFICIAL
CONTROL AND RESPONSIBILITY OR LUETH IS
FORCED TESTIFY AT LENGTH ON ALL MATTERS
INCLUDING SOURCE AND AMOUNTS OF FUNDS
EXTENT OF DIRECTION AND IDENTITY OF
CONTACTS. THESE ARE CONSIDERATIONS
WHICH PROMPTED OUR CONCERN HAVE PRETRIAL
PROCEEDING QUASHED OR REMOVED. AGREE

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subject to systematic review

THEY LOSE SIGNIFICANCE IN FEDERAL TRIAL.
LEUTH CAN OF COURSE EXPLAIN AMERICAN SUPPORT
AS PRIVATE AND ANONYMOUS BUT THIS WOULD
INEVITABLY BE INTERPRETED IN PRESS AS U S
INTELLIGENCE IF PRE TRIAL PROCEEDINGS
PUBLICISED. HOWEVER THIS ALTERNATIVE
MIGHT BE PREFERABLE TO OPEN OFFICIAL
ADMISSION OF U. S. SPONSORSHIP. REQUEST
YOUR VIEWS.

(END WN-13)


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 REF FT11

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report and must be
handled in accordance with its
classification markings.

GENERALLY CONCUR THAT IF EVIDENCE
SHOWS APARAT INVOLVED UNLAWFUL ACTIVITIES
SHOULD ATTRIBUTE TO EXCEEDING
HIS AUTHORITY. ANY SUCH ADMISSION NOW
SEEMS TO US PREMATURE.

(END WN-14)

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RECOMMEND YOU DISCUSS ENTIRE MATTER
WITH GLOBKE AND JOHN (IF AVAILABLE) IN
ORDER DOUBLE CHECK THEIR JUDGEMENT AGAINST
OTHER FEDREP OFFICIALS. ADVISE RESULTS
BY CABLE.

(END WH-15)

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AVAILABLE FOR
IMMEDIATE TDY IF YOU CONSIDER
NECESSARY AND ADVISABLE. ADVISE.

(END WN-16)

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REF FT-03

UNLESS FURTHER EFFORT ON YOUR
PART FAILS TO SECURE TRANSFER CASE TO
FEDERAL LEVEL PRIOR TO OR DURING EARLY
STAGES PRE-TRIAL HEARING, CONCUR
WITH COURSE OF ACTION OUTLINED FT-03
SUBJECT TO OUR VIEWS STATED WNS, 12 AND
13.

GOOD LUCK

(END WH17)

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