30 January 1953

MEMORANDUM FOR: DEPUTY DIRECTOR (PLANS)

THROUGH

Chief, PP

SUBJECT

: Investigation and Banning of the League of German Youth (BDJ) by the Hessian Government, Special Report EE/3-53

REFERENCE

: A. SFRAN 0940 (IN 32130), 28 Jan. 1953

B. Log Item, 19 Jan. 1953

1. The previously reported pre-trial examination of the five top leaders of the League of German Youth (BDJ) will commence on 2 February 1953 before the Investigating Judge of the Hessian State Court. The German Mission believes that testimony at this closed session will be such that the judge will order an open trial. In that event, it can be expected that the defendants will claim American sponsorship for the BDJ as a strong point in their defense. This testimony at an open trial would, it is believed, identify the U.S. as the covert sponsors of the BDJ. The trial would undoubtedly result in extensive adverse publicity.

- 2. The German Mission believes that further publicity concerning U.S. interest in the EDJ cannot be avoided and suggests the following alternative actions to minimize the results of such publicity:
  - a. Hessian Minister-President Zinn, who initiated the charges against the BDJ, should be approached directly and requested to have the case dismissed. Zinn should be informed again that the U.S. has terminated its interest in the BDJ except for action which might have to be taken to defend German Nationals who organized the BDJ as an anti-Communist group at our behest.

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b. If Zinn refuses to cooperate, the defendants should be instructed to admit U.S. sponsorship of the BDJ at the pre-trial hearings and claim immunity from the German Penal Code under High Commission Law 62. The judge would then be forced to issue a statement that the BDJ is a U.S. sponsored organization and that the BDJ leaders cannot be prosecuted under German Law. The German Mission believes that the publicity resulting from this action would be short-lived and would bring an end to the affair. They point out that this action would also disarm the SPD of a political weapon that it has used to harass Chancellor Adenauer's Government.

- 3. The German Mission therefore requests home office concurrence that the BDJ leaders be permitted to claim U.S. sponsorship of the organization at the pre-trial examination if Zinn refuses to dismiss the case.
- 4. The U.S. High Commission believes that the ban of the BDJ by the Hessian State Government was arbitrary if not illegal but that action to suspend the ban would be politically unwise at this time. German Mission agrees.
- 5. We have scheduled a telecon for 31 January 1953 to discuss the alternate courses of action that may be taken.

Chief, Eastern European Division

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