

**SECRET
DRAFT**

Recd 29 JAN 53

TO: SFRAN

INFO: SBOMN

PRIORITY

GADORY/BDJ

REF: SFRAN 0940 (IN 32130)

1. ON THE ASSUMPTION THAT IT WILL NOT BE POSSIBLE TO QUASH OR OTHERWISE PREVENT PRE-TRIAL HEARINGS WE PROPOSE FOLLOWING COURSE OF ACTION:

A. DO NOT REPEAT NOT APPROACH ZINN AS SUGGESTED PARA 3 A REF. FEEL NO USEFUL PURPOSE WOULD BE SERVED SINCE ZINN OBVIOUSLY INTENT UPON CARRYING THIS THRU TO BITTER END. MIGHT ALSO TIP OUR HAND TO ZINN ON ACTION CONTEMPLATED PARA 1C BELOW.

B. RE PARA 5 REF. CONCUR THAT LUTH ET AL BE PERMITTED CLAIM US SPONSORSHIP WHERE RELEVANT. THEY WOULD UNDOUBTEDLY DO SO ANYWAY IN SELF DEFENSE. DISCUSS WITH GLOBKE, JOHN (BOTH OF WHOM HAVE VITAL INTEREST OUTCOME THIS CASE) AND HICOG GENERAL COUNSEL APPROPRIATE MEANS TRANSFERRING CASE FROM HESSIAN TO FEDERAL JURISDICTION OR REMOVE ALTOGETHER FROM GERMAN JURISDICTION UNDER HICOG LAW 13 OR OTHER APPROPRIATE LEGAL GROUNDS.

2. PROVIDED REBER AND COHANT AGREE YOU AUTHORIZED INVOKE LAW 13 OR OTHER LEGAL MEASURES IF OTHER MEANS FAIL AND INVESTIGATING JUDGE REMANDS CASE FOR OPEN TRIAL. THIS ACTION SHOULD BE ACCOMPANIED BY OFFICIAL HICOG STATEMENT EXPLAINING THE ACTION WITHDRAWING CASE FROM GERMAN JURISDICTION. FURTHER ADVICE THIS STATEMENT FOLLOWS.

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

This document is part of an integrated file. If separated from the file it must be subjected to individual systematic review.

SECRET

SECURITY INFORMATION