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| DISPATCH | | CLASSIFICATION S E C R E T | DISPATCH SYMBOL AND NO. EGOA-14 |
| TO Attn: General Counsel INFO: EE, FOB | | | HEADQUARTERS FILE NO. |
| FROM Chief of Station, Germany | | | DATE 22 July 1958 |
| SUBJECT REDWOOD/AECOB/CARTHAN Child of AECANUSO/3 | | | RE: "43-54" - (CHECK "X" ONE) |
| | | | <input type="checkbox"/> MARKED FOR INDEXING |
| ACTION REQUIRED | | <input checked="" type="checkbox"/> | NO INDEXING REQUIRED |
| | | INDEXING CAN BE JUDGED BY QUALIFIED HOL. DESK ONLY | |

REFERENCE(S) **DIR 31971, 17 Jul 58**
EGQW-36554, 18 Jul 58

1. In view of the extremely friendly situation between Mrs. Lidacia, we are inclined to agree that it would be too bad to rock the boat by insisting at this time on a power of attorney running directly to CARTMAN/25. As you know, a lawyer in Germany is required to have such a power from the party in interest before he may appear in a case. However, the pressure is now off a little bit in this case for several reasons. First, CARTMAN/25 has gone to Norway on vacation and will not return until September first, making it less likely that he will be called upon to prove his authority to act. An appearance by the lawyer in the immediate future probably will not be necessary since it appears that Identity A in whose care the child of AECANUSO/3 remains is unlikely to leave for the United States as soon as we had thought and thus preclude a need for an official decision on temporary custody of the child.

2. [] is of the opinion that the German court will probably accept CARTMAN/25's authority to represent Mrs. Lidacia in the form of a power of attorney from Identity B, who holds Mrs. Lidacia's power of attorney to represent her in this matter. However, we cannot be sure on this point since it is a decision within the discretion of the court. In addition, of course, the court will have to be satisfied that Identity B's power of attorney is genuine and possibly will not accept it if it is not notarized. We assume that the power was notarized and that it is broad enough to cover retention of legal counsel to represent Mrs. Lidacia. The Frankfurt Base desk handling this case is in a position to contact Identity B and will do so as soon as possible in order that we may attempt to determine whether or not the power of attorney is likely to be accepted by the court. Unless you hear otherwise from us, you may assume that we are proceeding on the basis of your suggestion. If it appears impossible to do so, we will notify you and perhaps by that time it will be possible to obtain the power of attorney running directly from Mrs. Lidacia to CARTMAN/25.

3. To date we have no indication that Identity A is attempting to use the situation to gain a substantial benefit. She is now receiving DM 250 per month, which previously was paid to the child's mother. However, the payment is for the care of the child and she appears to be providing for him satisfactorily. While she is quite pleased to have the payment and expects it regularly, we have no reason to believe that she hopes to get anything in addition. Certainly she won't get rich on the DM 250 over the short period during which she will care for the child. Since she has been relatively cooperative, we would suggest that Mrs. Lidacia in writing to her to revoke the authority previously given to Identity A's planned emigration to the United States makes it advisable to give exclusive authority to someone who will be sure to be in Germany for a long enough period to take care of all the legal proceedings.

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4. On the subject of immigration and adoption insofar as it relates to immigration, we would like you to check with the proper Government agencies information received by [] from the Munich Consulate. He was advised that Public Law 85-316 (1957) provides in Section 4 (b) for non-quota status for an alien child under the age of 14 years, at least one of whose parents is dead, and who has been released for adoption by his guardian or the state agency having jurisdiction in the matter. If these requirements are met, the child may be admitted if he has been lawfully adopted abroad by a US citizen and spouse or if assurances satisfactory to the Attorney General have been given by a US citizen and spouse that upon admission the child will receive proper care and that pre-adoption requirements of the state of residence have been met. Apparently, this public law expires on 30 June 1959.

5. The Consulate also advised that Germany requires the following documents:

- a. Letters from two ministers of the church to which the adopting parents belong
- b. Two copies of the birth certificates of the adopting parents
- c. Two copies of the marriage certificate of the adopting parents
- d. One copy of the adoption law of the state where the adopting parents reside.

The child not being a German citizen, it is possible that the German authorities will not hold strictly to the above requirements. In any event, these technicalities are matters which can best be determined by []

[] However, since he will not be available for over a month and because it may be desirable to move forward with adoption and/or immigration as fast as possible after his return, we would suggest that []

[] ask the Lidacises if they can obtain Items b and c or satisfactory substitutes therefor. Because of their previous nationality I assumed it may take some time to get satisfactory documents. I should think Items a and d, if necessary, could be obtained in a very short time and therefore you may put off getting these until such time as you are certain they will be necessary.

5. As mentioned in Paragraph 1, it appears that technicalities will hold up at least for a short time the issuance of Identity A's US visa. She was previously deferred on medical grounds but we learned from the Munich Consulate that she passed the required medical examination on 25 June 1958. Apparently she is now eligible for issuance of a third preference visa as the wife of a US resident, but the Munich Consulate does not have the necessary proof of third preference status and this will have to be received from the Immigration and Naturalization Service before the immigration visa can be issued.

6. We think the problems in this case are resolving themselves nicely and unless Identity A receives her visa and leaves Germany before SAHM/EGGAM/25's return, we see no reason for any further difficulties concerning [] authority to act. The respect in which he is held in the German legal community is probably enough to resolve any doubts in his favor. Unless unforeseen difficulties arise, this case should remain quiescent for about five or six weeks. However, we will proceed with our contact with Identity B and will advise you of the results.

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SEPARATE COVER ATTACHMENT TO EGOA-14

Identity A is Lucie Werner

Identity B is Bedrite

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