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NAZI WAR CRIMES DISCLOSURE ACT  
2000

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BONN FOR LEGATT BARHAM AND LEGAL ADVISER  
DEP'T FOR L/LEI: DAVID STEWART; EUR/CE

E.O. 12356: NA

TEXT  
TAGS: PGOV, PREL, BZ  
SUBJECT: REQUEST FOR FURTHER FBI ASSISTANCE IN BDC  
THEFT CASE

REFS: A) BONN 25836 (NOTAL) B) BONN 24729 (NOTAL)  
C) BONN 22650 (NOTAL) D) BONN 21378 (NOTAL) E)  
USBER 1879 F) USBER 1827 G) LONDON 13574 H) USBER  
1572 I) BONN 14126 (NOTAL) J) USBER 1267 (NOTAL)  
K) USBER 1218 L) USBER 1191 M) USBER 1163 N) USBER  
1154 O) USBER 1572

1. BEGIN SUMMARY. THE BERLIN PROSECUTOR IS WRAPPING  
UP A THOROUGH AND SUCCESSFUL INVESTIGATION OF THE FRG  
ASPECTS OF THE BERLIN DOCUMENT CENTER ("BDC") THEFT  
CASE. HE EXPECTS TO INDICT THE PRINCIPAL 5  
DEFENDANTS IN SEPTEMBER AND TO GO TO TRIAL IN OCTOBER  
OR EARLY NOVEMBER. MISSION APPRECIATES PROMPT

DECLASSIFIED AND RELEASED BY  
CENTRAL INTELLIGENCE AGENCY  
SOURCES METHODS EXEMPTION 3B2B  
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FOLLOW-UP BY BONN LEGATT AND FBI OFFICES IN NEW YORK, MISSOURI, CALIFORNIA AND NEW JERSEY. SINCE CASE IS ENTERING A CRITICAL PHASE, AND THE PROSECUTION IS LIKELY TO ENCOUNTER DEFENSE ARGUMENTS REGARDING THE US INVESTIGATION, MISSION WOULD APPRECIATE UPDATE ON FBI INVESTIGATION RESULTS (SEE PARAS 4 & 5 BELOW).  
END SUMMARY.

2. THE BERLIN PROSECUTOR HAS FINISHED DRAFTING THE INDICTMENT IN THE BERLIN PROSECUTION OF INDIVIDUALS INVOLVED IN THE THEFT AND SALE OF NAZI DOCUMENTS FROM THE BDC. ALTHOUGH THE DRAFT INDICTMENT HAS NOT BEEN APPROVED, HE ANTICIPATES INDICTING 5 PEOPLE: 2 FORMER BDC EMPLOYEES (EBERHARD AND DARKO), 2 BERLIN MIDDLEMEN (BORMANN AND BERGER) AND A HAMBURG AUCTIONEER (HUESKEN). THE TRIAL SHOULD TAKE PLACE IN LATE OCTOBER OR EARLY NOVEMBER.

3. MISSION APPRECIATES BONN LEGATT AND FBI'S SUBSTANTIAL EFFORTS IN THE US ASPECTS OF THE CASE (REFTELS). THERE REMAIN LOOSE ENDS IN MISSION'S RECORD OF THE US INVESTIGATION. FOLLOW-UP ON THESE ASPECTS OF THE CASE IS ESSENTIAL TO ASSURE OURSELVES THAT EVERYTHING HAS BEEN DONE TO RECOVER THE HISTORICALLY VALUABLE NAZI RECORDS STOLEN FROM THE USG. FOLLOW-UP IS ALSO CRITICAL, PRIOR TO THE OCTOBER BERLIN TRIAL DATE, TO AVOID GIVING DEFENSE ATTORNEYS IN THE CASE A DAMAGING ISSUE AT TRIAL. THE BERLIN PROSECUTOR MUST PUT HIS ENTIRE OFFICIAL FILE AT THE DISPOSAL OF DEFENSE COUNSELS. HE EXPECTS ANY LOOSE ENDS IN OUR RECORD OF THE US INVESTIGATION TO BE EXPLOITED BY THE DEFENSE.

4. IN LIGHT OF THE FOREGOING, MISSION WOULD BE GRATEFUL FOR FBI INFORMATION REGARDING THE FOLLOWING:

A) ON MARCH 16, 1988 THE BERLIN PROSECUTOR SUBMITTED AN INTERNATIONAL LEGAL ASSISTANCE REQUEST THROUGH HIS OWN AUTHORITIES TO THE US, REQUESTING AN INVESTIGATION OF MICHAEL JACOB, P. O. BOX 8685, FT. LAUDERDALE, FLORIDA 33310. THE BERLIN INVESTIGATION HAS REVEALED THAT JACOB GAVE ABOUT 50 BDC DOCUMENTS WORTH APPROXIMATELY 10,000 GERMAN MARKS ON DECEMBER 17, 1985 TO A MUNICH MILITARIA COMPANY NAMED HERMANN HISTORICA FOR SALE ON CONSIGNMENT. JACOB LEFT NO ADDRESS WITH THE FIRM, BUT APPEARED AT HERMANN HISTORICA AGAIN ON JULY 16, 1987 TO PICK UP THE PROCEEDS OF THE SALE AS WELL AS THE UNSOLD DOCUMENTS.

THE SAME INTERNATIONAL ASSISTANCE REQUEST CONTAINS REQUESTS FOR FURTHER INVESTIGATION OF:

- - - JOHN R. ANGOLIA, 20 FIFTH ARTILLERY ROAD, FORT LEAVENWORTH, KANSAS, WHO WAS ONCE STATIONED WITH THE US ARMY IN THE FRG, APPARENTLY HAS NUMEROUS BDC DOCUMENTS AND MAY HAVE EVIDENCE INVOLVING THE THEFTS

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- - - THE COMPANY, FORKS OF THE DELAWARE WEAPONS ASSOCIATION, P.O. BOX 241, EASTON, PA 18042. ROBERT E. MCDIVITT, BOX 566, BERLIN-CROSS KEYS ROAD, SICKLERVILLE, N.Y. 08081 WROTE THE BDC DIRECTOR ON FEBRUARY 25, 1988 THAT THIS COMPANY WAS TRYING TO SELL DOCUMENTS RELATED TO SS GENERAL OTTO SKORZENY THAT WERE OBVIOUSLY STOLEN FROM THE BDC (THE BDC HAS C O N F I D E N T I A L

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SINCE CONFIRMED THAT 50 OF THE SKORZENY FILE IS INDEED MISSING)

- - - ROBERT E. MCDIVITT HAS ALSO TOLD THE BDC DIRECTOR ON THE PHONE THAT THE FOLLOWING FOUR COMPANIES ARE TRADING IN COMPARABLE DOCUMENTS: GUN SHOW CALENDAR, 700 E. STATE STREET, IOLA, WISCONSIN

-  
54990; PHOENIX EXCHANGE, P.O. BOX 66, 163 TROUTMAN ROAD, ARCOLA, PA 19420; DER GAULEITER, P.O. BOX 567, MOUNT IDA, ARIZONA 71957 AND P.O. BOX 13651, HOUSTON, TEXAS 77019; MILITARIA ANTIQUE EXTRAVAGANZY (MAX), 1253 N. CHURCH ST., MOORESTOWN, N.J. 08057

B) THE BDC HAS REVIEWED CATALOGUES FROM BOTH MOHAWK ARMS AUCTION HOUSE IN UTICA, N.Y. AND MANION'S INTERNATIONAL AUCTION HOUSE IN KANSAS CITY, MISSOURI AND IDENTIFIED FROM THE AUCTION HOUSES' OWN SALES CATALOGUES A SERIES OF DOCUMENTS STOLEN FROM THE BDC. SEE REF M AND KOBLITZ JUNE 28, 1988 LETTER TO KANSAS CITY FBI AGENT MOORE (COPIED TO BONN LEGATT BARHAM). THE FBI HAS SUPPLIED THE MISSION WITH LISTS OF DOCUMENTS ACTUALLY SOLD BY MOHAWK ARMS AND MANION'S, BUT NONE OF THESE DOCUMENTS IDENTIFIED AS STOLEN FROM THE BDC APPEAR ON THE LISTS SUPPLIED BY THE FBI. HAS THE FBI BEEN ABLE TO DETERMINE IF THE BDC STOLEN DOCUMENTS NOTED FROM THE SALES CATALOGUES WERE EVER SOLD AND IF NOT, WHERE THEY CAN BE FOUND? CAN THEY BE CONFISCATED?

C) THE KOBLITZ - MOORE LETTER OF JUNE 28 CONTAINS A LIST OF 20 DOCUMENTS THAT ARE POSSIBLE STOLEN BDC DOCUMENTS BUT THAT COULD NOT BE IDENTIFIED DUE TO INSUFFICIENT INFORMATION IN THE SALES CATALOGUES. WAS THE FBI ABLE TO RECEIVE MORE DETAILED DESCRIPTIONS FROM MANIONS OR THOSE WHO PURCHASED THE DOCUMENTS?

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D) AGENT BARHAM'S JULY 15, 1988 MEMO TO KOBLITZ NOTES THAT PETER STAHL'S QUESTIONING YIELDED THE NAMES OF THE FOLLOWING DEALERS POSSIBLY DOING BUSINESS IN STOLEN BDC DOCUMENTS: CHARLES HAMILTON, DBA, THE HAMILTON GALLERIES, NEW YORK CITY; BEN SWEARINTON, 910 OAK CREEK ESTATES, LEWISVILLE, TEXAS; GERHARD WINDBENL, ZIEGLERVILLE, PENNSYLVANIA. HAS THE FBI CHECKED THESE DEALERS?

5. REFS A, B & C INDICATE CONSIDERABLE PROGRESS IN THE INVESTIGATION OF EMILIE C. STEWART, APARTMENT D-9, 1255 STATE HIGHWAY 166, TOMS RIVER, NEW JERSEY. SINCE STAHL HAS REPORTED THAT STEWART WAS OFFERING THE ORIGINAL **KLAUS BARBIE** FILES FOR SALE, AND THE BDC HAS SINCE CONFIRMED THAT THE BARBIE FILES HAVE BEEN STOLEN, THIS LEAD IS PROBABLY THE SINGLE MOST IMPORTANT US FACET OF THE CASE. BERLIN PROSECUTOR TELLS US THAT STEWART WAS IN THE FRG A FEW MONTHS AGO AND IS UNDOUBTEDLY AWARE OF THE INVESTIGATION IN GERMANY. MISSION WOULD APPRECIATE UPDATE OF THE STATUS OF THE INVESTIGATION OF STEWART, AND, IN PARTICULAR, WHETHER A SEARCH WARRANT CAN BE SOUGHT, AND AN APPRAISAL OF WHETHER THE STEWART INVESTIGATION CAN BE CONCLUDED PRIOR TO THE OCTOBER TRIAL DATE IN BERLIN.

WILLIAMS

ADMIN  
END OF MESSAGE

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