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NAZI WAR CRIMES DISCLOSURE ACT
2000

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2ND CORRECTED COPY (ADDED TEXT, PARA. 8)

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BONN FOR LEGATT BARHAM (PLEASE RETRANSMIT TO AGENT
DOSSETT, REDBANK, N.J. OFFICE) AND LEGAL ADVISER

DEPT FOR L/LEI: DAVID STEWART; EUR/CE

E.O. 12356: N/A

TEXT
TAGS: PGOV, PREL, BZ
SUBJECT: BDC TRIAL TO BEGIN MONDAY, DECEMBER 5

GERMAN MARKS. DESPITE MANY INQUIRIES BY THE
BRITISH MISSION IN BERLIN, TO DATE THE LONDON
AUTHORITIES HAVE NOT BEEN FORTHCOMING IN ASSISTING
IN THE RECOVERY OF THESE IMPORTANT DOCUMENTS.

6. THE DOCUMENT CENTER HAS CHECKED A TOTAL OF
65,318 FILES IN THE LAST 11 MONTHS. 4,036 SINGLE
DOCUMENTS HAVE BEEN CONFIRMED AS MISSING AND

STATE DEPT. DECLASSIFICATION REVIEW
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PRESUMED STOLEN. 54 PCT OF THESE, OR 2,188 SINGLE DOCUMENTS, WERE STOLEN FROM THE SS PERSONNEL FILES (ALTHOUGH 55,000 OF THE 62,000 SS FILES REMAIN TO BE CHECKED, THE CENTER HAS CHECKED THE MOST PROMINENT FILES). 1,429 DOCUMENTS ARE MISSING FROM THE VOLKSGERICHTHOF FILES (ALL 45,000 OF THESE FILES HAVE BEEN CHECKED). BOTH THE SS AND VGH FILES ARE ON MICROFILM. PROSECUTOR MEHLIS HAS SUCCEEDED IN RECOVERING APPROXIMATELY 1500 OF THE STOLEN DOCUMENTS. THE CENTER ESTIMATES THAT ANYWHERE FROM 5,000 TO 10,000 DOCUMENTS WERE STOLEN.

7. MISSION LEGAL ADVISER MET WITH ASSISTANT US ATTORNEY ANN SINGER AND REDBANK, NEW JERSEY FBI AGENT JEFF DOSSETT IN TRENTON, NEW JERSEY ON OCTOBER 31. BOTH AGREED TO TRY AND CENTRALIZE THE

US ASPECTS OF THE BDC INVESTIGATION IN THEIR OFFICES IN NEW JERSEY, THE STATE WHERE TWO PEOPLE SUSPECTED OF IMPORTING BDC DOCUMENTS RESIDE. ON NOVEMBER 10 BERLIN PROSECUTOR MEHLIS ALSO TRAVELED TO TRENTON TO MEET WITH SINGER AND DOSSETT AND ASSIST IN THE US INVESTIGATION. AS A RESULT, MEHLIS HAS ACQUIRED NECESSARY EVIDENCE FOR UPCOMING BERLIN TRIAL.

PRESS REACTION

8. THE BERLIN MORGENPOST, WHICH BROKE THE BDC THEFTS STORY IN JANUARY AND HAS DEVOTED CONSIDERABLE COVERAGE TO THE CASE, PUBLISHED INTERVIEW WITH MEHLIS TODAY. ONE OF THE DEFENSE ATTORNEYS PLANTED A STORY WITH THE PAPER THAT BDC DIRECTOR DAN SIMON WAS THE REAL CULPRIT AND THAT THE US AUTHORITIES HAD STONEWALLED THE INVESTIGATION. TO COUNTER THIS MISINFORMATION, THE CENTRAL BERLIN JUSTICE AUTHORITIES ASKED MEHLIS TO GIVE THE INTERVIEW. IN ADDITION TO PRAISING THE "EXTRAORDINARILY GOOD" COOPERATION FROM THE MISSION, MEHLIS ANSWERED A QUESTION CONCERNING THE COOPERATION WITH THE FBI AND US PROSECUTORS AS FOLLOWS: " I MUST SAY (THE COOPERATION) WAS VERY GOOD. THE AMERICANS HAVE HELPED WHEN THEY COULD - THERE WERE NO PROBLEMS. IT IS AS RESULT OF THIS COOPERATION THAT WE HAVE BEEN ABLE, FOR EXAMPLE, TO HAVE SEIZED THE NOW FAMOUS SS PERSONNEL FILE OF **KLAUS BARBIE**. THIS FILE SHOULD ARRIVE IN BERLIN IN A FEW DAYS. IN ADDITION, A CRIMINAL INVESTIGATION HAS BEEN INITIATED AGAINST TWO US CITIZENS."

COMMENT

9. MISSION EXPECTS THE TRIAL TO BE THE OCCASION FOR MORE LURID STORIES FROM THE MORGENPOST AND OTHER GERMAN PAPERS. IN PARTICULAR, THE TESTIMONY

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CONCERNING INTERNAL PROCEDURES AT THE CENTER IS LIKELY TO RECEIVE CONSIDERABLE PRESS ATTENTION. MUCH, BUT NOT ALL, OF THE TESTIMONY OF DEFENDANTS AND WITNESSES WILL BE SELF-SERVING. BUT THERE WILL DOUBTLESS BE INFORMATION ON THE SINCE-REVISED BDC SECURITY PROCEDURES THAT WILL DRAW RENEWED CALLS FOR TRANSFERRING THE BDC TO GERMAN HANDS.

10. ACTION REQUESTED: REF C SOUGHT DEPARTMENT GUIDANCE ON RESPONDING TO FRG REQUESTS FOR RENEWED DISCUSSIONS ON BDC TRANSFER. MISSION EXPECTS THIS ISSUE TO BE PUBLICLY HIGHLIGHTED AGAIN IN THE COURSE OF THIS MONTH'S TRIAL. GILMORE

ADMIN
END OF MESSAGE

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