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January 23, 1953

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SUBJECT: INTERNATIONAL INVESTIGATING COMMITTEE OF FREE JURISTS

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There is transmitted herewith a letter dated January 22nd which I have received from Dr. Theo Friedenau, Head of the Committee of Free Jurists.

Last week I talked at some length with Dr. Friedenau about the International Investigating Committee of Free Jurists which was set up during the International Congress of Free Jurists here in Berlin in July 1952. Dr. Friedenau informed me that he had just returned from Amsterdam where his Committee had begun its work and that the Committee was already meeting with considerable interest both in Amsterdam and in other countries of Europe where many people feel that its objective in fighting injustice with justice is the answer to international Communism. Dr. Friedenau is so encouraged with the response received in Western Europe that he hopes that in time similar Committees may be set up in South America and particularly in Asia.

It will be observed that the memorandum which he handed me sets forth measures which the Free Jurists desire to take in order to achieve their purposes.

I believe that Mr. George Maurice Morris, American Security Building, Washington, D. C., a lawyer and former President of the American Bar Association, who attended the Free Jurists Congress held last summer, would be interested in seeing Dr. Friedenau's memorandum.

Dr. Friedenau tells me that in spite of the increasing restrictions against visiting West Berlin which are being placed on East Zone and East Berlin residents, the number of East Germans working for the Committee and visiting it here in West Berlin has actually increased. This in Dr. Friedenau's opinion proves that Communist terrorism can be met successfully by the conceptions of justice which is the basis of the activities of the Committee of Free Jurists.

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Cecil B. Lyon
Director, Berlin Element

Cecil B. Lyon

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PREPARATION TIME

UNTERSUCHUNGS-AUSSCHUSS
Freiheitlicher Juristen der Sowjetzone

Abteilung: - The Chairman

January 22, 1953

P R I V A T E

Mr. Cecil B. Lyon
Director
HICOG - Berlin Element
170 Glayallee
Berlin-Dahlem

Dear Mr. Lyon:

Referring to our conversation during Mrs. E. Dulles' Berlin visit, I take the liberty to enclose a Memorandum.

As Mrs. Dulles explicitly asked me, whether I saw any possibility of meeting further Soviet progress in Eastern and South-Eastern Europe, I believe that the competent authorities of the State Department will be interested in the suggestions which are contained in the Memorandum. Therefore, I should deeply appreciate it if you could submit the enclosed Memorandum to the competent authorities and if you could furthermore emphasize, in doing so, that a quick decision should be made, in order not to diminish the good prospects for the success of our plans which have been resulting from the International Congress of Jurists. The enclosed Memorandum is an elaboration of the notes which you received during Mrs. Dulles' visit to Berlin.

Expressing my most devoted thanks for the interest which you have taken in our work, I remain,

Very truly yours,

S. Friedenau
(i.e. Theo Friedenau)

Encl:
Memorandum

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Enclosure, Page 2
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January 23, 1953

THE CONCEPT OF JUSTICE BECOMES A WEAPON IN THE COLD WAR. A PROPOSAL FOR THE ESTABLISHMENT OF AN INTERNATIONAL INVESTIGATING COMMITTEE OF FREE JURISTS.

1. FUNDAMENTALS:

This memorandum is based upon the conviction that one of the weakest points of the structure of the Bolshevik regime has hitherto been neglected by the Free World, i.e., the logical consequence that in any Bolshevik state injustice must eventually evolve into a system of government. The work of the West Berlin Investigating Committee of Free Jurists has shown that as applied to the Soviet Zone of Germany, the concept of law can be a power that is capable of forcing Communist rulers to be on the defensive. This is demonstrated not only by outbursts of hatred and inhuman treatment on the part of Soviet Zone authorities directed against those people who, by cooperating with the Investigating Committee, show their loyalty to the concept of justice, but also by such acts of violence as the kidnapping of Dr. Walter Linse, a member of the investigating Committee. Despite these measures, the number of those working for the Committee and of its visitors coming from the Soviet Zone has not decreased, but rather increased, proof that Communist terrorism can be met successfully by the power of the concept of justice. (More than 100,000 people from the Soviet Zone have visited the Committee's offices during the three years of its existence. Thousands of regular Soviet Zone collaborators coming from all walks of life, including governmental officials, cooperate in the work of the Committee.) Details on the principles governing the Committee's activities may be seen from the enclosed articles. These experiences, as well as the success of the International Congress of Jurists held in West Berlin some months ago upon the initiative of the Investigating Committee of Free Jurists prove that the work of the German Investigating Committee and expansion of this work to a world-wide basis strengthens the concept of justice in exerting an ever-increasing pressure on Bolshevik terrorism. In the long run, the concept of justice will mitigate the consequences resulting from Communist acts of injustice by lessening their efficiency, and thus will help the people living in the countries behind the Iron Curtain. For the realization of these ideas, the establishment of an International Investigating Committee of Free Jurists is proposed. Such a Committee should be comprised of two sub-organizations: The Council of Exiled Jurists, which should be concerned with the countries behind the Iron Curtain; and the International Commission of Jurists at The Hague, which should have the tasks of arousing the conscience of the Free World and the creation of a united front utilizing the concept of justice to fight the Bolshevik regime which is based upon injustice. (The latter organization has been founded and has begun its activities, aided by rather limited financial support.)

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II. THE COUNCIL OF EXILED JURISTS:

The objectives of this Council should be the following: Intimidation of the ruling authorities; increasing the instability of the regime by planting fear among the ruling authorities that one day they will be called upon to account for their actions of injustice; informing the world that data concerning these actions is being assembled by the Council; and last, but not least, strengthening the resistance of Soviet Zone people by giving them instructions concerning what they can do to defend themselves against actions of injustice. The first steps in the activity of this Council of Exiled Jurists were taken by the International Congress of Jurists which, in July 1952, officially established that organization. The International Council of Exiled Jurists should follow principles similar to those followed by the West Berlin Investigating Committee of Free Jurists, i.e., questioning all refugees coming from Satellite countries, drawing up indictments, giving advice and instructions to the population, etc. Each country should be represented by an eminent exile Jurist, if possible, each country should have representatives of several branches of justice administration. "National Investigating Committees" should not be established, since the entire system of injustice is being directed from Moscow and the fight against it should be conducted on a supra-national basis. The population of the countries behind the Iron Curtain should be informed by Radio Free Europe, the Voice of America, the BBC, etc., of the results of the Council's work (indictments, advice, proclamations, warnings). Further, leaflets and air-balloons should be used as information media. The central offices of the Council should be situated near the frontier of the Iron Curtain (Proposal - Munich). Members of the Council should be located wherever refugees arrive from Satellite countries in order effectively to collect data concerning acts of injustice committed behind the Iron Curtain. Personnel to conduct confidential work should be recruited within or infiltrated into the Satellite countries. Plans to this end exist. They cannot be effected however, as there are no funds available at present.

III. THE INTERNATIONAL COMMISSION OF JURISTS

The second sub-organization of the International Investigating Committee of Free Jurists, the International Commission of Jurists, was also appointed by the International Congress of Jurists in July 1952 (over one hundred prominent lawyers and jurists from 43 nations attended). The evidence which was studied by the Congress resulted in an unmistakable conclusion: Under Communist rule the rights of the individual in all fields of justice have been systematically destroyed, and the administration of law as it is known in the West has been replaced by arbitrary fiat governed by the current expediency of totalitarian policy.

The conclusions of the Congress were published in an impressive book entitled "Injustice as a System". The destruction of all civil liberties within the Soviet sphere, the elimination of the independence of the judiciary, the imposition of a system of forced labor, the arbitrary

expropriation of privately owned property, the denial of any legal redress in most cases - all these are outlined in great detail and supported by complete documentation. Where the law itself produces the injustice, the actual statute is reproduced, with annotations. Where the law is arbitrarily and systematically avoided, records of court proceedings and sworn affidavits of scores of individual cases are supplied. The Congress closed with the establishment of a Permanent Committee, composed of six prominent jurists. This Permanent Committee is being financed from the remaining funds granted by an American Foundation for the Congress. This Permanent Committee is to be expanded into the International Commission of Jurists described above.

The main task of the International Commission of Jurists is to defend the basic concept of law against its being destroyed within a system of injustice and to preserve and further develop those principles of justice which, through centuries, have been established in civilized countries.

The Commission must base its work on the firm conviction that life is not worthwhile without certain minimum legal rights which have been recognized as "human rights" in all civilized countries. Therefore, one must not only defend these minimum rights where they still exist, but one must also do everything possible to win them back where they have been lost.

The following are measures which should be taken in order to accomplish this plan:

1. Inform the Free World of all cases of systematic injustice and the development of justice administration in the countries behind the Iron Curtain by means of:
 - (a) submitting documentary material (assembled by the International Commission of Jurists) to all participants in the International Congress of Jurists, and to such persons whose interest might be aroused, especially editorial staffs of legal periodical politicians, competent committees of the United Nations and numerous private international organizations.
 - (b) publication of a weekly or monthly bulletin containing the most pertinent information concerning the development of justice administration in Eastern Europe, essays by prominent scholars on the subject of justice, proposals and suggestions for informative work, etc.
 - (c) publication of the results of the work carried on by the Committees for Public Law, Civil Law, Labor Law and Criminal Law, which will be based upon documentary material. The results should also be propagated by conferences attended by jurists, representatives of professional organizations, etc.

- (d) organization by the national secretaries of the International Commission of Jurists of speech tours and conferences to be held by prominent jurists in exile. Such tours and conferences could be arranged either by the national branch organizations of the International Commission of Jurists itself or by other interested organizations.
 - (e) creation of study-circles, especially among academic youth;
 - (f) submitting documentary material to institutions throughout the world to foster continued study of problems concerning injustice in the countries behind the Iron Curtain.
 - (g) supporting the publication of scientific and informative pamphlets on this subject.
2. Fight the infiltration into the Free World of such ideologies which support the system of injustice by means of:
- (a) rendering studied opinions concerning political events which influence the international development of law, especially opinions concerning congresses and other activities of judicial organizations when they are used for political purposes,
 - (b) denouncing evident acts of injustice committed by governments throughout the Soviet sphere.
3. Support all endeavors which oppose the further neglect of internationally recognized principles of law by means of:
- (a) supporting the work of those institutions serving these purposes, such as the Investigating Committee of Free Jurists and the Council of Exiled Jurists.
 - (b) informing jurists living behind the Iron Curtain of the true meaning of justice in the Free World in order to prevent these jurists from being influenced solely by ideas supporting systematic injustice. Internationally recognized experts on law belonging to the International Commission of Jurists should compare the development of the administration of justice in the Free World with that in the countries behind the Iron Curtain, either in special radio broadcasts (Radio Free Europe, Voice of America, BBC) or in leaflets. They should objectively criticize the alleged "new ideas of law" propagated by the Communists.

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4. Support of the feeling of solidarity of the Free World, based on common views which respect the internationally recognized principles of justice and human rights, a respect which must be emphasized in view of the existing menace of systematic injustice as practiced in Communist-dominated countries. The Committee will thereby tend to mitigate the feeling of distrust between various political and religious groups in the Free World. To aid in the accomplishment of this aim, an effort should be made to convince influential politicians of the importance of this common task, and they should be invited to either support the work of the International Commission of Jurists or to become members of this institution. The feeling of solidarity among nations would also be increased by the periodic holding of international congresses during which leaders and representatives of organizations and countries which respect justice, could meet and jointly study appropriate material which had been assembled by the International Commission and other similar organizations.

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