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FROM	Chief of Base, Bonn <i>Ans</i>		DATE 23 March 1964
SUBJECT	CATIDE/UJEDROMSY Protocol of FELFE Trial		RE: "43-3" -- (CHECK "X" ONE) <input type="checkbox"/> MARKED FOR INDEXING <input checked="" type="checkbox"/> NO INDEXING REQUIRED
ACTION REQUIRED	For Information		INDEXING CAN BE JUDGED BY QUALIFIED HQ. DESK ONLY

REFERENCE(S)

ZK
[HEINZ FELFE]

The local ID USAREUR office passed us the attached translations of the protocol prepared of the FELFE/TIEBEL/CLEMENS trial. The USAREUR liaison officer undoubtedly obtained this report (in German, of course) from the ASBw, with which he maintains regular contact.

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Attachment (h/w): *NOT* Microfilmed
Protocol of Trial

Distribution:

- ~~2~~ - EE w/1 oy att
- 2 - MIB w/1 oy att
- 2 - FOB w/o att

INDEX - H

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FRG ARMED FORCES SECURITY OFFICE

53 Pilsdorf near Bonn, 17 January 1966
Hardtheche, House 101
Ext. 40 66

DEPT. II 1 Files 66 - 65

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Subject: Protocol on Main Trial Against FELPE, CLEMENS and TIERSEL before the Federal High Court in Karlsruhe

On 6 July 1965, the main trial against the accused

1. CLEMENS, Hans,
born on 19 Feb 1902 in Dresden,
former employee of the Federal Intelligence Service,
last residence: Cologne, Nahlenstauffenberg 22;
2. FELPE, Heinz,
born on 16 Mar 1918 in Dresden,
former Regierungsrat (non-scheduled position) with the
Federal Intelligence Service,
last residence: Munich, Friedrich-Erschel-Strasse 3;
3. TIERSEL, Erwin,
born on 10 Nov 1905 in Dresden,
manager with a construction firm,
living in Düsseldorf, Kirchfeldstrasse 127 a;

was introduced before the Federal High Court in Karlsruhe. After the writ of indictment had been read, the three accused persons were heard as to their personal histories.

A. Personal Histories of the Three Accused Persons:

Re 1.: CLEMENS is the son of Max CLEMENS, Music Director. After the termination of elementary school in Dresden, he was a student at the Dresden Music College for two years. Originally, he wished to become a military musician. However, as a result of the unfortunate end of World War I, he could not realize this aim, and until the thirties earned his living as a pianist and violinist. In 1931, he joined the NSDAP and was employed by this party's intelligence service, that is in the district intelligence service. He gave up his music activities. The district intelligence service's responsibility was to discover the other parties' political activities against the NSDAP, in particular raids, scheduled hall brawls and similar incidents. CLEMENS was politically active. He was an enthused SS-man and after 1933 joined the security service.

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32W-5-38/19

In 1931, he had already joined the allgemeine SS, and in 1935 was promoted Untersturmführer. The last rank he held, was that of SS-Hauptsturmführer.

He was active at the SD's main field office in Dresden and became its chief in 1937. In 1936 and 1937 he was in charge of German agencies in the Sudeten Area. During the war he was a member of Dept. VI (espionage in foreign countries) of the Reichssicherheitshauptamt (RSHA - Chief Reich Security Agency) and was being considered for commitment to Switzerland. However, this plan did not realize, so he was transferred to Italy instead, at the end of 1943, where he organized the front assignments of agents. He was in Rome and also in Como for a while, where he headed the border command point. The end of April 1945 he was captured by partisans. A liaison agent of the US Intelligence Service in Switzerland allegedly arranged for his transfer to the Americans. On 20 Jul 1948 he was acquitted from the charge by an Allied court in Italy. He was accused since he had headed the execution command, which had shot over 300 Italian hostages. However, in spite of the acquittal of the charge he was still detained in prison until 1949. His nicknames were: in Dresden "horror of Pieschen"; in Como "the tiger of Como" and among the SD members "fatty".

After he had been released in 1949, he returned to Germany to join FELFE who then lived in Schoendorf. FELFE had made CLEMENS' acquaintance in 1936. About that time FELFE had to prepare an essay on juvenile criminality. He was a candidate of the criminal police. He was assigned to accompany CLEMENS so that he could eye-witness razzias on juveniles.

During the war, CLEMENS and FELFE again met at the RSHA, after both had repeatedly met at the SD beer-table (Stammtisch) in Dresden. However, their cooperation at Department VI of the RSHA was a short one, since soon after FELFE's arrival, CLEMENS was detailed to Italy. During CLEMENS' captivity, FELFE and also TIEBEL re-established their connections with CLEMENS. Both continued to write CLEMENS letters to Italy.

CLEMENS previously was an active person. In particular, during the ball brawls in Dresden in 1933, he allegedly was a rough brawler. He stated that he did not put up with anything and he never was a coward. After 1933, he allegedly did away with the former hoodlums in Dresden.

Since FELFE could not put up CLEMENS in 1949, he went on to TIEBEL who then lived at Lendringsee. CLEMENS had made TIEBEL's acquaintance while he was active for the SD in Dresden. TIEBEL who then was a lawyer in Dresden, had worked for the SD. The cooperation with CLEMENS became a friendship, so that during the war TIEBEL was conscripted as a full-time co-worker, with the rank of the Oberscharführer, by the SD Service. CLEMENS also saw to it that TIEBEL was transferred to Dept. VI of the RSHA, where he himself was active. During

CLEMENS' captivity, FIEBEL, as well as FELFE, again sought connection with CLEMENS.

CLEMENS then was able to live at FIEBEL's home, and from there got into contact in writing with his family in Dresden.

No 2.: FELFE's father was a Kriminalinspektor in Dresden. He was born of his father's second marriage. From 1924 to 1926 FELFE attended the elementary school in Dresden, thereafter from 1926 to 1934 the Oberrealschule (secondary school) and left school as junior high graduate. During his school period he joined the "Bundische Jugend", in 1931 joined the NS-Gesamtsverband (NS Pupils' League) and became a Hitler Youth member in 1932.

In 1932, he attended preliminary training on weekends, which was held by the so-called "Grenzschutzverteidigung Sachsen" (Border Protection Association Saxony). In 1933 he was a SA-Mannschaftsleiter. When he was to be transferred from the SA to the SS in 1936, he refused and joined the Allgemeine SS (SS-Kraftfahrern).

In 1935 FELFE was drafted for the first reserve exercise by the Land Police.

In 1938 he took part in the second reserve exercise and within the scope of the SS-Verfügungstruppe (special unit) participated in the march into Sudentenland. He also actively participated in the Poland campaign, and thereafter was discharged for disability received while in service.

After FELFE had left school, he received employment as office manager with the NS Gau-Court Saxony in Dresden. The Gau-Court proposed him for the Langenscheidt-Studien and within the scope of these studies he passed the final high school examination in March 1941. As a pre-college essay he prepared a study on "juvenile criminality in the large cities". On the occasion of research studies, he made in preparation of this essay, FELFE became acquainted with CLEMENS early in the Summer of 1940.

Prior to taking up his studies, FELFE applied for employment with the authoritative police service. After a selective training course, the RSHA delegated him to Berlin for studies which he started in 1941. As a candidate for the authoritative service he then attended a training course for Kriminalkommissar-aspirants at the Police College in Charlottenburg, which he passed as the 'best' of the training course, after a period of 9 months. After he had headed a criminal commissariat in Dresden for a short while, he was transferred to Gleiwitz on 15 April 1943, as Kriminalkommissar (no scheduled position) headed a criminal commissariat and a criminal inspectorate there. On 10 August 1943, he was transferred to Dept. VI of the RSHA. Under former Hauptsturmführer AMERHNS, he became deputy chief of section VI B 3 (Free Switzerland). His transfer to the RSHA had been effected upon CLEMENS' intervention, who had met FELFE at the SA-beer-table in Dresden and had been asked by

FELFE for help to get out of Gleiwitz. With regard to the work at his section, FELFE stated that in 1943 it had been difficult to procure news from Switzerland. At that time they had a resident agent, who was vice-consul in a consulate, and handled the Swiss sources. One source was located in the immediate proximity of the former Chief of the US Intelligence Service in Switzerland, Foster DULLES.

Through this source, the first details regarding the Teheran and Taita-Conferences were obtained.

In January 1944, Dept. VI was merged with the military counter-intelligence service and at first accommodated at Camp Kosen, later on in Waldburg near Fuerstentum/Syree. In the Fall of 1944, FELFE attempted to get a front assignment. On 20 Sep 1944, he was sent to Eschode/Holland. As Obersturmfuehrer of the Waffen-SS he received the assignment to build up an overroll network. However, this could no longer be realized. One reason was that the front came closer, the other that disagreements with Hauptsturmfuehrer AHNENB, who also was at Eschode, brought the contact with AHNENB to a close. On Good Friday 1945, FELFE transferred from Eschode to Groningen and from there to a Dutch island, where he was at the time of the surrender.

After he had destroyed his SS papers, as a SS-Obersturmfuehrer he went to captivity, however, was picked out from among the other POWs and taken to Scheveningen where he was continuously interrogated by the British Intelligence Service. The British interrogation officer had a handbook of 1944 on the German Intelligence Service. On 1 Nov 1946, as a result of an administrative mistake made by British soldiers, FELFE allegedly was discharged in Munster and in this way got around not being interned.

FELFE then went to Hammel where a girl-friend of his wife's lived. Three weeks later, Fran FELFE arrived at Rheindorf. During the following period, FELFE allegedly lived on blackmarketing and among others, on the proceeds from the sale of a camera.

FELFE's parents remained in the Soviet zone in 1945. His father died at Christmas 1945. His mother still lives there. Later on, FELFE through the newspapers kept himself informed on the proceedings against CLEMENS in Rome and maintained correspondence with CLEMENS and also with Fran CLEMENS in Dresden. FELFE received FIEBEL's address through a brother of FIEBEL, who lived at Bad Godesberg, and since early in 1947 maintained contact with FIEBEL.

On 4 Jul 1947 the British approached FELFE with the request to carry out intelligence activities for them. The chief assignment FELFE was to complete for the British, was to ascertain whether there was an organized KP-group at the Bonn University. Upon intervention of the British, FELFE therefore could matriculate at the Bonn University. During his studies he also was elected as a member of the Allgemeine Studentenschaft (ASTA - General

Students' Committee) and as an official ASTA representative, traveled to the Soviet Zone. His activities for the British lasted until the end of 1949. Thereafter he was active as a journalist and also got into contact with the LFV Northrhine-Westphalia. On 1 Jul 1950 the Ministry for All-German Affairs, temporarily employed him as an interrogator of escaped People's Police members. On behalf of the Ministry, he prepared a so-called 'Gelbbuch' (Yellow Book) which was a compilation of statements made by the People's Police members. His activities as interrogator were terminated at the end of August 1950.

Re 3.: TIEBKE is the son of a factory foreman who meantime died. He attended the elementary and secondary schools (Oberrealschule) at first in Dresden and then in Radeberg where he graduated in 1923. Upon his father's request, he at first attended the Technical University in Dresden. However, since he had no technical inclinations, he changed over to the law faculty of the Leipzig University. Later on, he continued his studies in Berlin. In December 1927 he passed his first law State examination in Leipzig, and after the preparatory service as junior barrister (Gerichtsassessor), he passed the second law State examination in Dresden in May 1934. He only then had a chance to pass that examination since he had repeatedly interrupted the preparatory service, among others for six months extra leave because of his father's illness.

In 1934 he settled down as an independent lawyer at his father's home in Dresden. However, after initial difficulties he succeeded in building up a good practice as lawyer. After seizure of power, he became a NSDAP member in the Spring of 1933 and a number of offices were conferred on him, among others that of Blockleiter, advisory judge at the NS County Court in Radeberg, city councillor of the NS legal advice office in Radeberg and deputy mayor.

In 1937, the SD requested him to become active for the SD in the Radeberg area. TIEBKE agreed and ascertained that he found himself among very decent people. It was his responsibility to procure morale reports from among the populace, as well as to render reports on the political reputation of persons employed by the government service. It was the target to enable the SD to give a true picture of public opinion, a resonance of what the People thought.

During this activity, he one day had contact with CLEMENS when CLEMENS became chief of the Dresden Field Office. As a result of the close cooperation with CLEMENS, they became friends. During the following period the cooperation with TIEBKE became even closer, when he was transferred to the SA-Sektor Dresden, received RM 250.00 travel expenses per month, and at first worked at the Legal and Administrative Department and later on, at the Agricultural Section.

Agricultural Section:

In 1941, the SS enrolled him as a Oberscharfuhrer and in September 1943, CLEMENS ceased his transfer to the RSHA in Berlin, where he received the assignment to carry out intelligence activities in Switzerland together with CLEMENS. However, this project failed, since after the Badoglio-Putsch, CLEMENS was transferred to Italy.

TIENEL allegedly did not do much at the RSHA, but only studied the conditions in Switzerland.

Through his activities at the RSHA, he also made the acquaintance of FEHR who for a while, was his superior and an CLEMENS and he himself, was also a member of the "bread and butter-table" of the RSHA. TIENEL claims that he actually did not receive intelligence training. He did attend an intelligence training course, however, was not subject to specific intelligence schooling.

Until war's end TIENEL remained with the RSHA, which was first transferred from Berlin to Arnim, then to Burg Lauenstein near Prebstulla and finally to Rottack/Tagerssee. TIENEL still received an assignment to be completed in Regensburg, however, on Tuesday after Easter 1945, Office Chief SCHLIEBENBERG gave him orders to burn all the RSHA documents.

Thereafter, orders were issued to separate. TIENEL went to Garmisch-Partenkirchen where he found himself accommodation, registered with the police, allegedly in his true name, and so evaded captivity.

He learned through the son of a friend of Radeburg that his parents were living at Landringsen. In September 1945 he then went there and was employed by the POHL Construction Firm. He soon became manager and today holds the position of a general representative with a monthly income of DM 1,550 plus free board and lodging.

Until he started working at Landringsen, TIENEL had no financial difficulties since on the occasion of the RSHA's dissolution, bundles of money were distributed to the co-workers.

In October 1941, he married Inaida HENZLER at Radeburg. They have two children. In 1945 his wife and the two children stayed behind with his wife's parents at Radeburg. She did not wish to move to West Germany since she did not want to leave her parents in the Soviet Zone, and the father declined to leave Radeburg. Due to his background TIENEL did not consider it wise to return to Radeburg. He therefore stayed at Landringsen, had his chief, Herr POHL, build him a 4-room apartment which he, however, to this date has only occupied with his son Wolfgang (born in 1944) whom he had taken with him to the Federal Republic, when he met the family in West Berlin in 1951. His wife, his daughter who meantime married; a brother and the father-in-law still live in the Soviet Zone, while brother is active in Bonn as a Ober-regierungsrat.

After 1945, FINKEL did not start a law practice again since he feared denazification as a former SS and SA member. He evaded denazification. During the war, FINKEL was together with CLEMENS and FELFE at the RSHA for a while. FELFE at first went to Italy in the Fall of 1943, and later on, in 1944, was transferred to Holland. After the war, at first connections with FELFE were re-established. In 1947 FELFE came to Lendringuen since he had learned FINKEL's address in Lendringuen, from FINKEL's brother, who then lives in Bad Godesberg. Since that time they have maintained connections and they both also maintained contact with CLEMENS, who at that time was still imprisoned in Italy. When CLEMENS was released from custody in 1949, he stayed with FINKEL at Lendringuen for a few months.

B. Facts of Punishable Actions

On 15 Sep 1949 CLEMENS returned from Italy to West Germany. He at first went to visit FELFE at Rheinfelden and by chance came across a ballad singer group at a tavern. As a former musician, he recruited the group to his service and with this band went to FELFE's home to persuade him "In der Heimat da gibt's ein Wiederkehr". CLEMENS had sufficient money since he had subsequently received his salary payments for the four years he had been interned in Italy.

Since CLEMENS did not like conditions at FELFE's home, he went on to Lendringuen to visit FINKEL. One day he received a telegram from his wife who had survived the air-raid on Dresden and still lived there with the family. His wife wired that on a certain day she would arrive at Cologne.

During the period from 29 Jan to 4 Feb 1950 Frau CLEMENS stayed at Cologne. FELFE got her accommodation. She disclosed to her husband that she had not come on her own, but had been sent by the Russians. The Russians requested that CLEMENS come to the Soviet Zone, for they had to speak with him. Frau CLEMENS asked her husband would he please have regard for her, the children and their home. They could expect difficulties should he not comply with the Russians' request. CLEMENS told his wife that he first had to think over whether he would go to the Soviet Zone.

After CLEMENS had discussed this with FELFE and FINKEL, and both did not hold him back (FELFE had even said: alright go, so that we know what is going on) CLEMENS traveled to the Soviet Zone, either the end of February or early in March 1950.

After FINKEL had seen him off, he at first went to Walkenried, where he crossed the border illegally. There he met his wife and the Russians and together with them went in a car to Dresden. (He apparently had made detailed meeting arrangements with his wife.)

The Russians were very pleased to see him, hugged him and kissed him. He received accommodation at a villa in the Valdschloeschen-Quarter in Dresden. He had a youth assigned to him who took care of his well-

being. At first he was allowed to sleep as long as he wanted. His wife was taken home. On the following day about noon, he again met Colonel "Max" (cover-name). Colonel "Max" is described as a fine, urbane, elegant officer who speaks German very well. During the conversation it was intimated that CLEMENS was expected to carry out intelligence activities. He agreed, since he hated the Americans like the pest. Colonel "Max" liked this attitude and on a city tour of Dresden, he showed CLEMENS how the Americans had destroyed the city.

CLEMENS was then requested to prepare the following on himself:

- a. a personal history;
- b. a personal history of his political background;
- c. a listing of his military assignments;
- d. a listing of his intelligence assignments.

This took him a week. After he had delivered the above information he was pledged for intelligence activities by the Soviet Intelligence Service and had to sign a pertinent pledge statement, according to which he was to obey the instructions of the Soviet officers. After this pledge, they had a big party within the group of Soviet officers. CLEMENS permitted a photograph to be taken of himself, and in arm with his handling officer and the other officers.

The Soviet Intelligence Service gave him instructions to join the Organization "Gehlen". After this problem had been discussed and CLEMENS had stated that this would be possible since he knew the former Captain SCHLESINGER (phon.) of the former Abwehr (Security Intelligence Service) from his SD activity, which he assumed would now be employed by the "Gehlen" Organization. CLEMENS further was instructed to attempt to recruit known former SD co-workers for the Soviets. CLEMENS noticed during the conversation that the Russians were well informed about FELPE and FINKEL.

CLEMENS was told that he would have up to one year's time to furnish the first material. He did not receive instructions as to how he was to carry out his intelligence activities, on the contrary they said: "you have grown up in this trade". CLEMENS received DM 500.00 or 1,000.00 from the Russians and suiting. From the very beginning, CLEMENS seriously intended to work for the Russians.

CLEMENS was illegally returned across the border by his handling officer near Weihenried.

He informed FELPE and FINKEL as to his experiences, and told them that they too were to go to the Soviet zone, and that he was to contact with the Gehlen Organization. With FELPE's help he looked for a room in Bonn, and at the start found accommodation at the Catholic Young Men's Home. In Bonn, CLEMENS at first looked around for old friends in the Bundschuh.

When Frau CLEMENS came to Bonn for the first time to pick up material, CLEMENS did not have any as yet. However, Frau CLEMENS also brought money. During the following period CLEMENS received information of minor importance from FELPE, who worked at the Ministry (All-German

Affairs), including a table of organization. FELFE also knew various things which actually had no intelligence value, however, proved to the Soviet intelligence service that CLEMENS was making efforts. In the Fall of 1950, within the scope of his activities for the All-German Union FELFE had to prepare a "Gefinnach" (Yellow Book) on the statements People's Politician had made during interrogations. FELFE also handed this "Gefinnach" to CLEMENS for him to pass it on to the Soviet Intelligence Service. CLEMENS reportedly invited FELFE for meals in return for these favors.

Colonel KRINGSBAUM was one of the top men in the German intelligence service during the war, and a liaison-man between GIBALDI and HENNINGER. On the occasion of a trip from Bonn to Düsseldorf CLEMENS learned KRINGSBAUM's address. He assumed that KRINGSBAUM was active in the "Union" Organization. (This part of the statement is not clear. CLEMENS apparently had previously made investigations on a former co-worker of a German intelligence service, probably on Captain GRIESHWANDT, and shadowed him on a trip from Bonn to Düsseldorf. He addressed him in the train and cleverly turned the conversation to Colonel KRINGSBAUM and in that manner obtained the latter's address.)

After this conversation, CLEMENS immediately traveled from Düsseldorf to Bad Neuenahr and called on him. KRINGSBAUM was pleased to see him again and asked CLEMENS what sort of work he did, whereupon CLEMENS replied he was a surveyor-engineer. KRINGSBAUM then informed CLEMENS that he was with the old gang again and also had work for CLEMENS should he be interested. However, it might be or June before he could give him further information. Both then went on to Munich where they separated. KRINGSBAUM asked CLEMENS not to shadow him. CLEMENS noticed that KRINGSBAUM went to the Sternberg RR station and then knew that KRINGSBAUM could only be active for the "Gehlen" Organization.

In mid-June CLEMENS received a telegram from KRINGSBAUM requesting him to come to Munich.

On 15 June 1951 he went to Munich and reported to Colonel KRINGSBAUM who then was chief of the IV (district organization) Bavaria with his seat in Munich.

At this point the Senate President interrupted CLEMENS' statements and questioned TIENEL as to the events.

TIENEL

After 1945 there were tensions between the CLEMENS Couple. While he was imprisoned he raised accusations against his wife. In a letter to CLEMENS in Bonn, TIENEL defended from CLEMENS. On 25 Sep 1949 TIENEL picked up CLEMENS at Minden. At that time he did not know that CLEMENS had already interrupted the trip to visit FELFE, and had not immediately come from Italy. TIENEL put up CLEMENS at his home, saw that he received returns and sick insurance monies and also an invalid pension. He received mail from Frau CLEMENS. In the Spring of 1950, she sent a telegram that she would arrive at Wuppertal. In TIENEL's opinion, this was her first visit. TIENEL allegedly learned no details as to the course of the meeting of the CLEMENS Couple.

The court has a letter post which **WHEEL** wrote to the **CLARK** couple on 25 Jan 1950, which starts off with "My dear Alexander!" In this letter **WHEEL** makes references on **CLARK** and the contents also provide the conclusion that **CLARK** wished to carry out intelligence activities.

The President requested to **WHEEL** that he must have known that **Frank CLARK** was seeking to establish connections between him and the Soviet Intelligence Service. **WHEEL**, too, should have known it. Both confirmed this. **WHEEL** admit that they were absolutely aware of this fact.

WHEEL

Author and recipient of this letter consequently knew that **Frank CLARK** worked.

WHEEL

I informed the British of this assignment.

WHEEL and **CLARK** then stated what sort of communication they had at that time on the possible sources the Soviet Intelligence Service had to get **CLARK** to the Soviet Union.

WHEEL

They wish to know from you who the agents in the illegal EP were.

CLARK

That's right, I still know **WHEELMAN**. Today he is a big man in the Soviet Union.

WHEELMAN

If there were your reflections, **WHEEL**, why did you offer the British such agent activities?

WHEELMAN

WHEEL knows well how to cheer off.

WHEEL

I also informed the **CP** authorities in London at that time, however, the **CP** said they would not accept it under any circumstances. Consequently, I contacted **Dr. WHEELMAN**, former Federal Minister of Industry, suggested the case to him and asked him to help **CLARK**. He referred me to **Dr. WHEEL** who at that time was building up the **CP**. **Dr. WHEEL** asked for **CLARK**'s address.

WHEELMAN

I went along. In **Dr. WHEELMAN**'s secretariat, **WHEEL** said "Good Lord, there is the secretary (F.) of the **CP** whom I know". I accompanied **WHEEL** since I wished to find out what was going on. I had no intention to join the **CP**, my assignment was to apply for employment with the **Soldier Organisation**. **WHEEL** wished to introduce me to the man who is maintaining the contact. That is why I went with him and thought "let's wait and see". This visit to **Dr. WHEELMAN**'s office probably took place in the Spring of 1950.

President

TIEMEL, how did you get into contact with the Russians?

TIEMEL

After his return CLEMENS told me that the Russians knew more about me than I did. For instance, I allegedly participated in shooting foreign laborers. When CLEMENS was already in Bonn, he once told me on the occasion of a visit, that the Russians again had inquired about me. In the Fall of 1950, I then flew to West Berlin. CLEMENS purchased the air ticket. Two Russians awaited me at the Red Army Memorial in Frankfurt. They passed me several times and talked loudly to each other, so that I would overhear the word "August". "August" was the watch-word CLEMENS had given me. I addressed them and said yes, I am "August". The two Russians then took me to their passenger car in which Fran CLEMENS sat. The car drove towards the autobahn and on to Dresden where we arrived about 1900 hours. After Fran CLEMENS had left, the Russians drove me to a villa where snacks had been prepared. Thereafter, I immediately retired. On the following day I saw that the villa was located in the "Waldschlosschen" Quarter. After breakfast I was taken to a room where an elderly gentleman awaited me and had in front of him a pile of files. It was good for my family that I had come. He told me about my party background and also of shooting. It was surprising how much he knew. I then had to write down my personal history which I prepared in a very brief form in print. I felt rather uneasy.

President

Since you were more cautious than CLEMENS. You know that the intelligence services always wish to have some compromising information on their co-workers.

TIEMEL

I did not have to sign a pledge statement, nor did I receive assignments. I only knew that I had negotiated with the Soviet Intelligence Service. Thereafter we went to Radeberg. I could not get out, we only passed the house of my family, I did not see any of my people. They then drove me back via Dresden to Berlin-Frankfurt, from where I took the S-Bahn to the airfield and returned to Buchslober. I neither received money nor reimbursement of expenses, from the Russians. After my return, I informed CLEMENS who replied that I had been lucky.

CLEMENS

TIEMEL was only to be used in an emergency.

President

How did it happen that TIEMEL went to meet the Russians in Dresden?

CLEMENS

I received a note from the Russians that TIEMEL was to come. At that time the connection was still maintained through my wife who informed me in her letters on the assignments. She also came personally to Leningrad.

Boon and Menick on several occasions, and brought me assignments and took back material which I always kept until my wife came. She covered the material into her clothing, as she also did with the "Gulibuch" I had received from FELPE.

Question

How did FELPE get in touch with the Soviet Intelligence Service?

Answer

I am not clear about this. I assume that FELPE worked for the Soviet Intelligence Service already before I did. I also read a letter FELPE wrote to my wife, which I thought was suspicious because of the circumlocution. After my flight I informed the Soviet Intelligence Service that FELPE supports me. I joined the "Gulibuch" Organization on 13 Oct 1951. My wife arranged a meeting between FELPE and the Soviet Intelligence Service in East Berlin. FELPE attended this meeting.

Question

FELPE said that if everything was alright with you, he too, would cooperate.

Answer

FELPE was really badly off at that time. He had been dropped by the Brits. He then stated he would be prepared to work for the Soviet Intelligence Service and in about September 1951 went to the Soviet Zone. The "Gulibuch" Organization had instructed me to report former SED members who had no cooperation. I recommended FELPE to the "Gulibuch" Organization, however, only after he had been in the Soviet Zone. I always considered FELPE loyal to the Soviet Zone.

Question

You recommended FELPE to the "Gulibuch" Organization since he was to work for the SED.

Answer

Yes, that is right.

Question

I made every effort to obtain employment with the police, the criminal police and various ministries. However, GUNNING told me that this was nothing for me. At that time his connections with the Soviet Intelligence Service were established and I furnished him personally my material for the Soviet Intelligence Service. The All-German Ministry during that time had employed me as a prison interrogator and primarily, I had to interrogate escaped People's Police. I also was instructed to compile these statements and to prepare the so-called "Gulibuch". At that time I received warning from LCV Northhain-esthonia against traveling to the Soviet Zone. The LCV had received information from a source within the SED Central Committee that I was to be invited to the Soviet Zone, where I was to be liquidated because I had worked against the SED. At that time contact was made with STORCKE (phon.), who was a member of the

some interrogators' group as I was. In August 1956 STODOLSKY was sentenced by the Federal High Court since he was a Soviet Intelligence Service agent. As a result of the disagreements with STODOLSKY, I discontinued work with the interrogators' organization since I did not have protection. This was the end of August 1951. At that time I received final notice for termination of employment after my employment contract each time had only been extended by another 4 weeks during the previous months. I was in Berlin at that time and as I said, was active as an interrogator. About the same time the communist World Youth Meeting was held in East Berlin. Frau GIBBER was also in East Berlin. She had escorted a FBI Group from Dresden to Berlin. GIBBER then asked me to give his wife money at a meeting in West Berlin.

I knew at that time from GIBBER that he had tried to get an employment with the "Gehlen" Organization, however, by the end of August, I had not received any information from the Gehlen Organization. I therefore believed that this had been a failure.

President

What did you think when GIBBER recommended you to the Gehlen Organization? Can an insurance man bring a sincere man into an organization, if the latter knows the other is insincere? It should have been your first official act to drop GIBBER. It is intelligence practice, to also recruit the wife, if the husband is active for the intelligence service, in order to eliminate risks. This is all the more important in a group of friends. When you went to the Soviet Zone, did you know that WISSEL was also in the Soviet Zone?

ELMER

After I had entirely departed from the office in Berlin, GIBBER arranged a meeting between his wife and me. On 1 or 3 May 1951 Frau GIBBER then took me to East Berlin. We took the S-Bahn to Treptower Park where an eastern passenger car with Soviet intelligence officers in civilian clothes including Colonel "Max", awaited me. He understood German very well, however, did not speak as well and therefore used an interpreter. The officers acted very friendly and took me to a house in Markisches. There a large table was set for a banquet. I did not feel well at the time, ate relatively little and only drank German champagne. Colonel "Max" spoke to me. I explained my situation to him and expressed my hopes and expectations of an international existence, and asked him whether he could help me to enter the East-West trade.

President

Do you want to further enlarge this story tale you told us during the preliminary investigation?

ELMER

I wished to establish business relations, which however, could have been used for intelligence purposes.

President

Did you sign a pledge?

WALKER

I don't know, I had to return immediately to West Berlin the same night since I lived with relatives and they would have been upset had I not returned.

President

Did you prepare a personal history?

WALKER

This I may have done, it is part of intelligence practice. I also was to think over how I wished to settle down and what sort of assistance the Soviet Intelligence Service could give me.

President

Was it known where you were to settle down? Did the Gehlen Organization come into the conversation? I can hardly imagine that this was not discussed.

WALKER

It is possible, the aim had been reached, the contact was established.

President

You allegedly received RM 500.00.

WALKER

Yes, I received RM 500.00 as reimbursement for my flight expenses. I do not know whether they were to cover the expenses I would incur at the next meeting with "Max" on 18 October. I had just returned from Berlin to Bremen when Colonel KREMERHORN called on me on 12 Sep 1951 and asked me whether I wished to become active in the old trade. I pointed, since I thought this would be a chance for me to gain a footing in the Gehlen Organization. On 18 Sep 1951 I again flew to Berlin and met "Max". However, we did not drive to Enckendorf, but to the "Telegraphenbureau" quarter in Bremen. Thereafter we went for a several-hour sightseeing tour of Bremen. "Max" continued to explain to me the last days the activities of Bremen's deception. I also took on this trip. After this sightseeing tour, I possibly signed the papers. I also assumed that I would probably be contacted with the Gehlen Organization. I did not feel well in my situation at that time, however, I no longer had a chance to withdraw. I was to have to serve the mission.

President

Did KREMERHORN intimate to you on 19 Sep 1951 what your future employment would be like?

WALKER

Yes, I knew that I was to be assigned to III f (counterespionage).

President

You joined the Gehlen Organization on 19 Nov 1951.

President

Together with how many Americans did you work? Did the Gehlen Organization report to the Americans or the German authorities? Were you never informed that they reported the information they gained, to the Federal Chancellor?

CLEGG

For me it was a fact that the Gehlen Organization is an American intelligence service.

President

And when the Gehlen Organization became the Federal Intelligence Service?

CLEGG

This was even more embarrassing, however, could not be helped.

President

FELPE, how did you fare at the GVL?

FELPE

I was an assistant at III f, I had to evaluate and put reports in order and forward them to Munich. In April 1952, I received the task to prepare the activation of a DV Rhein-Ruhr. CLEGG was assigned to me as an aid and we worked together for two months. At that time JAGUSCH also crossed my road. I recognized him as the man who had prevented me from being employed with the Busseldorf Criminal Police. Later on, I learned that he worked for the Soviet Intelligence Service and I was transferred to the Staff in Karlsruhe, where I stayed until 30 Sep 1953. On 1 Oct 1953 I was transferred to the Central Headquarters in Munich.

President

Through what circumstances did you get there? Did you apply for that position?

FELPE

I did not like the conditions in Karlsruhe, in particular I could not get along with the Chief named ALBERT. Meantime, on the occasion of meeting in 1952, "Max" had asked me whether I could apply for assignment to another office. Later on, I realized why I should work at another office of the Federal Intelligence Service. ALBERT, the chief in Karlsruhe, already worked for the Soviet Intelligence Service at that time. Later on, he was arrested and hanged himself in the pre-trial prison. My first superior in Karlsruhe, to whom I once confided that I did not like it in Karlsruhe, meantime was at the Central Headquarters in Munich. At the Central Headquarters I was assigned to the Counterespionage Section where I cooperated with 3 technicians. The Group Leader distributed the cases. The Group is engaged in counterespionage, that is with the Soviet, the Polish, the Czech and the Hungarian intelligence services.

This Group had an operational task, namely to steer cases and also to identify and control intelligence assignments whose target was the Gehlen

Organization. At first every technician received cases from all the East Bloc countries, later on, this was differently handled and every technician was assigned a specific enemy. I for instance received the Soviet Intelligence Service. I worked on varied assignments.

President

Did you also get in touch with "Index"? Did you also handle free sources and did you know them only by their cover-names, or also by their true names?

ALICE

Yes, in 1959 within the scope of "Index-assignments". I know both the true and the cover-names.

President

You first were an employee and later on an official.

ALICE

On 18 Feb 1958 I was promoted to Regierungsrat on probation. However, I never did become a lifetime official. I was assigned to a Oberregierungsrat position and also paid as such. I drew a salary of approx. DM 1,660.00. Since February 1954, I lived in Munich and also own a house, more or less a weekend house in Oberaudorf (phon.).

I swore an oath of office and signed a secrecy pledge up to and including Geheim (Secret), the last one in 1961.

I swore the oath of office in accordance with Par 58 of the Government Official Law, on 30 Oct 1958.

President

SLIMES, during all this time you were active for the Soviet Intelligence Service. How did this actually take place?

SLIMES

In the beginning, the courier service was carried out by my wife, who came to Munich. I also packed news in Alote-cans (baby food cans), since my wife gave birth to a child in 1950, which however, was not mine. I typed the news in plain text. However, I urged this procedure be changed since I did not like it. The transmission of information was to be effected from hand to hand, that is why I organized the "Balthasar" Case, when in Dusseldorf. "Balthasar" previously had been my deputy, when I served with the SD in Dresden. At that time he was a controller at an enterprise in Saxony. He was a double agent, however, did not know that I too, worked for the Soviet Intelligence Service. I met "Balthasar" in West Berlin, approximately every 6 - 8 weeks, the first meeting was on 24 Aug 1952 and the second was on 2 Nov 1952, the third on 26 Nov 1952 and the fourth meeting on 24 Jan 1953. After the blow with ALBERT had happened in the summer of 1953, we no longer were permitted to hold meetings in

Berlin. I first met my handling officer "Alfred" in East Berlin, however, later on also met him in West Berlin, in Brussels (on occasion of the World Exhibition) and in Lima. "Alfred" was FELFE's and my handling officer, after Colonel "Max" had returned to Moscow. Sometimes a Botschaftsrat (ambassy councillor), a major, whom I addressed with "comrade", attended the meeting. FELFE and I also called him big "Alfred".

President

You used contact paper, A-3 radio, photography and micro-point?

GLENNES

I did not photograph, FELFE did. The Minox camera I received, I passed on to FELFE. There was work division between FELFE and me. I received our assignments via A-3 radio, deciphered them and passed them on to FELFE. For this purpose I used contact paper (secret writing paper). I did not undergo radio training. FELFE did not have the code documents for the A-3 traffic. FELFE did not meet the Soviet Intelligence Service as often as I did, his official duties did not permit it. On a few occasions FELFE and I went together to meet the Soviet Intelligence Service and on 22 Jan 1953 all the three of us, that is FELFE, TIEBEL and I, were in Karlsruh. After the meeting Frau FELFE and my wife joined us at a night-club in West Berlin.

President

How did the material get over there?

GLENNES

During my Stuttgart time, FELFE's documents already were photographed with the Minox in my room. This was in about the Fall of 1953.

The undeveloped films were delivered by GLENNES or FELFE on the occasion of meetings in the Soviet Zone. Besides, correspondence was maintained via a cover-address on secret writing paper, recordings on tapes with Minifen were made only at a later date. All our meetings with the Soviet Intelligence Service officers were tape recorded. FELFE's voice only was on the tape recordings and I took such tapes to the Soviet Zone. I usually made copies of my work papers and took these to the Soviet Zone, together with material from FELFE which he frequently mailed to me in parcels with declared value.

President

After the "ALBERT" Case in the Summer of 1953, the Gehlen Organization prohibited that GLENNES travel to Berlin, since "ALBERT" had material on GLENNES in his possession.

GLENNES

We got a check and kept quiet for a few weeks. After a while FELFE called on me and said TIEBEL must go there in order to find out what's what. I went to TIEBEL and told him that he must go, since I could do no more.

- 19 -

FELFE photographed files and card records of the Federal Intelligence Service in Pullach and in hotels in Cologne. On the occasion of Federal Intelligence Service operational meetings in West Berlin I took the material to East Berlin. At first I always flew on a US courier plane. After TIEBEL had been employed as courier, I handed him a suitcase with a secret compartment where films and tape records could be concealed. After TIEBEL had delivered the material, I again picked up this suitcase. The suitcase always was at my home. TIEBEL went approximately 10 times.

President

Report on the legal and illegal meetings.

CLEMENS

For the purpose of attending the illegal meetings, I usually drove by car to Berlin via Hainstadt. The meeting was held on the Autobahn, usually near kilometer-stone 107. "Alfred" waited there to pick up the suitcase with the secret compartment and we then went on together to Berlin. While "Alfred" turned towards East Berlin, I went on to West Berlin where I overnights. When I went with TIEBEL, TIEBEL stayed in West Berlin while I drove to East Berlin alone. If TIEBEL went alone to West Berlin, he also went to East Berlin. On the return trip, we picked up our suitcase from "Alfred" near the meeting-place and "Alfred" escorted us to Hainstadt to see whether we passed the control alright.

President

FELFE, and CLEMENS correctly describe how things went off

FELFE

That is right. He was the man who maintained the connection. He was the 'motor'. There was no A-3 traffic until 1955. Meetings were usually arranged on short notice through letters in latent writing. If neither CLEMENS nor I could travel to Berlin, the meetings were held in Austria which was still occupied at that time. After I had been transferred to Stuttgart, that is from 1953 on, the Minox camera was used which I had received from the Russians. However, I believe that this was sooner in 1954 than in 1953, since in 1954 I was in Munich. In 1954 I bought a Minifon which I also used, however, not to the extent the Russians would have liked. A-3 traffic was only maintained by CLEMENS. I did not have the code. CLEMENS was the decipherer and I frequently had to help him since in some cases only half of the messages were understandable. CLEMENS often blamed the Soviet Intelligence Service because of bad A-3 transmission. The Russian therefore wished to change over to another procedure and for this purpose suggested a high-speed radio procedure. I explained it to CLEMENS and together we listened to it, however, it was not clear. It also was too much work. We therefore refused to adopt the high-speed radio procedure. It also answered so, since iron dust powder was used. Thereafter I used the microdot procedure. I placed the microdot at a certain point in the letter. At first CLEMENS had explained the microdot procedure to me, however, not correctly, and it took me

year until I had gotten on to it. In Austria I was briefed as to the preparation of Mikrats (type of Microdot). However, this was a failure.

President

Why didn't CLEGGES brief you?

ELFE

This was nothing for him.

President

How many meetings did you attend in the past years?

ELFE

A total of approximately 20, on 3 or 4 occasions together with CLEGGES, once all three of us, that is FIEBEL, CLEGGES and I. I frequently met the little "Alfred", that is what I called him, while the big "Alfred" sometimes was present. On 20 Oct 1954, "Max" bid us farewell in Linz when CLEGGES and I met him there. We went together from Linz to Vienna, I have not seen "Max" since. On 15 Jan 1954 I traveled to Linz alone and Amstetten (phon.) alone.

President

What was the meeting in Vienna like?

ELFE

I met the Director in Vienna in 1958. One year previously, I had had the 1st meeting in Salzburg. The meetings took place in an easier atmosphere. These changes were due to the fact that NERJJA no longer was in office. The meeting in Vienna originally was to take place in Salzburg, however, through A-3 message was cancelled and re-scheduled to take place in Wien-Schotteladorf (phon.). "Alfred" came to ask me whether I agreed to speak with his Director. I agreed and asked why he did not immediately call him a Director General. He smiled. The meeting was held in Vienna in September 1958. It was a General from Moscow. Four or eight weeks later, in about October 1958, I met the General again in Berlin. The General always wore civilian clothes.

CLEGGES arranged the transport of the material through FIEBEL. FIEBEL went when neither CLEGGES nor I could travel to Berlin. I also wrote letters to cover-addresses. Initially, CLEGGES and I wrote to the same cover-addresses, later on each of us had two different cover-addresses. In the letters, I only advised them all was well or meeting arrangements were made, or I made comments on current political events, which the Russians frequently considered very important. My last cover-name was "Kurt", previously "Manfred" (?). CLEGGES' last cover-name was "Cicela", previously "Giselher".

President

FIEBEL, how did you get along?

FIANCEE

The times are somewhat confused. When all three of us were in Berlin on 22 Jan 1953, this was not the suitcase time. That was much before this time.

Prior to my own courier activity, I was three or four times over there. At the second meeting I was assigned the cover-name "Erich".

The courier activity started in 1955, after the incident concerning "Albert"

CLENNEN gave me yellow letter, which I was to take to "Alfred". The yellow envelope contained films. In reply to my question as to whether there were important things in the envelope, CLENNEN said "they can have all of it". I met "Alfred" at the Hallsche Tor in Berlin and gave him the letter. "Alfred" also gave me a letter for CLENNEN.

I took a plane to Berlin.

I made the second courier trip by train. I received the suitcase with the secret compartment from CLENNEN. I made approximately 10 trips with the suitcase. Some 20 films and 2 Minofon reels could be placed in the secret compartment of the suitcase, which CLENNEN showed me and also explained the mechanism to me. If I drove in a car, I gave "Alfred" the suitcase on the Autobahn right behind Helmstedt, near kilometer stone 107. On the return trip "Alfred" returned the suitcase to me near the Autobahn control point "Drei Linden".

President

CLENNEN, what did you deliver to the Russians? At first when you were with the BV from September 1950 - 1951. You claimed that you didn't cheat the Russians?

CLENNEN

I did not furnish them false material. I gave them whatever I could. I did not give them everything though so that no conclusions could be drawn as to who furnished the material. Information I furnished from the BV Bavaria, included the location of field offices, the organization and the seat of the German Organization which used to be a catch question of the Soviet Intelligence Service. They asked me where the German Organization was located. I replied at Fulda. I further reported on courier trips, the cover-names and cover-numbers. At that time I did not know the true names. KRECHMANN was well known to the Russians. I stated the address and the true name of the chief at Naumburg. Although, as a courier I was not permitted to establish closer contact with the chiefs of the field offices and they not with me, still I had coffee with the chief in Coburg at his home, and in private conversations learned many things, also his true name. Thereafter, I was with UV Rhein-Ruhr in Dusseldorf for a year. From there I delivered the same material as I did from the BV Bavaria. Further, I prepared character reports on three persons and the two secretaries. "Alfred" wanted me to tap the chief. However, I refused to do it and told him that they would experience a nice failure should they dare it. "Alfred" stated in reply that they had some things which were

worse.

I also furnished the same material on the Stuttgart office. Since all co-workers with the exception of one, had moved along to Stuttgart, I need not state their names. I verbally reported to "Alfred" on the "Albert" case. I asked him whether WEINMANN (phon.) was a Soviet Intelligence Service man. "Alfred" denied it. I told him that FELFE and I were endangered. "Alfred" allegedly did not know which Service had handled WEINMANN.

I never delivered originals, but always had FELFE photograph the documents.

I also reported on WY Golegus and "Index" that is the structure and my appointment as "Index" chief. "Index" was the most interesting information for the Russians. But also the disclosure of the Munich cover-firms.

FELFE photographed the "Index" documents. We pencil-marked the documents we had photographed, to control them.

In the Fall of 1958, I became deputy chief of the observation command. I reported on the seat of the command, and on the 10 co-workers. The Russian was not interested in them since most of them were former criminal police officials. First the Russian was pleased, however, then disappointed since for a whole year we engaged in the "Red Hand". The Russian was not interested in it. I disclosed 14 observation assignments to the Russian; the most important one was "Amiens". I named the Agency for Plant Security in Essen, the Jagusch Agency, the Security Group (I had known SAEBUCK already in Rome), who was in charge of the security of ministers and where the agency is located. If General Gehlen wished to obtain special information, he told FELFE, FELFE phoned me and I asked SAEBUCK. This was a fast procedure and I could always immediately pass on an answer to Fullach. I also stated the location of the Federal Intelligence Service School.

President

FELFE, did you report all you knew to the Russians?

FELFE

No, lots less. I attempted to restrict the information to such as was not too dangerous. I dared not to unveil everything. While in Karlsruhe, I only reported on organizational matters and cases which passed over my desk. Also the co-workers, I had forgotten the driver. The Soviet Intelligence Service approached me with regard to a certain person, and I found that I had forgotten the driver.

President

From the Fullach period. The Russians knew where you were and what you were. I mean, the Russians expected a lot. Did you state the names of co-workers?

FELFE

Yes, but not all. The Soviet Intelligence Service gave me a year's time to have things develop quietly. On some co-workers I gave the cover-names,

on some their true names. After the Spiegel-article on the Federal Intelligence Service had been published, photographs were presented to me with the question whether I knew them. Some were photographs of individual persons which were extracted from a group picture and also from other photographs. As far as I could, I confirmed the names. I also furnished a report on the liaison staff in Bonn. I could not furnish character reports. You know how difficult it is to give a character report on a third person. I can't do it.

President

The Russians were extremely interested in character reports.

WELF

I gave them some, however, no precise ones.

President

They said what's new in Pullach?

WELF

As far as I know, I told them without hesitation. The Soviet Intelligence Service was mainly interested in Section I, military intelligence on the Soviet Union. However, I neither maintained official nor personal contact with those offices. Contacts with two persons of those offices only developed during the past two years. However, by that time the Soviet Intelligence Service's interest had decreased.

I was given a photostat copy of the Pullach layout. I had to enter which sections and persons were working in the individual buildings. The Soviet Intelligence Service in Amsterdam (phon.) handed me the photostat copy of the layout plan. I took it with me. They never again asked for the plan. I no longer know whether I gave them a telephone directory of Pullach, if so, only an old one, certainly no new copy.

GLENN

"Alfred" always asked for the latest telephone directories. Also information on the latest status of the card index. WELF once photographed a telephone directory and a layout plan of Pullach, at my home. WELF also showed me a plan of the Kurloshart layout, and explained to me in which villa they always meet.

President

Did you state the location of Berlin field offices?

WELF

"Alfred" was extremely interested in learning where Federal Intelligence Service branch offices were located in Berlin. I thought it was strange that he did not inquire about the Berlin field offices of the central headquarters. I was requested to state the license numbers of motor-vehicles. When this question was asked, I could not give any information. However, it may be true that I said "the man works for us".

Whenever I had to travel to West Berlin for a legal meeting of the Federal Intelligence Service, I first met the Russians. The Soviet Intelligence Service then asked me why are you here? I did not meet sources in Berlin, but handling officers of contact-agents.

President

CLERKE, where did you meet the people of the Federal Intelligence Service?

CLERKE

At the radio tower and at Hotel Kempinski. I always made reservations for a room whenever I could not meet them in public.

PRIZE

I met the handling officers of contact agents at conspiratorial apartments and at hotels.

President

PRIZE, didn't it mean compromising the contact agents if "Alfred" had you observed? The agents could then be watched without being turned by "Albert". For "Alfred" knew why you were in Berlin.

PRIZE

I met "Alfred" at the "Aquarium" when it was dark. He never asked me where I stayed. When we separated, we quickly did so, usually by way of a taxi.

CLERKE

Our meetings, for instance the ones in the "Aquarium" were covered by the Russians. When we saw each other, we signaled if everything was alright. The Russians were there before us. During the meeting I told "Alfred" where I was staying.

President

PRIZE, at the time of your arrest 15 8 mm films were found. Thirteen were sealed off and two were not. Were all of them destined for the Soviet Intelligence Service?

PRIZE

The 13 films were, the two were not.

President

The 8mm films showed the following:

1. RTV report on agent radio control
2. Federal Intelligence Service Weekly Report No. 54 as of 22 Aug 61
3. " " " " " No. 55 as of 30 Aug 61
4. " " " " " No. 56 as of 6 Sep 61
5. " " " " " No. 57 as of 13 Sep 61
6. Federal Intelligence Service Office Bulletin

7. BIV GE Letter on PRIPOLEEV
8. BIV GN Letter No. 66
9. BIV Letter on "Sainkrene"
10. BIV Situation Report of 31 Jul 1961
11. Federal Intelligence Service card records
12. Federal Intelligence Service Office Bulletin
13. Federal Intelligence Service Weekly Report No. 38 as of 20 Sep 61
14. BIV Situation Report of August 1961
15. BIV Intelligence Report of 31 Aug 61
16. Federal Intelligence Service card records
17. House Regulations of Federal Chancellor's Office
18. Federal Intelligence Service Weekly Report No. 39 as of 27 Sep 61
19. " " " " " " No. 40 as of 4 Oct 61
20. " " " " " " No. 41 as of 11 Oct 61
21. BIV Counterintelligence Report of August 1961
22. BIV Counterintelligence Report of September 1961
23. Federal Intelligence Service Weekly Report No. 42 as of 18 Oct 61
24. BIV Intelligence Report of September 1961
25. Federal Intelligence Service card records (still on film) also admitted upon question of prosecutor
26. 9 pages handwritten notes on Federal Intelligence Service Headquarters (allegedly was own study, was not to be delivered to the Soviet Intelligence Service).

Since when have you furnished these reports? You admitted to have done so since 23 Sep 1954.

FRANK

I do not know whether I regularly received them until 1957. I believe that I regularly received all these documents only from 1957 on. If I got them regularly, I delivered them, I believe since 1957. On the occasion of the meeting with the Director in 1958, I also discussed these reports with him.

FRANK

You had access to the monthly BIV Intelligence Report since June 1955.

FRANK

As a rule, yes. As well as the Federal Intelligence Service Weekly Reports, the BIV Situation Reports and the Monthly Counterintelligence Reports.

FRANK

Agent radio - control reports.

FRANK

I was not the actual recipient of these reports, this was the radio-technical department. I saw and photographed them during the past years (since about 1958).

President

Regarding the card index. Did you deliver the card records upon request of the Soviet Intelligence Service?

HEISE

The questions were handed to me in writing. If there were records in the general card index of the Federal Intelligence Service, I did furnish the information.

GLENN

"Alfred" was very much interested in the card records. "Alfred" said we need to have access to the card index. Some 70% of our material always consisted of record information. In former cases almost exclusively card records were furnished. Whenever I met HEISE in Cologne or Munich, he had numerous green record cards or entire folders with him.

President

Office chart, Foreign Office?

HEISE

Yes, that is right. It may be true that I officially received a copy of the Foreign Office's telephone directory.

President

Cooperation Federal Intelligence Service, other services.

HEISE

In particular, the agreement of the individual services among each other. "Alfred" asked me about it.

President

TIENEL, what did you know of the material furnished?

TIENEL

Nothing.

GLENN

Whenever I handed the material to TIENEL, I told him that no dangerous things were concerned.

TIENEL

See!

President

How many films did you deliver and how often?

GLENN

We delivered films every 6 to 8 weeks. We started with 2 to 3 films.

The maximum we delivered, were 10 films at a time and also tape recordings

President

It started in 1954. That is for eight years. If I make an average of 5, how many films are concerned if I consider 6 deliveries per year. That is 30 films a year. If it is considered that some 500 films with 50 pictures each were delivered in the course of the years, this makes a total of 15,000 pictures.

Since when have you delivered Minifon records?

CLEGG

That's FELFE's baby!

FELFE

I started operating with the Minifon at the end of 1954. When CLEGG traveled to the World Exhibition in Brussels in 1958, it already was in operation. We did not regularly forward the reels. When the FURNBERG incident happened, CLEGG said we will never again send reels along. Thereafter I again used the Minifon starting in 1961.

President

In the suitcase of 1956, there already are circular cutouts.

CLEGG

We also used reels at an earlier date.

President

How many reels did you forward, FELFE?

FELFE

I don't know.

CLEGG

15 - 20 reels.

FELFE

In my opinion, there were less. I thus furnished political situation and opinion reports. The General was highly interested in seeing me switch over to the Foreign Office.

President

How many letters did you forward?

CLEGG

Initially 3 to 4, later on a maximum of one per month. The letters only served to maintain the connection.

President

4-5 traffic.

CLARENCE

The A-J messages were received on Saturdays at 1300 hours and on Mondays at 0700 hours. On both days the same messages were transmitted. "Alfred" said, when the others have their time off, we must work.

President

Did you always listen to the transmissions?

CLARENCE

I always listened to the radio since I got the signal whether or not something would be transmitted. If the weather was good on Saturdays, I sometimes did not listen, but drove out.

President

We have here a deciphered message. Urgently request information whether it will be useful to continue action to compromise Federal Intelligence Service?

FELPE

CLARENCE sent me this message to my vacation place.

President

You were asked, FELPE, whether it would be useful to continue the action of compromising the Federal Intelligence Service.

FELPE

.....

President

How much money did you receive?

CLARENCE

At first RM 500.00, then over RM 1,000, RM 1,500 and finally RM 2,000 monthly.

FELPE received the same pay. We had to pay expenses.

President

The travel expenses were not high, since they were paid by the Federal Intelligence Service. How much is still left?

CLARENCE

Approximately RM 6,000 is still left. I lived well. I also received a letter of commendation, a medal and a bonus of RM 2,000, since I had worked for the Soviets for 10 years. Besides, I also was commended by the Federal Intelligence Service.

President

FELPE, is this right?

HELFE

CLEMENS is mistaken. Only from 18 Jan 1960 on, did we receive a fixed salary, that is DM 2,000. I got a total of DM 175,000 until shortly prior to my arrest.

President

What expenses did you incur during your service with the Russians?

HELFE

The trip to Vienna, two pieces of land

President

You cannot consider the land an expense.

HELFE

It was my principle to overnight at the most expensive hotels when traveling, since they are the most comfortable and the safest ones. We also gave presents to the Russians.

CLEMENS

We gave them a fountain-pen with the name of the meeting-places engraved on same, that is Vienna, Berlin etc.,. At the meetings the Russians always brought me lobster, since I liked it so much.

HELFE

My expenses amounted to approximately DM 15,000, that is DM 120,000 were left.

President

How did you get the money?

CLEMENS

Always cash, however concealed, for instance, in an old cardboard box, in dressing-cases. Once I threw an old cardboard box in which the money had been concealed, out of the window of my railroad compartment after I had removed the money from the concealment.

HELFE

I said during the preliminary investigations that I once received DM 2,000, once DM 1,500, three times DM 900.00 and smaller amounts and expenses, all in all totaling approximately DM 5,000.

President

I do not wish to further compromise you in public. In the "Balthasar" case you cleaned up the muzzel account into which DM 900.00 had been paid for the widow, and divided it up among yourselves.

There were 100 pages taken down on the Less important "Balthasar" Case during the preliminary investigations, while there was but one page on

the very important agent radio control reports.

We will now discuss the "FUERNANN" Case.

CLEGGINS

One day during a meeting "alfred" gave me a Minifon-reel which I had to pass on to FELBE. FELBE then called on me and said "sit down first". He had the reel rolled off. I heard that the sound had not been erased, but an unknown person spoke. FELBE then found out that this unknown person was FUERNANN. After my arrest I had this incident recorded.

The unknown person spoke on employment of persons with the Federal Ministry of Defense and also stated names. FELBE wanted to have some fun and identify the speaker. He was successful. Allegedly a Registrierungsamt or Oberregistraturamt was concerned.

FELBE and I were engaged at the Soviet's flap and let "alfred" know what we thought.

FELBE

This is right. FUERNANN said on the tape that he was the crazy FUERNANN, drives a VW, and lives in a street in Bad Godesberg, where he also parks his VW and where 2 diplomats live who drive Mercedes cars. On the basis of my address directory I then made investigations regarding FUERNANN. This was shortly prior to my arrest.

President

After your arrest you did not say anything. In accordance with Par 159 of the Criminal Code, you as a government official should have reported where you learned of FUERNANN and that he disclosed State secrets to the Soviets. Since you did not do so, you were not sworn in during the FUERNANN proceedings.

FELBE

The officials of the Security Group told me that CLEGGINS told them something about an official of Bonn, in my own interest I was to tell them what I knew about it. I then disclosed the name and the details.

President

Didn't you on your own name FUERNANN?

FELBE

Hints made by the Security Group that I could only gain, caused me to speak.

President

This was on the same day. You had heard an intelligence contact conversation in which a German and a Soviet Russian were involved, and that the German had to do with employment with the FRG Armed Forces, and also that inquiries were sent to the Federal Intelligence Service. Further, that persons were named to the Soviet Intelligence Service who had been

active for the Gehlen Organization.

FELFE

I could not recognize whether FUHRMANN handled military or civilian employment.

Prosecutor

FELFE, didn't you at first deny the question when you were asked by the Security Group? Right?

FELFE

I do not recall.

President

We still have to discuss things which happened during the period of pre-trial imprisonment. Some of the details are of no importance to the judgment. FELFE, with whom did you clandestinely maintain connections during the pre-trial imprisonment?

FELFE

With "Alfred" through my mother and with my wife.

President

How many letters did you write?

FELFE

There were two ways for me to contact "Alfred". Via the one way approximately 4 - 6 letters, via the second way approximately 4 - 5 letters.

President

That is a total of 10.

FELFE

Yes.

President

At least one letter reached the recipient, for you got an answer. We will not discuss how you arranged it.

What did you want to achieve by writing the letters?

FELFE

After my arrest I knew what awaited me and what my family could expect. I believed that this was important to me and that the best for me would be to commit suicide. Only the Soviets could help since at that time they probably were interested in preventing the proceedings. Various prisoners had made remarks as to how they could get out of prison. They approached me to join them. The first thought was to commit suicide, the second to receive flight aid through the Soviet Intelligence Service, possibly also assistance to be pardoned. Because of these two viewpoints

I wrote the notes. I wished to prove to the Soviet Intelligence Service, that I am absolutely loyal and only betrayed FUERNANN since there was no other way out. Further, the Soviet Intelligence Service was to take care of my family who was in distress.

President

This is somewhat contradictory. At first the agent is undaunted, then the Soviets are to send cyanide of potassium.

HELGE

In the situation in which I found myself at that time, I got all confused.

President

I will read a letter, the note was written in latent writing which afterwards was made visible. The letter was to be transmitted by a co-prisoner: (only part was taken down):

24 Sep 1962

Dear Friends:

1. After Kurt has repeatedly attempted to send you mail, but there was no acknowledgment Acknowledge receipt by having my mother send me a picture-postcard in memory of your native town of Dresden.
2. Kurt's situation is very bad. Disclosure of FUERNANN was also effected by Gisela, so that KURT found himself in a constraint situation. Hanni also incriminated Kurt with matters concerning Kirpitschov. Kurt expects to receive 12 - 15 years penitentiary. Also high property fines, since HANNI stated that RM 175,000 were received.
3. Kurt intends to commit suicide still prior to trial, should you be unable to help him. He requests a clear answer and also two containers of cyanide of potassium.
4. Letters are censored by remand judge. Parcels only roughly searched in Kurt's presence. Send underwear parcel to Kurt from Munich, write address with typewriter. Parcel in fluted cardboard, since Kurt has previously also received cardboard boxes. Also enclose letter-paper so that Kurt can give news to "Alfred" through mother. Mania: "Die Bibel hat doch recht" (The Bible is still Right)..
5. Will you help Kurt?
 - a. Transmit honorarium to lawyer. Officially notify mother that she can withdraw money from the Dresden account.
 - b. Transmit greater amount to Kurt's wife; cover-story is that Kurt saved Jews' life in Upper Silesia in 1943 by not arresting them. For this he now received a larger amount.
6. Draft of a letter

7. Kurt will attempt to flee prior to trial, needs so-called Engelsaar (possibly files?) which can be obtained in tool-shop. Bearer of this letter knows more.
8. Offer to exchange Kurt against Oskar REUMANN. Refer to pardoning procedure of 13 Dec 1952 (?).
9. Read letters with a view to concealed hints. Send RM 100.00 per month so that Kurt can maintain connection with co-prisoners.
10. Sent Kurt information, is Kurt to apply for Soviet citizenship? With a view to good cooperation and letters from SCHLEPPIE to Kurt.

You received an answer from "Alfred", however, this answer was not found among your effects. According to your statements, the reply stated that your wife and mother-in-law rejected any sort of help. Release all details on arrest. Release cover-story for lawyer. Attitude towards you is as before. We will carefully check all your suggestions.

FELFE

Early in January 1963, I furnished information on details regarding my arrest. The Americans said on the occasion of my interrogation, that KLIMOW (phon.) had defected from Helsinki.

President

Early in February 1963 your secret correspondence was discovered. Did you also write during the period in Koblenz?

FELFE

Yes.

Pleadings of the Prosecution

1. Chief Prosecutor FIECHER:

Entire clarification of the treasonable activities which have been carried out for a decade is impossible, since the decisive evidence material "Alfred" is in Karlsruhe or in Moscow. It is clearly evident, even more from the intelligence viewpoint than from the legal, what the accused persons meant to Moscow and how great their guilt is. Quite correctly, FELFE is called the head of a three-man group, and the case itself the most important trial in the Federal Republic to this date. The Federal Intelligence Service was the chief target of the Soviet Intelligence Service and there is no doubt that the Federal Republic and the American intelligence service were prejudiced. However, the shot was not fatal, it only wounded a certain part, name the one engaged in counterespionage concerning "Moscow". The investigations disclosed information which is of extreme importance and which enabled counter-measures. The uncovering of these agents, who were so important to them, meant a serious loss for the Soviet Intelligence Service. This success is due to the Federal Intelligence Service's

security system. Intelligence activities are of special importance in the cold war. In this fight, there are successes and failures. At this time in particular the newspapers of all countries are full of reports of this type. However, failures also teach lessons which may then lead to even greater success.

In February 1950 CLEMENS committed himself in Dresden to work for the Soviet Intelligence Service. This cooperation was mediated by his wife who still lives in Dresden. His cooperation lasted until 6 November 1961. He knew that the Soviet Intelligence Service aimed at obtaining State secrets of the Federal Republic of Germany and the Armed Forces. The first immediate target of the Soviet Intelligence Service was to penetrate the Gehlen Organization. This target unfortunately was achieved in a surprisingly short time, namely in May 1950, through CLEMENS' initiative. He was active with the Gehlen Organization and the Federal Intelligence Service, as an employee whose last pay was according to TOA V. He was not employed at the Central Headquarters, but at various field offices.

The Soviet Intelligence Service's second target was to get a firm hold of CLEMENS' friends, namely TIEBEL and FELFE. This target was also quickly reached. TIEBEL was pledged late in the Fall of 1950, and FELFE in September 1951 committed himself in Dresden to cooperate with the Soviet Intelligence Service. FELFE even was a Soviet Intelligence Service's agent until February 1965. As did CLEMENS, FELFE also knew that the Soviet Intelligence Service's aim was to obtain State secrets of the Federal Republic and the Armed Forces. FELFE also made every effort to complete the assignments to the best of his ability. Already a month after his pledge by the Soviet Intelligence Service, FELFE succeeded in entering the employ of the Gehlen Organization. On 26 Oct 1951, FELFE was interviewed, and on 15 Nov 1951 he was requested to enter service. A picture-postcard of Munich sent to "Max" on the evening of FELFE's employment was characteristic for the inner attitude of the two accused persons. From August 1953 on, FELFE had been an assistant section chief at the Central Headquarters, finally a probationary Regierungsrat at the Counterespionage Section. CLEMENS and FELFE were an intelligence tandem for the Soviet Intelligence Service; TIEBEL the courier.

At the start, the handling and communication routes were primitive, but later on, they were refined and included A-3 traffic and the use of Mikrats (type of microdot). However, the most important contact means were the meetings with the handling agents of the Soviet Intelligence Service. These meetings which lasted hours and nights, established close ties with the handling officers of the Soviet Intelligence Service. FELFE, in particular, made notes on these meetings. "Little Alfred" handed FELFE micro-films. Until employment by the Gehlen Organization no regular meetings took place, but the connections were primarily maintained through Frau CLEMENS who concealed on her person material for the Soviet Zone or through news concealed in Alete-cans (baby-food tins) sent by CLEMENS to Dresden.

After CLEMENS and FELFE had been employed by the Gehlen Organization, their official duty in West Berlin was made use of by the Soviet

Intelligence Service for meetings. Only if there was no official reason to fly to Berlin, TIEBEL entered into action.

Since early in 1952, the Soviet Intelligence Service demanded that a meeting with one of the accused persons was held every six weeks. This demand was fully complied with for 9 years. The majority of meetings were attended by CLEMENS. FELPE attended approximately 3 to 4 meetings per year. Until 1958 these meetings were held at a conspiratorial apartment in Karlsruhe, thereafter in West Berlin as street-meetings lasting 1 to 2 hours. From 1954 on, 1 - 2 active meetings were held in Vienna, usually around the time of the Fall Fair. At these meetings, the difference between CLEMENS and FELPE became evident. CLEMENS attended these meetings only twice, however, not all of the conversations. At these meetings the entire complex of treasonable activities was talked over and security measures were discussed. FELPE's secured Vienna assignment held instructions for the so-called general meeting in Zurich in September 1961.

Intelligence aids used were Minax, Minifon, secret writing paper, Mikrats, A-J traffic, suitcase with container.

FELPE photographed with the Minax camera at the office after office hour at his home, at hotel rooms and at CLEMENS' home in Cologne. In the majority of cases, CLEMENS then took care of the transmission of the treasonable material.

Since 1956 the Minifon was also used. Via the Minifon FELPE gave explanations regarding the treasonable material and also advised whether the Soviet Intelligence Service's operations were to be continued. For this purpose, the suitcase, besides concealments for 20 Minax films and a Minax case, also had concealments for two Minifon-reels.

In using the Minifon reels the Soviet Intelligence Service made a mistake with grave consequences: the handing over of a Minifon reel which had not been erased and which contained a conversation of a Soviet Intelligence Service handling officer with the German agent FURMANN, who, as a result of CLEMENS' and FELPE's confession, could be arrested. After the end of 1951, early in 1952, also latent writing was used. Both had to send word to a cover-mistress each week. CLEMENS complied with these instructions during the entire period of his treasonable activities, while FELPE allegedly complied with them at times. Inquiries transmitted by A-J traffic frequently were answered in latent writing. Early in 1961, FELPE thus gave his approval to carrying through the press campaign against the Federal Intelligence Service.

The A-J traffic has been used by the Soviet Intelligence Service to transmit assignments since the end of 1957. At the same time Mikrats were used. CLEMENS held the key codes. They were found among his effects. The A-J traffic only served as a handling aid, supplementing the contact paper. In 1961/62 (?) on the occasion of the press campaign against the Federal Intelligence Service, the A-J traffic was intensified.

All three accused persons were paid by the Soviet Intelligence Service.

CLEMENS received approximately DM 179,000, FELPE DM 155,000 or DM 155,000. However, the actual total amount must be estimated. In a financial respect, both were most generously treated by the Soviet Intelligence Service. The minimum amount must in each case be fixed as being DM 150,000. It must be considered that CLEMENS probably worked one year longer, however, FELPE received more bonuses.

The following was proven. Quite in general, to a very great extent the material was photographed with the Minox camera and handed over to the Soviet Intelligence Service. Frequently, information was delivered by way of latent writing. FELPE also reported via Minifon, both verbally and in writing, on the Federal Intelligence Service at meetings:

- Compromise of numerous co-workers of the Gehlen Organization and the Federal Intelligence Service.
- Intelligence operations: targets and details thereof.
- Other official information as far as the DRV and the US Intelligence Service were also involved in intelligence operations.

There is no indication that FELPE and CLEMENS disclosed the names of sources.

- With regard to the overall picture furnished by FELPE and CLEMENS, and the State secrets and secrets of the DRV and the US Intelligence Service transmitted, I fully agree with the findings of the expert and make them my own.

Accordingly hereto, the following are to be considered State secrets:

1. The entirety, but also individual information on co-workers of the Gehlen Organization and the Federal Intelligence Service.
2. The entirety of numerous pieces of information on Gehlen's Organization and the organization of the Federal Intelligence Service, in particular photographs, telephone directories, information on friendly intelligence services, the cases "(illegible)" (Joint-Operations) and the Fall exercises
And also information on the schools.
3. The entirety of furnished information, the Federal Intelligence Service's weekly reports, the DRV monthly reports and agent reports, DRV GH-letters, agent radio, control reports, Karlsruher-study, details on crash of a Czech aircraft and the study Defection Inducement.
4. The entirety of operations and observations on which information was furnished, in which respect disclosures on "Index" and "Diagram" were particularly serious.
5. The following information is to be classified in accordance with Par 555 b of the Criminal Code: information on SPASCHYNKIJ, list of Federal Chancellor's Office, Security Group, Protective Guard of Security Group.

FELPE maintained connections with the Soviet Intelligence Service until

15 Feb 1963, by forwarding approximately 10 notes to "Alfred". Among other things, he informed him that his situation was bad, in particular through GLENNES, he was gravely incriminated and they blamed him particularly for the KIKPITSOHEV and STASCHYNSKIJ Cases. GLENNES also made statements on treason monies, also unnecessarily aroused suspicion with regard to FUERNANN. He further furnished information on the course of the preliminary investigations.

FELFE at least received one reply and again answered the questions asked in this letter. So there is no doubt that the stipulations of Par 100 e of the Criminal Code were fulfilled. This must be ^{considered} ~~considered~~ should deduction of pre-trial imprisonment be considered.

With regard to the judicial appreciations the entire activities carried out since 1950, come under Par 100 e Sec 1 of the Criminal Code. Since the law on the NATO Status of Forces Agreement has existed since 1 May 1963, offenses stipulated in former Para 7 of Annex A of the Status of Forces Agreement, also come under Par 100 e Sec 1 of the Criminal Code now.

GLENNES and FELFE had betrayed State and service secrets and thereby became punishable in accordance with Paragraphs 99, 100e, 355b Secs. 1 - 2, as a specifically serious case. Facts stipulated in Secs. 1 - 2 will only be prosecuted if the superior authority files a charge. In this case, the United States would have been the competent authority. No charge was filed. However, failure to receive such a charge will remain without any importance to GLENNES and FELFE. The US Government had confided these facts to the Gehlen Organization or the Federal Intelligence Service, whereby they also became German State secrets. FELFE as a government official, had accepted bribery according to Par 358 of the Criminal Code. In GLENNES' case a punishable act within the meaning of Secs. 1 to 3 of Par 353 of the Criminal Code is concerned.

The treasonable activities constitute a continued action.

In all criminal proceedings assessment of punishment is of decisive importance. This is a case of treason which did not bring about any differences of opinion. The accused persons betrayed their country. Three Federal Republic citizens committed treason in favor of the Soviet Union. In most western countries and in those of the East Bloc, including the Soviet Union and the Soviet Zone, these crimes would be punished with death. In other countries the punishment is over 20 years or lifetime. In the Federal Republic the maximum penalty at present is 15 years penitentiary. The amendment to the Criminal Law provides for a pertinent increase.

The individual guilt is varied. I therefore say, give each what is coming to him, the accused persons, but also the State, which has taken over the protection of its citizens. FELFE was a top agent, both are extremely dangerous. They had access to important secrets. The damage caused by them, even though only a partial section was concerned, is extremely high. Both betrayed a number of very important secrets.

In FELFE's case, there appears to be no reason for mitigating circumstances. Everything is against him. According to his intelligence assignment, he had himself employed by the Gehlen Organization with the intention of betraying those secrets which he would learn. These activities lasted 10 years. He continued to abuse confidence. He became a traitor, became guilty of perjury and acted dishonorably for material reasons. He was not prepared to render on his own, a contribution towards indemnification. The wording of the prison notes speaks clearly. While already in prison, he still denounced his co-offender and friend CLEMENS.

Against CLEMENS is the fact that he too, joined the Gehlen Organization on orders of the Soviet Intelligence Service and carried out the treasonable activities for 11 years, furnishing the Soviet Intelligence Service information of continuing gravity. He paved the road well for his friends FELFE and TIKHEL, to be recruited by the Soviet Intelligence Service.

It is in his favor that from the very beginning he made a full confession and through pointing out to FUERNBERG, made up for some of the considerable damage done. During his temporary discharge from prison because of his illness, he did not abuse the confidence. As grave as his offense is, the maximum punishment should not be adjudged.

Statements the prosecutor made on TIKHEL, were not recorded.

The Requests for Punishment Submitted by the Federal Prosecutor's Office

1. FELFE should be sentenced to 15 years penitentiary, forfeiture of civil rights for a period of 10 years, confiscation of treasonable monies amounting to DM 150,000, as well as of the secured items such as the Ford N 17, - HWY 398, Minifon, portable typewriter, magnifying glass etc.
Only 10 months of pre-trial imprisonment are to be deducted.
2. CLEMENS to 12 years penitentiary. Forfeiture of civil rights for the period of 6 years, confiscation of treasonable monies amounting to DM 150,000, confiscation of the secured items such as radio, tape recorder, suitcase, portable typewriter. The full period of pre-trial imprisonment is to be deducted.
FELFE and CLEMENS should pay the costs of the proceedings. In both their cases continued imprisonment should be adjudicated.
3. TIKHEL should be sentenced to 5 years penitentiary. Forfeiture of civil rights for a period of three years, confiscation of treasonable monies amounting to DM 40,000. Full period of pre-trial imprisonment to be deducted, and the warrant of arrest should again be put into force.

On 25 July 1963, the 3rd Senate of the Federal High Court pronounced the following verdict:

1. FELFE 14 years penitentiary and forfeiture of civil rights for a period of 8 years. Confiscation of treasonable monies amounting to DM 140,000, and also the secured items. One year pre-trial imprisonment is deducted. He has to pay the costs of the proceedings.
2. CLEMENS 10 years penitentiary, forfeiture of civil rights for a period of five years, confiscation of treasonable monies amounting to DM 140,000, and also the secured items. The full period of pre-trial imprisonment is deducted. He has to pay the costs of the proceedings.
3. FIEBEL three years penitentiary, confiscation of DM 4,000 treasonable monies.

FELFE and CLEMENS committed treason in unity of action with betrayal of secrets. FIEBEL also committed treason in unity of action with betrayal of secrets.

By Virtue of Law

Three former SD co-workers from the foreign espionage section, a short time after each other, had themselves recruited by the Soviet Intelligence Service, then joined the Gehlen Organisation and there carried out treasonable activities for 10 years.

Such facts are simply shocking. The Senate has received a great number of letters requesting that the accused persons be given a maximum punishment and regretting that the death penalty has been abolished. These people do not know that man is not only good, or not only bad. The Senate is to establish that many things were foul in the Federal Intelligence Service. It has established though that each country is active in espionage and the main target of counterespionage is to penetrate the hostile intelligence service.

From the very beginning, it must have been almost impossible to reconstruct events which happened a decade ago. The accused CLEMENS was the start when in February 1930, he was introduced by his wife to and recruited by the Soviet Intelligence Service in Dresden. CLEMENS claims that he had himself recruited by the Soviet Intelligence Service because he hated the Americans so much. It is surprising that this is said by the one called the 'horror of Pilschen'. The Russians' offer gave him a possibility to remain in his profession. During the six months prior to joining the Gehlen Organisation, he had moved from Leipzig to Bonn, furnished the Soviet Intelligence Service material, and established connections with former SD comrades whereby he immediately displayed activities to the prejudice of the Federal Republic, and not only worked against the Gehlen Organisation. The Senate is convinced that the Gehlen Organisation is a German organization.

FELFE and FIEBEL already knew prior to the 1st trip that CLEMENS went to meet the Soviet Intelligence Service. After his return and during the following period both were also kept well informed. FELFE also gave CLEMENS material from the All-German Ministry, for instance the "Gelbbuch". FELFE and FIEBEL knew that CLEMENS' doings were directed

against the Federal Republic. It is therefore unimportant how they valued the Gehlen Organization.

For security reasons it became inevitable for the Soviet Intelligence Service to also approach FELPE and FIEBEL. In the Fall of 1950, FIEBEL was pledged, and on 3 Sep 1951 FELPE through mediation of CLEMENS.

On 31 Aug 1951 FELPE terminated his employment with the All-German Ministry and he expected to be taken over by the Federal Intelligence Service. Yet he had himself recruited by the Soviet Intelligence Service and when a few months later, he was employed by the Gehlen Organization, the Soviet Intelligence Service had two experienced agents in this organization. The connections with the Soviet Intelligence Service were maintained without interruption until the arrest on 6 Nov 1961. All intelligence aids were available, at first somewhat primitive, later on refined. Also meetings were currently held. CLEMENS attended approximately 40, FELPE some 20.

In the Fall of 1953, FELPE was transferred to the Counterespionage Section at the Central Headquarters. In the course of the years, a great amount of material of varied, however, of considerable importance, was furnished. The following material is considered as falling under Par 99 of the Criminal Code:

1. The entirety of information furnished by both the accused persons on the organization of the Federal Intelligence Service and Federal Intelligence Service co-workers, as well as character reports on these co-workers. CLEMENS named 45, FELPE 50 co-workers. Had the Soviet Intelligence Service previously learned some of the names, they however, received new authentic confirmation through FELPE and CLEMENS and the latest information supplemented the previous one.
2. The entirety of information both accused persons made on field office intelligence aids, cooperation with other intelligence services, telephone directories of the Federal Intelligence Service's Central Headquarters, information on schools, as well as on "Kubus" and on "Herbstübung".
3. The entirety of card index records, including extensive material on certain persons since hereby the Soviet Intelligence Service currently received the latest information on these persons.
It need not be mentioned what importance an intelligence service's card index has.
4. The entirety of all information of the card records "Index".
5. The entirety of information of the surveillance of persons who were suspected of working for the Soviet Intelligence Service. The information on strength and methods of the surveillance teams, information on certain persons who were suspected of carrying out intelligence activities.
6. The "diagram"-cases, including the Karlsruher study.

7. The entirety of Federal Intelligence Service weekly reports. Early in 1957 at the latest, FELFE started photographing them and passing them on to the Soviet Intelligence Service. The reports gave a survey on the latest status of knowledge, on gravity centers of intelligence activities, on specific concentration on certain targets and the type of information received. Intelligence could thus be gained from the complete series of consecutive reports.
8. FELFE regularly photographed and forwarded ^{to} monthly reports and intelligence reports, starting from August 1959, to the Soviet Intelligence Service.
9. The entirety of the KVV's monthly agent radio control reports, which since early in 1959 were photographed without exception. They constituted a State secret of specific importance.
10. The entirety of KVV monthly Counterintelligence Reports from March 1959 on.

The following are considered important secrets, however, not within the meaning of Par 99 of the Criminal Code:

1. The series of Federal Intelligence Service Office Bulletins
2. The series of Federal Intelligence Service CE Letters
3. Information on the crash of the Czech aircraft
5. ?
6. "Mercedes" as far as it continued after 1 Apr 56 (the Federal Intelligence Service was established on 1 Apr 1956)
7. Mercedes
8. Panoptikum
9. Zahnkrone
10. Rausch
11. List of staff of Federal Chancellor's Office.

Information on PEIPOLSEW and STACHENSKIJ was of no special importance.

As far as establishments were made which deviated from the expert findings, this was done since the evidence available was insufficient.

From the Fall of 1955 on, on a total of 10 courier trips FIEBEL took a great amount of material in the suitcase with the secret compartment to the Soviet Intelligence Service. FIEBEL consequently passed facts into the hands of the Soviet Intelligence Service which constituted State secrets.

CLEMENS and FELFE took home office material and photographed it there or in a hotel room. Even after his arrest FELFE maintained connection with the Soviet Intelligence Service. Among other things, he furnished information which may be of importance to the Soviet Intelligence Service. The connections during this period also were treasonous.

Assessment of the facts is as follows:

All accused persons maintained connections and passed on intelligence in accordance with Par 100 e of the Criminal Code (Sec 1). The

intelligence furnished soon became voluminous.

In case of CLEMENS and FELFE, the connections they maintained from 1 Sep 51 to 6 Nov 1961 are punishable. CLEMENS' actions until 1 Sep 51 were not punishable. However, already prior to this date, it was quite obvious that one day, such connections would again be punishable.

Within the scope of these connections CLEMENS and FELFE continuously betrayed State secrets. The Gehlen Organization was financed by the United States, however consisted exclusively of Germans, was active in the Federal Republic and also transmitted the results of its operations to the Federal Chancellor's Office. It consequently was also active in the interest of the Federal Republic. The transmission of its secrets therefore also comes under Par 99 of the Criminal Code.

CLEMENS and FELFE did not know this right from the very beginning, however, soon thereafter recognized the true significance.

TIERKE had to realize that a rather important matter was concerned, since he was given so much attention, for instance the security measures of the Soviet Intelligence Service whenever he crossed the border, and the secret meeting formalities. In this case 'dolus eventualis' (indirect intention) applies. This was sufficiently proven at this court. The general imagination that there may be State secrets among the material, does not suffice, when the offender has no idea what he is conveying. In this case, however, TIERKE knew where the material came from, since FELFE was in the target where he procured the material. TIERKE himself also has intelligence experience. He could well imagine what type of material he was transporting. He committed treason with 'dolus eventualis' (indirect intention). He permitted that unknown persons get hold of State secrets. According to the STACHINSKIJ-verdict of the Federal High Court, an offender may have aided and abetted a crime, however, these prerequisites were not in this case.

The Senate cannot establish that the Gehlen Organization was an authority and carried out its activities under the control of the Federal Republic. The accused persons committed a specifically serious case of breach of secrecy. They also violated Par 135 of the Criminal Code, however, only after 1 Apr 1956. FELFE and CLEMENS also became guilty of grave bribery. All these stipulations were violated by one and the same continued act. There is unity of action within the meaning of Par 73 of the Criminal Code.

FELFE committed treason on a large scale. He was a Soviet Intelligence Service top agent. He was an extremely dangerous, intelligent and unscrupulous agent and caused great damage. He insidiously placed himself into the Gehlen Organization and was active in a very important position for 10 years. A reduction of his treasonable activities is out of the question. This is proven by the 14 films with treasonable material, which were found on the occasion of his arrest. All this he did for the sake of mere greed. In view of the extraordinary treason and the significance of his position, it was obvious to adjudge the maximum punishment. If the Senate keeps below this, it does so because FELFE is one of those persons for whom the ground opened up under his feet on

8 May 1945. When he could neither gain a footing with the British nor with the All-German Ministry, and did not know how to sustain his family, he decided to join the Soviet Intelligence Service. He did not hesitate long. On 31 Aug 1951 he terminated his activity with the All-German Ministry and already on 3 Sep 1951 he committed himself to work for the Soviet Intelligence Service. However, he also contributed to FUHRMANN's arrest. He had identified FUHRMANN long ago, however, did not report him. However, when shortly after the arrest, CLEMENS intimated that there also was an agent within the Federal Ministry of Defense, after initial hesitation, FELFE finally named FUHRMANN. This was important, for had FUHRMANN had only had two more days time, he would have furnished most important State secrets to the Soviet Intelligence Service. Finally although very late, namely at the end of the main trial, FELFE showed repentance. These were the reasons why he was not given the maximum punishment of 15 years, but only 14 years penitentiary.

CLEMENS was the first one who committed himself. He was the key figure and made the others follow. He is guilty of the fact that they were involved. However, it did not cost him great effort to make them join in the pledge. CLEMENS particularly betrayed "Index". He perhaps was not a top agent, but an important and dangerous agent of the Soviet Intelligence Service. He is the lansquenet type, intelligent, cunning and unscrupulous. He primarily acted for profit, for his hate of the Americans could not outweigh for 10 years. Speaking for him, were the conditions at that time and his immediate, frank confession. As compared with FELFE, his position with the Federal Intelligence Service was a much lower grade. He also considerably contributed to uncover FUHRMANN.

Spies should know that even after their apprehension, they still have a good chance, when they point out other spies.

His long period of cooperation was held against TIEBEL. He also went along for 10 years. However, he was active for only four years. He was not an enthusiastic, but a reliable agent. He never offered resistance and never attempted to extricate himself from the affair. However, he did not act for material or other condemnable reasons. His motive was wrongly interpreted fellowship.

Note:

The most important parts of the main trial, as far as those were public, were recorded in the protocol. As far as statements were marked by periods or question marks, the precise wording was not understood.

The reporter only attended the public sessions of the main trial, since the 3rd Penal Senate of the Federal High Court only permitted one representative each of the Federal Chancellor's Office, the RV and the Federal Intelligence Service as the authorities immediately engaged in the case, to attend the non-public sessions.

Chief Prosecutor FISCHER stated in a conversation with the reporter that he was sorry the NAB had to be excluded, however, it was difficult to decide who really had an urgent official interest in the case. Besides, the group of persons knowing details of the treason, is not to become even greater, for only the Russians knew of the information betrayed. In particular, it is regretted that Colonel KERR also had to be excluded and therefore made the trip from Bonn to Karlsruhe in vain.