

2 June 1961
~~13 July 1965~~

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with Lawyers Regarding HEINE/RAUS Case

1. On 27 May 1961, [redacted] of Office of General Counsel and I met with attorneys [redacted] and [redacted] in their offices to discuss the HEINE/RAUS case.

2. [redacted] turned over a copy of the report of the recent investigation conducted by their private investigator [redacted] of Oak TAMMARK in Lake Geneva, Wisconsin, and of one or two other individuals who were interviewed during the same trip. [redacted] had already mentioned to me that one curious item had resulted from this investigation: they had obtained information to the effect that HEINE had studied engineering at some period of time in Germany, possibly at the same time when TAMMARK was taking his engineering training at Gieson (1954-57). In checking this out with me on the telephone [redacted] had asked whether there was anything in our HEINE file which might confirm this report. I told him that to the best of my knowledge there was not, and that the only period of time when he might have studied engineering in Germany would have been after his return in late 1956 and prior to his departure for Canada in April (?) 1957. [redacted] stated that he was writing to the university mentioned in order to try to verify both TAMMARK's and HEINE's study.

3. With respect to checking the four individuals in Germany who had served with HEINE in Soviet prison camps and returned with him to West Germany (three of these four returned with him) I advised the lawyers that we could not easily have these people interviewed either by Agency officers or possibly by the BFV. I stated that we were awaiting a reply from Germany on a previous inquiry concerning the veracity of HEINE's entire history of his return in 1956 and his subsequent processing in late 1956 and his subsequent processing in late 1956 and early 1957. As soon as this reply is received I would go back to Germany and have these people interviewed. [redacted] again referred to the possibility that a friend of theirs, an American businessman who resides in Germany and who has sufficient free time, could see these people and [redacted]

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necessary arrange for them to be deposed. I was somewhat concerned that if we had the interviews conducted by intelligence officers asking in behalf of CIA or BFV, with later follow-up by a private lawyer if and when the individuals had something useful to offer, the fact that the interviews had previously been conducted by security officers could conceivably prejudice the use of the testimony in the trial. We went around on this for a little while with () less concerned on this point than () I emphasized that we would abide by their desires on this matter since the purpose of the exercise was to obtain material which would possibly be useful in the defense. The subject was finally left as follows: we would have the interviews conducted by our people or the BFV in Germany, being careful not to make any reference to the trial now in process and under the guise of a routine inquiry into HEINE.

4. I turned over to the attorneys the lengthy report on the HEINE case recently completed by () I gave them a brief and sterile analysis of his background so that they might better appreciate the content of the report and how the conclusions were arrived at. I emphasized also that the report should not be shown to RAUS since it included comments on debriefings of HEINE to which RAUS has not been given access. There was complete understanding on this point.

5. Once again the question was raised of our providing the name of somebody who might be called as an expert witness by the defense. (Comment: This idea was originated with me in one of our earlier meetings at which time () seemed to be doubtful as to whether such an expert witness would ever be permitted to testify over prosecution objections. In the several months that have passed the idea has apparently appealed to () particularly, while () is still uncertain whether we could use the services of such an expert. At the same time we have failed to come up with anyone with the desirable qualifications, i.e., non CIA affiliation and availability for surfacing in the courtroom. I told () we were still working on this matter and had one individual in mind who may be qualified (WRAGA) and that we would advise them about it. Both () and () commented jokingly on putting Allen Dulles on the stand, even though he might not be particularly expert on that particular area of time and place. () pointed out that he would be asked merely to give his opinions on Soviet espionage HQ. This matter was not pursued further.

6. [] then advised the attorneys of the results of our discussions within the Agency and the decision to go ahead with the defense. He also discussed with them the status of our talks with Department of Justice in this case. These points ~~are~~ covered in [] memorandum for the record dated 3 June 1965 (OGC-65-2021).

7. With respect to the payment of legal fees incurred to date, we at first spoke about withholding submission of bills until the case is completed, but later agreed that they might submit an interim bill for services to date along with the current bill for the private investigator.

[]
Chief, SR/O/AC

cc: Office of General Counsel

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