

06C 66-1223

DISPATCH	CLASSIFICATION	PROCESSING ACTION	
	S-E-C-R-E-T	MARKED FOR INDEXING	
		NO INDEXING REQUIRED	
		ONLY QUALIFIED DESK CAN JUDGE INDEXING	
TO			
FROM	Chief, SB via Chief, EUR		MICROFILM
SUBJECT	REDTOP/LCIMPROVE/AEJETSET/Operational Transmittal of HEINE Documents		
ACTION REQUIRED - REFERENCES	REF: DIR 25402		
<p>1. As noted in reference we have now received permission from CAVATA to pass to SMABOVE copies of HEINE's documents and certain other material previously provided to us by CAVATA in response to our request. The material is forwarded herewith in Attachments A, B, and C.</p> <p>2. In September 1965, HEINE's attorney forwarded to RAUS' attorney, [redacted] copies of certain HEINE documents which [redacted] had requested. The legibility of our copies, from which we made the copies for SMABOVE, is unfortunately not very satisfactory. These are forwarded as Attachment D. The entire content of this dispatch may be passed to SMABOVE along with the attachments.</p> <p>3. Attachment A:</p> <p>(a) Trace results from WAST Archives (German Army Records).</p> <p>This document is of no particular interest since it appears to be information entered into the Archives in 1956 after HEINE had returned to Germany. It will be noted that the document contains the date of his return to Germany as 26 November 1956 and his then residence in Duisburg. It would thus appear that these records consist of nothing more than what HEINE himself provided upon his repatriation as a German POW.</p> <p>(b) Results of check at the Berlin Document Center.</p> <p>This appears to be the SS record on Erik HEINE. The following points are of possible interest: According to this record</p> <p>DISTRIBUTION: Orig. & 2 - [redacted] /atts. (continued:)</p> <p>Attachments: As stated</p>			
CROSS REFERENCE TO	DISPATCH SYMBOL AND NUMBER	DATE	
	OCOV-5913 CS [redacted]	12 AUG 1966	
		8 August 1966	
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	SB/CI/K	9 Aug 1966	
	C/SB/CI	9 Aug	
	C/SB		
	CI/OPS/SOVSAT	11 November	
	OGC		
ADDP			
E/BC/C	12 Aug 66		
RELEASING			
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DC/EUR/BC	12 Aug 66		

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HEINE was in the "police" from 16 July 1941 to 1 March 1942. This would seem to correspond approximately with HEINE's period of service with the Ostland Battalion prior to his return to Estonia, where he alleges he served in the Estonian political police. Assuming that the Ostland Battalion may have been classified as a police unit, such an entry would seem to confirm his service there. There is no record of his subsequent service in the Estonian political police on this document. The next notation in time has him attending the 11th "K.O.L." at Bad Tolz from 6 September 1943 to 11 March 1944. The dates do not correspond with the information provided by HEINE, inasmuch as he stated in his deposition that he was sent to Bad Tolz as early as May 1943 and remained until February 1944. The terminal date, 11 March, is close enough to February so that the discrepancy could be ascribed to faulty memory, but there is considerable divergence between the time he gives in his deposition for the start of his Bad Tolz training and that shown in the SS record. Of course, HEINE did say that he first took a 3-month NCO training course at Bad Tolz (page 252), and it is at least possible that this course was not entered in the SS record. The note on the right-hand side of the page near the bottom appears to indicate his entry into the SS as 18 May 1942. This does not correspond with any of the dates which he provided to us, since he claims to have served in the Estonian political police from February 1942 to August or September of the same year, when he was transferred to Debica, Poland for service in the Estonian Legion. Moreover it will be noted that this particular date seems to have been altered on the SS document, and this raises a question as to the validity of the entry. In this connection it should be noted that we cannot completely vouch for the authenticity of this document and cannot exclude the possibility that it may have been entered into the Archives through other than normal procedures.

4. Attachment B:

HEINE's 1956 documents received from CAVATA

- (1) Application for German Passport (Reisepass)
- (2) Application for German Citizenship (Einbuergerungsantrag)
- (3) Citizenship Certificate (Einbuergerungsurkunde)
- (4) Confirmation of Returnee Status
- (5) Resettlement Certificate (Umsiedlerausweis) of 1941
- (6) Birth Certificate (in German)

5. In addition to the documentary material, CAVATA has provided the following: HEINE arrived in Friedland on 27 November 1956 with Transport E 14/56 from Camp Bykovo, USSR. (There is a minor and probably unimportant discrepancy here in that the documents appear to indicate his arrival on 26 November.) On 13 December 1956 he moved to the "Ammerlaender" Refugee Camp in Oldenburg where he lived with the Arwid Hornberg family (HEINE's uncle and aunt). HEINE's citizenship files indicate that his grandparents emigrated from Germany to Estonia and that HEINE and his parents were repatriated to Germany in 1941 on the basis of the German-Soviet agreement. HEINE received a returnee settlement of DM 6400. He was issued passport #PB 0986055 by the Passport Office in Oldenburg, and departed for Canada with a Canadian visitor's visa on 5 April 1957. CAVATA reports that investigation at the German Embassy in Moscow produced no results, but the Embassy suggested that HEINE be asked what documents he obtained from it prior to his return to West Germany. (Comment: According to his deposition he was given no documents by the West German Embassy at that time.)

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<p>6. From the documents it appears that HEINE entered West Germany on 26 November 1956. It is also noted that he was taken prisoner by the Soviet Army on 24 August 1944 and that he remained in captivity until 26 November 1956. It appears that HEINE was in Duisburg on 5 December 1956 and in Oldenburg on 13 December, and that on 15 December he applied in Oldenburg for German citizenship giving Oldenburg as his address since 26 November. As supporting documents he supplied his 1941 Resettlement Certificate (Umsiedlerausweis) 1795/4324 and his Birth Certificate. His Citizenship Certificate is dated 23 February 1957 and he received it on 6 March 1957. His application for a German passport was made on 7 March 1957, the passport was issued on 8 March and given to him on 9 March 1957. The other documents are based on his Birth Certificate and Resettlement Certificate.</p> <p>7. There are a number of interesting points relating to the above documents. In HEINE's deposition (page 17) he alleges that upon his return to Germany in 1956 his German citizenship was confirmed after he had provided his Birth Certificate and his 1956 Returnee Certificate (Heimkehrer-Bescheinigung) which was issued to him at Camp Friedland on 27 November 1956. He makes no mention in his deposition of using the 1941 Resettlement Certificate. We do have a copy of the Returnee Certificate of 1956 which HEINE provided to RAUS' attorney via his attorney, RASKAUSKAS, but this document was not included in the package from CAVATA.</p> <p>8. The Birth Certificate was issued in Tartu on 4 June 1927 and recorded his birth in 1919. In the documents provided by HEINE to RAUS' lawyers via RASKAUSKAS there is included a birth certificate identical in all respects to the one he provided the Germans except that it is in Estonian. We are unable to account fully for this discrepancy although it might be assumed that HEINE's family could have obtained copies in both languages in 1927, perhaps in connection with HEINE's entry into school or for some church ceremony or other purpose.</p> <p>9. The entire matter of where HEINE obtained the two documents, Birth Certificate and 1941 Resettlement Certificate, which formed the basis for his application for German citizenship in 1956 is suspect. In his deposition (page 851) HEINE alleges that he had no knowledge of his mother's whereabouts while he was in the Soviet Union and that he learned that she was in Canada only after his return to Germany in late November 1956. He first corresponded with the Free Republic of Estonian Legation in London, learned from them of his mother's whereabouts in Canada, and then corresponded with his mother and received from her, so he alleges, the documents which he needed for his German citizenship application. The question of timing is curious, since there would seem to have been insufficient time from 26 or 27 November to 15 December 1956 for him to have first corresponded with London, found his mother, and got from her the documents for his citizenship application. In this connection, we might re-examine HEINE's testimony in the deposition to the effect that his 1956 repatriation was in October (pages 826-850). We have always assumed this to be merely faulty memory after the lapse of 10 years, since it would clearly be illogical for him to falsify a readily verifiable date. Now, however, although it is still illogical, we might speculate whether HEINE in the 1965 deposition may have been concerned about the curious time element mentioned above, and decided on the spur of the moment to improve the credibility of his story by dating his return in October.</p> <p>10. There is another suspect element involved in the 1941 Resettlement Certificate. (The month and date of this certificate</p>			
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*† Actually, he did not contact
Est Legation in London until 5 Dec. 1956
by cable. See Lond 59,66-192-1116.*

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<p>are unfortunately not legible in our copy but CAVATA has advised us that it is 19 March 1941.) It was presumably issued by German authorities in connection with his repatriation from Estonia. This document would have been needed by HEINE for any other documentation required for living in Nazi Germany at this time, such as the personal passport (Ausweis), and particularly for service in the German Army. It would appear that HEINE would have had to carry the document with him for identification purposes and to clarify any misunderstandings which might arise concerning the legality of his repatriation from the USSR. Thus, we would suppose that HEINE would have had it with him during his entire period of service in Nazi Germany, and we consider it highly doubtful that he would have given it over to his family for custody. From HEINE's own testimony he could not have been in possession of this document when he returned to Germany in 1956 for the following reasons: (a) At the time of his capture by the Soviet Army in 1944 he states that he had hidden his personal papers prior to his capture and all that was taken from him was his wallet with some personal letters. He had to do this in order to conceal his true identity from his captors (deposition, pages 290-292, 315). (b) HEINE allegedly escaped from the POW camp in Kisel in March 1945 without any documents whatsoever. (c) At the time of HEINE's alleged arrest in Tallinn in July 1950 it would be assumed that he would not have this document on him, again since it would have clearly established his earlier identity. (d) HEINE states that when he visited the German Ambassador's residence in Moscow just prior to his repatriation in 1956 he was accepted for repatriation without the necessity of providing any documentation whatsoever (Deposition, page 830). In summary, we suspect that there is a sensitive and possibly damaging area here which HEINE is attempting to conceal. He omits mention of the 1941 document in his 1965 deposition. He does not provide it in the package of documents supplied to RAUS' lawyers via RASKAUSKAS. It would have been illogical to have turned it over to his family for safekeeping in 1941, and even if he did, the short time element above between his return to Germany, locating his mother's whereabouts and getting the documents from her in Canada is suspect. We can only speculate therefore that HEINE may have obtained these two documents (his Birth Certificate and the 1941 document) either prior to his departure from the USSR in 1956, concealing them from the German authorities, or they may have been provided to him after his arrival in West Germany by some other means.</p> <p>11. <u>Attachment C:</u></p> <p>English translation of CAVATA report on their interviews with Karl Brett and Edwin von Eulenburg.</p> <p>No comment.</p> <p>12. <u>Attachment D:</u></p> <p>Covering letter from RASKAUSKAS to Prettyman enclosing copies of HEINE's documents, listed by RASKAUSKAS as follows:</p> <p>" (1) Fremdenpass of Oskar HEINE, issued 1941. (The one for Erik HEINE cannot be located at the present time.)</p> <p>(2) Estonian Passport issued to Erik HEINE, 1957.</p> <p>(3) German Passport issued to Erik HEINE, 1957.</p> <p>(4) Photostatic copy of Erik HEINE's birth certificate.</p> <p>(5) Five German Customs Declarations issued to HEINE</p>		
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<p>when he came to Germany from Russia in 1956.</p> <p>(6) Heimkehrer-Bescheinigung No. 24267, original copy."</p> <p>The Fremdenpass of HEINE's father is of interest because under the heading "Nationality" is stamped the word "Staatenlos" -- Stateless. This indicates that HEINE's father was not considered by the Germans in 1941 as a German subject or even Volksdeutscher, and this again raises the question of his eligibility for legal repatriation to Germany. Our copy of the passport shows no date of issuance, but since the date of expiration is 23 April 1942, we may assume that it was issued on 23 April 1941, probably shortly after his entry into Germany. It is interesting that the Fremdenpass issued to Erik HEINE in 1941 "cannot be located at the present time."</p> <p>13. The date of HEINE's father's Fremdenpass raises another question and forces us to re-examine HEINE's already unconvincing story concerning the circumstances of his family's and his own repatriation in 1941. In his deposition (page 16, also 206) HEINE states that his parents repatriated to Germany in order thereby to help effect his release ("as the only possible way to save my life"). This has never been a completely convincing story. Typically, when an individual has been arrested by Soviet authorities his close relatives have made every effort to secure his release by visits to appropriate offices, letters to high authorities and especially by attempting to establish contacts with individuals who might have influence with the authorities. In this case HEINE tells us that his parents decided to repatriate to Germany in the hope they could bring more pressure on the Soviet security organs to release their son from within Germany. Now, however, if we assume from the date of HEINE's father's Fremdenpass that he arrived in Germany shortly before 23 April 1941 it hardly seems possible that he could have had time to make representations concerning his son's release and succeed in obtaining his release and repatriation when in fact Erik's release was approved as early as 19 March 1941. Thus the version given by HEINE in the deposition appears improbable.</p> <p>14. As mentioned above, the Birth Certificate is an exact Estonian translation of the one in German. We cannot account for the presence of two birth certificates, although admittedly there may be an innocent explanation. The five German Customs Declarations appear to refer to packages sent to HEINE from Germany during 1956 while he was in prison camps. We are attempting to ascertain the significance of the Soviet post-box numbers on these documents. The Returnee Certificate (Heimkehrer-Bescheinigung) of 1956 is presumably the same document supplied by HEINE to SMABOVE per paragraph 18 (2) of OCOA-7991 dated 19 June 1964.</p> <p>15. As noted in reference cable, we will be grateful for copies of all HEINE documents which SMABOVE has in its possession.</p>		
<p>Attachments:</p> <ul style="list-style-type: none"> A - Results of WAST and BDC checks B - HEINE Documents from CAVATA C - Report of Interviews with BRETT and von EULENBURG D - HEINE Documents from RASKAUSKAS 		
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<p>FORM 53a 8-54 1401</p> <p>USE PREVIOUS EDITION.</p>	<p>CLASSIFICATION</p> <p>S-E-C-R-E-T</p>	<p>PAGE NO.</p> <p><input type="checkbox"/> CONTINUED</p> <p>5</p>

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