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SECURITY INFORMATION

ER-2-6240/A

8 March 1952

MEMORANDUM FOR: Deputy Director, Plans (Via [] [])

FROM: Deputy Director Central Intelligence

SUBJECT: Nicolae Malaxa

1. I have hastily reviewed the attached file and I concur in your view that the characterization quotes on page 6 of the memorandum referred to in paragraph 4 of your memorandum is a reasonably accurate summary of the man.

2. As you know, for a very brief time some three or four years ago, and until I terminated the relationship, Malaxa was a client of mine. Before taking him on, I consulted the State Department. Under these circumstances I would prefer not to pass judgment and hence I have referred the papers, with this memorandum and yours, to [] [].

3. My general view, applicable to this type of problem, is that we should not interfere in cases involving the application of our domestic laws and procedures, except to the extent of furnishing information acquired through our channels and not otherwise available to the competent authorities, without indulging in making recommendations or passing judgments. As with most rules there may be exceptions, i.e. where the proper conduct of our operations or our security is involved.

4. I have not studied this dossier sufficiently to determine whether, within such general principles, we should or should not take affirmative action here.

/s/ A.W.D.

ALLEN W. DULLES

Encls.

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SOURCE METHOD EXEMPTION 382B
NAZI WAR CRIMES DISCLOSURE ACT
DATE 2006

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ER 2- 6240

MEMORANDUM FOR: Deputy Director of Central Intelligence
FROM: Deputy Director (Plans)
SUBJECT: Nicolae Malaxa

1. The question of Nicolae Malaxa's reliability and desirability as a permanent resident of the United States, a hardy perennial has again cropped up in the form of the attached memoranda from []'s office -- and I should appreciate receiving your advice as to the action, if any, to be taken by this Agency.

2. In brief, [] points out that Malaxa's application for permanent residence status is currently under active review and consideration, and he raises the question whether this Agency should take steps to make certain that the considerable quantities of derogatory information in our files is brought to the attention of the governmental authorities concerned.

3. In brief discussions of the Malaxa case with yourself, I have pointed out that I have declined to become personally involved in any way in certain proposed denunciations of Malaxa because of a number of reasons including the following:

a. Immediately prior to my entering Government service in the fall of 1947, I represented Mr. Anschnit in legal proceedings against Mr. Malaxa for breach of contract, as the result of which I have felt that any direct personal involvement on my part would be attacked and possibly discredited by Malaxa and his numerous supporters by charges that I was using my governmental connection to further the private interest of a former client.

b. The voluminous adverse information concerning Malaxa has been sifted and subjected to the most rigorous examination by several competent attorneys some of whom have told me that the case against him has not been proved and that the bulk of the derogatory material can be traced to his political and economic rivals and opponents.

c. The charges against Malaxa that he is subsidizing and corrupting the Radescu-Gafencu faction among the Rumanian political exiles are likewise charges leveled largely by

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the hostile faction, whose own skirts are by no means clear of responsibility for promoting and perpetuating the factionalism which has so far split the Rumanian emigration. In this connection C. D. Jackson and others of NCFE have told me from time to time they have found Gafencu and other individuals associated with him much more helpful and cooperative than the personalities of the Visoianu-Cretzianu National Peasant Party faction.

4. On the other hand, I cannot help feeling that with such a large amount of derogatory information as is summarized in [redacted]'s memoranda, there must be some fire. Certainly if even ten per cent of the items included in the "brief of Nicolae Malaxa's career" were accurate, this man would not deserve to become a permanent resident and possibly a citizen of the United States. It is my conclusion with respect to Malaxa that the characterization quoted on page six of the last mentioned memorandum is accurate and that numerous of the other statements in this memorandum may very well be true. Under the circumstances I do not feel justified in simply sitting on the recommendation that is implicit in [redacted]'s memorandum of 21 February, and I should like to have your advice as to what action if any this Agency should take.

5. I would recommend that prior to any action on our part we check once more with C. D. Jackson and his associates at NCFE in order to get their views and latest information concerning Malaxa.

/s/ Frank G. Wisner

FRANK G. WISNER

FGW:bw
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