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MEMORANDUM OF CONVERSATION

PARTICIPANTS: Dr. Creifelds, Senatsrat, Head of the Criminal Division
of the Department of Justice
Mr. Marten H. A. van Heuven

SUBJECT: Exchange of Persons

On Friday, August 7, Dr. Creifelds requested an urgent appointment with me in my capacity as Chairman of the Legal Committee. He subsequently cancelled a tentative appointment made for the afternoon of August 7 and instead came to my office at 9:00 A.M. on the morning of August 10.

Dr. Creifelds said that he had come on instructions from Mayor Albertz. He recalled the arrangement that had been agreed upon between him and Mr. Lush (Chairman Legal Adviser for the month of July) according to which the Senat would inform the appropriate Legal Adviser whenever it contemplated exchanging a person held in West Berlin for a person or persons held by East German authorities. (The Legal Advisers had initiated steps to set up the arrangement at the request of the Allied Intelligence Working Party) This arrangement, Dr. Creifelds continued, had caused some difficulties. A little over a week ago some information given by the Senat to the British Legal Adviser had apparently found its way to the LfV which had been unaware of the proposed exchange and had, in turn, contacted Mayor Albertz. It had caused some annoyance to Mayor Albertz to learn that the LfV had been informed; the Mayor had tried to keep the news of the exchange very closely and had therefore deliberately not informed the LfV himself. Dr. Creifelds requested that, to avoid a repetition of such events, the arrangement be discontinued.

I told Dr. Creifelds that I would check this matter out within my headquarters and that I would also be in touch with the British and French Legal Advisers.

After informing the Minister of the above and with his concurrence, I dispatched a message to Mr. Henry (Acting British Legal Adviser) and M. Stambach (French Legal Adviser) to advise them of Dr. Creifeld's approval. The message added that I would, pending an examination in our headquarters, suspend action on any information received from the Senat, and I suggested they to do the same. Subsequently, I called Dr. Creifelds and told him that we were examining his request, that I was passing his request on to Mr. Henry and M. Stambach, that I had told them I would not pass on any information which the Senat might provide me about future exchanges and that I suggested that they do likewise. Dr. Creifelds expressed satisfaction with this information. It was agreed I would be in touch with him again as soon as the Allies had been able to examine this matter.

CC: M - Mr. Calhoun, Mr. Hulick
IO/USCOB - Lt. Col. Harrigan
POL - Mr. Graver

POL:MHAVanHeuven/dhc
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