

CONFIDENTIAL

13 October 1976

MEMORANDUM FOR: Chief, SE/OSG

FROM : E Chief, Policy and Information Coordination Group

SUBJECT : Privacy Act Request - Edgars Laipeniek

REFERENCE : F 75-544

1. The referent request is known to your Division. Laipeniek, a former SE Division asset of Latvian origin, filed a request on 25 March 1975 for all CIA materials on himself under the Freedom of Information Act, in the hope that they would support his denial of charges that he was a war criminal. At the time, it appeared that the Immigration and Naturalization Service might move to deport him on the basis of these charges. In July 1976 the Information and Privacy Staff wrote him that according to INS Laipeniek was "not amenable to deportation under existing laws". In light of this fact, Laipeniek FOI request was not answered.

2. In the meantime, the New York Times has reported that Laipeniek is one of several ex-Nazis that INS was moving to deport. (Attachment No. 1)

3. Laipeniek has called DDA/IPS to renew his request for CIA records on himself under FOIA. A son of Laipeniek who resides in Denver has also called IPS to say that Laipeniek senior has cartons of documents about his relationship with the Agency stored in his garage.

probably copies of correspondence we sent him

check out

DECLASSIFIED AND RELEASED BY
 CENTRAL INTELLIGENCE AGENCY
 SOURCES METHODS EXEMPTION 3B2B
 NAZI WAR CRIMES DISCLOSURE ACT
 DATE 2004 2005

CONFIDENTIAL

E. 2 IMPDET CL BY E

4. Since Laipeniekis filed his FOIA request the Privacy Act has become law. Laipeniekis qualifies under the Privacy Act since he is a Permanent Resident Alien (PRA). (He currently holds Chilean citizenship.) It is the practice of this and other Federal agencies to answer FOIA requests under the Privacy Act if the requester qualifies under the latter Act, i.e., if he or she is an American citizen or a PRA.

believe he became PRA March 1960

5. In another Privacy Act case OGC has taken the position, not yet tested in the courts, that we are obliged to release to PRA's only those records that were originated since they became PRA's. Following this precedent might result in not releasing to Laipeniekis the very records he is most desirous of receiving from the Agency.

6. Laipeniekis' past relationship with the Agency and the possibility of a public deportation proceeding holds the potential of some publicity for the Agency that [SE Division] might want to try to influence or control. At a minimum, Laipeniekis is entitled by law to a review of his CIA records and a reply to his request under either the FOI or Privacy Acts. It is requested that [SE Division] undertake this review. We forward herewith as Attachment No. 2, copies of our total holdings on Laipeniekis. This material, plus [SE]'s own holdings on Laipeniekis (which includes his 201), should be reviewed with a view to release in full, release in sanitized form, or denial, of each document on him. This office stands ready to render any guidance that [SE] might need to undertake this review, e.g., criteria for exemptions (deletions or outright denial) under FOIA/PA, etc.

Handwritten notes and scribbles on the right side of the page.

PRA
March 1960
Handwritten notes and scribbles.

7. The following possible actions by [SE] come to mind:

a. Consultation with OGC on the problem raised in paragraph 5 above. Whether to process this request under FOIA or PA will depend on: the extent to which [SE] wishes to assist him in the hope of avoiding adverse publicity for the Agency; the extent and date of origin of releasable DDO holdings on Laipeniekis that might be helpful to him in opposing his deportation;

CONFIDENTIAL

-3-

March 1960

and the date he became a PRA. In any event, close consultation with OGC is desirable in this case in view of the possibility of an imminent court proceeding involving Laipeniek.

b. A request to the DDO (Policy and Coordination Staff's Liaison Control/Alien Affairs Officer) to check out the New York Times article in Attachment No. 1 with INS, to see whether they are indeed going to try to deport Laipeniek. Even if this story proves untrue, Laipeniek has told IPS that when he applied for naturalization INS turned it down on the basis of the war crimes allegations. Thus, even if he cannot be deported Laipeniek will want his FOIA/PA request answered in order to try to overcome opposition to his application for naturalization.

c. Possible contact by (DCD) with Laipeniek, if only to determine what files he holds on his past relationship with CIA.

d. Reply to Laipeniek under FOIA/PA per paragraph 6 above.

8. The officer in DDA/IPS who has been dealing with Laipeniek and his son is Mr. () (R-1211).

9. Time may be of the essence in this case; the attached New York Times article states that INS was prepared to begin denaturalization proceedings within 60 days of the 5 October 1976 Times story.

Attachments: a/s

CONFIDENTIAL

Immigration Agency Investigates 9 Suspected as Nazis

By RALPH UMENTHAL

The former police commander of Nazi-held Croatia, who is now living in California, and five other Eastern European immigrants here who are accused of wartime atrocities, are reported to be among nine leading suspected Nazi war criminals under investigation by United States Immigration authorities.

According to sources in Israel, where war crimes files were recently made available to American investigators, the inquiry has settled on the nine top suspects, including two men last listed as living on Long Island, one in Philadelphia, one in Seattle and one in San Diego. Six of the

Carter Should Quit, Says Dole, Citing Butz

RICHMOND, Va., Oct. 5 (AP)—Senator Robert J. Dole, citing Earl L. Butz's resignation as Secretary of Agriculture, told Virginia audiences today that Jimmy Carter should consider quitting the race for the White House.

"I suggest he ought to take a page from Earl Butz's book and consider withdrawing from the race," the Republican Vice Presidential candidate told about 500 persons at a rally in downtown Richmond.

"Let Mondale run for President," he said, referring to Senator Walter F. Mondale, the Democratic Vice Presidential nominee.

Mr. Dole contended that some of the comments made by Mr. Carter, especially those concerning sex and adultery in an interview in the Playboy magazine, were in the same league with the racial remarks that led to Dr. Butz's resignation.

Croatian and 5 Eastern Europeans in the U.S. Could Be Deported

nine have been previously identified in connection with immigration investigations.

The Immigration and Naturalization Service announced last week that it is prepared to begin denaturalization of deportation cases within 60 days against four naturalized citizens and three resident aliens who allegedly misrepresented a record of involvement in Nazi activities to gain entry to the United States after World War II.

Four-Week Trip to Israel

The agency said the seven were among nine on whom information had been obtained by immigration investigators on a recent four-week visit to Israel. The names were not given.

However, according to Israeli sources, the individuals on whom the four investigators—Paul Vincent, chief immigration trial attorney, and three assistants—were focusing were the following:

Andrija Artukovic, 76 years old, of Surfside, Calif., former Minister of Justice and Internal Affairs on the Nazi-puppet regime of Ante Pavelic, in Croatia. Mr. Artukovic, who came here under an alias in 1948, was charged by the postwar Yugoslav Government with responsibility for the murder of thousands of Serbs, Jews and gypsies. He has successfully sought extradition to Yugoslavia on the ground that he would be subject to political persecution.

Boleslaus Maikovskis, 72, of Mineola, L.I., a native of Stirniene, Rosenke, Latvia. Mr. Maikovskis was sentenced to

death in absentia in 1965 by a court in Riga, the capital of Soviet Latvia, on charges of murder. The United States government lists him as former chief of police of Rosenke and head of the "second punitive battalion."

Karl Linnas, 57, Greenlawn, L. I., a native of Tartu, Estonia. He was sentenced to death in absentia in the Soviet Union in 1952 for murders committed while he was administrator of the Nazi concentration camp at Tartu.

Edgars Lapenicks, 63, San Diego, a native of Latvia. The immigration file says he is accused of killings in the concentration camp of Riga in 1941.

Gustaf Meos, also Match, Macz 72, Seattle. The Immigration file alleges his complicity in wartime murders in Lumbazu, Latvia.

Sergel Kovalchuk (also Kowalczuk), 50, Philadelphia, a native of the Ukraine. He and his brother, Mikolaj, are accused of complicity in the killings of Jews in Lubomil.

No Data on Three Others

In addition, the sources said the investigators had sought data on three other individuals about whom no further information was available. There were Frederick Eroscheid, August Danicis and Vilis Hazners.

Efforts to reach any of the reported suspects for comment were unavailing. Mr. Maikovskis, Mr. Linnas and Mr. Kovalchuk all have unlisted telephone numbers. No one answered a telephone listed in the name of an A. J. Artukovic in Lakewood, near Surfside, Calif. A party who answered the telephone at a number listed for Mr. Lapenicks in San Diego said he moved away four years ago. No listings could be found for the others.

All have refused to discuss their cases with reporters in recent years.

DIEFENBAKER SAYS KENNEDY INFLUENCED CANADIAN VOTE

OTTAWA, Canada, Oct. 5 (AP)—John Diefenbaker, the former Canadian Prime Minister, has accused the late President John F. Kennedy and his Administration of influencing Canadian elections in

Aide Who Resided With Hughes To Be Questioned in Suit on Will