

S E C R E T

IMS/FPLG 81-167
3 November 1981

MEMORANDUM FOR: Office of General Counsel

FROM : IMS/FPLG

SUBJECT : Edgars Laipenieks

REFERENCE : OGC 81-07129 dated 19 August 1981, Same Subject

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

1. Paragraph 1 of reference lists five documents contained in Directorate of Operations (DO) files which the Department of Justice/Office of Special Investigations (DOJ/OSI) would like to use as part of their case in the deportation proceedings brought against Edgars Laipenieks. The DO positions on these documents are as follows:

a. 9 September 1962 - Psychological Report on Subject - DO files contain a Psychological Report on Subject dated 5 September 1962 which is believed to be the document requested by the DOJ/OSI. This document was coordinated with , Chief, Psychological Services Division, Office of Medical Services. stated that release of any information in this report would be potentially harmful to the individual on whom the report was written and that the report contains sensitive information about CIA employment criteria and how CIA determines whether applicants meet those criteria. For these reasons the report is denied in toto.

b. 10 September 1962 Psychological Report on Subject. DO files contain no psychological report on Subject carrying this date. There is a 10 September 1962 memorandum entitled "Preliminary Evaluation" which may be the document to which the DOJ/OSI refers. This report is NOT a psychological assessment of Subject. The report, aside from operational data, contains no factual data concerning Subject's life, but rather the Case Officer's impressions of Subject on the occasion of their first meeting. The author of the report has no professional qualifications on which to base his impressions and undoubtedly would easily be impeached if he were called to testify. For these reasons, the document is denied in toto. (N.B. You may wish

FOR COORDINATION WITH DoJ/OSI

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to suggest to the DOJ/OSI that use of this report would probably hurt their case rather than help it.)

c. 12 September 1962 Graphological Report - This report was coordinated with Chief, Behavioral Assessment Branch, Office of Technical Services. stated that this document contains details of a sensitive intelligence method and no portions of it can be released. This document is denied in toto.

d. Subject's Autobiographical Statement - The full text of this document may be released to the DOJ/OSI and to Mr. Laipeniek's attorney, Mr. Ivars Berzins. Only filing information has been removed from the document.

e. 4 September 1962 Memorandum - The 4 September memorandum is the rough draft of a document which was typed in final form on 14 September 1962. Since the only difference between the two documents were changes in punctuation, phrasing and spelling, it is the final copy dated 14 September 1962 which has been processed. All information concerning Mr. Laipeniek's past life has been released. The deleted information consists of operational information, the names of individuals not relevant to this case, the names of Agency employees, organizational data and file numbers. This document may be released in sanitized form to the DOJ/OSI and to Mr. Berzins.

2. Paragraph 3 of Reference contains a discovery request from Mr. Berzins for "exculpatory information" concerning his client. Except for information contained in the documents described in sub-paragraphs 1D and 1E supra, DO files do not contain any "exculpatory information" as described in paragraph 3 of Reference. It should be noted here that DO files do not contain any documents concerning Mr. Laipeniek's immigration to the United States in 1960. DO files do contain the following four documents which concern Mr. Laipeniek's immigration status:

- a. Letter from CIA to Mr. Laipeniek dated 5 May 1975
- b. CIR-316/00985-76 dated 9 March 1976
- c. Memorandum for the Record dated 28 June 1976
- d. Letter from CIA to Mr. Laipeniek dated 20 July 1976

Sanitized copies of these documents are attached for release to the DOJ/OSI and Mr. Berzins. Deletions consist of names of Agency and INS employees, organizational data and filing instructions.

3. According to paragraph 4 of reference, the DOJ has asked whether this Agency can provide an affidavit from the appropriate

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records custodian stating, in essence, that a search reveals that this Agency did not assist or encourage Laipeniek's immigration and can we state that between the date of Laipeniek's entry into the U.S. and OSI's establishment we never provided access to our files on Laipeniek to any other Executive Branch agency investigating Nazi war criminals. If it becomes necessary, [] official custodian of DO records, can provide an affidavit stating that DO records do not contain any information indicating that this Agency assisted or encouraged Laipeniek's immigration to the U.S. and that DO files contain no record that DO files on Laipeniek were ever made available to any Executive Branch agency other than the DOJ/OSI.

4. Paragraph 5 of reference cites a DOJ/OSI request for a meeting with the author of one of the documents in the DO file on Laipeniek. In late August 1981, the undersigned advised OGC that on 25 August 1981, the undersigned spoke with this individual []. [] stated that he remembered nothing about Mr. Laipeniek, did not wish to speak with the DOJ/OSI and considered a trip to Washington for that purpose a waste of taxpayers money since he could be of no assistance whatsoever on this matter.

5. Reference is made to the question posed in paragraph 6 of reference concerning the impact of our acknowledgement of the existence of a relationship between this Agency and Laipeniek. It is DO policy not to acknowledge any kind of operational relationship, however, in this case, Agency association with Mr. Laipeniek was officially acknowledged, as follows:

a. In an unclassified letter to Mr. Laipeniek dated 5 May 1975, CIA Freedom of Information Coordinator, Robert S. Young, stated "The Agency appreciates your past cooperation"...

b. An unclassified letter to Mr. Laipeniek dated 20 July 1976 signed by Charles E. Savige of IPS stated "Thank you once again for your patience in this instance, and your past assistance to the Agency". This letter was provided by Laipeniek to the New York Times News Service and subsequently appeared in full text in a number of newspapers including the Washington Star of 16 October 1976.

c. On 14 October 1976 The New York Times contacted the CIA Public Affairs Office which described Laipeniek to the Times as a man who "rendered some assistance to the agency in the past."

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In view of the circumstances listed above, plus Mr. Laipnieks' own public statements concerning his association with this Agency, it is the DO position that release of the attached sanitized documents will not constitute any more of an official acknowledgement of the relationship with Laipnieks than has already been made.

Attachments:

- 2 Documents described in Paras 1D and 1E
- 4 Documents described in Para 2