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20 December 1978

MEMORANDUM FOR THE RECORD

FROM : [redacted] [redacted]  
Office of General Counsel

SUBJECT : Tscherim Soobzokov/Nazi War Criminal  
Deportation Litigation - Meeting of  
8 November 1978 (C)

1. On 8 November 1978, I met in New York City on the Soobzokov litigation with [redacted] [redacted]; Jerry Siegel, Assistant U.S. Attorney for the Southern District of New York; and Reuben Fier, Special Agent from the HEW Baltimore office. The meeting was held in the New York City DCD office, and lasted from approximately 1400 to 1600 hours. (C)

2. The meeting was arranged by [redacted] [redacted], at the request of Messrs. Siegel and Fier. Although their request was somewhat ambiguous, it appeared - prior to the meeting - that they wished to obtain certain sensitive CIA documents relating to Soobzokov, and possibly use them in court. I had been called in to represent OGC in the discussion. (C)

3. At the meeting, Messrs. Siegel and Fier explained that they did not really wish to obtain sensitive CIA documents for use in court. What they wanted to do was obtain copies of Soobzokov's photograph from some sensitive foreign identification documents in the possession of CIA, and use those photographs to identify Soobzokov to potential Russian witnesses during their trip to the Soviet Union. [redacted] [redacted] and I agreed there would probably be no CIA objection to their request, and [redacted] [redacted] will be coordinating the cropping and duplication of the photographs. (C)

4. We discussed another facet of the situation, however, that could be problematical. If the photographs are used to identify Soobzokov to possible witnesses, and these witnesses appear and testify at the trial, the Government may be required to trace the custodianship of the photographs to prove they really are of Soobzokov and that the witnesses have actually identified the right man. This could bring us into the case and reveal a covert CIA relationship with Soobzokov. It could also require the testimony of Agency personnel to trace custodianship of the documents. (S)

FOR COORDINATION WITH DOJ/OSI

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5. In order to accommodate both the national security and the prosecutorial needs of the U.S. Government, Messrs. Siegel, Fier, [ ] and I agreed to the following: [ ] would obtain clear, sterile photographs of Soobzokov from the sensitive documents and lend them to Messrs. Siegel and Fier for their investigation. These photographs would never be used in court, it was agreed, thereby avoiding any CIA involvement in the proceedings. It was further agreed that Messrs. Siegel and Fier would try to obtain similar photographs from other, more open, sources - such as foreign archives, archives of U.S. refugee resettlement organizations, or INS - in order to obviate the need for obtaining these photographs from CIA files. (C)

6. The point was also raised that Soobzokov has been questioning why "certain U.S. agencies" have not been coming to his assistance in this case, when he was so willing to help them years ago. If these questions become public, or if Soobzokov formally acknowledges his past relationship with the Agency, then much of the need for confidentiality may disappear. In that event, we all agreed, the matter of the photographs would be open to reevaluation. (S)

7. [ ] advises me that in a brief conversation with Assistant U.S. Attorney Siegel as he was being escorted to the door, Siegel indicated that they plan to bring Soobzokov before a Grand Jury sometime during the week of 13 November 1978. If Soobzokov was unwilling to cooperate or failed to testify by invoking his Fifth Amendment rights, Siegel felt that they had no alternative but to discontinue their investigation of social security fraud and turn the entire matter over to Mr. Martin Mendelsohn's unit (Special Litigation Unit for the prosecution of alleged war criminals). (C)

8. After the departure of Messrs. Siegel and Fier, we were visited by Assistant U.S. Attorney Thomas Belotte who will be handling the denaturalization and subsequent deportation proceedings, if any, for the Special Litigation Unit. Belotte, who has previously seen the Soobzokov material at Headquarters, was permitted to review the sanitized copies, introduced to the DCD contact, [ ], and told that he was free to review the material at his convenience after making arrangements with [ ]. We explained briefly the mechanics of his note taking and explained, in general terms, our willingness to provide additional background material which had been sanitized from the file should it be necessary for his complete understanding. Belotte recognized the problems connected with the use of our material for anything more than leads, and expressed his appreciation, indicating that he would be back to us through the General Counsel if anything further appeared to be required. (C)

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9. The following additional notes from [ ] are included to complete the record and to avoid the necessity of his having to prepare an identical Memorandum for the Record: "Reuben Fier indicated on 8 November 1978 and in a subsequent telephone conversation on 17 November 1978 that Soobzokov had left for Jordan on 2 November 1978 and as of the date of the second call was in Kuwait. Soobzokov was accompanied, allegedly, to explore the financing of an Islamic funeral home in Paterson, New Jersey, and was accompanied by several of his former fellow countrymen on his trip: Messrs. Yahia Zazan, Hasan Kona and a Jordanian attorney, Injam Hadouick. I pointed out to Mr. Fier that we had no reason to believe that Zoobsokov is engaged in any activity which could properly bring a U.S. person to the attention of the Agency; that my speculation was that he was probably either collecting funds or collecting witnesses on his several lawsuits and that we appreciated his advising us but would take no action other than to acknowledge receipt of this information. Fier said he understood and there was no further discussion. (C)

10. One of the additional principal reasons for our trip was to discuss and then if appropriate make available an attachment to a report of 5 September 1952, [ ] 1, from Amman, which transmitted a list of Circassian refugees in Jordan provided by Soobzokov to [ ]. All of the individuals on the list, except Soobzokov who led the list and his wife and family, appear to be resettled in Turkey, Germany, Austria, Jordan or Syria. There is no indication that any of these people are U.S. persons or have immigrated to the United States. The material remains classified and will be included with the sanitized Soobzokov files for review by Mr. Siegel and Mr. Fier. It is also conceivable that if the case is transferred to the jurisdiction of the Special Litigation Unit, the Fier/Siegel investigation will come to an immediate end." (S)

cc: [ ]

MJB/rs

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