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SECRET 11 April 80

### ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Richard Krieger Request - F79-0813

FROM: <input type="checkbox"/> <input checked="" type="checkbox"/> Office of General Counsel 7C40 Hqs.	EXTENSION 6410	NO.  DATE 11 April 80		
TO: (Officer designation, room number, and building)	DATE RECEIVED	DATE FORWARDED	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. <input type="checkbox"/> <input checked="" type="checkbox"/> IPD				Per our telephone conversation this morning, I believe that we should treat the attached letter as an early appeal and we need not reply to Mr. Askin's statements until we treat the documents.
2. <input type="checkbox"/> <input checked="" type="checkbox"/> DX2 Green				
3. <input type="checkbox"/> <input checked="" type="checkbox"/>				
4. <input type="checkbox"/> <input checked="" type="checkbox"/>				
5. <input type="checkbox"/> <input checked="" type="checkbox"/>				
6. <input type="checkbox"/> <input checked="" type="checkbox"/>				

### ROUTING AND TRANSMITTAL SLIP

Date 18 Mar 80

DECLASSIFIED AND RELEASED BY  
CENTRAL INTELLIGENCE AGENCY  
SOURCE METHODS EXEMPTION 25X  
DATE 2007

TO: (Name, office symbol, room number, building, Agency/Post)

1.   OGC

2. (TUBE STATION)

3.

4.

5.

Action	File	Note and Return
Approval	For Clearance	Per Conversation
XXAs Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

**REMARKS** Per our telecon this morning, here is the letter from Krieger's attorney.  , Actg. C/IPD has asked for OGC's comment re para two of page two before we answer the letter. Your early attention to this would be appreciated. Pls. note the appeal declaration of first paragraph of letter!

File: Invest - Nazi War Criminals  
Sobozakov, Tschern

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org symbol, Agency/Post)

Room No.—Bldg.  
242

Phone No.  
6374

5041-102 **OPTIONAL FORM 41 (Rev. 7-76)**  
 Prescribed by GSA  
 FPMR (41 CFR) 101-11.206

MAR 10 4 04 PM '80

SCHOOL OF LAW - NEWARK - CONSTITUTIONAL LITIGATION CLINIC  
S. I. NEWHOUSE LAW CENTER  
15 WASHINGTON STREET - NEWARK - NEW JERSEY 07102 - 201/648-5687

March 6, 1980

Information and Privacy Coordinator/Appeals  
Central Intelligence Agency  
Washington, D. C. 20505

Re: FOIA Request of Richard Krieger and the  
American Civil Liberties Union of New Jersey,  
Acknowledged 8/17/79

Dear Information and Privacy Coordinator:

On August 6, 1979, Gary Gordon, Esq., submitted a request on behalf of Mr. Richard Krieger and the American Civil Liberties Union of New Jersey for certain documents and records concerning the alleged illegal entry of Tscherim Soobzokov to this country after World War II. Receipt of that request was acknowledged on August 17, 1979, but no further communication has been received by Mr. Gordon or his clients since. I am now representing the FOIA petitioners in place of Mr. Gordon. Pursuant to Section 552(a)(6)(A)(i), we shall treat the failure of the agency to act upon our request within the statutorily designated period as a denial of our FOIA request and herewith appeal from that denial.

In order to avoid any misunderstanding, particularly in light of the recent action of the United States government seeking to denaturalize Mr. Soobzokov, I should like to clarify the nature of our request.

What we seek are all documents, records and correspondence in your possession relating to the visa application made by Tscherim Soobzokov for Soviet, non-preference visa No. 1043 and the issuance of said visa, including but not limited to all records of intervention by departments and agencies of the United States government which may have intervened in regard to or assisted in the issuance of said visa, and any and all inter-agency correspondence in the matter; and any and all records of prior or subsequent employment of Mr. Soobzokov by these or other governmental agencies, since these records may demonstrate services rendered or anticipated

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or assistance given by Mr. Soobzokov to government agencies in exchange for his allegedly illegal entry or allegedly illegal citizenship in the United States.

Except for information contained in Mr. Soobzokov's visa application itself, my clients do not seek disclosure of any private details concerning Mr. Soobzokov's personal life -- and if the government believes that release of that document at this time would be inimical to the rights of either party in the denaturalization proceeding we are willing to accept that determination pending the outcome of that proceeding. However, in the absence of such a formal claim that release of this document would interfere with an ongoing enforcement proceeding, we do not believe that its release would constitute an "unwarranted invasion of personal privacy" which would authorize withholding, Department of the Air Force v. Rose, 425 U.S. 378 (1976). For the same reasons we outline below that the release of the other sought documents would clearly be within the public interest in knowing how public business is being carried out, the details of Mr. Soobzokov's visa application are pertinent to the actions taken by U.S. consular and immigration officials in regard thereto.

The remaining documents we seek deal exclusively with the conduct of public officials and do not fall within any protected zone of privacy. What they will demonstrate is whether any improper influence was exerted by any governmental agency or officials to procure an immigrant visa for an individual who may have been ineligible to receive such a visa. As one court has so aptly noted, "The public has an interest in whether public servants carry out their duties in an efficient and law-abiding manner." Columbia Packing Co. v. United States Dept. of Agriculture, 417 F. Supp. 651, 655 (D.C. Mass. 1976).

If access is denied to any part of the requested records, please describe the deleted material in detail and specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies. Please separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest.

FWR We request that you waive any applicable fees since disclosure meets the statutory standard for waiver of fees in that it would clearly be "in the public interest, because furnishing the information can be considered as primarily benefitting the general public." (5 U.S.C. § 552(a)(4)(A)). The information sought is an important matter which is clearly in the public interest. In

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this regard, we further point out that the ACLU is a non-profit organization which intends to give the requested information the widest possible circulation.

If you have any questions regarding this request, please telephone me at the above number.

We await your prompt reply.

Sincerely,



Frank Askin  
Attorney for Applicants