

File Soobzokov

PRIORITY HANDLING FOIA REQUEST

SUBJECT: (Optional) FOIA Non-response appeal
Richard Krieger and ACLU New Jersey
Soobzokov's entry into the United States

REQUEST NUMBER
(F) 79-0813

FROM: C/IRG
4E21 Hqs.

Wp

EXTENSION
5706

DATE SENT
12 MAR 1981

SUSPENSE DATE

TO: (Officer designation, room number, and building)

DATE
RECEIVED FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

~~1. AAC/IPD
1A16 Hqs.~~

2.

~~3. OGC
7C41 Hqs.~~

4.

~~5. IRG
4E21 Hqs.~~

6.

7.

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10.

11.

12.

RETURN TO:

DECLASSIFIED AND RELEASED BY
CENTRAL INTELLIGENCE AGENCY
SOURCE METHOD EXEMPTION 3028
NAZI WAR CRIMES DISCLOSURE ACT
DATE 2007

PRIORITY HANDLING FOIA REQUEST

OK - New Appeal

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

General Counsel
80-03176

Due to file 4 Apr 80

Frank Askin, Esq.
Rutgers University School of Law
Constitutional Litigation Clinic
15 Washington Street
Newark, NJ 07102

14 APR 1980

Dear Mr. Askin:

Your letter of 6 March 1980 was received on 10 March 1980. Arrangements will be made for consideration of your appeal on behalf of your clients, Mr. Richard Krieger and the American Civil Liberties Union of New Jersey, by the Information Review Committee.

We apologize for our tardy acknowledgement of this appeal. Through an administrative error, your letter failed to reach the proper office until 11 April 1980.

Your letter also requested a waiver of fees in connection with this appeal. We note that a fee waiver was originally requested in Mr. Gordon's 6 August 1979 initial letter of request, and that the matter was subsequently treated in our 17 August 1979 response to Mr. Gordon. A copy of that letter is enclosed for your convenience. In essence, our position on the matter of fees is that your clients must accept the liability for any fees incurred subject to waiver of those fees if, upon completion of our search and security review, we are able to release any information which will contribute substantially to the public benefit. This arrangement was apparently agreeable to Mr. Gordon as former attorney for this request, and we have, in fact, proceeded with the processing of this request upon that basis.

As you may be aware, we have a backlog of 400 similar appeals. In order to process these appeals in the most equitable manner possible, we have adopted the policy of

handling appeals on a first-received, first-out basis. Accordingly, your appeal will be placed in queue as of the 10 March 1980 date of receipt. Please be assured that your appeal will be processed as quickly as possible, and that you will be advised on the outcome as soon as our processing has been completed.

Sincerely,

Charles E. Savige

Charles E. Savige
Acting Information and Privacy Coordinator

Enclosure

IPD/AEF/slh 14 April 80

Distribution:

Orig - Adse

1 - IPD Chrono

1 - IPD F79-813 (Appeal)

① - Copy to each appeal pkg

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

Rec'd in IPD Appeals on 11 April 1980.

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

Information and Privacy Coordinator/Appeals
Page Three
March 6, 1980

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

(open) 40 79-0813 Info on how you & other Nazi Collaborators entering the U.S.

UNITED STATES GOVERNMENT

memorandum

DATE:

FLY TO
FTN OF:

E. Ross Buckley, Attorney in Charge
Freedom of Information/Privacy Act Unit
Criminal Division

SUBJECT:

Freedom of Information Act Request - Richard Krieger 5383

TO:

George W. Owens
Information and Privacy Act Coordinator
Central Intelligence Agency
Room 2E42

AUG 23 1979

The attached request was directed to this Division. Since it involves records maintained by your Division (Office, Bureau), we are referring the request to you.

Request has also been referred to:

This Division will also process.

This Division will not process.

Requester has been advised of this referral.

AUG 27 3 57 PM '79

Attachment



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

U.S. Government Printing Office: 1977-0-41-630/2470

OPTIONAL FORM NO. 10
(REV. 7-76)
GSA FPMR (41 CFR) 101-11.6

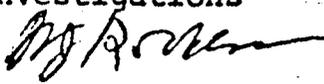
memorandum

DATE: August 20, 1979

REPLY TO: Walter J. Rockler, Director
ATTN OF: Office of Special Investigations

146-2-47

SUBJECT: FOIA Request



✓
FOI
5383

TO: E. Ross Buckley
Attorney in Charge, FOIA
Criminal Division

We have received the enclosed letter which purported to make a request under FOIA as to a CIA file or files. I am enclosing a copy of my response to this letter.

Enclosure

RECEIVED
AUG 21 7 49 AM '79
FREEDOM OF INFORMATION
PRIVACY UNIT
CRIMINAL DIVISION



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

OPTIONAL FORM NO. 10
(REV. 7-78)
GSA FPMR (41 CFR) 101-11.6
5010-112



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

August 20, 1979

Address Reply to the
Division Indicated
and Refer to Initials and Number

WJRockler:nw
146-2-47

Mr. Richard Krieger
Executive Director
Jewish Federation of North Jersey
One Pike Drive
Wayne, New Jersey 07470

Dear Mr. Krieger:

I have received your letter of August 3, 1979,
and appreciate your views.

We are not in a position to comment on any particular
case which we may or may not be considering. It is the
policy of the Office and the Department of Justice not
to discuss ongoing investigations.

Since you have stated a request under the Freedom
of Information Act with respect to a CIA file, which
is outside my jurisdiction, I am forwarding your request
to the appropriate FOIA Office.

Sincerely yours,

Walter J. Rockler
Director, Office of Special Investigations

cc: Nazi War Criminal WF
Soobzokov File.

OSI: NWhisenhunt - 8/20/79

Jewish Federation of North Jersey

One Pike Drive, Wayne, New Jersey 07470 □ Tel. 595-0555

August 3, 1979

Mr. Walter J. Rockler, Director
Office of Special Investigations
Criminal Division
Department of Justice
P.O. Box 28603
Washington, DC 20005

RECEIVED

AUG 3 1979

SPECIAL LITIGATION

UNIT

Dear Mr. Rockler:

My belated congratulations on the Appeals Court position that was taken in the Federenko Case. The decision rendered by that Federal Court of Appeals opens up a number of interesting avenues.

I am, therefore, requesting that the case of Tscherim Soobzokov be fully opened on the basis of the Federenko decision.

Soobzokov's Application For Immigration to this country specifically omitted his membership in the Waffin SS and specifically omitted his membership in the Circassian Legion, which was part of the Einsatzgruppen. Since these material facts might presumably have kept him from being permitted into the country at that time, it would appear that they were specifically and deliberately omitted.

This being the case and with the Federenko decision as a precedent, the Soobzokov case should be fully opened for investigation and for further action.

At the same time, I am requesting under the Freedom of Information Act that the file on Tscherim Soobzokov, that is in the possession of the CIA, be released and that the CIA be enjoined from both withholding information on Soobzokov or from destroying any of the Soobzokov file.

OFFICERS:

Norman Zeinick, President
Abraham Kremer, Campaign General Chairman
Mrs. Shirley Lena, Women's Division Chairman
Mrs. Marge Bornstein, Vice President

Dennis Brown, Vice President
Sondor Garfinkle, Vice President
Herbert Krieger, Vice President
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Harry Robbins, Secretary

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Jerome Koransky, Treasurer
Mrs. Fran Cohen, Assistant Treasurer
Rabbi Martin Freedman
Gerrard Berman

Lewis A. Wolf
Charles Kesler
Fred Later

Richard Krieger, Executive Director

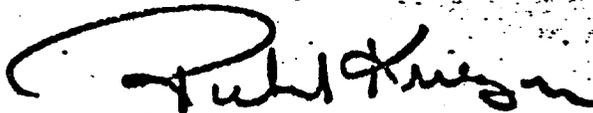
Local Beneficiary Agencies: Bureau of Jewish Education • High School for Jewish Studies • Council on Aging • Daughters of Miriam Center for the Aged • Federation Apartments • Frisch School • Jewish Family Service • Jewish Students Association • Multi-Purpose Center for Senior Adults • Newcomer's Fund • YM-YWHA • Yavneh Academy

Affiliated Communities: Alendale • Elmwood Park • Fox Lawn • Franklin Lakes • Hawthorne • Midland Park • Oakland • Paterson • Pompton Lakes • Ringwood • Saddle Brook-Rochelle Park • Totowa • Waldwick • Wayne • Wyckoff

I would then request an investigation of the file by your unit and any other units of the Department of Justice to ascertain if Soobzokov has been involved in any criminal activities that would make him an undesirable member of our American society.

I look forward to your reply.

Sincerely,



Richard Krieger
Executive Director

RK/dmw

cc: Martin Mendelsohn

17 AUG 1979

Gary D. Gordon, Staff Counsel
American Civil Liberties Union of New Jersey
45 Academy Street
Newark, NJ 07102

Dear Mr. Gordon:

This will acknowledge receipt of your letter of 6 August requesting, under the terms of the Freedom of Information Act and on behalf of your client, Richard Krieger, information in Agency files on the entry of Tscherim Soobzokov into the United States.

I shall arrange for a search of CIA files and shall be in further communication with you once the search has been completed and any records found reviewed for relevance and releasability under the Act.

As you may know, the heavy volume of Freedom of Information requests received by the Agency has resulted in processing backlogs. Since we will be unable to respond within the 10 working days stipulated by the Act, it is your right to construe this as a denial, subject to appeal to the CIA Information Review Committee. It would seem more reasonable, however, for us to continue processing your request and to respond as soon as feasible. Any denial of records could be appealed at that time. Unless we hear from you otherwise, we will assume that this is agreeable to you and proceed on this basis.

For your information, I am enclosing a copy of our fee schedule. I note your request for a waiver of fees. It is CIA policy to waive fees based on public benefit expected to result from releasable information. If, upon completion of our search and security review, we are able to release information which increases public knowledge above that which can be learned from information already in the public domain, we can reduce or waive fees entirely. However, until that can be ascertained, we presume that you will pay for services involved in processing your request according to the enclosed schedule. If this arrangement is not agreeable to you, please so inform me at once.

You have also asked for information on "other alleged Nazi collaborators." We cannot process this portion of your request unless you can furnish us with the names of the alleged collaborators and whatever additional identifying information that is available to you. You also mentioned information from Mr. Soobzokov's military records. If you refer to U.S. military records, the Agency would not have any such documents. I suggest, therefore, that you also may wish to submit your request to the Department of Defense, which was not among the government agencies mentioned in your letter.

Sincerely,

George W. Owens

George W. Owens
Information and Privacy Coordinator

Enclosure

IPD/JOE/sms 16 Aug 79

Distribution:

Orig. - Adse.

1 - IPD Chrono

① - IPD F79-0813

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AMERICAN CIVIL LIBERTIES UNION OF NEW JERSEY
45 ACADEMY STREET, NEWARK, N. J. 07102
201-642-2084

Aug 14 9 48 AM '79

August 6, 1979

IPS REGISTRY
F79-0813
JM/MS

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

Dear Sir or Madam:

This letter is written on behalf of the American Civil Liberties Union of New Jersey and Mr. Richard Krieger. Pursuant to the Federal Freedom of Information Act, they wish to obtain access to and the opportunity to copy and inspect any and all documents, memoranda, directives, letters, or other records, pertaining to the entry of Tscherim Soobzokov and other alleged Nazi collaborators into the United States. Mr. Soobzokov is an alleged Nazi collaborator who arrived in the United States on June 28, 1955 pursuant to a visitor's pass from Jordan. Mr. Krieger and the American Civil Liberties Union desire access to any records, memoranda etc. concerning Mr. Soobzokov's allegedly illegal entry into the United States including, but not limited to the following: ① Any information revealed in Mr. Soobzokov's military records relating to his allegedly illegal entry; ② records or documents concerning any assistance and/or help given by any United States intelligence agencies including, but not limited to, the Federal Bureau of Investigation, the Central Intelligence Agency, the General Accounting Office, and the Immigration and Naturalization Service in aiding or assisting the allegedly illegal entry of Mr. Soobzokov into the United States; ③ any records, documents, etc. relating to services rendered or assistance given by Mr. Soobzokov to said agencies in exchange for his allegedly illegal entry or allegedly illegal citizenship to the United States; and ④ information revealed in any polygraph examinations administered to Mr. Soobzokov or to any individual which reflects or evidences Mr. Soobzokov's allegedly illegal entry into the United States. Except for information relating to Mr. Soobzokov's allegedly illegal entry into the United States, my clients do not seek disclosure of

August 6, 1979

intimate private details about Mr. Soobzokov's personal life. In addition to the foregoing, my clients seek the same information concerning those individuals similarly situated to Mr. Soobzokov who have allegedly entered the country illegally.

Since none of the statutory exceptions from the Information Act's mandatory disclosure provisions applies, access to the requested records should be granted within ten (10) working days. In the unlikely event, however, that 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 in this instance. Please separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Such statements will be helpful to my clients in deciding whether to appeal an adverse determination, and in formulating their arguments in case they do appeal. The Agency's written justifications might also help to avoid possible unnecessary litigation.

We anticipate, however, that you will make the requested materials available to Mr. Krieger and the American Civil Liberties Union within the statutorily prescribed period. We thus request, as well, 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 benefiting 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 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,


Gary D. Gordon
Staff Counsel

GDG/mr