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22 April 1971

MEMORANDUM FOR: Chief, Soviet Bloc Division

SUBJECT: I&NS Query Regarding Erik HEINE

1. On 20 April 1971 [] CI Staff Liaison Group, received a telephone call from Mr. Edwin Coile, Deputy Chief of the Intelligence Unit of the U.S. Immigration and Naturalization Service. Mr. Coile wanted to know whether the position of this Agency regarding Erik HEINE, plaintiff in the lawsuit HEINE v RAUS, remains that set forth in paragraph 3 of CSCI-316/01650, dated 27 April 1967. An answer to this question is needed as I&NS is considering placing HEINE's name on its Lookout List, which action would bar HEINE from future entry into the U.S. SB/CI/X was asked to determine what answer should be provided.

2. The relevant statement contained in the CSCI cited by Mr. Coile reads as follows:

"This Agency continues to regard HEINE as a dispatched KGB agent, but owing to the pending lawsuit we request that no action be taken to bar his entry into the United States without prior coordination with this Agency."

The question to be resolved, accordingly, is whether we wish to concur in barring the entry of HEINE, whom we have labeled a KGB agent, now that the Supreme Court has refused to review the case and has thus upheld lower court decisions which have effectively prevented him from refuting in a court of law the allegations made against him.

3. On 21 April 1971 [] spoke with [] Assistant General Counsel, to obtain the views of the Office of General Counsel on the question to be resolved. [] who has been closely associated

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with the RAUS/HEINE case, stated that his office would take no position as to whether HEINE should be barred from entry into the United States. His office is concerned, however, about the question of possible future publicity, which would again reflect adversely on the Agency, in the event I&NS does act to bar HEINE and he urged caution in framing our reply. His personal suggestion was that our answer to I&NS might be phrased as a variation on the wording of the 1967 CSCI, such as "owing to the fact that the case is not now before the courts, we see no reason to bar HEINE's entry into the United States."

4. On 22 April 1971 [] spoke with [] C/CI/OPS. to obtain [] CI Staff views. [] checked with [] DC. [] and then stated that the CI Staff only wishes to caution that nothing be said to I&NS which can be attributed to this Agency and wishes to make sure that the Office of General Counsel is aware of the problem. (He was advised that [] had been consulted.) Additionally, [] suggested that since this Agency has no new information on HEINE, it might be advisable merely to tell I&NS that all information on HEINE had been provided to the Federal Bureau of Investigation.

5. It is my recommendation that our reply to I&NS, to be made orally by [] be that we have nothing to add to information previously provided regarding HEINE and that we do not feel that it is necessary to have him placed on a Lookout List. Our rationale in taking this apparently contradictory stand (which I would not articulate to I&NS at this stage) would be that we do not wish to provide a basis for continued press exploitation of the case and that in any event past publicity which HEINE has received undoubtedly has nullified any conceivable usefulness he might have to a hostile service.

6. FYI, [] I received a second telephone call from I&NS on 21 April pressing for an answer. She states she gathers that I&NS is under pressure, from unknown quarters.

[]
C/SB/CI

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