

The beneficiary went to Mexico in 1941 shortly after his United States citizenship was canceled. Subsequently he worked and traveled throughout the world, spending considerable time in the Far East. On January 15, 1951, the beneficiary arrived in Boston as a stowaway aboard the SS Steel Seafarer. He was excluded by the Attorney General on January 18, 1951, on the basis of information of a confidential nature, the disclosure of which the Attorney General decided, would be prejudicial to the public interest, safety or security. Doctor Erben was deported to Austria on January 20, 1951. On December 10, 1968, the District Director of the Immigration and Naturalization Service, San Juan, Puerto Rico granted the beneficiary a waiver of excludability, permitting him to enter the United States solely in pursuit of his calling as a crewman. This authorization expires on December 10, 1970. His last known entry was as a crewman on March 2, 1969, at Charlotte, Amalie, St. Thomas, Virgin Islands aboard the M/V Argonaut. The beneficiary claims to have applied for a visa to return to the United States many times since the end of World War II. The most recent application was made at the American Embassy in Vienna on August 7, 1968. The Immigration and Naturalization Service on September 1, 1968, advised the Visa Office, (Department of State, that in their opinion, Doctor Erben was ineligible for a visa because of his development of a presently procured re-entry permit in 1957 and 1958.) A history of the beneficiary for the periods the beneficiary furnished in the information concerning his last entry into the United States.

For additional information concerning the beneficiary, it is submitted is referred to the Bureau of Security and Consular Affairs, Department of State; the Office of the Chief of Legislative Liaison, Department of the Army; the Office of Legislative Liaison, Department of the Navy and the Bureau of Customs, Treasury Department.

06-858

-DR. HERMAN FRIDERICK ERSEN-

The records of the New York Federal Bureau of Investigation, were examined on May 26, 1942, disclosing that the subject is under investigation by the San Francisco office of the Federal Bureau of Investigation for alleged subversive activities, and that as of June 1941, he was reported to be in Shanghai, China.

It is suggested that this case be referred to the San Francisco office for their attention and follow-up.

In response to an inquiry from this office dated April 18, 1942, the chief of the Alien Registration Division, Philadelphia, Pa., in a letter dated May 21, 1942, informed this office that no record relating to the subject can be located.

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NOV 16 1942

Memorandum for the Commissioner,
Immigration and Naturalization,
Department of Justice,
Washington, D. C.

Reference is made to previous correspondence, your file number 245/C-3446093, V-262355, RM. in regard to Dr. Herman F. Erben, naturalized American citizen of German origin whose citizenship status was subject to court proceedings at San Francisco in September, 1941.

It would be appreciated if you would inform this Bureau whether Dr. Erben's citizenship was cancelled; whether he was deported to Germany; and any information available concerning his present whereabouts and activities.

John W. Bulkley,
Acting Deputy Commissioner

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TO DIRECTOR OF IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE, WASHINGTON, D. C.
FROM: SAC, NEW YORK (100-100000)
SUBJECT: ERBEN, HERMAN F. (V-262355)
RE: NEW YORK LETTER TO BUREAU, 11/14/42

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File No. _____

Date 1-16-51

(Address of requesting office)

DIRECTOR, FEDERAL BUREAU OF INVESTIGATION,
DEPARTMENT OF JUSTICE,
Washington 25, D. C.

Attention: Security Division

Please furnish a report as to the nature of any derogatory information contained in any file—other than fingerprint records—which your Bureau may have concerning the following person:

Name ERBEN, Hermann Frederick
(Surname) (Given name) (Middle and other names)

Aliases _____

FBI No. _____ Alien Registration No. _____
or Visa Application No. _____

Date of birth November 15, 1897 Birthplace Vienna, Austria
(Month) (Day) (Year) (Town) (Country)

Marital status _____ Name of spouse _____

Race _____ Color _____ Sex _____ Occupation _____

Complexion _____ Eyes _____ Hair _____ Height _____ Weight _____

Visible marks _____

Places of residence last 5 years (include street and number):

Places of employment last 5 years:

This is the result of a request for an FBI file check only and is not to be construed as a clearance.

- The subject is
- Under deportation proceedings.
 - An applicant for naturalization.
 - An applicant for a certificate of lawful entry.
 - _____

If the subject has a common name, the names of all relatives given in the subject's application filed with the Immigration and Naturalization Service will be shown on the back of this form, with the relationship indicated.

Please mail the attached copy of this request with your reply to the address shown below.

Attention: Robert L. Suddath
(In duplicate)

H. E. Higgins
(Name of officer requesting report)
Central Office of INS
(Title)

(For use by Federal Bureau of Investigation)

Mail to—
DISTRICT DIRECTOR,
IMMIGRATION AND NATURALIZATION SERVICE.

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STOIBER
1-9-1A
re

Rudolf Stoiber
US Correspondent
~~ORF Austrian Broadcasting~~
300 East 34th Street
New York, N. Y. 10016

US Department of the Army
U.S. Army Intelligence and Security Command
att. Mr Thomas F. Conley
Freedom of Information/Privacy Office
Fort George G.Meade, Md. 20755

10 November 1980

Dear Mr. Conley,

Thank you for your letter of October 22nd and furnishing me with the documents released by the FBI and your Office.

I am engaged in researching Material for a book on Dr. Hermann Friedrich Erben, and I would therefore very much appreciate if you could furnish me with all the documents of the Department of the Army concerning Dr. Hermann F. Erben, born 1897 in Vienna, Austria.

This request is made under the Freedom of Information and Privacy act.

Please inform me of any financial charges involved in copying and mailing the documents, so that I may reimburse your office by check.

Sincerely,

Rudolf Stoiber



Snell

HOTEL AM PARKRING · WIEN



I wish to inform my
friends in the United States
that I am cooperating with
Mr. Rudolf Steiner in the
preparation of a book
concerning my life and my
friendship with Gull Flynn.
Any assistance to Mr. Steiner
in collecting relevant
information and material
will be highly appreciated.

By H. F. Johnson

Vienna,
May 14th, 1980

Parkring 12 - A-1015 Wien I - Tel.: 52 65 24 - Telegr.-Adr.: Terrassenhotel Wien - Telex: 01/13420 hospw a
Bankverbindung: Oesterr. Länderbank - Stock im Eisen-Platz - Btz. 12.000 - Kto. 256.101.41800

ENCLOSURE

IACSF-FI

24 November 1980

Mr. Rudolf Stoiber
US-Correspondent
300 East 34th Street
New York, New York 10016

Dear Mr. Stoiber:

This is in response to your letter of 10 November 1980, to this office, requesting under the provisions of the Freedom of Information Act 5 USC552, records concerning Dr. Hermann F. Erben. This correspondence was received in this office on 13 November 1980.

We have conducted a survey of the automated Defense Central Index of Investigations (DCII) and the Investigative Records Repository (IRR) to determine the existence of any intelligence investigative records generated by the US Army or maintained by any other investigative agency within the Department of Defense which would be responsive to your request.

We have, as a result of our search, identified the inclosed Army intelligence investigative records as responsive to your request (Inclosure 1). A review of the information contained in these records has determined that it no longer warrants security classification and is releasable to you. These copies are provided for your use and a reproduction charge of \$9.45 is due for this material. This cost is broken-down to \$2.00 for the first six pages and .05 for each additional page. This is in accordance with the fee schedule published in Army Regulation 340-17. Payment should be forwarded to this office by Postal money order or certified check made payable to the Treasurer of the United States.

Two pages of records from Dr. Erben's Army intelligence dossier have been withheld from release to you. These two (2) records are properly and currently classified CONFIDENTIAL in accordance with Sections 2-202b, 1-503 and 11-100 of DoD Regulation 5200.1-R and Sections 1-301(b), 1-104 and 1-505 of Executive Order 12065. This information is exempt from the public disclosure provisions of the Freedom of Information Act as provided under 5 USC552(b)(1). Our rationale for this decision follows:

Encl 3

FBI FOIA REQUEST

IACSF-FI
Mr. Rudolf Stoiber

24 November 1980

Section 1-301(b) of Executive Order 12065 and Section 2-202b of DoD Regulation 5200.1-R provides that information concerning foreign government information may be afforded classification protection.

Section 1-104 of Executive Order 12065 and Section 1-503 of DoD Regulation 5200.1-R provides that information may be classified CONFIDENTIAL if its unauthorized disclosure could reasonably be expected to cause identifiable damage to the national security.

Section 1-505 of Executive Order 12065 and Section 11-100 of DoD Regulation 5200.1-R provides that foreign government information shall either retain its original classification designation or be assigned a United States classification that shall ensure equivalent protection.

In addition, since the release of the two (2) records would reveal the identity of a confidential source, they are exempt from public disclosure as provided under 5 USC 552(b)(7)(D). The protection of confidential sources is necessary for the maintenance of a viable effective intelligence investigative capability.

The withholding of the information specified above constitutes a partial denial of your request by the properly designated Initial Denial Authority and you are hereby advised that you have the right to appeal this decision to the Secretary of the Army. If you wish to file an appeal, you should forward it to this office for necessary processing. The mailing address is:

Freedom of Information/Privacy Office
US Army Intelligence and Security Command
ATTN: IACSF-FI
Fort Meade, MD 20755

During the processing of your request, information was disclosed which originated with other agencies. This office has no authority to release these records and they are being referred, along with your request, to those agencies for appropriate action under the Freedom of Information Act, and direct reply to you. In the interim, you may contact these agencies at the following addresses:

Department of State
Information/Privacy Coordinator
Foreign Affairs Document Ref Center
2201 C St., NW
Room 1239, Main State Bldg.
Washington, DC 20520

IACSF-FI
Mr. Rudolf Stoiber

24 November 1980

Director
Federal Bureau of Investigation
ATTN: FOI/PA Branch
Washington, DC 20535

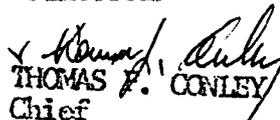
Naval Investigative Service
Hoffman Building #1
ATTN: Mr. O'Riley (FOI Matter)
2461 Eisenhower Avenue
Alexandria, VA 22331

Eight pages of microfilm records, which were located in the IRR, are attached as Inclosure 2.

It is also noted that undeveloped film negatives are contained in Dr. Erben's Army dossier. A review of the film negatives revealed that pages numbered 60 through 71 of Dr. Erben's Army dossier, which are attached herewith as part of Inclosure 1, contain the information on the film negatives.

If you have any questions regarding this action, you may contact this office at the above address or by telephone at (301) 677-4749.

Sincerely,


THOMAS F. CONLEY
Chief

Freedom of Information/Privacy Office

2 Inclosures
As stated

ashed:

State Dept.
FBI
NIS