

No. 77-1831, government's brief

HW 2/8/78

This is off the top of the head as I read the brief. It will jump around as I get ideas and record them rather than risk forgetting them.

I presume "Questions Presented" is restricted to in this government brief and does not mean questions presented to the appeals court by the entire matter. I think there are some questions of a different nature we have to present.

Can a district judge guarantee a plaintiff a full hearing and then, without letting plaintiff know otherwise, both deny any hearing and cut discovery off without even giving the plaintiff an opportunity to present his case for the need of discovery?

Can a district court refer an FOIA case to a magistrate, where there is no record made and where the FOIA defendant refuses to respond to interrogatories, ~~and~~ where the plaintiff is not provided an opportunity to present evidence, and the district court then hold that the government's burden of proof has been met without the plaintiff being provided an opportunity to present evidence that the burden of proof has not been met?

Can the district court, having stated that the government is not responsive in such cases and does nothing at all until suit is filed, then merely assume good faith when conclusory affidavits are all that is before it from the government?

Can the district court assume good faith in the presence of evidence of only bad faith with this plaintiff's FOIA request and with the uncontested record made by plaintiff with regard to all previously-withheld Warren Commission executive session transcripts being that in no instance did an exemption apply when it was claimed - that fraudulent misrepresentation was the standard government practice and that the avoidance of official embarrassment was the only apparent reason for the denial of these transcripts?

Can the district court hold that the release of the information requested could constitute a "disclosure" when the government has not even claimed that the withheld records contain information that is not already public?

Disclose, Scribner-Bantam dictionary, p.256: "To disclose is to remove the cover from, so as to expose what has hitherto been out of sight, as when the oyster was opened. ...to make known or show that which had been unknown or concealed..."

On this I'll also provide the blurbs and every mention of Nosenko in the Bantam edition of KGB.

Their 3, p. 1: the issue is not alone "Whether the district court properly refused appellant's request to tape record depositions..." We were denied any depositions, any testimony, in violation of the mandate or order of the court of appeals in No. 75-2021 that on such questions Wigmore's engine ~~may~~ be permitted to run expeditiously.

I don't know what they mean by a "non-dispositive" issue, which is what this is limited to. I know that there is no testimony before the court and that I was not given the records necessary to determine whether or not the information sought was secret. I was not given the opportunity to establish by testimony that it was not and I was not given the opportunity to rebut or cross-examine the government's claims, regardless of which not always consistent and changing claims are addressed.

P. 2: I am more qualified than they represent. In addition to having written more than "several" books on the JFK assassination I have written and published the only book on these executive session transcripts. In addition, according to the Department of Justice, I know more about the subject matter and its official investigation than anyone in the FBI. I therefore qualify as the pre-eminent and most credible subject expert.

P.3- their 1. the May 19 transcript does much more than "deals solely with the possible discharge of two Commission employees as a result of allegations about their personal lives."

(Emphasis added.)

It is well and publicly known that the "possible discharge" was because of their political beliefs, as supposedly liberal Democrats. The charges against them were initiated by extremists ~~and~~ some of whom are overt racists.

It is also publicly known that Commissioner Gerald Ford made the charges.

It is publicly known that the Commission refused to do Commissioner Ford's bidding and refused to discharge the two men whose names are known. One is the dean of a law school, Norman Redlich, ~~the~~ the other one of the most prominent lawyers in the country, Joseph A. Ball.

It is now known, as it was not known at district court level, that Commissioner Ford was the spy and agent of the late J. Edgar Hoover, spying on his fellow Commissioners for the father of Cointelpro and joining with the late J. Edgar Hoover in opposing the desires for the Commission of its chairman, then also the Chief Justice of the United States.

It is now known, as it was not known at district court level, that the late J. Edgar Hoover was so contemptuous of his agent, Commissioner Ford, that he described him in a record made public by the FBI on January 18, 1978, as a "toad."

It is now known, as it was not known when this matter was before the district court, that although the transcript of the Commission's executive session of January 22, 1964 ~~was~~ was denied to this plaintiff, who was told it did not exist by this defendant, in fact ~~Agent~~ FBI ~~Agent~~ Informer Ford did enable the late J. Edgar Hoover to have a transcript of that executive session and to make the late J. Edgar Hoover privy to such comments about him by the other Commissioners that they decided to "destroy" that record.

~~This~~ The actual situation with regard to the transcript of May 19, 1964 is not that it deals with two eminences of the law (not at 1. allegedly in any manner that is revelatory about or hurtful to them). The actuality is that it can be embarrassing to Mr. Hoover's Judas among the Commissioners, one of their fellows who was a spy in their midst and who was informed of all their secret.

2. states or claims no more than that the 10 pages of the 1/21 transcript "deal with diplomatic techniques for obtaining information from a particular foreign government and the various sources and methods which the Central intelligence agency could use to verify the information so obtained."

This does not claim that the "techniques" are in any way secret, in any way not known to all other countries which are faced with the same problem regularly. The Act immunizes secrets not public knowledge.

I believe also that this is a new representation of the alleged reason for withholding. The earlier reason is that it deal with defectors. This argument or claim follows my asking this defendant a question: have the names of the defectors mentioned and their stories been disclosed publicly, including by the CIA? I await a response to that letter after many months.

Since then the FBI has disclosed much information about a number of defectors, too.

In the absence of any response from the National Archives it would appear to be a reasonable presumption that in the 10 pages of this January 21 transcript the subject is those defectors whose names are public.

Besides, there is no such thing as a secret defector. The secrets are from the American people only.

This is argued further in the last sentence of the second paragraph on page 5 as "the CIA states that releasing the transcripts would jeopardize intelligence sources and methods. With regard to Nosenko this is impossible because the Russian know all he could know about ~~the~~ Lee Harvey Oswald. It likewise is impossible as it is argued in 3. on page 3:

"The transcript of June 23, 1964 deals with the kind of information obtainable from a particular CIA source, a Soviet defector who had been sentenced to death in absentia by the Russian courts and who still consults with the CIA on intelligence matters."

The jurisdiction of the Warren Commission was limited entirely to the assassination of President Kennedy and information about Lee Harvey Oswald.

This particular defector of Igor Nosenko, whose name the Archives sought to withhold as a matter of urgent "national security" years after Nosenko on his own went public in a book to the liking of the CIA and FBI, KGB, by John Barron.

Nosenko was not only a "particular CIA source." He was a source for the FBI and many pages of FBI reports on this are readily available at the National Archives.

He was a John Barron source.

He is a current source for another who writes what the intelligence agencies like, Edward J. Epstein.

The FBI records are unequivocal: Nosenko's knowledge of Lee Harvey Oswald is entirely limited to his having read the KGB's records on Oswald. He had no personal knowledge, never saw or spoke to Oswald and spoke freely on this to the FBI, whose records are available, and to Barron, who wrote what the FBI records report years ago.

The CIA's real problem with Nosenko is identically the same as that of the Warren Commission: Nosenko said, when his life depended on his truthfulness, that the KGB regarded Lee Harvey Oswald as "an American sleeper agent." Foreign intelligence being the domain of the CIA, the real problem Nosenko presents is of embarrassment to the CIA.

To tell this court that making the nonsecret content of this transcript available would endanger Nosenko's life is to you with this court. Nosenko walked into John Barron's office and even told Barron how to get in touch with him.

Moreover, as Barron states in his book, most of his information is directly or indirectly from such defectors. They are all given new identities by the CIA and can be reached only on their own volition or through the cooperation of the CIA. Barron states that he was able to interview many of these people and to ask them questions and to print their responses, all impossible if the FBI or CIA had not wanted this to happen. ~~That~~

The difference is that the agencies knew Barron would write flatteringly of them and that I would not.

The blurb, Barron's own statement of his sources, including these defectors and Nosenko in particular and all mentions of Nosenko in his book KGB are attached as copied from the Bantam reprint of the Readers Digest book.

Were none of this and more like it not the case it remains that the language used in 3. is not the language of and does not meet the requirements of the FOIA.

What the transcript "deals with" is irrelevant unless the content is immune under the Act. If it does not disclose certain facts that are otherwise unknown it is not immune. There is no representation by the appellees that there is a single secret in the transcripts in question.

This is also true of "the kind of information obtainable," hyped here by the ~~fact~~ misleading description of "from a particular CIA source."

"The kind of information obtainable" from Nosenko is anything but secret from the KGB.

Because his knowledge of Oswald is entirely limited to his reading of ~~some~~ ^{the} KGB records it has nothing at all to do with and can have nothing at all to do with the claim that it "would help the Soviet Union validate its assessment of the damage which his

defection had done to its intelligence network."

The damage to the Soviet intelligence network from defection is the subject of the long Barron book. That in and of itself is no secret, as it would have remained secret if the CIA and FBI had wanted it to remain secret.

But none of this can be relevant in this instant case, where Nosenko's brief testimony was perforce limited to what he had read of Lee Harvey Oswald, not a KGB network.

Two other points are here relevant. They are also relevant to what appears to be a deliberate mislead^{ing} of the courts by the CIA and the defendants, both of whom know better.

~~Unless 5-~~
It is axiomatic that when there is a defection the intelligence agency whose agent defects has no choice at all - it assumes that all the defector knows is thereafter known to the intelligence agencies of the country to which the defector goes.

Unless "the kind of information ~~available~~ obtainable from "the unnamed Nosenko is within an exemption it is not exempt under the Act. There is this vacuous generality but there is no first-person statement that the information in the Nosenko transcript is either secret or properly exempt because of its content.

That there is an immunity to what Nosenko told the Warren Commission more than a decade ago ~~is~~ obtains today is ludicrous - and it is not within an exemption. Not exemption is allocated to this bad joke. But I am the hired consultant of the Department of Justice in a case in which I am the plaintiff and it is the defendant. This is the doing of the Department of Justice, over my objection. That I "consult" does not deny me the knowledge I impart to the Department nor am I under any restrictions about that consultancy.

Whether or not Nosenko still consults with the CIA is immaterial to ~~his~~ the content of the June 23, 1964 transcript in question.

Moreover, this is an entirely new claim, one with which we were not confronted at district court level (to the best of my recollection)

All of this relates to question of fact, not to legal argument if not legal Rube Goldbergisms. That there is this concatenation of evasions of both the language and the spirit of the Act at this time and place proves that there has to have been the taking of testimony, the opportunity to cross-examine and rebut, the answering of depositions and responses to discovery so that all courts could have an adequate record based on which there can be proper consideration of all the issues, whether or not they are germane and whether they are even truthful, as we believe beyond question they are not.

But it is monstrous to suggest that permitting the non-secret nature of Nosenko's knowledge of the KGB's files on Oswald to become known to the American people "could jeopardize his safety" when disclosing his and other defectors whereabouts to partisan commercializers extraordinarily well paid by a partisan wealthy corporation does not jeopardize ~~his safety~~ them or their alleged "consultancies" with the CIA.

My purposes here are to let the courts know they have been imposed upon again by the spooks and to show the ridiculousness of their representations and that these false representations, whether or not relevant, are possible only in the absence of testimony by live witnesses who have knowledge.

What we are faced with is a new effort to rewrite the Act and I think you should present that case and argue it with vigor. I think you can get the appeals court to do a Gesell job on these finks.

To this point a few things I forgot.

On page 2 they refer to the guidelines. The guidelines predate the law and are no substitute for it unless they waive the provisions of the Act.

If I did not say it I think that 2. on p. 3 is not the claim they made at district level but I can't be sure. "t is new material at this level?"

There is no claim that the content of 6/23 is not available from other public sources, if I did not say that.

This still adds up to that the exemptions are claimed to withhold what can't be withheld and that we were denied the opportunity of establishing this.

P.4, II The Administrative Proceedings.

While the complaint, for its own purposes, limits to the representation that I filed the FOIA request leading to this case on 3/12/75, actually it is years old. And earlier denial is about 189 in WWIV and there were earlier requests, going back about a decade. I think it would be good to get before this court that they have been stonewalling all those years and that rather than there being voluntary disclosures those that there have been were under FOIA compulsion. Also that in each and every case once we obtained the withheld transcripts it was obvious that no exemption could be claimed and that none was relevant. In all cases the withholding was to hide and avoid official embarrassment. Even when they later disclosed the withheld names in those transcripts here referred to there was no chance of embarrassment to those names, as with Warren Wines. Rather was there the possibility of embarrassment to Hoover and his inside informer, Commissioner Ford. (I recommend against calling him President. You may want to refer to him as Minority Leader in the House.)

The use of the word "majority" to describe the transcripts released. (Was this not on appeal, not stated in this brief?) In pages they were not a "majority."

The business of the 5/19 and "clearly unwarranted invasion of personal privacy" is repeated. I think you should clobber them on this and say that Ford, not these men on whom hundreds of pages of the most defamatory and libelous material was available, was being protected. Now I'm sorry we don't have that "nigger lover" in. Can you still do it? Now that Ford is identified as Hoover's stoolie within the Commission this is safer. Lay it out and on.

Does the Act provide for withholding "in the interest of national defense and foreign policy?" I think there is no provision for such a bureaucratic interpretation. "t has to endanger them, not be what some hack chooses to call "interest." This "interest" jazz was specifically ruled out in the legislative history of the 1966 act and there was described as a catch-all device for wholesale withholding of what could not be withheld.

If it were true that in fact these are "intra-agency memoranda," which they are not—they were withheld even from the staff, as it states twice in those I have, is this not waived by the release of the other transcripts, which are identical in character?

If this is right maybe this was before we appealed. He says "administrative review," not appeal, and that we asked for it. I seem to recall that this was their idea, not mine. (Bottom 4).

Top p. 5: the CIA, which had held 1/21 and 6/23 were top secret suddenly decides that they were not top secret but confidential. Why believe them when their prior evaluation was so unjustified by their own representation from the downgrading.

This gets to how can they ex post facto classify what was not classified at all by any legal authority at the time of my request? This has been ruled on, by Gesell, and was not appealed. The reclassification of these followed that decision. Actually, because the original classification was without authority, it means they were not classified at all until after I made the request that led to the complaint, about 8 years after my initial request.

At the bottom of p. 5 they infer that there is a real question of "sources and methods."

But their language is so evasive, so indirect, I really believe they have come to fear being Gesselled: "The CIA expressed concern for its 'sources and methods.'" Their expression of concern is inadequate. There has to be a real danger to secret "sources and methods," in the sense of disclosing secret, making known what is totally unknown- and not to the man in the street but to foreign intelligence services.

That test has not been met. That danger has never once been claimed.

In this sense they misrepresent 50 U.S.C. 403 (d)(3).

III The District Court Proceedings, p.6

Says we received "responses to three lengthy sets of interrogatories." This does not say that they refused to respond to so many of the questions.

Limiting us to interrogatories, even if they had been answered, limited us to the acceptance of evasive or even false responses. It denied us the means of establishing truth as afforded by cross-examination.

The quotation from the decision on 5/19 does not address whether the Commission made the results of its discussion public. It did. The decision was against Mr. Hoover's inside man on the Commission. The announcement said the vote was unanimous, so there is no question of protecting the privacy of any Commission member who might under the circumstances have voted the way registrants demanded.

The charges are public in greater and more libelous detail than they could possibly be in so much smaller a number of words, especially when the words were uttered by those of the statute of Commissioners rather than those who spout "nigger lover." The decision is public. The deliberation is thus also public. What is withheld is what could embarrass Mr. Hoover's informant.

Were this not true, were it true that ~~the disclosure~~ disclosure could "impinge upon and compromise the deliberative process," exactly the same issue is presented in another transcript asked for in the same request, that at which the Commission "deliberated" the selection of its chief counsel. This transcript was released, at first with names expunged. During the course of this matter those names were also released. Because it is all within a single request it would appear that the earlier releases constitute a waiver of which the government did not inform ^{the} this court in asking for in camera inspection.

Moreover, the Department of Justice, subsequent to the beginning of this suit, did release nasty personal slurs on those who had been considered for chief counsel together with an account of "the deliberative process." These are in the releases of that began after the district court added. The first was on December 7, 1977.

The only difference is that this information came to light by the member-spy giving an account to the FBI. If at any point there was a danger to the freedom of the "deliberative process" it came from the power and the willingness of the Director of the FBI to use his power, not from present disclosure of what is already public in the same content but in different words.

P. 7- was not Phillip's overturned? And the court acted on the basis of the affidavits without giving us the opportunity to show that they, like so many before them, were false. The allegation of the impossible under oath does not make it possible and does not meet the burden of proof, despite the immunity that to now has been vested in official false swearing.

I'd go into Gessell's denunciation now that they have ~~been~~ used the overturned Phillip's with success. It was procured on false representations.

This really gets to what we were foreclosed from addressing, fact and reality. In the absence of cross examination and with the foreclosure of discovery the court was left with what is at best an inadequate record and I believe it is fair to describe it as a deceptive if not a false record.

Statutes involved follow.

The first statute quoted is FOIA. They quote a lot before they get to (1)(X)
"Specifically authorized under criteria established by an executive order to be kept
secret in the interest of national defense or foreign policy and (B) are in fact properly
classified pursuant to such executive order;"

With the latter we have already established that as of the time of the request no
transcript had been properly classified.

This leaves the national-defense and foreign-policy part only.

There is no showing of how these could be applicable, ~~as~~ except from affidavits that
are simply untruthful, affidavits we were not able to challenge by testimony, by cross
examination, affidavits that are proven false by the foregoing about Nosenko, for example.

The claim to (3) can be addressed in plain English rather than the contortions of
government lawyers. For it to have been "specifically exempt by statute" it has to meet
the standards of (A) or (B) A is limited to "in such a manner as to leave no discretion
on the issue." The release of the other transcripts for which these same claims were
made establishes that at the least there is discretion. So does the release of the names
of defectors and the names of informants and the methods of inquiry, investigation or
and intelligence gathering and storing. And distribution. (B) also has several parts,
no omissions, "establishes particular criteria for withholding" is the first and "or refers
to particular types of matters to be withheld."

There is no possibility that they can honestly or even reasonably claim that they
have showed that the transcripts or the contents of the transcripts are withheld under
a statute that "establishes particular criteria for withholding." They have not alleged it.
But if they did they have waived by releasing the other transcripts relating to the
same subject and information of the same nature. Even Ford's book deals with the subject
commercially.

There is no showing that there is a statute that "refers to particular types of
matters to be withheld." (And of course they have release on Nosenko, Petrulli, Websert,
etc., all of which are public, with others.)

Particular, Scribner-Bantam dictionary: "distinct from others; individual; unusual;
exact; precise; exacting, fastidious; individual case or instance." I've omitted the numbers
before each definition.

Unless the Congress meant the standard or test of "particular" it would not have used
the word. Without the word there can be a general and non-specific interpretation. But
with the word there is a test to be made. In the case of protection of sources or methods
there has to be a specific showing of how disclosure can meet the requirement of "Parti-
cular." Otherwise the CIA could withhold its zip code under the claim to protection of
sources and methods under (3).

(5) I think that a ~~xxxx~~ meeting of people whose words are recorded is not either an
inter-agency or an intra-agency memorandum. It certainly is neither a memorandum or letter,
the two definitions of the provision. "esides, if I am not wrong, this has already been
decided by the courts with transcripts. Was it Robinson? Are they appealing they own victory?"

"(6) Personal and medical files and similar files" is the first part. The second is
"the disclosure of which would constitute a clearly unwarranted invasion of personal pri-
vacy." Of course overriding all of this is the Bell statement of policy of last year,
to disclose and risk being sued for disclosure. That just about negates this exemption
except in exeptional cases.

This is not a file with regard to 5/19, so to begin with it is not exempt. There
is next the word they always avoid or misinterpret, disclosure, which I think has to be
addressed in terms of its meaning, to make known what was not known.

Were there a disclosures, can it be unwarranted in terms of the AG's guidelines or
in fact when each part is known, the names of the men, the allegations against them, who
was responsible, that the Commission discussed it, that all opposed Ford, and that Ford in
the end did not vote for his own proposal, a racist, McCarthyite proposal.

There is no secrecy about the deliberates, if that is an issue. The fact, the content and who voted how is all known. There remains no privacy for the men involved in the content of this transcript. There remains none for Ford, if that is what they may claim. But if they do the same DJ has disclosed, in the real sense, what was not known, that he was a stool-pidgeon, a traitor to his fellow Commissioners. Judas Ford.

Their statutory claim to protection of sources and methods has the controlling language, were it at all applicable, of "from unauthorized disclosure." This also means to make known what was not known. There is also "unauthorized." It does not say authorized by the Director of Central Intelligence. Authority means to give authority to or for, ~~xxx~~ empower.

There is also the requirement that there be protection to intelligence sources or methods. Protect: to keep in safety; guard. In the case of the transcripts this is impossible because there is nothing to guard nothing to keep in safety. Except Nosenko, and they have opted not to do that for political reasons.

In the Nosenko case they are particularly vulnerable because their offense is obvious. They make him available to those who will write as they want written and he is satisfied, having letter choice-- and not daring to do what they do not want or not daring to refuse what they do want if he has qualms - and they claim the right to withhold information about him that by definition is limited to what he could have known about Oswald.

Can propaganda be the meaning of "authorized" of eliminating danger to "intelligence sources and methods?"

SUMMARY OF THE ARGUMENT.

In arguing that FOIA "permits discretionary release" and that discretion was used to release those transcripts that have been released they make a joke of their claim to (3), which says no discretion. If they can use discretion with any transcript for which they have claimed national-security exemption, and they have, and the other claims, which they have, then they fail to meet the (3) test.

But it is what they argue at the top of 10, that it was right for the judge to cite (3) to withhold.

Here in paragraph two they argue that the guidelines, which precede FOIA, supercede FOIA. The guidelines cannot be used to withhold public information.

ARGUMENT - I May 19 and (5) - again they by-pass the actuality but using the term "private lives." There was nothing private about the public acts of the two men. It was their political beliefs and their acts to forward their political beliefs, which are also in accord with the law of the land, that they were opposed over. By Ford, who was also opposed to the enjoyment of Constitutional rights from the efforts he made, the rights of these men and of those whose rights they ~~are~~ sought to protect.

But this is not what the judge held. He held to disclose would impinge upon the deliberative process. This is impossible from the release of the deliberate process with regard to Warren Olney and others. They can't say they can use discretion with one and that an identical case is immune. Besides, we must argue the Ford end, that they are protecting him from his alliance with racists, not the men and not the process. Besides, the identical issue could have been raised with all those released. It was not. If release impinges upon the deliberative process, they cannot say that when they want to withhold it does and when they do not want to withhold it does not. If it applies to one it applies to all. Every one of the transcripts relates to "the conduct of the Warren Commission's business."

The second paragraph of page 12 is wild. Because they have always claimed some exemption you should have been prepared for the judge's using of one they did not claim.

The next paragraph does not argue what it pretends to argue and does not cite authority for what it really says in answer to your waiver argument, that there is an authority for release or none release of "internal memorandum," which this is not in any event. I do WAX

see any quotation from the cited decisions that says you can ~~and may~~ withhold what you have already released, pages of a continuing deliberative process.

On their "goldfish bowl" argument on page 13, is this addressed by the AG's determination of the JFK assassination as an "historical" case?

Was it a "policy" decision that was before the Commission? I think not. It was a factual matter, not one of policy: to decide whether or not the employees were fit for their employment or rendered unfit by their political beliefs. The law precludes any "policy" decision based on political belief.

They keep referring to this as a "memorandum" to be able to cite case. Yet they have not shown it to be a memorandum. Definition, Scribners-Mantam:

"Memorandum 1 note to assist one to remember; reminder; 2 informal written message sent between people or departments of the same company or ~~agency~~ organization;... 5 law informal document stating the terms of a contract or transaction."

A transcript cannot possibly be covered by the exemption.

Therefore all citations are irrelevant. But that they now quote Black is wild: "It is clear that if investigatory files were made public subsequent to the termination of enforcement proceedings, the ability of any investigatory body to conduct future investigations would be seriously impaired."

This is argued by the people who gave us about 100,000 pages of such investigatory files as their elected substitute for complying with FOIA requests that in my case are so narrow they call for only a single piece of paper.

Yet they claim "The analogy between closed investigatory files and defunct deliberative bodies (sic) is sound." If this is true then they have to release every WC paper. Moreover, when they do not say the transcripts of the executive sessions of the "defunct deliberative body" but refer to it in the inclusive sense, they are arguing against what they have done, to release virtually all of that Commission's records.

IIp (b)(3) and 50 U.S.C. S. 403 (d)(3): I've already addressed the dictionary meaning of the key words, those they avoid or misrepresent. Other definitions:

Protect: "to keep in safety; guard." On 18, reveal: "to disclose; divulge; unveil."

In 1. they claim 403(d)(3) is a valid exemption and that it is in this case mandatory. On 17 they quote Phillippi, regardless of how it was procured and then reversed, which I think you should use because they are doing precisely that in this case, misrepresenting to and misleading the courts. Moreover, in Phillippi, after all they went through, they decided to disclose, which made a mockery of all other pretenses. They also told all the newspapers, Colby personally, which is hardly not letting a word out. But the key words again relate to "lead to unauthorized disclosure." Meaning the content has to be secret. There is no such showing in this case that I can recall, no allegation that the contents of the transcripts is unknown. With copies missing and no effort to even locate them?

On 18 they are vulnerable in claiming that protection of sources and methods is mandatory. They thus cannot fail on some occasions and persist under FOIA. Here you will perhaps find the selections from Snepp that I have given you to be illustrative. There is no source more precious than an inside informant. They abandoned so many in Vietnam! They did not even destroy the files that identified them and what they had reported.

They get carried away in the fifth line, forgetting the fourth.

The fifth states that 403(d)(3) "is not discretionary." Then why use the word of the statute and line 4, "unauthorized?"

Middle page: "...the statute specifies the type of material to be withheld, namely material which would reveal intelligence sources and methods." Again I emphasize that the source must be an unknown source to be protected and the method must be unknown also. But their own language is that there must be something to "reveal." They have not, to the best of my recollection, even pretended that there is something that is not known in any of these transcripts. I believe that this is the basic test, the meaning of the word "disclose" and of including it in the Act - to keep them from suppressing the non-secret.

There also is another big difference between this case and Phillippi : there is nothing secret about the method of informers and there is nothing secret about the method of using defectors. If the names are known, there is no source to "protect." And when they provide Nosenko - for propaganda - does more have to be said on this besides that?

I believe their affidavits are conclusory and do not address these specifics. In their own quotation they do not meet this test (19).

I do not know what was ~~xxxx~~ said in detail but "The matters discussed concerned tactical proposals for the utilization of sensitive diplomatic techniques designed to obtain information from a foreign government/ relating to the Commission's investigation ..." Big deal. It is known with respect to Cuba and Russia and has been public for years. What here is missing is a first-person affidavit that whatever is meant by this spook over-writing is unknown.

Moreover, it should include the same kind of first-person attesting that the information was not included in the releases that began with those of the CIA .

I'm sure it is not secret on either count.

Here note that when I wrote to ask the defendant if in fact the names of the defectors he had told me he had to withhold had since been release (by the CIA and/or the FBI) I received no response.

The evaluating, which follows, was a CIA project and I'm sure is in its releases.

Again this suggest spook lingo to hide something else that is not immune. We here need the same kind of affidavit-that it is secret info.

The same is true of aurmentation, including by the CIA, and this is discussed in later transcripts that were released long ago.

That they did not trust the fullness of information from the USSR has been well-publicized so there is no basis for fearing to "offend" it. If they had this fear they'd not be saying what they say about the USSR, even sending its spies how, which does give "offense."

But this is the very kind of meaningless and conclusory affidavit that requires the taking of testimony to protect the courts against fraudulent misrepresentations, against affidavits by those without the requisite knowledge for executing them, in fact to ~~b/b/~~ protect the Act from those with long careers of seeking to negate it.

They follow this with the absolutely ridiculous, that Nosenko is subject to being "compromised." They seek to carry this farther by not mentioning his name to deceive the courts into believing it is unknown. But what I have copies and will give you with this from KGB really limns the deliberate lie in this affidavit, which was executed long after the book was written: "and that any disclosure as to his whereabouts could endanger him." Here quote from the book.

xv¹"Two of the most important former KGB personnel now in the west came to us on their own initiative. One was Yuri Nosenko...testified in secret before the Warren Commission.(then) declined to grant any press interviews...But in May 1970 Nosenko walked unannounced into our Washington offices...and offered his assistance...we were able to interview Nosenko extensively on numerous occasions."

Similar story there about Vladimir Nikolaevich Sakharov

So extensive was this that on the preceding page they say "There were two primary sources of original data about the KGB: (1) former Soviet citizens who had been KGB officers or agents;(20 security services..." or the CIA and FBI.

Now get this, xiv:"The Central Intelligence Agency eventually fulfilled most of our request, for addresses through which we were able to write former KGB personnel and negotiate our own arrangements for interviews." And they were aided by two retired from CIA, William King Harvey and Peer de Silva.

So we have a book largely from those the CIA claims it has to protect, no discretion, and it tells commercial interests how to find all these defectors it has provided with new identities--and then makes these representations in court.

Part of what Nosenko told the Warren Commission is on page 452. What is omitted, not any longer secret, is that Nosenko said the Russians regarded Oswald as "an American sleeper agent," or a CIA one. And this, not secret, is one of the matters the CIA wants to hide in the form of an official record of it.

As the book KGB makes clear, nothing new about the death sentence in absentia and that did not keep Nosenko from regular contact with Barron or with recent contact with Espsteink. And the DJ calls this "an even more detailed explanation." (19)

There is no limit to the rādulousness of their claims about Nozenko or in affidavits. "All Nosenko testified to relates to the Russian files on Oswald. Nothing else was pertinent. That was almost 15 years ago. Now the government claims that ~~by examining the transcript~~ "the actual transcript would assist the Soviet Union in assessing the extent of the information provided and in taking measures to neutralize its value."

About the few pages on the JFK assassination? After all this time? How neutralize any value when there is no official interest?

This is a reference to all that Nosenko ever said and it not relevant in this case. However, even that is fraudulent misrepresentation from the prior quote of Barron. The CIA did not even supervise Nosenko's many interviews, so there was no ~~effect~~ interest-where it could have counted - ~~///~~ in restraining Nosenko in any way.

I think that in pointing out the need to be able to question people who swear to such allegations you also should point out that the lawyers who make such representations, if they are not truthful, ought to be brought to book.

Incredible is what follows, that Nosenko's cooperation was "with the 'clear understanding' that any information he provided would be properly safeguarded." So the FBI and the same defendant make about 50 pages of FBI interview with him freely available. (Want to attach it? It wasn't even classified to begin with, except for a short thing temporarily classified at the lowest level.)

With this and what follows I leave to you the proper rādicule of their claim that it is "detailed analysis" and that it meets ^{the} Vaughn v Rosen test!

I'm ignoring the strictly legal argument on whether b3 requires b1. If you want me to go over it, tell me.

23, where they argue against the ~~isn't~~ never-classified one: nudge them about Ford leaking one to the FBI that we know of and now the FBI has let that out in the 1/18 releases.

Their thinking here is convoluted, especially when they are arguing about illegal classification by a clerk in a court reporting firm for purposes other than those of the executive orders. This in itself makes the date of 403 irrelevant

and how they stretch it to foreign governments and their trust in CIA!

There is no other ~~power~~ power the DCI has to protect records not in his possession from disclosure other than by classification, regardless of what they pretend. Especially records CIA did not generate.

But compare this with Snepp and show how absurd if not worse their pretense is.

Or parading all the defectors around for those who write what CIA likes, regardless of all the book says about foreign governments.

Wanna ridicule him about the "Top Secret" one they lost-and did nothing about finding?

Discovery and in camera inspection.

25. Unexpbed questions of material fact: how about trustfulness and competence of those who provided government affidavit as one?

And how can any of this be out of the context of the judge's promise to us of a hearing, with his witness room filled?

This reminds me: there is the doctrine of No. 75-2021, that in such his orical cases there should be first-person testimony. There is none in this case and the sworn allegations are preposterous. Nosenko and Barron should make a powerful point on this. (I'm reminded at 26)

The point on Florence, of course, was to determine if the material could be classified at all. And he has the necessary expertise and clearances. (Reminded at 28)

He misrepresents on the national security question in the footnote on 29. They lost on national security and the transcript shows there was no basis for classification. They prevailed by a bad-faith representation of investigatory files and then gave me the transcript rather than permit that to be tested on appeal. Outrageous bastards, these!

Their argument (29-30) on in camera inspection when they are the first to have asked it!

They keep calling Florence our expert and say we would by him learn the contents of what they withheld. (Like with Ford and 1/27?) The fact is he was a stranger to us. We asked him to act as an expert because he was a government expert until he retired, was the author of the EO as I recall. Pretty nasty misrepresentation. Exaggerated by their use of quotes around "expert." He was also in that recognized role for the Congress when we asked him.

37 The reference to the Rankin affidavit is false or he falsified with regard to these transcripts. There is no question but what they were stamped with classification prior to delivery to the Commission. This scoundrel lies. Or she does.

You can't go into everything but I do believe that given what Gesell did in Phillippi it would be worth the time to note all the false representations to this court. And to Robinson.

Hastily,

A handwritten signature in dark ink, appearing to be the initials 'HW' or similar, written in a cursive style.

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SENSATION! "OUTRANKS AND
HELPS ILLUMINATE SOLZHENITSYN'S
THE GULAG ARCHIPELAGO."
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KGB

THE SECRET WORK OF
SOVIET SECRET AGENTS
BY JOHN BARRON

WITH PHOTOGRAPHS OF AGENTS,
ASSASSINS, SEDUCTRESSES AND VICTIMS.

2 C

"THE KGB IS THE WORLD'S GREATEST SPY MACHINE

... Whole sections of this book read like spy fiction, with secret agents, double agents, writings in invisible ink and parcels of foreign currency left attached to bridges by powerful magnets. Yet this is no fictionalised account of the KGB activity. Every fact has been checked and substantiated . . . Few of the KGB's secrets are left untold in John Barron's remarkable book."

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"The most authoritative account of the KGB I have ever seen."

—Ray S. Cline, former Director,
Bureau of Intelligence and Research,
U.S. Department of State

"How the KGB functions, how it uses its unchallenged, arbitrary power is the subject of Mr. Barron's book. He has produced a remarkable work . . . It is based on evidence supplied by several non-Communist security services and 'all post-war KGB defectors except two.' It is authenticated by Mr. Robert Conquest, one of the greatest authorities on Russian affairs. I have no doubt that it is as accurate a general study of the KGB's secret activities as we are likely to get."

—Hugh Trevor-Roper,
The New York Times Book Review

"Authoritative exposé of the pervasive, international spy network."

—Rowland Evans and Robert Novak,
The Washington Post

"An explosive new book . . . Discloses many hitherto unpublished espionage cases."

—The Toronto Sun

"The breaching of national security of the Western world nations and how the Russians did it has now been told because of some remarkable investigative reporting that is the backbone of this extremely credible book. KGB is a devastating, detailed work."

—San Francisco Examiner

"Impressively detailed and eminently readable."

—Boston Herald Advertiser

"The book shows that reality out-Bonds James Bond. It is an exciting account of the activities of an organization that every American should know about and be wary of. Hard as it might be for the ordinary citizen to believe the accounts of KGB operations presented here, I can testify from personal knowledge as to the truth of some of them."

—Paul S. Underwood, former
East European correspondent
of The New York Times

I judged necessary, and to take maximum advantage of the worldwide research resources of the *Digest*.

There were two primary sources of original data about the KGB: (1) former Soviet citizens who had been KGB officers or agents; (2) security services who know the most about the KGB as a consequence of daily combat with it. We felt we could not rely upon evidence proffered by any one KGB officer or security service in the absence of independent corroboration from other officers or services. Therefore, to acquire means of verifying data and to gain a balanced, multinational perspective, we began soliciting the assistance of security services throughout the noncommunist world. At the same time, we undertook to locate and enlist the cooperation of the former Soviet nationals who had fled to the West with personal knowledge of the KGB.

The late J. Edgar Hoover allowed the Federal Bureau of Investigation to answer many of our questions. Cartha DeLoach, then Assistant to the Director of the FBI, briefed us about significant KGB operations against the United States and permitted us to meet an important former Soviet agent, Kaarlo Tuomi. We also were able to talk to retired FBI agents involved in some of the cases narrated in the book.

The Central Intelligence Agency eventually fulfilled most of our requests for addresses through which we were able to write former KGB personnel and negotiate our own arrangements for interviews. We further profited from the expert counsel of two retired CIA officers, William King Harvey and Peer de Silva.

Thomas D. Fox, who at the time of our research was chief of the counterintelligence department of the U.S. Defense Intelligence Agency, gave us technical guidance and confirmed numerous facts. He additionally read, criticized, and corrected Chapter X.

However, by far the majority of our data has emanated from private individuals occupying no official position or from sources outside the United States. Not all of the foreign security services approached were willing or able to help. But most of them contributed in

some measure, and the contributions of several have been immense.

We believe we have interviewed or had access to reports from all postwar KGB defectors except two. Fearful of provoking retaliation against relatives in the Soviet Union, several have insisted upon anonymity. Those who may be thanked publicly are identified in the Acknowledgments on page 587.

Two of the most important former KGB personnel now in the West came to us of their own initiative. One was Yuri Ivanovich Nosenko, a KGB major who escaped to the United States through Switzerland in 1964. Although Nosenko testified in secret before the Warren Commission investigating the assassination of President Kennedy, he subsequently declined to grant any press interviews, and his considerable revelations have remained unknown outside the Western intelligence community. But in May 1970 Nosenko walked unannounced into our Washington offices, stated he had read of our project in the *Reader's Digest*, and offered his assistance. (Later I was told that the KGB long has hunted Nosenko with the intention of killing him. By coming unguarded to our offices, less than four blocks from the Soviet embassy, he created consternation among American authorities responsible for his safety. Nevertheless, we were able to interview Nosenko extensively on numerous occasions.)

On February 1, 1972, I received an unsolicited letter from Vladimir Nikolaevich Sakharov, who identified himself as a former Soviet diplomat and KGB agent. He suggested that he possessed information of possible interest. His story, which is told in Chapter II, proved to be one of the most significant of all.

In most cases, we have succeeded in verifying from security services or other independent sources the essence of information acquired from former KGB personnel. In those cases where a defector is the sole source of given information, we so indicate in the Chapter Notes that explain the basis upon which each chapter is written.

At the outset of our research, we were fortunate enough to engage the services of Katharine Clark, who

matic community in Moscow under remorseless clandestine siege. Western security services now know that over the years the KGB, in one form or another, has penetrated every major embassy in Moscow. Professional KGB burglars have broken into many embassies. In each, technicians opened and photographed the contents of safes, sometimes using specially designed radioactive devices to reveal the combinations. Although the loot from all these raids cannot be precisely catalogued, it is known that one KGB foray yielded the Soviet Union Japan's diplomatic cipher systems. The KGB in the early 1960s also obtained Canadian ciphers from an embassy code clerk recruited by a seductress named Larissa Fedorovna Dubanova.

Many details of embassy burglaries were provided by KGB Major Yuri Ivanovich Nosenko after he fled to the United States through Switzerland in 1964. According to Nosenko, each raid required prior approval from the Party secretary; that is, each had to be personally authorized by Stalin or Khrushchev. Some entries were accomplished with relative ease through the assistance of embassy staff members recruited by the KGB. Others were difficult, risky operations usually planned over a period of months, with the precision of a military invasion. Nosenko cites the penetration of the Swedish embassy as an example of the more complicated type of operation.

It commenced with the seduction of an embassy watchman by a female agent who engaged him in regular evening trysts when he was supposed to be on duty. To neutralize a huge and ferocious watchdog, the KGB sent an officer to the embassy grounds two or three nights a week to feed him choice cuts of meat. The KGB scheduled the raid on a night when most of the embassy staff had been invited to a party. Surveillance teams and telephone monitors tracked the movements of all Swedes in Moscow starting that afternoon. Squads parked at street intersections surrounding the embassy under orders to ram any Swedish car that approached. While the female agent diverted the watchman and an officer plied the dog with meat, the KGB team of a dozen or so men unlocked the embassy door

and headed for the safes. The locksmiths, photographers, and specialists in opening sealed documents emerged in about an hour, their work done and undetected. The dog caused the only slight difficulty. The officer feeding him kept calling for more meat, complaining, "This dog is eating by the kilo."

Nosenko pinpointed for the State Department the location of forty-four microphones built into the walls of the American embassy when it was constructed in 1952. They were outfitted with covers that shielded them from electronic sweeps periodically made by U.S. security officers. American diplomats, of course, were instructed to be guarded in their talk because of the possibility of undetected listening devices. Nevertheless, the everyday conversations the microphones relayed for twelve years told the KGB much about what the embassy was reporting to Washington as well as about U.S. interests, concerns, and reactions to international events.

While apprehensive about alien ideas that foreigners may introduce, the leadership also fears propagation of dissident ideas by Soviet intellectuals whose access to the people is not so easily interdicted. Accordingly, the KGB infests the arts and sciences with officers and informants in an effort to police thought and creativity among the intelligentsia. The secretary of the Soviet Writers' Union from 1946 to 1956, Aleksandr Aleksandrovich Fadeyev, was a notorious collaborator who consigned at least six hundred intellectuals to concentration camps. After Khrushchev confirmed Stalin's mass murder and enslavement of innocent people, some of Fadeyev's surviving victims were rehabilitated and appeared in Moscow. Haunted by the reincarnation of men he had doomed, Fadeyev shot himself in 1956. He stated in his suicide note that he no longer could bear life in the Soviet Union. In September 1972 the Central Committee announced the appointment of Aleksei V. Romanov as editor of *Soviet Culture*, the Party publication that tells intellectuals what they are supposed to think. Romanov is the informant who caused the imprisonment of the author Aleksandr Solzhenitsyn back in 1945. Other methods by which

at the moment, to the cause." Such men naturally considered it better to steal than to buy from another country; better to seek control of a man than to seek his cooperation; better to compromise an ambassador than to compromise with his government.

Perhaps it would be unfair to impute this exact same mental set to the contemporary Soviet leadership. Nevertheless, the present leaders remain steeped in clandestine ways and addicted to dependency upon the KGB. And as the ensuing chapter demonstrates, the dynamics of Soviet society are such that it will not be easy for them or future Soviet leaders to free themselves of this dependency, whatever they might themselves desire.



SWORD AND SHIELD

Copies of an urgent cable from the KGB Resident in New York, Boris Ivanov, were rushed to Politburo members early on the morning of October 30, 1963. Ivanov reported that during the night the FBI had captured three KGB officers in the company of an American engineer, John W. Butenko. Two officers who enjoyed diplomatic immunity because of assignments to the United Nations were released. But the third, Igor Aleksandrovich Ivanov, whose cover as an Amtorg trading corporation chauffeur provided no immunity, had been jailed along with Butenko. The cable emphasized that the FBI had confiscated enough evidence in the form of stolen secret documents and electronic and photographic equipment, to imprison Igor for a long time.

At mid-morning General Oleg Mikhailovich Gribanov, head of the Second Chief Directorate of the KGB, summoned Yuri Ivanovich Nosenko, deputy director of the department responsible for operations against American tourists in the Soviet Union. He explained the crisis and announced that the KGB had resolved to capture an American hostage to force an exchange for Ivanov. "What tourists have you got?" he asked.

"It's the end of the season," Nosenko replied with a shrug.

"There must be somebody," Gribanov insisted.

"Well, there is Professor Barghoorn."

"Who is he?" Gribanov asked eagerly.

Typically, the KGB knew all about the American visitor, and Nosenko recounted his past in detail. A political scientist at Yale University, Frederick C. Barghoorn had served at the U.S. embassy in Moscow during World War II and subsequently with the State Department in Germany. The KGB believed that while in Germany he had talked with Soviet defectors and that some of his postwar visits to the Soviet Union were financed by American foundations.

Gribanov beamed. "It's clear. He's a spy."

Nosenko replied that his department had scrutinized Barghoorn's every action during each of his visits and satisfied itself that he was not a spy. He pointed out that just a few days before, in Tbilisi (Tiflis), the KGB had drugged Barghoorn's coffee and made him so violently ill that he required hospitalization. Its purpose in incapacitating him was to search his clothes and notes, yet nothing incriminating was found. "He is interested in our country; that's his field. He has written three books about the Soviet Union," Nosenko said. "But he is no spy."

"Then make him a spy!" Gribanov commanded.

That afternoon the KGB Disinformation Department gave Nosenko false documents ostensibly containing data about Soviet air defenses, and he drafted an operational plan. Because Khrushchev was away from Moscow, KGB Chairman Vladimir Yefimovich Semichastny on the morning of October 31 telephoned Leonid Brezhnev, who agreed with the "principle of reciprocity" and casually approved the KGB plan on behalf of the Politburo. "We have the go," Gribanov told Nosenko shortly afterward.

The evening of October 31 was Barghoorn's last in Moscow, and he stopped at the apartment of American chargé d'affaires Walter Stoessel for a farewell drink. Stoessel sent the professor back to the Metropole Hotel in Ambassador Foy D. Kohler's official car. As Barghoorn stepped toward the hotel entrance, a young Russian hurried over and tried to hand him some documents. As soon as Barghoorn touched them, KGB agents seized him from behind and carted him off to a

militia station. He was then transferred to Lubyanka Prison, where he was locked up alone in a cell with a copy of Theodore Dreiser's *An American Tragedy*.

Ambassador Kohler's Soviet chauffeur, a KGB agent, did not advise the U.S. embassy of what had happened, and the Americans in Moscow assumed that Barghoorn had departed on November 1 as planned. They did not learn of his arrest on espionage charges until the KGB began to transmit the signal: Barghoorn for Ivanov.

President Kennedy asked each division of American intelligence whether Barghoorn was in fact involved in any kind of espionage mission. Assured that Barghoorn was not, Kennedy at a press conference on November 14 denounced the Soviet action and demanded Barghoorn's immediate release. Stunned by the indignant personal intervention of the President, the Kremlin was mortified. Amid alarms and consternation, Khrushchev flew back to Moscow. In his eyes, the crime was not the abduction and framing of an American professor; it was that the American appeared to be a friend of Kennedy's. Which idiot, he demanded to know, authorized this mad venture? Meekly, Semichastny and Gribanov pointed to Brezhnev, who exclaimed: "Oh, no! They didn't tell me he was a friend of Kennedy's. I did not approve such a thing."

On November 16 Soviet Foreign Minister Andrei A. Gromyko, acting upon Khrushchev's orders, informed the United States that despite all Professor Barghoorn had done, he was being released.

That the leaders of a great nation should take time from affairs of state to concern themselves with squalid details of kidnapping and blackmail may seem incongruous. Nonetheless, the intimate, personal involvement of Soviet rulers in the operations of the KGB is commonplace. Moreover, it is the natural outgrowth of a spirit that has suffused the Soviet leadership from Lenin to Brezhnev—the spirit of the Cheka.*

Since the days of the Cheka, the secret political

*"Cheka" is formed from the organization's Russian title, which translates as the All-Russian Extraordinary Commission for Combating Counter-Revolution, Speculation, and Sabotage. In Russian, the word "cheka," fittingly enough, means "inchpin."

Implausible as these tragicomedies seem, they are nevertheless fairly representative of operations the KGB routinely mounts against selected foreigners in the Soviet Union. Embarrassment often inhibits the victims from protesting publicly, but many do report privately to their own governments. The files of Western security services proliferate with personal accounts of such KGB provocations and entrapments. In 1969 the British government published an explicit warning of the hazards awaiting visitors to communist countries, particularly businessmen. The FBI states: "The Soviets never hesitate to employ blackmail, especially against Americans visiting Russia. Sex offers a particularly fertile field—especially perverted sexuality. Suddenly the American is confronted with unpleasant and embarrassing photographs, either legitimate or forged." Professor Robert F. Byrnes of Indiana University, who long helped direct academic exchanges with the Soviet Union, complained in 1970 that KGB deprecations against American scholars constitute a serious impediment to normal cultural relations.

Yet they continue year in and year out, because the KGB ranks the control and exploitation of foreigners within the Soviet Union second in importance only to the suppression of the Soviet people themselves. To subvert foreigners, the KGB has constructed, in its Second Chief Directorate, ponderous bureaucratic machinery manned by at least 25,000 staff officers, agents, and civilian informants drawn from all strata of society. This machinery grinds on inexorably and often mindlessly, largely through inertia. Several officers and agents, such as Major Yuri Nosenko, who helped run it, have escaped to the West, and from their firsthand reports its inner workings can be diagrammed rather precisely.

The gears automatically begin to turn in Moscow whenever someone applies for a visa to enter the Soviet Union. The visa application, possibly accompanied by a report from the KGB Residency in the country where it was submitted, is ordinarily referred to an evaluating officer in the 7th (Tourist) Department of the Second Chief Directorate. He requests

from the computerized records of the 8th Department, the central KGB archives, and the operational archives of the Foreign Directorate all information that the KGB possesses about the applicant. This may include intelligence gathered over the years by KGB agents as well as data from open sources. The evaluating officer then notifies other KGB departments likely to have a special interest in the foreigner because of his occupation or background. Department V, for example, is interested in employees of public utilities and transit systems because of their access to sabotage targets. The Scientific and Technical Directorate is briefed about proposed visits by scientists, and the Industrial Security Directorate about those by businessmen. The Disinformation Department may be informed about journalists and authors.

After consultations among various Departments and evaluation of what is known about the foreigner, the KGB decides whether to grant the visa. If it is issued, the KGB tentatively decides whether it will try to neutralize, influence, recruit, or merely watch him. This decision is based upon estimates of whether the visitor is a spy, his potential value as a controlled Soviet agent or unwitting purveyor of disinformation, and his vulnerability to recruitment. Other factors, such as age, health, and current needs of the KGB, also may be considered. If the visitor is deemed likely to return to the Soviet Union, the KGB may content itself with gathering intelligence or compromising evidence about him for future use. The official British warning to businessmen states: "Alternatively, the 'evidence' may be stored away for use at a later date, perhaps when the circumstances have changed; for example, after the visitor has married. . . . There are many cases on record where people have been compromised and left to think that their troubles were over, only to find themselves some years later subject to a threatening approach." Even the season of the year can be a factor. During the cold months when foreigners are in relatively short supply, the KGB may hungrily pounce on people of doubtful utility or none at all, simply to fulfill recruitment quotas.

Gribanov never afterward alluded to the affair with Lora. The ambassador in turn never realized that his good friend Gorbunov, with whom he consulted and confided, actually was the commanding general of the Second Chief Directorate of the KGB. Neither did he ever suspect that Lydia was an agent who reported his every word and action to the KGB. So it was only natural that Dejean should discuss with the Russian friend the attitudes, personalities, and conversations of other Western diplomats he often saw in Moscow. And it was equally natural that he would value information which his trusted friends confided for transmission to Paris.

Because Gribanov could not devote himself entirely to Dejean, he chose a polished and handsome KGB officer, Aleksei Suntsov, to help tend to the ambassador. When Dejean flew to Paris to attend Big Four conferences in 1960, Suntsov went along also, and he turned up at Moscow functions Gribanov could not attend to take care of the ambassador. Once when Suntsov was ill, Gribanov took Nosenko to an Indian embassy reception held in a Moscow hotel. The Indian embassy served no alcoholic beverages, but the waiters, who were KGB agents, stocked a supply of vodka for Gribanov in mineral-water bottles. Spotting Dejean, Gribanov ordered Major Nosenko to take him a bottle. The two smiled and waved at each other across the room before drinking a toast.

Meal while, the KGB tried to pick and prey on Dejean's subordinates at the embassy. Many entrapments were attempted though in most cases the KGB had no real reason to expect success. Krotkov, for example, was ordered to seduce a French cipher clerk, but she refused even to see him. Still, the KGB kept spying and probing among the embassy staff, searching for any vulnerabilities, and in the summer of 1961 it found one.

Colonel Louis Guibaud and Ginette, targets in the early days of the Dejean operation, left Moscow in 1958. But they had returned for a second tour of duty, and microphones secreted in their apartment soon dis-

closed that they quarreled frequently and fiercely. To the KGB, this was a signal for action.

Just as it had done with Dejean, the KGB exposed Guibaud to a succession of women until one succeeded in luring him into an affair. It thrived until early summer of 1962, when Guibaud was confronted by three men in civilian clothes. Polite but blunt, they spread before him an array of photographs documenting his liaison. Then they gave him a brutal choice: secret collaboration with the KGB or public disgrace.

Ginette soon sensed that her husband was gravely disturbed. A few moments after he left for work on July 30, she became so worried that she ran after him. Before she could stop him, he drove off to his office near the embassy. Ginette hesitated, then hurried out into the street to hunt for a cab.

Some twenty minutes later, Dejean received a call at the embassy. "Mr. Ambassador, there has been an accident," a voice said. "Colonel Guibaud is hurt."

Perceiving that something extraordinary was wrong, Dejean commanded: "Tell me what has happened. I want to know."

"Colonel Guibaud is dead."

Dejean found the colonel sprawled on the floor in a pool of blood by his desk, a revolver at his side. Three Russian Red Cross attendants stood mutely by, kneeling over the body, sobbing and covering her husband's face with their hands.

When the Second Chief Directorate learned that Guibaud had left a note exposing the entrapment. Once its agents discovered this was not so, the KGB relaxed, planting reports in the diplomatic colony that Colonel Guibaud had shot himself because of psychotic depression.

Ginette, dressed in black, left Moscow for the last time with the body of her husband, who had died rather than succumb to the KGB. And the KGB resumed normal operations against the embassy.

It had become almost brazenly confident of ultimate success with Dejean. Vera and even Gribanov openly referred to him as "our friend." Vera gleefully talked

of cases, shot. The annual mortality rate in the mines was 30 percent, and Conquest concludes that between 1937 and 1941 alone, at least a million Dalstroy prisoners perished.

The prisoners in the Dalstroy camps at Magadan were honored in 1944 by the extraordinary visit of two eminent Americans, Henry A. Wallace, Vice President of the United States, and Professor Owen Lattimore, representing the Office of War Information. Dalstroy, as a good host, made special preparations to receive them. In a single night NKVD personnel dismantled the camp watchtowers around Magadan. From private stocks, they hastily gathered Russian goods to fill the shelves of stores serving NKVD and civilian supervisors in the town. The emaciated women prisoners who toiled as swineherds at the nearby farm were replaced by the most presentable NKVD women available. Strong, healthy, happy-looking young men showed up in the mines to relieve the gaunt prisoners. During the three days the Americans visited the camps, all prisoners were kept out of sight under guard and, for the first and last time, shown motion pictures so they would create no disturbance.

Both Lattimore and Wallace subsequently published reports of their tour of the Magadan area. Lattimore, writing in the December 1944 issue of *National Geographic* ("New Road to Asia," pp. 641-76), stated: "There has probably never been a more orderly phase of pioneering than the opening up of Russia's Far North under the Soviet.

"Magadan is also part of the domain of a remarkable concern, the Dalstroi (Far Northern Construction Company) [sic] which can be roughly compared to a combination Hudson's Bay Company and TVA [italics supplied]. It constructs and operates ports, roads and railroads, and operates gold mines and municipalities, including, at Magadan, a first-class orchestra and a good light-opera company."

"... As one American remarked, high-grade entertainment just naturally seems to go with gold, and so does high-powered executive ability."

Referring to NKVD Lieutenant General Ivan Fedorovich Nikishov, who was in charge of the slave-labor complex, Lattimore wrote: "Mr. Nikishov, the head of Dalstroi, had just been decorated with the Order of Hero of the Soviet Union for his extraordinary achievements. Both he and his wife have a trained and sensitive interest in art and music and also a deep sense of civic responsibility. . . . It was interesting to find, instead of the sin, gin and brawling of an old-time gold rush, extensive greenhouses growing tomatoes, cucumbers and even melons, to make sure that the hardy miners got enough vitamins!"

Wallace in his book *Soviet Asia Mission* wrote: "The Kolyma goldminers are big, husky young men who came out to the Far East from European Russia. . . . The miners asked me to take back a message of solidarity to the people of the United States. *Their trade union leader*, N. I. Adagin, sent his best regards to Sidney Hillman and Philip Murray [italics supplied]. . . . It can therefore be said that in the north of Siberia today the Russians have a development of urban life comparable in general to that of our North-western states and Alaska. . . . Compared to mine laborers in old Russia, the men in overalls on the Kolyma had many more rubles to spend. . . . The spirit and meaning of life in Siberia today is certainly not to be compared to that of the old exile days. . . ."

Yuri Nosenko states that while he was helping direct operations against Americans in Moscow, the Central Committee expressly ordered the KGB to intensify efforts to influence the opinions of visiting foreigners. Today performance of this mission is greatly facilitated by the basic controls that allow the KGB invisibly to restrict the lodging, travel, and contacts of visitors. Simply by ensuring that the foreigner talks to the right officials, by determining what he may and may not see, the KGB can shape his impressions without mounting a complicated operation. Respectable foreigners who come away from the controlled Soviet society with erroneous impressions, whether fostered directly by the KGB or not, sometimes affect attitudes in their own

a mysterious celebrity. But there is nothing mysterious about his work. His job demonstrably is to sow confusion, plant lies, peddle fraudulent or stolen manuscripts, and smear the reputations of dissenting Soviet intellectuals such as Solzhenitsyn.

While in his late teens, Louis worked as a messenger and petty political police informer at the New Zealand embassy in Moscow and later at the Brazilian embassy. Reportedly, he studied languages at Moscow University before disappearing into a concentration camp. Louis has claimed that he was arrested because of his association with foreigners and charged with black marketeering. Peter Worthington, a leading Canadian journalist specializing in Soviet affairs, reports that in fact he was arrested as a common black marketeer. In camp Louis bought preferred treatment by betraying his fellow prisoners. The late author Arkadi Belinkov knew him in the summer of 1954 at the Ninth Spassky Department Camp in Kazakhstan. Belinkov stated that Louis arrived in style, wearing a pith helmet and an outfit resembling a British tropical dress uniform, which inspired rumors that the Soviet Union was at war with Great Britain. Louis promptly sought out interned intellectuals who, after they confided in him, found themselves undergoing rigorous new interrogations. The prisoners soon recognized him for what he was and beat him up, whereupon the authorities considerably transferred him to another camp.

Louis reappeared on the Moscow scene as a black marketeer in 1956. Carrying his wares in a suitcase, he circulated among the diplomatic community as a dealer and fixer eager to ingratiate himself. Quite openly, he sold ikons and exchanged currency, acts for which other Soviet citizens have been shot. He also arranged supposedly furtive meetings between Westerners and avant-garde painters whose works were banned from public exhibition. Some artists he enticed to such meetings afterward were arrested on charges of illicit dealings with foreigners, according to the *New York Times*.

These and numerous other proscribed activities, which could have continued only with official sanction, clearly suggested that Louis was a KGB agent, and

some Western publications have branded him as that or insinuated as much. However, authoritative evidence from a witness who could testify out of personal knowledge about the relationship of Louis and the KGB was lacking. Major Yuri Nosenko, in breaking the silence he maintained ever since his flight to the West in 1964, now has provided some. He explains that in the late 1950s Louis was employed by the local Moscow district of the KGB, rather than the Second Chief Directorate, which ordinarily conducts the major operations against foreigners. The Second Chief Directorate at the time declined to entrust Louis with significant assignments because his personal demeanor, as well as his record as a Judas in the camps, aroused the contempt of some officers. More significantly, General Oleg Gribanov distrusted him.

In 1960 Louis began overtures to a certain American whom Nosenko's agents already were trying to recruit. "Gribanov ordered the Moscow district to get him away from our operation and keep him away," says Nosenko. "But you must understand that the local KGB got only the crumbs of operations, and to them Victor was a big thing. He could work against foreigners very well, and they thought that through him they could get into important operations. They kept telling us, 'This Victor, he is a very good agent; our best agent.' They kept pushing him and promoting him."

Nosenko notes that since his own departure and the retirement of Gribanov, Louis seems to have overcome the reservations, if not the aversion, of the Center. He has acquired expensive foreign cars, a luxurious Moscow apartment, and a country mansion complete with swimming pool. Though he claims they are fruits of his entrepreneurship, they are actually KGB-supplied props necessary to the particular act he puts on for foreigners. At his homes he treats Westerners to fine whisky and caviar and even more delicious intrigue, scheduling interviews with intellectuals and sometimes demonstrating his good will by cautioning his guests to be discreet. To make him more attractive to foreigners, the KGB allows him on occasion to feed them useful intelligence. He has warned Western

now, and they reflected the scope of the KGB's preparations. Feliks led Johnson two hundred yards into a field off Highway D33 exactly 13.6 miles outside Paris. At the base of a tree he picked up a large rock, and as Johnson watched wonderingly, unscrewed it so that it formed two hollow parts. "In an emergency, you will find a Canadian passport here with your photograph, personal credentials, money, instructions, a 1921 American silver dollar," Feliks said. "Make your way to Brussels. With a copy of the London *Times* in your left hand, come daily at 11 A.M. to the 100 block of Chaussée de Forêt. Our representative will approach you with a 1921 American silver dollar and ask if you dropped it. You will then display your silver dollar and abide by his orders."

"How do you expect me to remember all that?" Johnson grumbled.

"We will practice until you can," Feliks calmly replied. "Now, let us begin the lesson again. . . ."

Feliks stressed that the KGB escape plan would automatically go into effect unless Johnson, immediately after leaving the courier center on Sunday, signaled that all was well. To give the signal, he had to drop a Lucky Strike pack, with an "X" pencilled inside it, by a telephone booth on his way home.

The final rehearsal was Friday night, December 14. Once more Feliks drove Johnson to the bend on the only field road, then to the cemetery. "I will be waiting for you. Many people will be waiting," he said in parting. "Good luck."

At the courier center, Johnson turned on a transistor radio and set his watch by the 11 P.M. time signal sounded by the U.S. Armed Forces Radio network. In Paris, twenty-four miles away, Feliks did the same. Meanwhile, at the Soviet embassy in Paris, a team of KGB technicians, flown in from Moscow via Algeria, gathered in a small room on the third floor. They knew that they would have scarcely more than an hour to break the seal of the envelopes, photograph the contents, and reseal the envelopes in a manner that could not be detected.

Johnson took less than two minutes to open the three

locks to the vault. Inside, he stuffed envelopes—some eleven by thirteen inches, others eight by eleven—into the blue flight bag. Locking the vault and then the outer door of the center, he ran to his Citroën and drove off to meet Feliks. All went precisely as rehearsed. At 3:15 A.M. Johnson recovered the envelopes by the cemetery and replaced them in the vault. By the time he reached home Sunday morning, a mass of American cryptographic and military secrets—some so sensitive they were classified higher than top secret—were already en route to Moscow.

The next Saturday night, December 22, Johnson again looted the vault without the least difficulty. This time he selected new envelopes that had arrived during the preceding two or three days. About a third contained cryptographic materials.

The day after Christmas, Feliks greeted Johnson jubilantly: "On behalf of the Council of Ministers of the U.S.S.R., I have been directed to congratulate you on the great contribution you have made to peace. I am told that some of the material we need was so interesting that it was read by Comrade Khrushchev himself. In appreciation, you have been awarded the rank of major in the Red Army. I also have been authorized to give you a bonus of \$2,000. Take a holiday and go to Monte Carlo and live it up."

The supposed rank of major of course represented a hollow award bestowed to articulate Johnson's ego and motivate him further. But there is independent testimony to the effect that an excited Khrushchev did study the materials Johnson purveyed. Yuri Nosenko, who in 1963 was still stationed at the Center, states that the arrival of the first documents from the vault created such a sensation that rumors of a momentous new penetration in France spread through the upper echelons of the KGB. According to what he was told, the documents were adjudged so important that immediately after translation, copies were rushed to Khrushchev and certain Politburo members. Nosenko also heard that some of the stolen data disclosed numbers and locations of American nuclear warheads stored in Europe.

Clearly, the documents from the vault were extraordinary, not only because of their content but also because of their indisputable authenticity. Anyone studying them might as well have been admitted to the highest councils of the United States and been allowed to take notes. Some of the ultrasecret papers outlined major modifications or additions to the basic American strategic plan for the defense of Western Europe. No one document, by itself, provided an overall blueprint of the plan, but collectively they laid it bare to the KGB. The Soviet Union could now identify with certainty strengths to be countered and vulnerabilities that could be exploited. Great and decisive battles have been won with less intelligence than these first two penetrations yielded. And this was only the beginning.

Indeed, the initial yield was so spectacular that the Soviet Union adopted further precautions to safeguard the operation. Nosenko says that all subsequent entries into the vault required direct approval from the Politburo, and that with the approach of each, an air of tension and excitement pervaded the KGB command. This corresponds with instructions Johnson received in January 1963 from Feliks, who advised that henceforth the vault would be looted only at intervals of from four to six weeks, and that each entry would be scheduled a minimum of fourteen days in advance. "We must bring people in specially from Moscow," Feliks said. "The arrangements are very complicated."

A team of technicians was required to process the documents Johnson removed, but the KGB dared not station them permanently in Paris. It knew that French security would eventually recognize them as the specialists they were, and realize that their presence signified a leakage of considerable importance. The KGB also knew the technicians probably would be detected if they shuttled in and out of Paris too often. Therefore it chose to reduce the frequency of their journeys and to have them come to Paris individually and by various routes—via Germany, Algeria, Belgium, or Denmark.

Additionally, the KGB recognized that although Johnson had twice taken documents from the vault with ease, each penetration still entailed high risks. If

anyone chanced to find him missing during the two crucial ten- to fifteen-minute absences from the center, there was no way he could explain himself. The Russians did not bother to equip him with a cover story because they knew that any excuse would be futile. Moreover, although Johnson, by virtue of his position, had become a priceless agent, the KGB had no admiration for him as a person. It knew that he was irresponsible and that if he were ever subjected to serious interrogation, he would soon collapse and confess.

The night was cold and mist-laden when Johnson met Feliks at 3:15 A.M. in late February to retrieve documents he had passed three hours before. As usual, they quickly shook hands and silently exchanged the blue flight bags. Johnson hurriedly started to drive away, but the engine of his old Citroën refused to turn over. "Let me try," Feliks insisted. Neither of them could make the weary car respond. Then they heard another automobile braking to a stop behind them. Both Feliks and Johnson jumped out and froze before the silhouette of a man approaching with a revolver. It was Viktor, who had been guarding the rendezvous from a distance. For about twenty minutes—each second increasing the probability of disaster—they struggled in vain to start the Citroën. Finally, after Viktor in his car had pushed it nearly half a mile, the engine coughed and began to run. The next week, on orders from the KGB, Johnson bought a used Mercedes with money from Moscow.

One Sunday in March, after one of Johnson's forays into the vault, he stepped out of his apartment in early afternoon to buy bread. To his astonishment, he saw both Feliks and Viktor parked near the entrance to the building. When they spotted him, they drove off without a nod of recognition or greeting. Johnson was puzzled. His entry into the vault the night before had been accomplished smoothly. Then he realized that he had forgotten to leave the cigarette package by the telephone booth to signal that he was safe.

"You cannot imagine what trouble your negligence caused," Feliks said angrily at the Wednesday critique

will hour after hour. Having cut countless trees in his youth, he now derives satisfaction from planting and nurturing them.

In his community he is known as a moderate Republican, an occasional churchgoer and the personification of respectability. The same disarming grin and manner that sustained him in Moscow, at Tiffany's, and on the New York waterfront have helped fill his new life with good friends.

In spite of the excellence of Tuomi's abilities as a spy, mysteries remain in this story that he knew and lived. How did the FBI know he was coming? How did it know who he was? Tuomi has never been able to ascertain the answers. Neither, it would appear, has the KGB.

The Russians for years evidently were uncertain about what actually happened to Tuomi. Certainly they must have suspected that he had changed allegiances. But they could not be sure that he had not died an anonymous death, the victim of a street thug or an automobile accident. Between 1964 and 1971 his name never appeared on the list of men and women whom the KGB hunts throughout the world. This list, published in a secret book bound in a blue cover, is distributed to all KGB Residencies abroad and all KGB offices in the Soviet Union. It provides brief biographical detail about the wanted man, a statement of his crime, and the sentence pronounced on him, either at trial or in absentia. The current list, for example, shows that Yuri Nosenko has been sentenced in absentia to the "highest measure of punishment." So have most of the other KGB officers now in the West.

In 1971, after the *Reader's Digest* had published in slightly different form an excerpt from this book manuscript containing the story of Tuomi, the FBI warned him that the KGB now was hunting him. His name had been added to the official list of those upon whom the KGB seeks, by any means it can, to inflict the "highest measure of punishment."

XIII

THE DARK CORE

Party Secretary Leonid Brezhnev on Monday, September 27, 1971, abruptly terminated a tour of Eastern Europe and hastened back to the Soviet Union. Shortly after landing, he joined KGB Chairman Yuri Andropov and members of the Politburo in the dignitaries' lounge at the Moscow airport. The urgency of the meeting necessitated an embarrassing postponement of a long-planned state reception in honor of Indian Prime Minister Indira Gandhi.

Three days earlier, Great Britain had banished 105 Soviet intelligence officers engaged in an increasingly brazen campaign to subvert public officials and steal technological data. Never before had a nation dealt so bluntly and effectively with the KGB—by wiping out a whole base of subversion through mass expulsions. But the announcement that accompanied the ousters gave the Politburo cause for still greater alarm. It told the Russians that the British had accepted into protective custody Oleg Adolfovich Lyalin, a man from the darkest core of the KGB, the ultrasecret division known as Department V, which is responsible for sabotage and assassinations. Over the weekend, the KGB had to inform the Soviet leadership that the defector was liable to expose Department V officers and operations in other countries. The Politburo feared that other nations, upon learning of professional Soviet saboteurs in their midst, might duplicate the British action.

Shortly after the extraordinary Politburo session at

lessening my guilt, for I have brought a great deal upon myself through my flight. The fate of my parents and relatives will come to pass, or may already have come to pass, as I have described it. This will always remain a heavy spiritual burden for me. . . . My wife and I will always live in the fear that we shall one day be overtaken by retribution from the East. Quite apart from that, we are entirely without means here in the West. Nevertheless, I have decided in favor of the West because I believe that this step was absolutely necessary for the world at large."

Because of his character and contrition, the court, with the concurrence of the families of the murdered men, sentenced Stashinsky to only eight years' imprisonment as an *accomplice* to murder. In pronouncing sentence, the presiding judge declared:

"On the strength of evidence adduced in this trial, the guilt of those from whom he received his orders is far greater. . . . the Soviet Secret Service no longer commits murder at its own discretion. Murder is now carried out on express government orders. Political murder has, so to speak, now become institutionalized."

Stashinsky's defection, trial, and public testimony had a traumatic effect within both the KGB and the Party hierarchy. At least seventeen officers were fired or demoted, according to former KGB Major Anatoli Golitsin. Despite the resources and resourcefulness of Soviet propagandists, the evidence that the Kremlin had cynically plotted the murders of civilians in peacetime could not be explained away. And the Soviet leadership realized that a repetition of the Stashinsky affair could seriously obstruct their efforts to repair international relations in the aftermath of the Cuban crisis.

The Kremlin could not quite bring itself to entirely forswear murder as a tool of Soviet foreign policy. Department 13 was allowed to retain the capacity to kill and to continue its hunt for selected defectors, both from the Soviet Union and the East European satellites. But in late 1962 or early 1963, the leadership did drastically curtail the practice of assassination and told the KGB that henceforth people would be liqui-

dated in peacetime only in special circumstances. Yuri Nosenko, on the basis of evidence he is not at liberty to divulge, believes that the KGB concluded that future assassinations should be entrusted not to Soviet personnel such as Khokhlov and Stashinsky but to hired foreign criminals and illegal agents of other nationalities, who could not be easily linked to the Soviet Union.

During the mid-1960s, Western security services discerned a shift in emphasis in Department 13 operations from assassination to preparations for sabotage. They also began to perceive the outline of a new Soviet concept of sabotage. The KGB, of course, had always sought to establish dormant networks of agents who could be activated in wartime as a fifth column against critical defense installations and military targets. But the immensely successful 1959 disinformation operation in which Department 13 agents desecrated Jewish shrines in West Germany (see pages 234-36) dramatized how physical acts could achieve great psychological effect. Perhaps under the influence of the formidable General Ivan Agayants, who conceived the swastika operation, the KGB concluded that widespread sabotage could be coordinated to paralyze a nation's will and ability to respond to an international crisis short of war. Specifically, it envisioned plunging foreign capitals into panic and disarray by stopping transit systems, shutting off electrical power, disrupting water supply, and blocking key traffic arteries. In KGB theory, the sabotage could be accompanied by mass demonstrations and propaganda against whatever particular action the foreign government was considering to cope with the crisis.

When Department 13 became Department V as a consequence of the 1968-69 reorganization of the KGB, its headquarters staff consisted of between fifty and sixty officers, all trained in sundry forms of violence and familiar with given geographic areas of the world. Additionally, Department V officers were stationed in most major Soviet embassies abroad. Their duties included the assessment of sabotage targets, the recruitment and management of local agents who could be

Their sensitivity is well illustrated by the abject fear shown by the KGB leadership after Lee Harvey Oswald was arrested as the assassin of President Kennedy. The reaction has been disclosed by Yuri Nosenko, who, as deputy director of the American section of the Seventh Department, became involved with Oswald when he requested Soviet citizenship in 1959. Nosenko states that two panels of psychiatrists independently examined Oswald at KGB behest, and each concluded that though not insane, he was quite abnormal and unstable. Accordingly, the KGB ordered that Oswald be routinely watched, but not recruited or in any way utilized. Oswald returned to the United States in June 1962, then in September 1963 applied at the Soviet embassy in Mexico City for a visa to go back to Moscow. On instructions from the KGB, the embassy blocked his return by insisting that he first obtain an entry visa to Cuba, through which he proposed to travel. The Cubans, in turn, declined to issue a visa until he presented one from the Russians. Shunted back and forth between the two embassies, Oswald finally departed Mexico City in disgust and on November 22 shot the President.

With news of his arrest, the KGB was terrified that in ignorance or disregard of the headquarters order not to deal with him, an officer in the field might have utilized Oswald for some purpose. According to Nosenko, the anxiety was so intense that the KGB dispatched a bomber to Minsk, where Oswald had lived, to fly his file to Moscow overnight. Nosenko recalls that at the Center officers crowded around the bulky dossier, dreading as they turned each page that the next might reveal some relationship between Oswald and the KGB. All knew that should such a relationship be found to have existed, American public opinion would blame the KGB for the assassination, and the consequences could be horrendous.

Concern over foreign opinion has produced some major restrictions of KGB operations. The revulsion caused by confessions of the KGB assassin Boris Stashinsky in 1962 influenced the Politburo to curtail the political murders which the Soviet Union had been

committing since the 1920s. In the autumn of 1971 the KGB hastily withdrew all officers assigned to sabotage missions in European capitals because it feared the public reaction should their presence be disclosed by Oleg Lyalin, who had defected in London.

Awareness that the arrests of Aleksandr Solzhenitsyn and Andrei Sakharov would bring down obloquy on the Soviet Union among Western intellectuals is probably all that has kept them out of prison thus far. But whenever the Kremlin concludes that Western opinion is indifferent to the plight of the Soviet people, it loses another inhibition against their repression. In November 1972 Sakharov stated: "Since Nixon's visit, things have gotten worse. The authorities seem more impudent because they feel that with détente they can now ignore Western public opinion, which isn't going to be concerned with the plight of internal freedoms in Russia."

Protests by private individuals against KGB assaults upon liberty within and without the Soviet Union should be accompanied by specific official actions. Politicians and Foreign Offices in particular must disabuse themselves of the illusion that "good relations" with the Soviet Union are contingent upon permitting the KGB to station armies of professional spies, subversives, and saboteurs in their midst. They should also liberate themselves from the corollary illusion that the cause of "good relations" can be served by polite tolerance and appeasement of the KGB. The massive presence of KGB officers in Soviet embassies constitutes an insurmountable obstacle to normal relations. Their removal and the disruption of their operations represent a fundamental prerequisite to healthy relations.

Any arrested KGB officers who are unprotected by diplomatic immunity should be swiftly prosecuted and, if convicted, imprisoned. The diplomatic release of proven KGB agents is interpreted by the Soviet leadership not as a gesture of good will but as a sign of impotence, if not simplemindedness, indicating that a nation will tolerate further subversive attacks. Neither should imprisoned KGB personnel be exchanged for Westerners arrested in the Soviet Union. Although ef-

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