

IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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HAROLD WEISBERG,
Plaintiff-Appellant,
v.
GENERAL SERVICES ADMINISTRATION,
Defendant-Appellee

No. 77-1831

OPPOSITION TO APPELLEE'S MOTION TO STRIKE
PORTIONS OF APPELLANT'S REPLY BRIEF AND REPLY
TO APPELLEE'S OPPOSITION TO APPELLANT'S MOTION
FOR LEAVE TO FILE REPLY BRIEF WITH ADDENDUM

SUMMARY

This suit involves a Freedom of Information Act request by author-critic Harold Weisberg for access to two Warren Commission executive session transcripts and eleven pages of a third. In his appeal brief, Weisberg argued that the defendant's bad faith required that the District Court examine two purportedly classified transcripts in camera with the assistance of his security classification expert. Appellee General Services Administration filed a brief which described Weisberg's allegations of bad faith as "frivolous," "unsupported," and "unsupportable." (Brief for appellee, p. 29.)

In his reply, Weisberg filed an addendum of thirteen documents. Twelve of these thirteen documents were not part of

the record before the District Court. Of these twelve documents, nine are government records which were obtained after years of delay and after the this case was closed in the District Court. These records speak for themselves. In Weisberg's view they amply refute the government's assertions that his allegations of bad faith are "frivolous," "unsupported," and "unsupportable."

Because of new developments, including the publication of a book which deals with the subject of one of the transcripts sought by Weisberg in this action, Weisberg has also called the Court's attention to this by including in the Addendum to his reply brief a copy of a newspaper clipping from the Washington Star.

The GSA has opposed Weisberg's motion for leave to file his reply brief with an addendum and has moved to strike certain portions of the reply brief. The GSA contends that the addendum material is not a proper subject for judicial notice, that much of it is hearsay, that most of it is irrelevant, and that the government has had no opportunity to contest the accuracy of any of the documents, to place them in their proper context, or to object to their admissibility.

For the reasons set forth below, Weisberg contends that his reply brief, or any portion of it, should not be stricken, and that his motion for leave to file reply brief with addendum should be granted.

ARGUMENT

I. THIS COURT HAS INHERENT AUTHORITY TO PROTECT ITS OWN INTEGRITY

Appellee's brief, and the District Court's decision, rely heavily upon the affidavits submitted by Mr. Charles A. Briggs of the CIA. For example, appellee states at pages 19-20 of its brief:

The second affidavit provided an even more detailed explanation of the decision to withhold the June 23 transcript. (JA 293-295). Briefly stated, the affidavit explains that the pages in question cannot be released without compromising a currently active intelligence source, that the source is a Soviet defector, that he has been sentenced to death in absentia by the Soviet courts, and that any disclosures as to his whereabouts could endanger him. The affidavit also explains, that even though the name of this particular defector has surfaced, revelation of the actual transcript would assist the Soviet Union in assessing the extent of the information provided and in taking measures to neutralize its value. Finally, the affidavit states that the defector in question cooperated with the Central Intelligence Agency with the "clear understanding" that any information he provided would be properly safeguarded. Failure to uphold this understanding could deter potential defectors, thereby drying up a unique and irreplaceable source of information.

These assertions were vigorously disputed by Weisberg's March 21, 1977 affidavit [JA 360-374], relevant portions of which were quoted in Weisberg's reply brief at pages 2-4. Most importantly, however, Wiesberg's sworn statements of nearly a year

ago are confirmed by the publication of a new book by Edward Jay Epstein and his comments during an interview which is published in the February 27, 1978 issue of New York magazine. The interview contains the following statements by Mr. Epstein in answer to questions put to him:

Q. Did you ever get to see Nosenko?
And if so, how?

A. Yes. The CIA put me onto him.

* * *

Q. Your book makes frequent references to James Angleton, the former head of counter-intelligence for the CIA. Why did he agree to see you?

A. Because I had already interviewed Nosenko. Angleton knew that since Nosenko was working for the CIA, he wouldn't have seen me unless the CIA had sent him.

(See Attachment 1, the February 27, 1978 issue of New York, at pages, 32, 36.)

In addition to these remarks, which confirm the tenor of Weisberg's March 31, 1977 affidavit, which was before the District Court and which is quoted extensively at pp. 2-4 of the reply brief, Epstein also discloses that in 1968 the CIA made Nosenko a \$30,000 a year consultant and gave him a new identity and a new home in North Carolina; and that Nosenko is now in Washington, D.C. handling 120 cases for the CIA. (See Attachment 1, p. 35.)

These disclosures make it obvious that a fraud has been perpetrated in this case. While pretending in the District Court

that the June 23rd transcript is security classified to protect Nosenko's life and keep his whereabouts from becoming known, the CIA itself sent Nosenko to an author working on a book which deals largely with Nosenko and Lee Harvey Oswald, the alleged assassin of President John F. Kennedy. Epstein has, as a result, disclosed innumerable facts about Nosenko, including his present whereabouts.

Weisberg maintains that this Court has an inherent right-- indeed, the obligation--to protect its own integrity. It is apparent that appellee has sought to subvert the integrity of the judicial process by filing false affidavits with the District Court and by delaying and obstructing Weisberg's access to the transcripts at issue in this suit, most particularly the June 23, 1964 transcript which has Nosenko as its subject.

While such an assault upon a court's integrity is important under any circumstances, it enhanced by the nature of the law and the subject matter involved in this case. The Freedom of Information Act was designed to ensure immediate access to non-exempt information. The legislative history of the Act makes it clear that immediate access is often as important as the right of access itself. This is exactly what is at issue in this case. The country is now faced with a propaganda onslaught which is designed to distract, disorient, and disinform the public mind on a subject of vital importance, the assassination of President

Kennedy. This disinformation campaign is backed by the resources of a major publishing house with an investment of at least \$500,000 at stake. The public is helpless against this juggernaut, having been denied access to relevant materials, including the transcript of the executive session of the Warren Commission held on June 23, 1964. Moreover, the public right of access, represented by Weisberg in this instance, has been delayed and denied by the submission of false affidavits.

The appellee's use of false affidavits to secure non-disclosure of the requested information subverts the Freedom of Information Act, a law which this Court is obligated to uphold. Both as a litigant under this Act and as an American citizen, Weisberg has a profound interest in seeing that the integrity of our institutions is upheld. For this reason he has brought to this Court's direct attention documents and facts bearing on this which have come to light since this case was before the District Court.

Whenever the magic words "national security" or "security classified" are invoked, judicial reaction tends to be characterized by what may be termed "scarethink". The premise of scarethink is that judges are not experts in national security matters and therefore must accept at face value the affidavits submitted by intelligence agencies on behalf of secrecy. No matter how ludicrous it may seem, it is reasoned, there must be some basis for the invocation of national security which is not apparent

to the court and which cannot safely be inquired into without endangering the national security.

It is time to put an end to scarethink about claims of national security. Such claims can be, and often are, totally without basis. In this case, as in the case of Weisberg's previous suit for the January 27 Warren Commission executive session transcript, the claim is simply fraudulent. Unless this Court is to allow its integrity to be undermined by the intimidating power of intelligence agencies, as the Warren Commission did, then it must take strong action to ensure that such agencies cannot defeat the Freedom of Information Act by submitting fraudulent affidavits, as has been done here.

II. THIS COURT MAY ENLARGE THE RECORD IN THE INTEREST OF JUSTICE

The appellee contends that Weisberg's reply brief, or portions thereof, should be stricken because virtually all of the documents included in it were not before the District Court and cites cases which stand for the proposition that an appellate court must look only to the record before the district court in deciding questions presented.

Generally, this is true. However, in appropriate circumstances an appellate court may, in the interest of justice, order the record enlarged by adding materials which were not before the district court. Washington v. United States, 130 U.S.App.D.C. 374, 378, n. 19, 401 F. 2d 915, 1919 (1968); Gatewood v. United States, 93 U.S.App.D.C. 226, 230, n. 5, 209 F. 2d 789 (1953);

Turk v. United States, 429 F. 2d 1327 (8th Cir., 1970).

The interest of justice requires that Weisberg be allowed to file his reply brief with addendum. The GSA falsely stated in its brief that Weisberg's allegations of bad faith are "unsupported" and "unsupportable." The government records which Weisberg has included in his Addendum show this to be untrue. These records were withheld from Weisberg for years after he requested them under the Freedom of Information and Privacy Acts. He did not receive them until after the case in the District Court was closed. Had he received them before the proceedings in the District Court had terminated, he would have sought to make use of them there and they would now be in the record before this Court. The government should not be allowed to keep these documents from being considered by this Court simply because it managed, through delay, duplicity, and stonewalling, to keep them out of the record before the District Court.

It should be noted here that in another case recently before this Court, Robert M. Brandon v. Jack M. Eckard, Administrator, General Services Administration, et al., No. 74-1503, this same appellee itself reproduced an Affidavit of James B. Rhoads dated September 13, 1974 in Addendum A to its brief, although it is evident that that affidavit was not before the district court. (Slip opinion of decision of this Court on December 22, 1977, p. 15, n. 5) This Court took notice of the facts recited in this non-record affidavit and pointed out that events since the date

of the district court decision "have raised new issues of both fact and law." (Slip Op., pp. 14-15) The GSA's opposition to the inclusion of matters which transpired after the District Court's decision in this case is, therefore, untenable.

III. THIS COURT MAY PROPERLY TAKE JUDICIAL NOTICE OF THE MATERIALS IN THE ADDENDUM TO APPELLANT'S REPLY BRIEF.

Appellee contends that the records reproduced in the Addendum to Appellant's reply brief are not the proper subject of judicial notice. Weisberg disagrees.

Rule 201 of the Federal Rules of Evidence provides:

Rule 201. Judicial Notice of Adjudicative Facts

(b) Kinds of facts.--A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.

(c) When discretionary.--A court may take judicial notice, whether requested or not.

(d) When mandatory.--A court shall take judicial notice if requested by a party and supplied with the necessary information.

(e) Opportunity to be heard.--A party is entitled upon timely request to an opportunity to be heard as to the propriety of taking judicial notice and the tenor of the matter noticed. In the absence of prior notification, the request may be made after judicial notice has been taken.

The general rule authorizing courts to judicially notice matters of common knowledge applies to appellate courts, which

generally will take judicial notice of any matter which the court below could have judicially noticed. Appeal and Error, 5 Am. Jur. 2d §739.

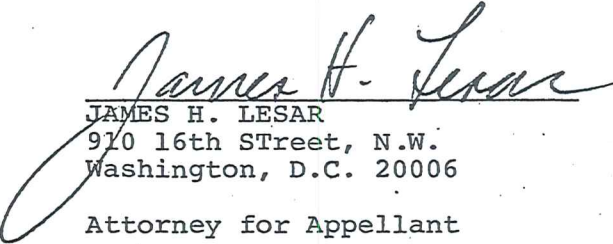
Most of the documents reproduced in Appellant's Addendum are government records which have long been concealed from appellant. There is no reasonable dispute about their authenticity or that they show that government agencies, including the appellee, acted unlawfully and improperly in withholding records from him, even conspiring to transfer a record from one agency to another to keep him from obtaining it. Nor is there any reasonable dispute about the fact that these records have a direct bearing on claims of discriminatory treatment and bad faith which Weisberg made in District Court as well as here. This Court may properly take judicial notice of at least this much.

The newspaper clippings reproduced in Appellant's Addendum also bear directly on Weisberg's claims of discriminatory treatment and bad faith on the part of the government. In addition, Weisberg contends that it is now a matter of common knowledge that Nosenko was sent to author Epstein by the CIA, and that Epstein interviewed him and has revealed innumerable details about him, including his current whereabouts. These facts are open, notorious, and a matter of common knowledge to informed persons in this jurisdiction. These commonly known facts are at odds with the purported basis for security classifying the June 23 transcript. Failure to take judicial notice of this will result in rewarding the appellee for having committed fraud on the court by filing an untruthful affidavit.

Unless the appellee contradicts these facts by means of depositions or detailed affidavits by Edward Jay Epstein and the appropriate CIA officials, this Court should take judicial notice of the fact that the CIA has itself facilitated the disclosure of Mr. Nosenko's identity and whereabouts by sending him to Mr. Epstein, and that this contradicts the purported reason for security classifying the June 23rd transcript which deals with Mr. Nosenko.

For the foregoing reasons, appellant opposes the motion to strike portions of his reply brief and asks that his motion for leave to file the reply brief with addendum be granted.

Respectfully submitted,


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Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby certify that I have this ^{9th} 22nd day of February, ^{March} 1977, mailed copies of the foregoing Opposition to Appellee's Motion To Strike Portions of Appellant's Reply Brief and Reply To Appellee's Opposition to Appellant's Motion for Leave to File Reply Brief with Addendum to Mr. Leonard Shaitman and Ms. Linda M. Cole, attorneys, Appellate Section, Civil Division, U.S. Department of Justice, Washington, D.C. 20530.


 JAMES H. LESAR

Redlining Atlantic City, by Nicholas Pileggi
A King in New York: The Ultimate One-Night Stand

ONE DOLLAR

FEBRUARY 27, 1978

NEW YORK

Russian Spies Inside the CIA and the FBI

The War of the Moles

By Edward Jay Epstein



The War of the

Moles



An interview with Edward Jay Epstein by Susana Duncan

“... We are left with the irksome suspicion that there is still a mole burrowing up through the ranks of the CIA and the FBI ...”

In 1961, a KGB major named Anatoli Golitsin defected to the United States and informed the CIA that the Soviets had penetrated the CIA and the FBI. Thus began a frantic search for the “moles”—agents who work for one intelligence agency while secretly passing information to a hostile agency.

The Golitsin episode is the first of several interlocking spy stories that Edward Jay Epstein turned up while researching a new book on Lee Harvey Oswald.

It seems difficult to believe that anything new about the assassination of President Kennedy could be uncovered fourteen years after the event, the FBI, the Warren Commission, and a host of critics having already investigated it. Yet Epstein not only unearths numerous spies we've never heard about before—with intriguing code names, like “Foxtrot,” “Fedora,” “Komarov,” and “Stone”—but also introduces 74 new witnesses to Oswald's life.

Twelve years ago, Epstein published *Inquest*, the first and most damaging critique of the Warren Report, a book

which severely reduced the commission's credibility. His new book, which will be published by Reader's Digest Press in the spring and serialized by *Reader's Digest* beginning in March, is titled *Legend*, the term used in the intelligence business to denote a cover story or false biography constructed by a government for a secret agent. This new book is not about Kennedy's assassination or bullets or ballistics. Rather, its thesis is that the Soviets recruited Lee Harvey Oswald in Japan to steal secrets about the U-2, and then, upon his return from Russia to the United States, constructed a legend for Oswald's stay in Russia so that he could hide his intelligence activities there. The Soviets never intended for Oswald to kill President Kennedy, but when he did, they sent a fake defector, Yuri Nosenko, to the United States to tell a story that would corroborate Oswald's legend. Nosenko's legend, in turn, was reinforced by the story told by another Soviet disinformation agent, code-named “Fedora,” who had volunteered his services two years earlier as a double agent to J. Edgar Hoover (while

still remaining under Soviet control). The idea, apparently, was for Nosenko to go before the Warren Commission and assert that the KGB files showed that Oswald had never had any connection with Soviet intelligence.

Everything began to unravel for the Russian moles when a code-breaking team from the National Security Agency intercepted the cable traffic between Moscow and the delegation in Geneva from which Nosenko said he had defected. And under cross-examination, Nosenko admitted that he had lied on key elements of his story. Fedora was the next domino to fall. He had confirmed parts of Nosenko's story which he now admitted were false. As far as CIA counterintelligence was concerned, both Fedora and Nosenko were “blown” as Soviet agents. Richard Helms personally warned Chief Justice Earl Warren against accepting Nosenko's information. J. Edgar Hoover, however, having based most of his counterespionage operations on Fedora, refused to accept this assessment.

Meanwhile, back at the CIA, Nosenko was locked up in a detention center.

“...J. Edgar Hoover was feeding secret information to the Soviets through a supposed double agent, ‘Fedora,’ for over a decade...”

for intensive questioning. Attention focused on an earlier Nosenko mission: to hide the tracks of a Soviet mole who was presumably burrowing his way into the heart of the CIA. At least that was the view of James Jesus Angleton, the chief of CIA counterintelligence. After all, the Soviets had planted a mole in British intelligence—Kim Philby—and a mole in West German intelligence—Heinz Felfe. Why not expect to find one in the CIA or FBI? Pretty soon, the hunt for a mole within the CIA and the attempts to solve the Nosenko-Fedora issues raised by the Oswald case led to a morass of confusion and to warfare between the FBI and the CIA.

The unnerving implications of Epstein's book go far beyond the events of 1963. The book ends with the firing of most of the CIA's counterintelligence staff in 1976, and we are left with the irksome suspicion that Fedora is still a trusted contact for the FBI's New York office and that there is still a mole burrowing his way up through the ranks of the CIA or the FBI. *New York Magazine* arranged an exclusive interview with Epstein in which he talked to senior editor Susana Duncan about his Oswald book and about the Russian moles. He also agreed to write four of the new spy stories, giving many details that he omitted from the book.

Question: The Warren Commission, FBI, and many other sleuths over the past fifteen years have investigated the Oswald case. How can you hope to come up with any new facts or different answers?

Answer: I began by rejecting the idea that there was something new to be found out about bullets, wounds, or the grassy knoll. Instead I asked: Why did Lee Harvey Oswald defect to the Soviet Union in 1959? It seemed incredible to me that a twenty-year-old marine would suddenly decide to leave his family and friends and go live in a strange country. I became interested in the question of motive.

Q. How did you begin your investigation?

A. I knew the starting point had to be finding all the witnesses to areas of Oswald's life which had been missed or neglected by previous investigations.

Q. Is that why you interviewed the marines who had served with him in Japan?



Edward Jay Epstein: Born in New York City in 1935, Epstein has just completed a two-year investigation into Lee Harvey Oswald's relationships with the intelligence services of three nations—Russia, America, and Cuba. Epstein has a Harvard Ph.D. and has taught political science at Harvard, MIT, and UCLA. He is the author of several books, including *New From Nowhere* and *Agency of Fear*.

A. Right. I was interested in knowing what happened to Oswald in the Marine Corps. The Warren Commission had questioned only one marine who served with Oswald at the Atsugi air base in Japan. With the help of four researchers, I found 104 marines who had known Oswald or had worked with him in Japan. It then became possible to reconstruct Oswald's activities in the Marine Corps before he defected to the Soviet Union.

Q. What did you learn from the marines?

A. Oswald was a radar operator who, along with the other men in his unit, frequently saw the U-2 taking off and landing and heard its high-altitude requests for weather information on the radio.

Q. How was this important?

A. I didn't know how valuable this information was at the time. But I questioned the designer of the U-2 at Lockheed, Clarence Johnson, and Richard Bissell, former special assistant to the director of the CIA, who was in charge of the U-2 program in 1958, and found out that acquiring detailed information about the altitude and flight patterns of this novel spy plane was the number-one priority of Soviet intelligence. I

also questioned Francis Gary Powers, the U-2 pilot who was shot down over Russia in 1960.

Q. What did Powers tell you?

A. Powers was shot down in May—about six months after Oswald had defected to the Soviet Union. He was interrogated by the Soviets for about six months, and he recalled being asked numerous questions about Atsugi air base, other pilots at the base, and the altitude and flight characteristics of the plane. Powers told me that he suspected that an American with some technical knowledge of the U-2 had provided a great deal of the information behind the questions he was asked in Moscow. Now, under the CIA's mail-opening program, the agency intercepted a letter written by Oswald in Moscow to his brother in which Oswald said that he had seen Powers. No one had ever explained where he would have had the opportunity to see Powers.

Q. Are you saying that Oswald saw Powers in Russia at the time of Powers's interrogation?

A. Yes, and Powers also thought that Oswald was involved in his being shot down over Russia. He explained to me in great detail how the secret of the U-2 was the plane's electronic capability to confuse Soviet radar. As long as the radar couldn't get a precise reading on the U-2's altitude, Soviet missiles couldn't be adjusted to explode on target. The Soviets had the missile power—they had already sent Sputnik into space—but they didn't have the guidance system. Oswald, working at Atsugi air base, was in a position to ascertain the altitude at which the U-2 flew. If the Soviets had this information they could have calculated the degree of the U-2's electronic countermeasures and adjusted their missiles accordingly.

Q. Powers died in the summer of 1977, when a helicopter he was flying ran out of gas over Los Angeles. Didn't two other witnesses you interviewed die violent deaths?

A. Yes, William C. Sullivan, former head of counterintelligence for the FBI, who was killed in a hunting accident in 1977, and George De Mohrenschildt, a close friend of Oswald's, who shot himself after the second day of a prearranged four-day interview. It is tempting to see a connection between these deaths, but I don't. After all,

I interviewed over 200 witnesses.

Q. De Mohrenschildt became a good friend of Oswald's after Oswald returned from Russia. What did he tell you about him?

A. He arranged a good part of Oswald's life in Dallas after Oswald returned from the Soviet Union in 1962, but said he never would have done so had he not been encouraged to by a CIA officer in Dallas named J. Walter Moore. Moore was the head of the Domestic Contact Service in Dallas, a CIA unit which interviewed individuals who had returned from Eastern Europe and the Soviet Union. De Mohrenschildt said that he had discussed Oswald with Moore and Moore had told him that Oswald was "harmless." But De Mohrenschildt strongly suggested that Moore was interested in what Oswald had to say. De Mohrenschildt didn't, however, detail any specific arrangement he had with Moore.

Q. The CIA denied in the Warren Report and in every proceeding that it had ever had any interest in Oswald. What did Moore or other members of the CIA make of De Mohrenschildt's allegation?

A. Moore refused to speak to me for the reason that he was still a CIA officer and CIA officers were not allowed to be interviewed. The CIA public-relations man—whom I reached when I tried to speak to Admiral Turner—refused comment on the allegation. Finally, I asked Melvin Laird, now a Washington editor for the *Reader's Digest*, if he would try to contact Admiral Turner and ask him about the charge. Turner apparently consulted with his P.R. people and then coined a new verb by replying, "We're no-commenting it."

Q. What did William C. Sullivan, the former FBI counterintelligence chief, tell you?

A. He was undoubtedly one of the most valuable witnesses that I found. He told me all about Fedora, the Soviet intelligence officer who volunteered his services to the FBI in 1962 and became enmeshed in the Oswald case.

Q. Your book suggests that Fedora was a Soviet agent all along, sent to misinform the U.S. government by passing along false or misleading information. Why did Hoover accept Fedora?

A. For reasons of competition between the CIA and the FBI. According to Sullivan, most of the United States' intelligence about the Soviet Union's intentions comes from Soviet intelligence agents who volunteer to be double agents for the United States. It is

virtually impossible for the United States to establish its own agent inside Russia since only Soviet intelligence agents, Soviet diplomats, or Soviet military officers have access to Soviet secrets. Therefore, since World War II the CIA has concentrated on recruiting Soviet intelligence officers as spies or double agents. The FBI, however, had no such sources and therefore it couldn't compete with the CIA in international intelligence. When Fedora, who was a Soviet intelligence officer, volunteered to work for the FBI and supply it with the same sort of se-

crets the CIA was getting, J. Edgar Hoover was able to expand the activities of the FBI.

Q. In your book, you state that Hoover was providing Fedora with classified information about United States intelligence in order to promote him and keep him alive within the KGB. Is this really so?

A. Yes. Hoover was feeding secret information to the Soviets through Fedora. Hoover couldn't let him go back to Moscow empty-handed. He was supposed to be an ace Soviet intelli-

'Stone': The Man Who Warned About the Moles

In December 1961, Major Anatoli Golitsin, a senior officer in the KGB, met secretly with a CIA officer in Helsinki, Finland. Golitsin had already established his *bona fides* with the CIA by providing it with top-secret Soviet documents, and now he wanted to defect. Once in Washington, he was assigned the code name "Stone" and was turned over to James Jesus Angleton, the chief of CIA counterintelligence, for debriefing.

What Stone revealed in the months ahead was staggering. He told how he had heard from the head of the northern-European section of the KGB that the Soviets had planned to kill a leader of an opposition party in his area. Since Hugh Gaitskell, Harold Wilson's rival in Britain's Labor party, was the only opposition leader to die at this time, and he died of a very rare virus infection, counterintelligence officers in the CIA suspected that the Soviets had done away with Gaitskell in order to promote Harold Wilson, but the facts never could be established. Stone also intimated that some of de Gaulle's top advisers were working for the Soviets. This led to a major rift—one which has never been healed—between American and French intelligence. Leon Uris's *Topaz* is a fictionalization of this case.

What most concerned Angleton was Stone's suggestion that the Soviets had planted one mole deep within the CIA and another within the FBI, with the objective of promoting and advancing them to positions of leadership in American intelligence. Stone said that he didn't know the mole's identity but that in late 1957 V. M. Kovshuk, one of the key executives of the KGB, had come to Washington under the code name "Komarov," presumably to activate the mole. Since the FBI had had Komarov under surveillance, Angleton decided to find out who Komarov or Kovshuk had seen during this trip. He was unable, however, to determine whether the mole was among the numerous people Kovshuk was observed to have seen while making his social and business rounds.

A personal interview was quickly arranged between Stone and Attorney General Robert F. Kennedy during which Stone reportedly asked for \$30-million to run his own intelligence operation against the Soviets. Richard Helms, then running the clandestine part of the CIA, gave Angleton carte blanche to use whatever resources were necessary to "develop" Stone, and for the next thirteen years, up until the day he was peremptorily fired, Angleton had his suspicions and made every attempt to ferret out the CIA and FBI moles to whom Stone had alluded.

—EJE



James Jesus Angleton: Ex-chief of CIA's counterintelligence, he believes there is still a mole in the CIA.



Hugh Gaitskell: A rival of Harold Wilson's in Britain's Labor party, he is believed murdered by the KGB.



Charles de Gaulle: His Cabinet was said to contain a Soviet mole and so lost America's trust.



Robert F. Kennedy: Was asked by defector "Stone" for \$30-million to run an operation against Russia.

“...Powers thought that Oswald was involved in his being downed over Russia...”

gence agent and therefore Hoover had to provide him with some information. Fedora would bring in the KGB's shopping list, and the FBI would take it to the other agencies of the government to be cleared before the information went to the Soviets.

An enormous amount of classified information was handed to Fedora over a decade. Sullivan also feared that the Soviets had their own mole within the New York office of the FBI, one who had a part in clearing the information. The Soviets would then find out not only what the United States had cleared for them but also possibly what wasn't cleared.

Q. You discussed Fedora with numerous other former CIA and FBI officers, including some of the top executives in the CIA in the period when Fedora was supplying information. What did you learn from them?

A. They all believed that Fedora was nothing more than a Soviet disinformation agent.

Q. It's odd that CIA and FBI officers were willing to give you almost all the facts about his case. How did you get them to talk?

A. The CIA officers I approached were former officers, retired, or fired from the CIA. I would usually begin by writing them a letter stating either that someone else had discussed the case they were involved in, and that I needed clarification from them, or that I had received some documents under Freedom of Information which mentioned them or their case. Usually I found this piqued their curiosity. If they would agree to see me, I would usually do most of the talking, telling them what other people told me or what I had found out in documents.

Q. But why *did* they talk?

A. One device that almost always worked was showing them Freedom of Information documents mentioning their name or operational details of a case. Predictably their first reaction was fury that the CIA would ever release this information. Their second reaction was to be offended that someone in the present CIA had it in for them. They were soon eager to correct the record or fill out the context of a case. Their reasoning was that if the government could release information under Freedom of Information, why should they keep their lips sealed.

Q. Is this how you got the CIA officer who handled Nosenko to speak about his case?

A. Yes. He is now living in retirement in Europe, and when I first phoned him and wrote him he refused to see me. Finally, after I had written a draft of my book, I tried again. This time I wrote stating the facts I was about to divulge, facts which included his name and his involvement in the case. He then agreed to see me.

We met at the Waterloo battlefield in Belgium, and I showed him about a hundred pages of documents that involved him. I had acquired these documents under Freedom of Information. He then told me that I was “deeply wrong” because I was missing a crucial element of the Nosenko case, but he was not sure that he was willing to provide it. A few weeks went by and he agreed to meet me again, this time at Saint-Tropez in France. We then spent three weeks together, going mainly to the Club 55, a beach club, where he gave me what he considered to be the crucial context on the case, which was what Nosenko had done in 1962.

Q. And what was that?

A. Nosenko had been sent by the Soviets to the CIA to paint false tracks away from the trail of a Soviet mole in the CIA.

Q. Did you ever get to see Nosenko? And if so, how?

A. Yes. The CIA put me onto him.

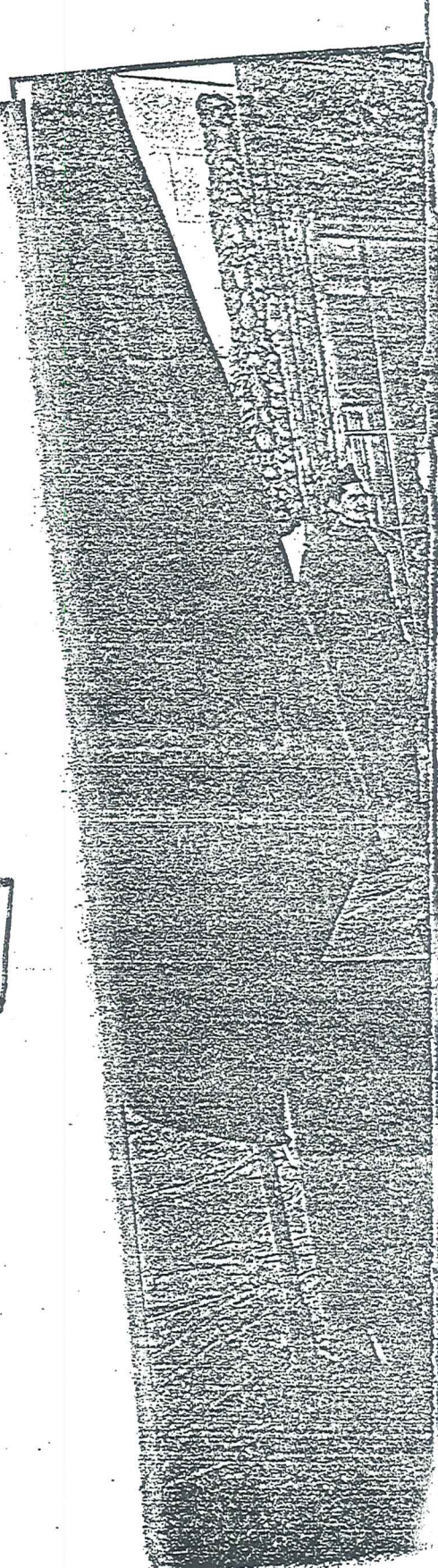
Q. How do you explain that?

A. I presume that it found out I was writing a book on Lee Harvey Oswald and it wanted me to put Nosenko's message in it. Nosenko's message was that Oswald was a complete loner in the Soviet Union and never had any connection or debriefing by the KGB. I spent about four hours interviewing Nosenko.

Q. Your book strongly suggests that Nosenko is a fake. Do you believe the CIA was trying to mislead you by sending you to him?

A. Yes. It sent me Nosenko as a legitimate witness to Oswald's activities in the Soviet Union without telling me that Nosenko had been suspected of being a Soviet disinformation agent.

Q. When did you first become suspicious (Continued on page 36)



Nosenko: The Red Herring

In June 1962, Yuri Ivanovich Nosenko, a KGB officer attached to the Soviet delegation at the Geneva disarmament conference, met two CIA officers in a "safe house" and offered to become a double agent. He had information about two spies. One was Colonel Peter Popov, a mole working for the Americans inside the Soviet military; his capture by the Soviets in 1959 had baffled the CIA. The other was "Andrey," a Soviet mole in American intelligence. Nosenko also said that Finland's President Urho Kekkonen was the Soviets' "man in Finland." Later, however, he denied ever having said this.

During the 1960s, Nosenko gave information about four people of great interest to American intelligence: Popov, "Andrey," Lee Harvey Oswald, and a Soviet official named Cherepanov.

Nosenko's Popov story: After Popov was caught in 1959, the KGB sent him to meet his American contact in Moscow with a message written on six sheets of toilet paper, stating that he had been captured by the KGB through routine surveillance. Now, since most moles are betrayed by inside agents, and since Popov was known to have been under KGB control at the time he delivered the toilet-paper message, it seemed that the message was fabrication meant to conceal the real means by which Popov was betrayed—by a Soviet mole in American intelligence.

Nosenko, however, stated categorically that Popov was caught through a KGB surveillance device whereby a chemical painted onto a target's shoes made it possible for him to be followed without his knowledge. According to Nosenko, no Soviet mole had betrayed Popov.

Nosenko's "Andrey" story: Nosenko then added to defector Stone's story (see box, page 31) about the Soviet mole who had penetrated the CIA. Stone had suggested that Kovshuk, a high KGB official, had activated a Soviet mole during his trip to Washington. Nosenko explained that he was Kovshuk's deputy and knew that Kovshuk had gone to see the most important agent ever recruited by the Soviets, a man given the code name "Andrey." He then provided a set of clues to the identity of Andrey. Nosenko was given the code name "Foxtrot" and told to continue collecting information for United States intelligence. When James Jesus Angleton, the counterintelligence chief in Washington, heard the full context of the case, he decided that Nosenko was probably no more than a KGB disinformation agent sent over by the Russians to lead false tracks away from the mole within the CIA. The Andrey clues, once followed, led to a motor mechanic somewhere in the Washington, D.C., area.

Nosenko's Oswald story: For the next eighteen months, there was no word from Nosenko. Then, in January 1964, only weeks after President Kennedy was assassinated, Nosenko again appeared in Geneva with a bombshell for the CIA. He claimed that he was the KGB officer who had superintended Lee Harvey Oswald's file during his three years in Russia prior to the assassination and by coincidence had also conducted the post-assassination investigation into Oswald's activities in Russia. Nosenko stated categorically that Oswald had had no dealings with the KGB. He had never been debriefed by any organ of Soviet intelligence. He had not been recruited by the Soviets prior to his defection to Russia or ever trained or even spoken to by Soviet intelligence agents. The KGB was, according to Nosenko, completely innocent in the Oswald case. Nosenko then insisted that he be allowed to defect

because he had received a recall telegram from Moscow, which meant the KGB probably knew of his contact with the CIA and would kill him if he returned.

Given Nosenko's status as an Oswald witness, the CIA had no choice, and Nosenko came to the United States. Fedora (see box, page 36), who was presumed to be a double agent for the FBI at that time, confirmed for the FBI that Nosenko was indeed a KGB agent who had defected, that Nosenko had been a lieutenant colonel, and that Nosenko had received a recall telegram from Russia. Meanwhile, the CIA discovered that Nosenko had told three lies: (1) A special unit of the National Security Agency had intercepted telegram traffic received by the Soviet mission in Geneva and found that no recall telegram for Nosenko had been received on the day he'd said; (2) the CIA had determined that Nosenko had not held the rank of lieutenant colonel as he'd claimed; and (3) the Soviet defector code-named "Stone" had told the CIA that Nosenko could not have been in the section of the KGB he claimed to have been in, since Stone would have known him if he had been.

Under intensive cross-examination, Nosenko broke down. He admitted that he'd only been a captain, not a colonel; that the travel document he had carried with him identifying him as a colonel had been "in error"—although how an official document could misidentify his rank was never explained—and that he had fabricated the story about the recall telegram to convince the Americans to allow him to defect. This meant that Fedora, who had confirmed Nosenko's rank of colonel and his recall-telegram story, had also been giving false information.

James Angleton and the Soviet Russia Division of the CIA concluded that Nosenko's cover story or legend had been prepared by the KGB in Moscow and that Fedora had been fed the cover story in order to "confirm" it.

The CIA made one final attempt to break Nosenko.

In a suburb of Washington, D.C., Nosenko was confined in a padded basement room with a television camera in the ceiling to observe his activities and make sure that he did not attempt to injure himself. As there was no natural light in the room, the clock was set back in an attempt to confuse Nosenko's biological clock. He was given cigarettes for a period of time and then suddenly denied them in the hope of inducing a nicotine dependency. For three years, a team of interrogators worked over and over the contradictions in his story. At one point only did it seem Nosenko was about to crack, but he never did.

Finally, in 1967, the CIA's Soviet Russia Division was asked to produce a report on Nosenko. The report, which ran 900 pages in length, virtually indicted Nosenko as a Soviet agent. The CIA now faced a dilemma. If it officially denounced Nosenko as a disinformation agent, the Warren Commission's conclusions about Oswald's connections with the KGB would have to be reconsidered, and the American public would lose confidence in all documents and evidence furnished by Soviet defectors.

It was finally decided in 1968 to give Nosenko \$30,000 a year as a "consultant" to the CIA, a new identity, and a new home in North Carolina.

Nosenko's Cherepanov story: This is Nosenko's fourth story and is contained in a separate box (page 37).

Seven years later, after the Angleton firing, Nosenko was rehabilitated. He's now in Washington handling 120 cases for the "new" CIA.

—EJE

'Fedora': The Spy Who Duped J. Edgar Hoover

In March 1962, a Soviet official attached to the U.N. told the FBI office in New York that he was actually a senior officer of the KGB, assigned to gather information from Soviet espionage networks on the East Coast about developments in American science and technology. He said that he was disaffected with the KGB and offered to provide the FBI with information about Soviet plans and agents. He was assigned the code name "Fedora."

Up to this point, the CIA more or less monopolized reporting to the president on the inner workings of the Soviet government. J. Edgar Hoover saw that with Fedora he would now be able to compete with the CIA, and although the FBI at first labeled Fedora's first few reports "According to a source of unknown reliability," Hoover personally ordered that the "un" be deleted. Moreover, under Hoover's personal orders, the reports were not to be passed to the CIA but sent directly to the president.

From 1962 until 1977, Fedora, although still a KGB officer at the U.N., provided the FBI with information on a wide range of subjects. Almost from the very beginning, however, the CIA was suspicious of Fedora. In 1964, in another case involving Lee Harvey Oswald, the CIA intercepted Soviet cable traffic which revealed that Fedora had given false information about another Soviet agent (see box, page 35). This led the CIA's counterintelligence staff to suggest that Fedora was most probably a Soviet agent feeding "disinformation" to the FBI. Indeed, over the years, Fedora misled the FBI on a number of crucial matters.

Fedora's disinformation:

□ The Profumo scandal. Fedora said it was all a French setup. In fact, it turned out to have been a Soviet-intelligence operation.

□ The ABM. Just when the American government was engaged in a debate over whether to build an antiballistic-missile system, Fedora told the FBI that the United States was ten years ahead of the Soviets in missile technology. In fact, we were behind.

□ The "Pentagon papers." At the height of the furor over the Pentagon papers, which the New York Times was printing in 1971, it was Fedora who poisoned the atmosphere further by telling the FBI that the papers had been leaked to Soviet intelligence. This report, when presented by Hoover, provoked Nixon into setting up the "plumbers."

□ The American Communist party. Fedora helped Hoover carry on his lifelong crusade against the American Communist party by presenting him with the information that it was engaged in espionage activities for the Soviet Union. Hoover was able to use this data in support of his massive campaign against the party. (The information was never confirmed.)

Eventually, even senior FBI officials began to doubt the validity of Fedora. William C. Sullivan, the deputy director of the FBI under Hoover, became convinced that Fedora was acting under Soviet control and tried to persuade Hoover of this, but to no avail. Furthermore, tensions between Hoover and the CIA, exacerbated by the Fedora case, came to a head in 1971, when Hoover all but cut communications between the FBI and the CIA. The FBI was becoming increasingly dependent on Fedora. Indeed, it was estimated by one CIA official that 90 percent of all the FBI anti-Communist cases in New York came from Fedora (and two other Soviets who joined Fedora in supplying the FBI with information). If Fedora was a fake, the FBI would have to re-evaluate all the cases and information it had acted on since 1962. Hoover was not prepared to do this, and thus Fedora lingered on as an FBI "double agent," possibly to this day. —EJE



J. Edgar Hoover: Believed "Fedora" was a true double agent and gave him secret U.S. information.



William C. Sullivan: Head of FBI counter-intelligence division suspected that "Fedora" was a Soviet spy.



Gus Hall: U.S. Communist-party leader. "Fedora" told Hoover that the American Communists were spying for Russia.



John Profumo: "Fedora" tried to place blame for the Profumo scandal on the French, not on the Soviets.

(Continued from page 32) of Nosenko?

A. A few weeks after I interviewed Nosenko, I had lunch in Washington at the Madison Hotel with the Soviet press officer, a man named Igor Agou. I had set up the meeting in the hope of persuading the Soviets to allow me to go to Russia to interview the Soviet citizens who had known Oswald during the three years he spent there. Agou, however, made it clear to me very quickly that the Soviets would not be receptive to such an idea. Mr. Agou then said in a very quiet voice, "Perhaps I shouldn't be saying this . . . but you might be interested in knowing that there is someone in America who could help you . . . a former KGB officer named Yuri Nosenko, who had handled the Oswald case and who knows as much about Oswald as anyone in the Soviet Union."

Q. You mean that this Soviet Embassy officer was actually recommending that you see Nosenko?

A. Yes. I was a bit dumbfounded. Here was an official from the Soviet Embassy recommending that I see someone who was a traitor. And I couldn't believe that Mr. Agou was just trying to be helpful to me.

Q. Your book makes frequent references to James Angleton, the former head of counterintelligence for the CIA. Why did he agree to see you?

A. Because I had already interviewed Nosenko. Angleton knew that since Nosenko was working for the CIA, he wouldn't have seen me unless the CIA had sent him. Angleton, who had been fired from the CIA by Colby, wanted to know why, after keeping Nosenko in isolation for thirteen years, the CIA would suddenly send him to see a journalist doing a story about Oswald.

Q. Well, what did Angleton tell you?

A. For the first three meetings we had in Washington, he refused to discuss anything about Nosenko, Oswald, the CIA, or anything else bearing on what I was writing. He was far more interested in finding out what I knew than in telling me anything, and so I decided to look up the members of his staff.

Q. How do you know that these former CIA officers weren't misinforming you?

A. Of course, I have to assume that they had axes to grind. A number of CIA officers whose careers rested on the Nosenko case wanted to see it resolved in one way or another. I also realized that I could never be sure

“...The Warren Commission questioned one marine who knew or worked with Oswald in Japan. Epstein found another 104...”

that crucial facts were not withheld.

Q. What did you consider the greatest failure in your investigation?

A. The failure to run down a lead concerning Pavel Voloshin. Voloshin's name turns up both in Oswald's address book and on a letter (from the Patrice Lumumba University in Moscow) found among Oswald's effects after he was dead. I got a CIA “trace” on Voloshin, and he turned out to be a KGB officer who had been in the Far East at the same time Oswald was there with the marines, and who had visited California in 1959 when Oswald was preparing to defect. He had been in Moscow when Oswald was there, and finally had been in Amsterdam when Oswald passed through on his way back to the United States in 1962. One former CIA counterintelligence officer suggested to me that Voloshin might

have been the person who recruited Oswald or arranged for his defection.

Q. What was Voloshin doing in California?

A. He was supposedly working as a press officer for a Russian dance troupe that was passing through California. I asked Oswald's fellow marines who served with him in California whether Oswald had ever talked about this dance troupe. None of them remembered. One of his friends, Nelson Delgado, remembered, however, that Oswald had talked to a man in a raincoat for an hour and a half one night when he was on guard duty. Another marine also remembered this incident. They were impressed by the man's raincoat because it was about 90 degrees that night in California.

I wanted to show these marines a photograph of Voloshin to see if he

could conceivably be the man they had seen. I knew that the FBI had Voloshin under surveillance, and that the CIA had a photograph of him in its file, but they refused to turn it over to me.

Q. You mention the CIA's misleading you over Nosenko's *bona fides*; did they try to mislead you anywhere else?

A. When we were checking the book, my researcher was told by the CIA that the CIA headquarters building was only six stories high—a small detail. Later I found out that Richard Helms's office was on the seventh floor and that it was common knowledge that the office was on the seventh floor. I still wonder why the CIA was giving me inaccurate information. Possibly it was to make it appear that my own research was slipshod.

Q. What about the FBI?

A. It provided me with very little information, but what they did give me was generally straightforward, and I think they tried to be as helpful as they could.

Q. Were there any witnesses that you were unable to find?

A. Yes. I had hoped to interview James Allen Mintkenbaugh, an American who admitted spying for the Soviets and who was subsequently tried and imprisoned. He went to Moscow in the same month that Oswald did and the Soviets tried to arrange to have him marry a Soviet agent, whom he would bring back to the United States. I was curious to know what he thought of Oswald, and if he ever met him or Marina in the Soviet Union. I wish I had also interviewed a number of other defectors who were in the Soviet Union at the same time as Oswald, including one named Robert E. Webster, whom Oswald reportedly once asked for on a visit to the Moscow American Embassy.

Q. Are there other questions you would like to see resolved.

A. Yes. For example, I found four marines who remembered being interviewed after Oswald defected to the Soviet Union and were asked about Oswald's access to classified information. One remembered giving a written statement and the others remembered being questioned orally. This implied that the Marine Corps did an investigation to see what information Oswald had brought to the Russians.

Cherepanov: The Would-Be Mole

In the fall of 1963, an American businessman visiting a Soviet ministry in Moscow was hurriedly handed a pack of papers by an official named Cherepanov. He was told to take these papers to the American Embassy. The embassy had never heard of Cherepanov and, suspecting it might be a Soviet trap aimed at the American businessman, photocopied the papers and gave them to the Soviet ministry. The fact that Cherepanov's name was on the distribution ladder with the papers clearly identified him as a traitor. When the CIA heard about the papers being given back, they realized that the embassy might have signed Cherepanov's death warrant.

The Cherepanov story became more curious, however, when the papers were found to include a document on Colonel Popov, a former American agent in Russia supporting a highly suspect version of Popov's arrest by the KGB (see box, page 35). This finding caused the CIA to suspect that the Soviets were repeatedly attempting to protect some mole in the CIA who'd betrayed Popov.

These suspicions were soon confirmed by lame Soviet attempts to make the United States believe that Cherepanov was actually trying to defect, that his documents were bona fide, and that by handing them back, the American Embassy had ensured Cherepanov's death. The Soviets called upon Yuri Nosenko—a KGB agent who “defected” in January, 1964 (see box)—to carry disinformation to American officials. Nosenko told the CIA that he'd been sent to Gorki in Russia to search out Cherepanov for the KGB. He had travel documents that supported this. But much of Nosenko's tale seemed too far-fetched. Nosenko claimed that a “Cherepanov” who the CIA files showed had offered himself as a double agent for the British in Yugoslavia in the early 1950s was the same Cherepanov who had recently tried to defect to America. In effect, the CIA was being asked to believe that a Russian KGB agent had survived one attempt to defect and had gone on to try a second time. He would almost certainly have been executed. Nosenko's account of what happened instead was even more difficult to swallow. He said that in Yugoslavia, Cherepanov had been working for that part of the KGB responsible for foreign espionage, and that when he had gotten “into trouble” for offering to betray his country, he had simply been thrown out of his department. He maintained that Cherepanov had then been rehired by the KGB, this time by that department responsible for internal affairs. The CIA found this story unbelievable. Cherepanov hasn't been heard of since.

—EJE

“... Since Angleton and his counterintelligence staff were fired, the ‘new’ CIA’s policy is to believe that moles do not exist...”

A Warning From the ‘Old’ CIA

This is an excerpt from a letter to Edward J. Epstein, written by a former operations chief of the CIA’s counterintelligence.

The 1976 exoneration or official decision that Nosenko is/was bona fide is a travesty. It is an indictment of the CIA and, if the FBI subscribes to it, of that bureau too. The ramifications for the U.S. intelligence community, and specifically the CIA, are tragic.

Acceptance of Nosenko as a reliable consultant about Soviet intelligence and general affairs will cause innumerable problems for incumbent and future intelligence collectors and any remaining counterintelligence (CI) officers. Acceptance of his information inevitably will cause the acceptance of other suspect sources whose information has dovetailed with Nosenko’s proven lies.

Acceptance of Nosenko throws the entire perspective about Soviet intelligence out of focus. His information tells us things the present détente devotees want us to hear and cumulatively degrades our knowledge (and the sources of this knowledge) of Soviet intelligence capabilities, policies, and effectiveness.

In a very unfortunate sense the United States and the CIA are fortunate because William Colby virtually destroyed CI in the CIA. In 1975 the CIA turned away from CI and—significantly—from the program which was the basis for analyzing the mass of material collected from Nosenko and comparing it with other information. Even if the CIA had the inclination to restore resources to CI, it would be difficult to resurrect the program to disseminate Nosenko’s misinformation effectively. Nevertheless, there is still a great danger that Nosenko’s misinformation will now be disseminated without review or analysis to reconcile its internal inconsistencies. To use Nosenko’s information is to build on sand. Let us hope that the CIA’s anti-CI policy doesn’t permit anyone to use Nosenko’s information until wiser heads prevail and true CI is restored to the CIA and government.

But the navy, Defense Department, Office of Naval Intelligence, Marine Corps, and everyone else denied that any such investigation had been conducted, though it would have been automatic. I was told, off the record, that even had the Marine Corps investigated Oswald in 1959, the records might have been destroyed.

Q. You suggest in your book that the FBI had an interest in covering up the KGB’s connections with Oswald. Isn’t that a little perverse?

A. The FBI failed to keep tabs on Oswald after his return from the Soviet Union, even though it had reason to suspect he was an agent.

Now, if after killing Kennedy or after the Kennedy assassination it turned out that Oswald was simply a lone crackpot, the FBI would not be revealed as irresponsible, but if it turned out that he had indeed been a Soviet agent, even on some petty mission, the FBI would be guilty of a dereliction of duty. The only way J. Edgar Hoover could be sure of avoiding this accusation was to show that Oswald had not been a Soviet agent nor had he had connections with the Soviets upon his return from the Soviet Union.

Q. Which of the spies that you mention in your book have never been discussed in print?

A. All the stories are almost totally new. Fedora has never been mentioned to my knowledge. Neither has Stone. The breaking of Nosenko’s story has never been mentioned, and it leads one to wonder how much is still left to uncover.

Q. Do you think the mole that Stone pointed to is still tunneling his way up through American intelligence?

A. He hasn’t been caught yet, and it is entirely conceivable that one was planted. We know that the Soviets placed so many moles in West German intelligence that they effectively took it over, but more important, the CIA is particularly vulnerable to penetration since so many of its agents recruited after World War II are individuals of East European origin. As Angleton pointed out to me, the odds are always in favor of recruiting one mole.

Q. Is the hunt that Angleton started for the mole still on?

A. The former CIA officers who were involved in the hunt tell me that the “new” CIA has now made a policy decision to believe moles do not exist. All speculation on this subject has been officially designated “sick think.”

Q. Was James Angleton fired because he was onto the mole Stone had talked about?

A. Not directly. According to his former aides, Angleton and his counterintelligence staff, whose job it was to be sure that sources were not planting disinformation, were too strongly challenging Colby’s sources in Russia. Accordingly, Colby got rid of Angleton and his key staffers, one of whom, Newton Miler, told me that Colby wanted to close down or drastically revise the role of counterintelligence in the CIA.

Q. Might there be a mole in the FBI?

A. Yes. Indeed, Sullivan was convinced that the Soviets had penetrated at least the FBI’s New York office. And the former deputy chief of the CIA’s Soviet Russia Division told me that there was absolutely no way the Soviets could run the Fedora operation without the aid of a mole in the New York office.

Q. Does James Angleton really know who the mole in the CIA is?

A. Angleton refuses to say, but one of his ex-staff members told me with a wry smile, “You might find out who Colby was seeing in Rome in the early 1950s.” When I pressed him about Rome, he changed the subject to Vietnam and told a long story about Colby’s having dined with a Frenchman who turned out to be a Soviet agent. Colby should have reported the contact but didn’t, and when Angleton raised the issue, Colby became enraged. I asked Angleton about this confrontation, and he mentioned some CIA inspector general’s report. He then switched to one of his favorite subjects—the cymbidium orchid.

Epstein has two more episodes to tell: the story of Lee Harvey Oswald and that of George De Mohrenschildt; what Oswald was doing after his return from the Soviet Union, and what De Mohrenschildt told Epstein during an extraordinary interview in Palm Beach, just two hours before committing suicide. These will appear in next week’s issue of *New York*.