

Montgomery judge rules valid probable cause for espionage

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BETHESDA — Attempts to reduce a \$150,000 bond for a former CIA employe accused of espionage failed Thursday when U.S. Magistrate Archie Meatyard also found that "probable cause has been established that the offense did take place."

At a two-hour preliminary hearing in U.S. District Court in Bethesda, FBI special agent Donald Stuke testified that Edwin G. Moore II, Bethesda, picked up what he thought was a money drop from the Soviet Embassy on Dec. 22 in return for classified information.

"When you're fooling with national security... to me, any information to an enemy is inexcusable," Meatyard commented. In answer to Moore's attorney's argument that his client was not a danger to society, Meatyard stated that the "danger to the community has already been established."

To release Moore on his own personal recognizance because he cannot afford to pay the bond, Meatyard added, "is like a pat-on the back, saying 'fella, that's all right,' and I can't tolerate that."

Courtland K. Townsend Jr., Moore's attorney, may appeal the decision to the U.S. District Court in Baltimore, or

Meatyard may agree to modify the bond somewhat under certain conditions, he said, after presentation of a financial statement on Moore.

The defendant, 56, was taken back to the County Detention Center in Rockville late Thursday morning from Montgomery General Hospital, where he

spent two nights because of a heart condition.

Moore's wife and three of his five children attended the hearing, but the defendant's physician said "it would be too stressful" for Moore, Townsend reported to the court.

A 1950 death penalty for espionage can no longer be imposed, releasing Moore from charges of a capital offense in the case.

During the hearing, Stuke related how a security guard at 3875 Tunlaw Road in the District of Columbia discovered a mysterious package in the parking lot the night of Dec. 21. The Tunlaw Road apartment house is owned by the Soviet government and houses its employes.

The Army explosive ordinance detachment was notified and sent two sergeants to investigate the contents, which revealed no incendiary device, but two notes requesting money, plus classified CIA documents, Stuke explained.

The package, a 9-by-12-inch manila envelope, was wrapped in plastic, through which could be seen the words: Deliver to resident immediately, Stuke continued. The agent said the term "resident" is used to describe the head

(Continued On Page A-5)

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(Continued From Page A-1)

of the KGB (Soviet secret police).

The notes contained instructions for delivery of the money, in various denominations, at 2 p.m. and 6 p.m. the following day, Stukey said. A total of \$200,000 was to have been dropped opposite Moore's home at 4800 Fort Sumner Drive from a grey and white van with license tags traced to the Soviet Embassy.

Stukey said a black and white Polaroid picture of the drop spot, between a telephone pole and a fire hydrant, across from Moore's house was later recovered at the Sumner Drive residence by FBI agents.

Stukey said that, early in the morning on the 22nd, an FBI agent running a check on Moore was told by the CIA deputy security chief that Moore was a "disgruntled employe" no longer with the agency.

An FBI surveillance on Moore's home began at 1:30 p.m., after a bogus van and tags matching the description of the embassy vehicle had been obtained by the agents, Stukey said. A short time later, Moore came out of the house and began raking leaves in the front yard.

At the appointed time, Stukey continued, the van drove by and the package was thrown from the window as Moore is alleged to have instructed. The defendant "crossed the street on five occasions," walking past the package to empty, the leaves onto the vacant lot, Stukey stated.

Shortly after 3:20 p.m., two children came out to play, and approached the package, according to the agent. "Moore ran to the package, placing himself between it and the children," and put his foot on the envelope, Stukey said.

At 3:24 p.m., Moore picked up the dummy envelope and headed toward his house, where agents intercepted him and placed him under arrest on the front walk. Stukey described eight documents found in the package left at the Tunlaw Road address, many of which were duplicated by material found at Moore's home in a search later.

Stukey said that cartons of material

removed from Moore's house included classified documents "not referred to in this hearing." The agent also testified it was his understanding that Moore's separation agreement with the CIA in 1973, when he retired, stated that the defendant did not have any classified documents in his possession.

Still in doubt is whether or not Moore obtained CIA documents after his retirement, indicating the possibility of further involvement with current employes of the agency. Stukey said a date on one of the documents found "seemed to have been tampered with," and that the CIA is now reviewing it to ascertain its proper time frame.

Under cross-examination, Townsend brought out the fact that, as yet, no fingerprints linking Moore to the package drop at Tunlaw Road have been uncovered by the FBI. When asked by Townsend if "any of the documents in the package would be injurious to the U.S. government," Stukey was denied an opportunity to answer when Assistant U.S. Attorney Thomas Crowe objected

and Meatyard sustained the objection.

Townsend also brought out that arson charges placed against Moore in the 1960s in North Carolina had resulted in his acquittal, that he was rehired by the CIA, and that he was later assigned by the agency to Viet Nam "for a year or two."

Under redirect examination, Crowe asked about any connection between Moore and the notes found in the Tunlaw Road package. Stukey said a note found in the defendant's home was a duplicate of the one in the package "with certain wording cut out."

Discussed in court were eight documents found in the package, which Moore is charged with attempting to turn over to the Soviets:

An organizational chart from the National Photographic Interpretation Center dated May, 1972, which was secret at that time and is still classified, but downgraded to "confidential."

A document concerning Communist China dated January, 1957, (a cover sheet only) marked SECRET, which the

CIA is reviewing to discover its present classification.

An article entitled Monitoring of War Indicators, a government publication which appeared in the winter of 1959 in intelligence studies, and which was classified secret and is now under review.

Pages from the January, 1973, CIA telephone directory, classified secret, with several thousand employes' names and titles, several hundred of which are still associated with covert CIA activities.

January and April CIA telephone directory pages from 1973.

A National Security Council Intelligence Directive dated 1965, which was classified secret then, and is now under review.

Headquarters Regulations dealing with functional missions (rules and administrative matters) of the CIA from the 1960s through May, 1973, when it was still classified secret.

Moore will face trial in the Federal District Court in Baltimore.