

Legend

Senator Charles McC. Mathias
U.S. Senate
Washington, D.C.

Rt. 12, Frederick, Md. 21701
4/24/78

Dear Mac,

This letter is prompted by the *Kaisers* story in today's Post headed "Doubts Persist About Soviet Defector." It says the Intelligence committee is looking into the "hotly disputed" case.

I think that the committee likewise is going to be torn and unable to agree.

Moreover, much too much paper has been generated. I doubt anyone will be able to assimilate all of it.

My own belief is that this is much more Byzantine than appears on the surface - or any of the surfaces.

There are aspects about which I think I can be helpful, if you so desire. It is possible that one of these aspects is basic. I think it is although I do not think the dispute will ever be resolved to the satisfaction of those of Angletonian view of the world or of intelligence activities.

Because it is not wise for me to drive that far and have to keep my feet down I go to Washington only when I must. As of now I know of nothing that will require me to go there for a month. Then I will use the bus, which gets me there about 8:30. I will return on the bus that leaves at 2:00 p.m. I have a status call in an FOIA case that morning. However, if you are here or a member of your staff is driving that far is no problem if meeting here is.

Separate from whatever may be the facts of the Nosenko case there is this consideration: why would the CIA and the FBI stonewall my earlier FOIA requests relating to Nosenko and then do more than comply with Epstein's later requests? If one can believe what he says, and often I do not, both agencies did more than merely provide records - also doing that on an exclusive basis.

Why also would both agencies even now refuse to comply with my requests?

I have received from these agencies not a single piece of paper relating to Nosenko, as of now. I filed new requests in about February. Both have been rejected.

While to a degree Epstein's known political views and the nature of his prior writings can provide an answer it cannot be and I believe is not a full answer.

Our best to you all,

Harold Weisberg

Doubts Persist About

4/24/78

By Robert G. Kaiser
Washington Post Staff Writer

The Senate Intelligence Committee has begun an inquiry into hotly disputed assertions that the United States was duped by a phony Soviet defector who came to this country in 1964.

According to a new book, two branches of the Central Intelligence Agency concluded that the defector was probably a Soviet plant, but their conclusion was overridden and the defector is now actively employed as a consultant to the CIA.

An independent inquiry by The Washington Post has established that the book's account is essentially cor-

rect, and that doubts about this defector sharply divided the U.S. intelligence community. The doubts are dismissed as unfounded by the FBI and other CIA officials, including former director William E. Colby.

The Post has also found that some former high-ranking CIA officials believe that acceptance of the defector as legitimate has gravely compromised some U.S. intelligence and counter-intelligence programs, perhaps even rendering them useless in the secret cold war with the Soviet Union.

The defector in question is Yuri Nosenko, who defected to the United States in February 1964, and claimed to have intimate personal knowledge

'64 Soviet Defector

of Lee Harvey Oswald's two-year stay in the Soviet Union before the assassination of President Kennedy. The defector said Soviet officials regarded Oswald as suspicious and had no substantive dealing with him.

CIA suspicions about Nosenko led to his being held virtually a prisoner for about three years and subjected to intense questioning. The Rockefeller Commission that reported on CIA activities in 1976 described Nosenko's handling without naming him:

"For much of this time [three years] the defector was held in solitary confinement under extremely spartan living conditions. The defector was

apparently not physically abused. The justification given by the CIA for the lengthy confinement arose out of a substantial concern regarding the defector's bona fides. . ."

According to author Edward Jay Epstein, whose new book "Legend" was published April 9, senior officials in the CIA concluded that Nosenko was sent to the United States with a reassuring message about Oswald by the Soviet Committee on State Security, the KGB. Epstein charges that after exhaustive investigation the CIA and other U.S. agencies decided that they could not decide whether Nosenko was legitimate or phony.

See DEFECTOR, A21, Col. 1

DEFECTOR, From A1

Later, Epstein contends, new executives in the CIA cleared Nosenko and declared him bonafide.

The staff of the Intelligence Committee is now investigating these events, according to a member of the committee.

The Post's inquiry into Epstein's allegations was hampered by the fact that although sources who sympathized with his viewpoint were willing to discuss the case, present or former officials involved in the decision to clear Nosenko were not available for questioning.

One former CIA official who was a source for Epstein's book told The Post he had read the final CIA report on Nosenko that was the basis for clearing him. This former official claimed that the report did not respond to dozens of the questions raised about Nosenko's reliability, but merely concluded that he was a self-serving liar, not a planted KGB agent.

The CIA refused to discuss the case, except to say: "We are satisfied with Nosenko's bona fides."

The basic challenge to Nosenko's reliability came from the CIA's counterintelligence division, then led by James J. Angleton, and the Soviet Russia Division, then led by David Murphy and Tennent H. Bagley. Angleton—who is well known for his suspicious view of defectors in general and his great respect for KGB williness—was fired from the CIA by Colby. Murphy and Bagley apparently both resigned.

The Post's inquiry has established that senior U.S. intelligence officials, including at least some of those who were fired or retired in various personnel upheavals at the agency, fear that the ultimate acceptance of Nosenko has effectively destroyed the ability of U.S. intelligence to conduct a secret war against Soviet intelligence organs, and has seriously compromised other U.S. intelligence organs.

Some of these officials harbor fears that the Soviet Union has effectively penetrated the CIA, the FBI or both.

At the same time, The Post has determined, other intelligence officials,

including those now in charge of U.S. intelligence activities, dismiss these dark views as unwarranted and perhaps paranoid.

Epstein and informed sources sympathetic to his viewpoint contend that the Nosenko case is particularly significant because it is a key to a number of other controversial defector or spy cases in which the United States has put great faith.

Nosenko gave the CIA information about other spy cases and defectors that may have seriously misled the United States, his doubters believe, allowing the Soviets to continue other, more damaging intelligence operations against this country.

One case cited by Nosenko's doubters involves the earlier testimony of another Soviet defector whom the CIA officials who doubted Nosenko tended to believe. That earlier defector said there was a KGB "mole" in a high post inside the CIA. Nosenko said there was a mole, but then gave evidence suggesting that it was a peripheral, utterly unimportant figure, Nosenko's doubters wonder if he drew suspicion away from a much more important "mole."

Another important case involving Nosenko was that of "Fedora," a Soviet official at the United Nations who worked secretly for U.S. intelligence for many years. Fedora staked his credibility on a confirmation of key elements in Nosenko's original story to U.S. officials that Nosenko himself later admitted were untrue, according to Epstein and other sources.

Some intelligence officials believe this episode showed that Fedora—who was given that code name by the FBI—was actually another Soviet plant. But Fedora is still highly regarded inside the intelligence community, authoritative sources told The Post.

Epstein disclosed the existence of Fedora in his book, and cited elements of the case against his reliability in the book and in an interview with New York Magazine.

Fedora apparently has provided the United States with extensive informa-

tion on Soviet intelligence activities and government policy for years: He is described by Epstein as a former official at the United Nations.

Superficially, his career paralleled that of Arkady Shevchenko, the Soviet U.N. official who decided recently that he would not return to the Soviet Union because of unspecified disagreements with his government. But authoritative sources said Shevchenko was not the same person as Fedora.

The possibility remains that Shevchenko's defection is somehow connected to the Fedora case or the publication of Epstein's book revealing the existence of Fedora.

The Nosenko story has filled thousands of pages of CIA reports already, and cannot be concisely summarized. Epstein and former CIA officials who encouraged his skepticism about Nosenko's legitimacy have noted these aspects of the tale:

The timing of his defection and the message he carried were both suspicious. Nosenko first made contact with the CIA in Geneva in 1962. At that time he offered to spy for the United States in Moscow, Americans who dealt with him then were suspicious of Nosenko, but waited to see what would happen.

In January 1964, Nosenko reappeared in Geneva accompanying a Soviet disarmament delegation. He again made contact with the CIA, and announced that he had personally supervised Oswald's KGB file during the period before Kennedy's assassination. Moreover, Nosenko claimed, he had been assigned to review the Oswald file at the time of the assassination to satisfy senior Soviet officials that there could be no connection between the shooting of Kennedy and Oswald's sojourn in Russia.

Nosenko told the CIA that Oswald had absolutely no connection with the KGB during his stay in the Soviet Union, and that he was not debriefed or questioned by any official Soviet agency.

At his 1962 meeting with the CIA, Nosenko said he would spy for the United States but would never defect. (Why he wanted to do even spying of

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this kind was never made clear, according to a CIA official who took part in the 1962 meeting.) But in 1964, in the course of a series of clandestine meetings with U.S. officials, Nosenko said he had to defect at once because he had received a cable from Moscow recalling him. Nosenko said he feared the KGB had learned of his contacts with the CIA, at which point the Americans agreed that he could defect.

CIA officials suspicious of Nosenko faulted this story on several counts. They doubted that an officer with Nosenko's career history could have served in all the capacities he claimed. They doubted that the Soviets would ignore a man like Oswald who came to Russia after serving in the U.S. Marines announcing his intention to "defect" — they traditionally at least question such "defectors." And they were suspicious of the fact that such a well-placed Soviet defector would suddenly materialize at the very moment the Warren Commission in Washington was investigating Oswald's past, including his stay in Russia.

In questioning of Nosenko, these skeptical CIA officials found what they regarded as grave contradictions in his story. A key break came when the National Security Agency concluded from its ability to at least partially eavesdrop on Soviet diplomatic communications that there was no telegram from Moscow to Geneva recalling Nosenko, as he had claimed.

Confronted with this intelligence, Nosenko admitted he had lied about the telegram to make his plea to be allowed to defect more persuasive.

(Fedora, the FBI's agent within the Soviet apparatus at the United Nations, had previously confirmed that Nosenko did receive a recall telegram in Geneva, though now Nosenko admitted he did not.)

Nosenko also admitted under questioning that he was not a colonel in the KGB, as he had claimed, but a captain. He said he had lied to exaggerate his importance in the Americans' eyes.

Then why, the questioners persisted, did he bring with him a pur-

ported KGB travel document identifying him as a colonel? Was this part of a "legend" the KGB created for him before his "defection"?

'No, said Nosenko, just a clerical error.

These and other questions about Nosenko were raised in a 900 pages of report and analysis prepared on the case by Bagley, deputy head of the Soviet Russia Division. Bagley had participated in the Nosenko case from the time of his original 1962 contact with the CIA through his prolonged detention and interrogation. Because Nosenko never "broke" under questioning, Bagley concluded that there was no firm proof that he was a KGB plant. But he compiled massive circumstantial evidence which he, Angleton and others felt pointed toward that conclusion.

The officials involved in the Nosenko case then agreed that they could do no more than declare his bona fides in doubt, give him a new identity and money to live on, and go about their business.

But later, according to Epstein's book, the case was reopened. Another CIA officer named Bruce Solie re-examined the evidence and concluded that Nosenko was legitimate. He was rehabilitated and again became a consultant to the CIA.

Reached by telephone, one former CIA director, Richard Helms, said the Nosenko case had indeed divided the agency, and that many people involved in the case were never satisfied about his credentials. Another former director, William Colby, said: "As I understand it, the Nosenko thing was very carefully looked at by the leadership of the agency and they came down on the position that he was basically reliable."

Epstein was astounded to discover that the Soviet government apparently believed the same thing—or said it did.

While researching his book, Epstein said in an interview, he wanted to ask the Soviet government for permission to travel to Minsk, the Soviet city where Oswald lived, to talk to people who knew Oswald there. The

Cargo Pilot Finds Wrong Airport

TEL AVIV — An American cargo jet that landed at Beirut instead of Tel Aviv through navigational error was allowed to land here yesterday after arousing the suspicion of Lebanese and Israeli airport security.

The plane, owned by the Maverick Air Co. of Texas, was scheduled to arrive in Tel Aviv Saturday night to take a shipment of cut flowers to Tehran but landed by mistake in Beirut, airport officials said.

After a three-hour investigation, officials let the plane leave for Tel Aviv, but Israeli airport control refused it permission to land, ordering it on to Athens, where it stayed overnight.

Israeli security officers searched the plane when it landed here yesterday morning, and after questioning the three-man crew, allowed it to load the flowers for Iran.

Readers Digest, which sponsored and published Epstein's book, contacted Ambassador Anatoly F. Dobrynin, and in time Epstein met with an official named Igor Agu, who identified himself as a press attache in the Soviet embassy in Washington.

Agu heard Epstein's request and for a time they negotiated back and forth. Finally Agu told the author that it would not be possible for him to go to Minsk.

Then he offered a suggestion, noting at the time that perhaps he was exceeding his authority as a Soviet press attache, but recommending nevertheless that there was one man in America who knew all about Oswald's life in Minsk: a defector named Yuri Nosenko.