

Dear Alan,

6/10/84

Tad Sculc's piece in this morning's Post -- and I always have questions about Sculc when he writes about intelligence matters -- prompts this supplement to what I wrote you yesterday.

I'm familiar with some of Sculc's books and have substantial questions about all of them. Not long before he left the Times he had a major early Watergate piece in which, from personal knowledge, he identified Howard Hunt as Bernard Barker -- where it made a difference. Today he has the Office of Policy Coordination as the 1949 forerunner of CIA.

While the chances ^{are poor} of getting any judge not to agree with the CIA's claim that disclosing what Miller wants in his Albania CIA FOIA lawsuit ^{would hurt} with a judge like Harold Green there is a way of approaching it and perhaps succeeding. Chances not good but I think a possibility, once their affidavits are read carefully.

Affidavits reminds me: those were filed very long ago. Yet Sculc uses them only now, in a piece that some in the CIA might be very happy about, and where by careful indirection he stretches the truth about and makes the CIA look better. He says that the CIA's general counsel would not be so frivolous as to file any untruthful affidavits. Actually, the DJ filed the affidavits. The CIA supplied them and it is not likely that the general counsel prepared them. If Sculc knows anything about the CIA he knows that they lie under oath all the time. So, I presume that some wanted this piece done and that is why Sculc did it.

It is the CIA's claim that disclosing what is asked for about the post World War II period has to be withheld because it might let the Soviets know how dependable an informer Kim Philby was. Or, Philby is the one who tipped the Soviets off when the CIA and perhaps British had agents in Albania. Superficially, this appears to be a reasonable posture.

Now my recollections of that period may not be completely accurate, but what I suggest is a method, whether or not in this instance relevant.

First of all, the agents we and the British ^{then} had in the Balkans who were anti-left were largely if not entirely those who had been with the defeated right. And they were conspicuous and caught with great regularity, and not only in Albania. Throughout the Balkans. So, it is not unlikely that they would have been caught and were caught without any Philby tipoffs. Then there is the question of where Albania stood politically in the period in question. Here is where I'm not certain of my recollection but at a time that I believe is the time in question it was not friendly with the USSR. It was anti-Soviet and pro Mao. If correct, then there is every reason not to believe that the Soviets tipped the Albanians off. They then were bitter enemies. And on this basis the judge can be asked to make an in camera inspection of the underlying records and the CIA's and your affidavits. The in camera material, if I am correct, also is before the appeals court, not just the CIA's affidavit. If what I believe is correct, the CIA will have no underlying records to support its Philby story.

I'm opening the envelope to insert this.

Best wishes,

GHT

Was Philby a Phony Spy?

New CIA affidavits cast doubt on his loyalty to the Russians

By Tad Szulc

IS IT POSSIBLE that Harold R.A. ("Kim") Philby, the Soviet "mole" in British intelligence and acknowledged superspy of the modern era, wasn't a real Soviet agent after all? So the Central Intelligence Agency would have us suspect.

In a little-noticed affidavit filed in two federal court cases here, the CIA has offered the unlikely notion that the Russians — who have made Philby a national hero, and given him a comfortable retirement in Moscow — still can't be sure that he was a reliable Soviet agent during his long years in Britain's MI-6 (the Secret Intelligence Service), years he spent shoveling western security secrets to Moscow in vast quantities. Either the CIA really harbors doubts about Philby's bona fides, or it has gone to extraordinary lengths to create a misleading impression before two U.S. courts.

The CIA's doubts about Philby appear in two affidavits submitted in federal courts in Washington to justify the agency's refusal to turn over certain historical materials in its files to a lawyer-historian preparing a book on Albania.

In declining to provide the materials, or even to confirm or deny their existence, the CIA argued that the documents would enable the Soviet Union "to ascertain the reliability of its double agent, Kim Philby."

Philby fled to Moscow in 1963 after being tipped that British and U.S. counterintelligence organs were about to grab him. As far as is known, Philby (once a dashing international figure) now lives quietly in Moscow. Aging and almost forgotten, he is said to perform minor Soviet propaganda tasks.

After his defection, he published "My Silent War," a memoir recounting how he had spied for the Russians since 1935. The KGB, the Soviet secret police, supposedly

helped him prepare the volume, which was a best seller in the West.



Western intelligence, which exposed and nearly caught him, never seemed to have any doubt as to Philby's "reliability" as a concealed Soviet operative. He had access to some of the most sensitive U.S. and British intelligence, and to this day it is not entirely clear how much damage he inflicted on the West.

Why, then, has the CIA found it necessary, after so many years, to reopen the Philby controversy? One explanation is that the implied CIA doubts about Philby are part of the secret superpower intelligence wars, in which accounts are never fully settled and books never really closed. Another is that the disclosure is simply part of a straightforward CIA attempt to plead its side of a law suit.

Curiously, the affair was triggered

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1955 photo

Harold "Kim" Philby

by a former member of the U.S. intelligence community, Marshall Lee Miller. Miller once served in a senior position at the Defense Intelligence Agency and is now a law partner of former CIA Director William E. Colby. In addition to his intelligence and legal background, Miller is a recognized historian specializing in the Balkans and author of a book on Bulgaria.

Several years ago, he began work on a new book, about Albania. In it he planned to describe abortive Anglo-American attempts between 1945 and 1953 to overthrow the communist regime of President Enver Hoxha. According to declassified State Department documents, then Secretary of State Dean Acheson and

British Foreign Secretary Ernest Bevin had agreed in a Washington meeting in 1949 to seek Hoxha's ouster and for years the Office of Policy Coordination, a shadowy paramilitary organization that was the CIA's forerunner, and the British Special Operations Executive sent Albanian agents into Albania by air and sea.

It is a matter of history that all these attempts failed dramatically, with the agents being captured and executed as soon as they landed. It is entirely possible that these operations were simply badly conducted. But intelligence experts think Philby betrayed them to the Russians.

Philby certainly was in a position to have done the betraying. At the end of World War II, he was a top official in MI-6's Section Five (counter-intelligence) and he nearly rose to the post of chief of Secret Intelligence (SIS). He was a member of the U.S.-British Joint Intelligence Committee in Washington, and was fully informed about the secret operations in Albania.

Thus, in 1981, Miller went to the CIA with a request under the Freedom of Information Act for "all information on attempts by the U.S.,

U.K. and other western countries to infiltrate intelligence agents and potential guerrillas into Albania during the period between the end of World War II and the death of Stalin in 1953, including but not limited to those operations around 1951 apparently betrayed to the Russians by Kim Philby."

It was this request that elicited the startling CIA response, in affidavits explaining the CIA refusal to provide the materials, that any information from the agency's files on this matter would help Moscow establish whether Philby was a reliable Soviet spy. Both the U.S. District Court and the U.S. Court of Appeals in Washington have upheld the agency's refusal to turn over the materials.

Why are Albanian operations still so sensitive 35 years after they occurred, and why — in this or any other context — did the CIA choose to use the Philby matter in pleadings its case in the courts?

As is normal in all such cases, the

CIA has no official comment on the resurgence of the Philby case. In personal conversations, however, persons in Washington highly knowledgeable in intelligence and counterintelligence have expressed total surprise over hints that Philby may have not fully satisfied the Russians that he was a double agent.

The consensus in these discussions is that the CIA did not have to raise the Philby matter at all in order to convince the courts to reject Miller's request for classified materials. In general, courts have been disposed to back the agency when it has cited "national security" in general as grounds for refusing access to documents.

Some specialists have speculated that the CIA affidavits were designed to trigger Soviet suspicions about Philby — though it is unclear why this would be useful at such a late date. Intelligence experts express doubts that the CIA's general counsel would act frivolously in filing court affidavits containing invented suspicions.

No intelligence expert, however, is prepared to rule out surprises in the superpower intelligence wars. If there are double agents, the reasoning goes, there may be *triple* agents as well.

Was Philby a triple agent? It is extremely unlikely, but the CIA's language in the court affidavits about him is tantalizing.

We may never know the truth. Intelligence wars abound in unsolved mysteries. The CIA is still divided over the true loyalties of Yuri Nosenko, a senior KGB agent who defected to the West 20 years ago. Some in the agency still believe Nosenko was a "plant" designed to spread disinformation.

Someone must be laughing now about Kim Philby's strange resurrection. But whether that someone is in Washington or Moscow we cannot tell for sure.