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THE F.B.I.'S MOST UNWANTED SPY CASE

By Judith Cummings

I KNOW YOU. YOU DON'T KNOW ME, BUT I WANT TO meet you." The woman's voice on the telephone was baroque, as gilded and grooved with Slavic accents as a Fabergé egg. With that introduction began a series of events that would startle the American and Russian espionage establishments.

Richard Miller listened to the caller that day last May but shrugged off the invitation. There were other, more pressing things to do at the busy Los Angeles office of the Federal Bureau of Investigation that spring morning than to meet, for no good reason, with one of the thousands of Russian immigrants recently settled in the area.

If the portly, rumpled F.B.I. agent had responded with the same indifference two days later, when, he recalled, the mysterious woman phoned again, he might never have become the first F.B.I. agent to be accused of agreeing to give classified national-defense information to a foreign government. But early last October, Richard William Miller, a 20-year veteran of the F.B.I., was accused of spying for the Soviet Union.

The first trial growing out of this case is scheduled to open next month, with the woman on the telephone, Svetlana M. Ogorodnikov, and her estranged husband, Nikolay Ogorodnikov, as defendants. They are charged with conspiracy to commit espionage. This trial will be followed by a second — Miller's — and the two are expected to etch a picture of trust and betrayal, sex and money, of some of the quirks and vulnerabilities of secret foreign-intelligence operations, and of how a leading American investigative agency responds when those accused of spying include one of its own.

The case raises questions with compelling relevance to national-security considerations — including questions about how a man with Miller's official record of indiscipline and lack of judgment could have been assigned to a job that gave him free access to national defense and espionage information; about the internal workings of the F.B.I. in general, and about procedures for monitoring Soviet émigrés. Interviews with the Miller family and others familiar with the case have brought some new information to light, including some details of Miller's early years.

There is a curious coincidence in this case with that of Christopher J. Boyce, a California youth who was convicted in 1977 of selling to the Russians military secrets gleaned from his job with an important defense contractor. The Boyce case is the subject of the new movie "The Falcon and the Snowman," based on the book by Robert Lindsey. Boyce, like Miller, had little obvious accomplishment to recommend him for high-security responsibilities — except, perhaps, that he fit the mold: Boyce is the son of a former F.B.I. agent; Miller, a Mormon, is a member of a faith that, in a changing America, has held steadfast to traditional concepts of patriotism and duty.

Whatever the outcome of the case, this

much is known from official records: Miller and Svetlana Ogorodnikov, a blond, lean-featured woman said to seem, at times, a striking beauty, quickly became lovers. Whether this romantic liaison developed into a clandestine cash-and-gold deal, as the Government charges, to transfer secret F.B.I. counterintelligence files into the hands of Soviet intelligence services, a Federal jury must determine.

EVEN HIS FAMILY MAKES no grand claims for distinction in the life of special agent Miller. His wife, Paula, a schoolteacher and aspiring writer who said she abandoned a beginner's job offer at the Washington Post 21 years ago after Richard told her the F.B.I. objected, says that a capsule summary of his life would be that "he's a nice guy; everyone in the world says he's a nice guy." Paul, at 19 the oldest of the Millers' eight children, calls his father "a teddy bear."

Richard Miller was born in 1936 in Wilmington, a working-class section of Los Angeles, and was educated through junior college at nearby public schools. Paula passed her girlhood in the same neighborhood. Her mother and young Richard worked together at a toilet-seat factory, and the older woman would sing the praises of the nice young man who, like her own child, had been reared in the Mormon faith. Paula and Richard later were students together at Brigham Young University in Utah, where Miller majored in English and took a minor in Spanish. After graduation they married.

In the first interview since her husband's arrest, Paula Miller said that the F.B.I. recruited Richard at Brigham Young in 1964, as it did numerous other young Mormons graduating in the early 1960's. The bureau needed men who were fluent in Spanish and "had clean backgrounds," she said, and young Mormons who had learned the Spanish language to aid their required missionary work tended to fit the bill. Miller had no other firm plans. The career of "a professional man" in J. Edgar Hoover's F.B.I. was appealing.

Miller thereafter had many postings, all of them requiring Spanish: to San Antonio, to New York, to Puerto Rico, Tampa, Fla., and finally, in 1969, to Los Angeles, where he worked on routine criminal matters. Because one of his sons, Drew, now 17, had become deaf as a result of a childhood infection, Miller requested and was granted a transfer to the town of Riverside in the citrus growing re-

gion east of Los Angeles. It was near a special school.

But as Drew began to blossom in the carefully chosen environment, his father began having increasing problems. For years, Miller, at 5 feet 10 or 11 inches, weighed more than 200 pounds, well over the recommended weight. His personnel record is full of admonitions to lose weight, to conform to the image of a G-man that was created by Hoover and embedded in the public mind by television "agents" like Efrem Zimballist Jr. But Miller could not or would not lose weight.

(After he was arrested, he admitted to investigators that he had often hung out for two or three hours at a stretch at a 7-Eleven store where he stuffed himself with candy bars for which he did not pay while he read comic books.)

More serious, though, his job performance was poor and, according to a former superior in Los Angeles, "needed close supervision." The place to which he was transferred for that supervision was the F.B.I.'s foreign counterintelligence unit in Los Angeles, a multinational metropolis studded with high-security national-defense contractors and a prime target for spies of every description. Miller was assigned to interview Soviet émigrés and to do paperwork.

Meanwhile, Miller, who had moved his family to a 16-acre avocado ranch they shared with his in-laws, seemed to have developed some other ambitions. Miller related to the investigators, and the Federal court now has on file, accounts of several other incidents of petty thievery. In one case, Miller sold six-foot roller devices for muscle relaxation that his wife's uncle had invented and pocketed the money. He also pocketed money that belonged to his wife's grandmother, once a check for \$113. He has also, according to this file, skimmed money in amounts of \$500 to \$1,000 that he was supposed to have paid an elderly informant code-named Mary. In addition, he ran checks of auto-registration records and F.B.I. criminal indexes for a private investigator in Riverside for as much as \$500 a run. In January 1984, Miller has admitted in court, he was excommunicated from the Mormon church for adultery with an unidentified woman.

Miller, whose annual salary was more than \$40,000, was to have retired in two years, and his wife said that his dream, the only one she could recall his having had in his life, was to start a second career as a teacher of Spanish. But all that has been changed and he is now in Federal Correctional Institution at Terminal Island, as is Nikolay Ogorodnikov. Svetlana is in the women's jail in Los Angeles.

Miller has told the court

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that what he was trying to do, before he was placed under arrest by the top officials of the Los Angeles F.B.I. office, was to redeem his failed career and bring honor to the F.B.I. by cracking a spy case. He said he intended to turn Svetlana Ogorodnikov into a double agent, or otherwise to use her and her husband to infiltrate a unit of the K.G.B.

IF RICHARD MILLER AP-
pears to be a man without determined goals, Svetlana Ogorodnikov seemed to know exactly what she wanted. Adam Uribe remembers her as "a knockout." Uribe was Nikolay Ogorodnikov's supervisor for the last eight years at the Hoffman Brothers Meat Packing Company, where Nikolay was a packer. Uribe had socialized with the couple on several occasions, had been to their apartment, and used to see Svetlana when she visited Nikolay at the plant. "She knew exactly what to wear, how to match it, how to walk it, and when she got it together she was really beautiful," Uribe said in an interview.

There was something else for which she had a visible flair. She, as well as her husband, a Soviet Jew, apparently burned with the spirit of free enterprise. They arrived in the United States as refugees in 1973 and received a routine immigration and security check. They became highly visible among the 15,000 people in Los Angeles's Russian immigrant community for the Soviet movies they obtained and promoted at movie houses in the West Hollywood area, charging \$5 a head. Depending on their own political views, the local émigrés regarded the couple's films as either "propaganda" or "culture."

Yet by 1983, Svetlana Ogorodnikov was collecting welfare payments for herself and her 13-year-old son, Matthew. She had separated a year earlier from Nikolay, whom she married in the Soviet Union in 1971. Last August, Svetlana notified the appropriate county office that she and her husband were back together.

Joseph Russo, a vice president at Hoffman Brothers, said that the Ogorodnikovs were "always very anxious to get involved in different business transactions" and that he was amused by it, given the couple's habit of openly lauding the communist system, a behavior pattern mentioned by many others who knew them.

Three or four years ago, Russo said, the Ogorodnikovs came to him about an elaborate machine they told him they had imported at a cost of \$15,000 from the Soviet Union. They said they were going to

manufacture a Russian meat pastry, which Russo nicknamed "Russian ravioli," and that they wanted Hoffman's to market it. Svetlana had even cooked up a sample at the meat plant. The next thing he knew, Russo said, Nikolay was claiming that the machine didn't work, and cursing up a storm about Soviet technological abilities.

Meanwhile, the Ogorodnikovs were engaged in various lawsuits. The bunkerlike building that is the underground archives of the Los Angeles Superior Court contains the records of a number of lawsuits for damage claims, usually for personal injury; that the Ogorodnikovs filed over the last decade. Barry J. Krasner, a lawyer who represented the Ogorodnikovs for a while, remembered several of the settlements. He said that Mrs. Ogorodnikov got \$250 once from the settlement of a dental-malpractice suit, and \$22,500 from a Beverly Hills woman's insurance company for the couple's claim in a rear-end auto collision, a common type of claim that is probably settled out of court hundreds of times a day in Los Angeles.

But there was another side to their lives, too. Svetlana Ogorodnikov was known to the F.B.I. in Los Angeles at least since 1980, when she began offering what one official called in an interview "good information" to the bureau. But at other times, according to the bureau, her information could not be relied upon and, worse, she showed signs of instability. Prosecutors on the spy case told Federal District Judge

David V. Kenyon, who is slated to be the trial judge, that Mrs. Ogorodnikov tended to make wild statements when she had been drinking. They said that while she was talking to a supervisory agent in 1983, she claimed that she was dying of breast cancer and that she had slept with the late Soviet premier, Yuri V. Andropov, during one of her visits to the Soviet Union.

She aroused the suspicions of the F.B.I., resulting in her surveillance, because she made frequent trips to the Soviet consulate in San Francisco, known to American officials as the key base of Soviet intelligence operatives on the West Coast. Acquaintances reported that Mrs. Ogorodnikov also made frequent trips to the Soviet Union. Other émigrés said it was very unusual for a refugee to do so.

When F.B.I. agents searched the Ogorodnikovs' apartment at the time of their arrest, they uncovered a cache of the specialized tools of the espionage trade, among them concealment devices, microfilm, code books and secret writing implements. If the American Government is correct in its estimation, Svetlana Ogorodnikov was a "swallow," the picturesque term used by the K.G.B. for a specialized kind of operative, an appealing woman set in flight to subvert, through sex, men of opposing intelligence services. Svetlana, although she denies being a spy, has told the court that she earlier had had an affair with one of Miller's colleagues.

It was not long before the relationship between Miller and Svetlana Ogorodnikov turned to talk of obtaining secret documents. Miller said, according to F.B.I. notes, that after his first meeting with Svetlana, at a restaurant in Marina del Rey last May, they had sex almost every time they were together. He had finally agreed to meet her on the strength of her promise to furnish information on the Russian immigrant community, he said. Her initial information proved to be faulty, but she promised bigger fish and Miller said he got the feeling that "she was trying to recruit me." He said he thought he could "make" a case on her, a big case.

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He said he decided to create "a scenario" in which he told her he was unhappy with his work, that he had serious financial problems and that he was worried about a possible divorce. After several meetings, Svetlana told him she was going to Moscow at the end of June for a monthlong stay to report to Soviet military intelligence, the G.R.U. After her return, she contacted him again in the second week of August and they resumed meeting.

She told Miller that the Soviet Government was willing to pay a great deal of money for F.B.I. intelligence files, according to Miller's statements to the F.B.I. At one point, Svetlana offered to give him the equipment he would need to break into his superior's safe. Miller told her it would take "one or two million dollars" to secure his cooperation. On the night of Aug. 15, he went with her to her apartment in a run-down building in West Hollywood where he was introduced to Nikolay. The two men went to the building's garage, and they discussed money and a trip out of the country to deliver documents. The sum they agreed on was \$65,000 in gold and cash.

Miller accompanied Mrs. Ogorodnikov on a trip to San Francisco, where she told him she had to deliver canisters of film, and on Aug. 25 she entered the Soviet consulate without him. She later told him that they had been photographed by Soviet agents. They continued to develop a plan.

Then, on Sept. 26, according to the summary notes of the Miller interviews, she and Miller made final plans for a trip to Vienna. She told Miller he was to meet there with "Mikhail," a general of the Soviet G.R.U. Telling the ever-disheveled Miller that she wanted him to look dapper and "European" for the Vienna meeting, Mrs. Ogorodnikov took him on what the prosecutors call a shopping spree. She had already bought him a pair of red Italian shoes and, incidentally, some gym togs to help his weight-loss campaign. And, on the 26th, she bought him a \$675 Burberry trenchcoat.

The following day, Miller approached his superior, P. Bryce Christensen, the head of the counterintelligence unit, and told him of his dealings with the Ogorodnikovs. He had voluntarily come forward, he later told one of his F.B.I. interviewers, because he felt he had taken the operation as far as he could without official approval.

Many questions must be answered at the trials about what incriminating actions might have taken place during those encounters between Miller and Svetlana Ogorodnikov. Miller was questioned and underwent polygraph tests by the F.B.I. repeatedly during five days in late September and early October after he approached Christensen. Over the course of those days, his account changed from denials to statements that were increasingly damaging. F.B.I. officials, when they announced on Oct. 3 the arrests of Miller and the Ogorodnikovs, said that Miller had admitted passing a 25-page classified document titled "Reporting Guidance: Foreign Intelligence Information," to Svetlana. Miller, however, in the words of summary notes by an F.B.I. agent of an interview conducted on the evening of Oct. 1, had "indicated that he is so exhausted by the interview process that he sometimes feels that he is ready to admit to anything just to get the process over."

"In fact, he stated," the summary went on, that "toward the end of one of his interview sessions on Oct. 1, 1984, he indicated to his interviewer something to the effect, 'Just give me the confession; I'll sign it!'"

Perhaps the most damaging of the statements Miller made to his interviewers were these:

■ Miller on Oct. 1 told his interviewer that he now remembered giving Svetlana the Reporting Guidance document.

■ Miller said he remembered telling Svetlana that she could take his badge and credentials to show to Soviet consular officials to prove that she was indeed dealing with an F.B.I. agent.

■ Miller admitted that a hoard of classified documents that agents recovered in a search of his Lynwood bungalow had been collected by him to serve as a pool from which he would feed material to Soviet officers abroad.

■ Miller, complaining that he was feeling exhausted and frustrated, according to the notes, elaborated his protest in that evening interview on Oct. 1. He had said that he was told by his interviewers so often that he had done a certain thing "that he is beginning to believe that he actually did what they are saying he did."

MILLER'S ARREST as an accused spy slammed his fellow agents with the force of a .38-caliber slug. Men and women trained in the necessity for emotional detachment were embarrassed, incensed and collectively shaken to a degree unknown before within the Los Angeles office.

One agent, who requested anonymity, demanded rhetorically the reasons a man with Miller's poor reputation as an agent could have been placed in such a sensitive job by the leadership.

Miller's defense lawyers, Joel Levine and Stanley I. Greenberg, insist that this rage fatally poisoned the Bureau's investigation of Miller and inspired the investigating agents to "bad faith and deception." A Federal judge, David Kenyon, has flatly rejected the defense lawyers' claim of bad faith, but the notion that objectivity could have been clouded remains troubling.

For example, one man who gave information to the F.B.I., Donald E. Levinson, now questions the F.B.I. version of his information. Levinson is a Santa Monica lawyer who as recently as last summer was trying to help the Ogorodnikovs expand their film-distribution business. Levinson approached the F.B.I. offering information about the Russian couple shortly after their arrests. F.B.I. summaries written by agents of their interviews with

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Levinson painted a damning picture of the Ogorodnikovs. Among other things, the summaries report that Levinson said the Ogorodnikovs' claim of being in the film business was "doubtful in his mind," in the agent's words, but that they had plenty of money to entertain or travel to Moscow. They also quoted Levinson directly as saying the couple "lived like pigs" and "always had some kind of a scam" going on.

When these summaries were recently read to Levinson by a reporter, he unexpectedly denied having said such harsh things. Levinson said that their movie business was "legitimate, I can tell you that for a fact." He said he could not remember saying they had ready money for trips to Moscow, nor that they lived "like pigs." Levinson also said he could not remember using the word "scams" and said that he had only told the F.B.I. that the Ogorodnikovs always had something for which they needed a lawyer. Levinson said that he could offer no explanation why the F.B.I. account of the conversations differed so markedly from his own, except to say that maybe his words had been "taken out of context."

Miller's lawyers have not disputed the outline of Miller's actions between May and early October 1984 — not Miller's discussions with Svetlana developing a plan for him to work for the Soviets, not the agreement on payments, not the repeated sexual encounters.

"The key point," Levine says, "is that you can take every fact in that case and interpret it as meaning Richard was out to be a spy, or that he was trying to do what he said he was doing. Every fact but one: Why he walked in there Sept. 27" and told Bryce Christensen what he was doing. Levine, a quick, slender man who is a former Federal prosecutor here, said there is no evidence that Miller had any idea his activities with Svetlana were being investigated by the F.B.I. before the moment he approached Christensen.

Miller chose that moment to inform his superiors, Levine said, because Svetlana had just paid for their travel arrangements to Europe. Miller knew she could not have paid on her own, the lawyer said, so that act meant to him that the contact he was waiting for had been established with highly placed people in Soviet intelligence.

Miller also knew that he would need official F.B.I. backing to take any further his plan to recruit or compromise the Ogorodnikovs, his lawyer contends, and he had expected to get it.

Levine also stresses another issue, one that is specific to the F.B.I. Los Angeles office and

that they have tried to make a major issue at the trial. It is a contention, which had surfaced in the usually tight-ranked bureau even before the Miller case broke, that the number of Mormon agents in positions of power in Los Angeles has led to favoritism toward other Mormons. The head of the F.B.I.'s office in Los Angeles, Richard T. Bretzing, and Bryce Christensen are both Mormons. Bretzing, special agent in charge of the F.B.I. Los Angeles office, is a Mormon bishop in his own community in Los Angeles.

Miller's defense team has made much of a discrimination suit by a former assistant special agent in charge, Matt Perez. Perez has filed a complaint with the Federal Equal Employment Opportunity Commission asserting that Bretzing had discriminated against him because he is Catholic and not Mormon.

Miller's defense contends that undue Mormon influence was the reason a man of Miller's failings was assigned to counterespionage, a unit headed by a fellow Mormon. But in the end, his defense maintains, it was also the reason for his prosecution, as a "pawn" in a purported political move to dispel talk of Mormon favoritism.

In her defense, Svetlana Ogorodnikov denies that she is an agent of the Soviet Union or that she has done anything to further that country's intelligence actions. Her lawyers, Brad D. Brian and Gregory P. Stone, maintain that she was an F.B.I. informant and had an affair with Miller while performing in that role. They have indicated to Judge Kenyon that they intend to develop before the jury such issues as the F.B.I.'s use of informants and purported government misconduct, both of which could have the effect of putting the bureau on the defensive.

Nikolay Ogorodnikov has asserted the simple premise that he did not conspire with his wife or anyone else to get classified documents, and that he never saw or even heard of the "Reporting Guidance" papers.

One of the most puzzling questions to be answered about the case is why Miller, as he contends, thought he could infiltrate a K.G.B. cell, in view of his admittedly poor record as an agent. Levine said it was because his client was, in his view, "not very bright." "He didn't even get the raincoat," Levine said, amused at the idea.

Miller had only watched the Russian woman put a deposit on the coat in "layaway" at a stylish shop, where it was to stay until she could pay it off. After the pair was arrested, Government agents picked up the size 50 long trench coat and held it as evidence. ■