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DISPATCH		SECRET	PROCESSING ACTION
TO	Chief, European Division	DECLASSIFIED <small>REF DOI 70-17</small>	MARKED FOR INDEXING
INFO.	Chief, Soviet Bloc		NO INDEXING REQUIRED
FROM			ONLY QUALIFIED DESK CAN JUDGE INDEXING
SUBJECT	KEYWAY SMABOVE Comments on HEINE Deposition		MICROFILM
ACTION REQUIRED - REFERENCES			
Ref: OCOW 5792, 13 May 1966			
<p>In response to reference, the SMABOVES have commented as follows:</p> <ol style="list-style-type: none"> 1. Thank you for the copy of Erik HEINE's deposition, which we have examined and compared with the information previously submitted on HEINE. 2. As you are aware the case of Erik HEINE has aroused considerable interest in this country, and we expect that this interest will be redoubled in August when the results of Judge THOMSEN's deliberations become known. We anticipate further questions in Parliament and a continuation of the public debate on the merits of the HEINE case. It would be to the mutual advantage of both our organizations if we could be kept promptly advised of all current developments. 3. It is noted that throughout HEINE's deposition and in the interview we sent to you on 10 June 1964, he gave a number of names and addresses of people he claimed were familiar with his activities at certain periods of his life. Have these people been interviewed? If so, may we be provided with the results of these interviews. In view of the publicity that this case has received in North America, and doubtless in Estonian emigre circles throughout the world, has your Agency received any unsolicited information pertaining to HEINE from people who knew him during the period 1940 to 1956? Has any of this information confirmed the suspicions that HEINE is a KGB agent? Do you have any information not available to us which would tend to prove or disprove that HEINE is a KGB agent? 4. We would appreciate more information concerning the interview with HEINE in Germany which was sent to us with your letter (see OCOW 4356, 25 July 1963) and will be designated Interview "A". The interrogator appears to be familiar with <p>Distribution: ✓ 3 - C/ED 2 - C/SB</p>			
CROSS REFERENCE TO	DISPATCH SYMBOL AND NUMBER	DATE	
	OCOA 10885	16 June 1966	
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some of the names mentioned by HEINE. Was the interrogator an Estonian? What were his comments on the veracity of HEINE's story? Do the suspicions of your Agency stem from this original interview? How many times was the document translated and summarized before it reached the form in which it was sent to us? In this respect, we would point out an obvious error on page 10 in which it is stated that subject's friend, Ilmar ILVES, was killed while driving a bus. Two paragraphs later it is stated that after this accident ILVES was arrested in a hotel. It becomes apparent in the deposition that this friend of HEINE's lost his documentation because he killed someone while driving. Because of the many discrepancies between HEINE's story as told in the deposition and his account in Interview "A", we feel that it is of the utmost importance to establish the reliability and completeness of Interview "A".

5. According to the deposition, two separate interviews took place in Germany. One (on page 848) lasted for two hours and was conducted by the West German authorities, the other (page 866) was conducted by American Embassy officials. Which interview is represented by Interview "A"? Have steps been taken to collect and correlate the interviews of HEINE in Germany? If so, we would appreciate seeing the results.

6. Now that you have had an opportunity to study HEINE's deposition, we are wondering whether the views expressed in (OCCO 4356) have changed. Do you still believe that HEINE was recruited by the R.I.S. in 1940 after his first arrest? We agree that the hearsay evidence of Ilmar VESKIMETS certainly supports this hypothesis. On the other hand, does HEINE claim that he was one of 20 prisoners exchanged for "German Communists and Jews" make his story more credible? It is strange that the Germans had no suspicions of HEINE during his service in the German Army. His service in the Estonian Political Police and his subsequent promotion to commissioned rank in the German Army would tend to indicate that HEINE was considered legitimate anti-Communist by the Germans. HEINE's request to be released of his political duties and to return to the front line, if true, is hardly consistent with his being a KGB agent. It is reasonable to believe that HEINE would be of more value to the Soviets as a political police agent than as a soldier in the Estonian Legion.

7. Even if we accept the theory that the production and distribution of the film "Creators of Legend", HEINE's anti-Communist lectures and the publication of his biography are merely smoke screens to hide his real purpose of creating dissension and uncovering intelligence sources amongst the Estonians of North America, there are a number of other factors which we find difficulty in fitting into this theory.

8. First there is the public and prolonged protestations of HEINE himself. The success of HEINE as a KGB agent of dissension depends entirely on his ability to maintain his story and to convince the Estonian emigres, and the rest of the world, of his bona fides. The KGB must be exceptionally sure of their man and his cover-story to allow or direct him to take the unprecedented steps of sending an affidavit to the FBI, and offering to take a lie detector test (page 87 of deposition), and to institute slander proceedings against a man he suspected to be employed by American intelligence. In this respect, the time element is noteworthy, the first indication that we have of RAUS's adverse remarks about HEINE is on 19 May 1963. HEINE states (page 37 of deposition) that he heard the remarks in June or July 1963 and sought legal advice at the same time. Is it reasonable to assume that HEINE, being a KGB agent, would hear of these accusations, report them to the KGB, Moscow, and without any apparent personal qualms or faltering, accept the hasty decision of

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OCOA 10885

KGB Headquarters to pursue the whole question to its ultimate conclusion through American courts of law? Can the KGB be expected to reach such conclusions of far-reaching significance in so short a time? How could they be so sure that HEINE and his story would stand up in the light of world-wide publicity?

9. Another major factor which, if true, we feel mitigates against HEINE being a KGB agent is the fact that he sent the film "Creators of Legend" to Sweden to coincide with the date of KHRUSHCHEV's visit to that country. When one remembers the importance of this visit to Soviet diplomacy and the general coolness with which KHRUSHCHEV was received by the Swedes, HEINE's action, if indeed it is true, comes close to lese-majesty. Has this been verified, and has any attempt been made to interview Mr. ANTI PAE of Stockholm?

10. Having mentioned the points which we feel are in HEINE's favor, we will consider some of the glaring discrepancies revealed in HEINE's background when his deposition is compared with other stories. If generous allowances are made for memory lapses, it seems that the main discrepancies in HEINE's story appear after his alleged journey to Siberia. The most difficult part of his story to believe is also the part which appears impossible to corroborate - that is HEINE's activities as a guerrilla fighter from 1946 to 1950. In this respect we have noted the adverse comments of Eugene RAID and we are wondering whether RAID has been able to supply the names of other persons now in the free world who can testify as to HEINE's activities or lack of activities during this period. Has Olaf TAMMARK been able to supply any pertinent information?

11. When one considers the detailed, circumstantial and totally different accounts of the events leading up to the death of VAINOMAE, "the last man" in subject's guerrilla band, as given in interview "A" and in the deposition (pages 647 on), the only charitable conclusion to be drawn is that subject has told so many stories and spread so many fictional accounts of his exploits that he can no longer distinguish between fact and fiction. If one takes the more sinister interpretation that HEINE led the band only to preside over its liquidation then either of the two stories would serve to cover HEINE's betrayal of the last surviving member.

12. There are a number of other discrepancies between the deposition and Interview "A" of which we feel sure that you are fully cognizant. These include the two totally different stories of how he obtained a false passport (page 606 of the deposition); the difference in names of the man on whose behalf HEINE attempted to obtain a passport (page 581 on); the completely different accounts of subject's life between 1948 and 1950 as described in interview "A" and the deposition; and the difference in names of the man who allegedly betrayed him at Tallinn in 1950.

13. We cannot help but agree that no matter which of HEINE's biographies is accepted, it presents a severe strain on the credulity of the reader. We are wondering whether RAUS's lawyers have any comment to make on the veracity of HEINE's story and his demeanor while being interrogated. Have any of your defector sources been shown the story for comment? Has any part of HEINE's background been verified by German records? What is the opinion of the West German authorities on HEINE's release by the Russians in 1941 and 1956? Have other people in similar circumstances been able to obtain releases based on German citizenship?

14. The more we learn about the HEINE case, the more questions we find unanswered. We are reluctant to approach

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PAGE NO.

3

per DOI 70-12

CONTINUATION OF
DISPATCH

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DISPATCH SYMBOL AND NUMBER

OCOA 10885

HEING or to conduct further inquiries in Canada while the case is still sub-judice in the U.S.A. But we feel that we should be made aware of the extent of your inquiries and the inquiries made privately on behalf of RAUS's lawyers in Canada and the U.S.A. Your comments on this, and on all other aspects of the case, will be awaited with interest.

15. We would appreciate receiving a transcript of the pre-trial hearing. Could you also let us have copies of the newspaper articles mentioned in pages 141-142 of the deposition.

[] learned from [] by telephone that SMABOVE is satisfied with the material received since para 11 was written (i.e. - court hearing transcripts, investigative reports). Thus no action necessary on this paragraph.

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per DOJ 70-12

PAGE NO.

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