

FBI upsets AVS by arresting East German at meeting

If the Federal government wanted to impress upon scientists the need to keep military technology secret or justify its own preoccupation with restricting scientific communication for security reasons, it could not have done better—and worse—than it did at the 30th annual symposium of the American Vacuum Society. On the third day of the meeting, 3 November, the FBI arrested Alfred Zehe, an East German physicist, on charges of espionage. In its complaint filed with the US magistrate in Boston, the FBI described a classic counterespionage operation in which Zehe is implicated in a conspiracy with officials of East Germany's embassies in Washington and Mexico City to obtain classified defense information from an unnamed civilian employee of the Navy. Although the accompanying affidavit submitted to the court states that Zehe spent only brief periods at the AVS meeting, the way the FBI involved the Society in the surveillance and arrest has angered many of its members.

"It places a stigma on the Society," says John R. Arthur Jr, president of AVS. The flurry of press and television commentaries following the arrest left an erroneous impression, Arthur argues, that Zehe may have been gathering secrets at the meeting. "Many of the questions by reporters implied that the AVS might have been lax in not screening people at the meeting. When I pointed out that the meeting was open to all, reporters suggested that the 'spy' must have been seeking 'high-tech' information that should not have been discussed openly. If the 'spy' wasn't there because of the technical content of the meeting, goes the logic, then he must have been there to contact a scientist with a secret," Arthur says. "I am concerned that the decision of the FBI to make the arrest at the meeting, rather than while Zehe was elsewhere in the Boston area, has in some sense compromised the good name of the Society."

'Quell rumors.' A second issue that irks Arthur, who holds the Tektronix

Chair of Electrical and Computer Engineering at Oregon State University, applies to the extent of cooperation a Federal security agency expects from a scientific society. "I would have felt much more comfortable in this instance," he asserts, "if FBI agents had simply registered as participants as anyone is entitled to do. For them to announce their plans and then request that we quell any rumors about FBI activities at the meeting makes the AVS a party to their subsequent actions."

AVS is specially sensitive to the Federal government's campaign against leaks of scientific information with potential military usefulness, even though not classified. Four years ago, in the last year of the Carter administration, the AVS international symposium on magnetic bubble memories was the first open scientific meeting affected by the Commerce Department's regulations on exports of technology to the Soviet bloc. Just five days before the meeting, the department notified the organizers that "oral exchanges of information in the US with foreign nationals constitutes export of technical data." The implication was that all presentations were subject to export licenses and that failure to comply would expose the conference organizers and participants to heavy fines and prison sentences of up to ten years. AVS quickly rescinded invitations it had previously extended to scientists in Hungary, Poland, the People's Republic of China and the USSR. Other foreign participants had to sign agreements not to "re-export" what they learned at the meeting (PHYSICS TODAY, April 1980, page 80).

Arthur and other AVS leaders first learned of the FBI's interest in attending last November's meeting the night before it began. At dinner with staff from the AVS New York City headquarters, they learned that an FBI agent had turned up a week earlier and asked for complimentary credentials for six agents to attend the Boston symposium under false names. The

agent had boasted: "We're going to get some publicity out of this and perhaps catch a spy."

Fantasy or reality. Arthur recalls that he was "really appalled that we were being used in this way." When he telephoned the FBI in Boston next morning and repeated the New York agent's remark, Arthur was told the situation was "fantastic" and that its authenticity was "doubtful." Later that day, another agent called Arthur to explain the FBI's plan was for real.

It would be "ridiculous" for anyone to pick up military secrets at the meeting because no classified information was being discussed at any of the technical sessions and all of the exhibits contained commercially available apparatus, Arthur observes. What's more, the meeting, attended by some 2600 scientists and engineers, was open to anybody, including FBI agents, if they paid the registration fee. At the Sheraton Boston Hotel, where the meeting took place, an FBI agent drew Arthur into a back room, counted out \$780 in new bills to register himself and five colleagues and asked that the agency's operation not be divulged. "He told me it was a very top-secret, very expensive operation that they had been conducting for some time," says Arthur. "He told me things about it that I really had no business knowing."

Even so, Arthur and other AVS members found the agents conspicuous because each strolled about wearing large, old-fashioned earphones. There also was no disguising the anger of some members who thought their hotel phones were tapped. This concern stems largely from a curious incident in which the wife of the local arrangements organizer called a friend on the hotel room telephone and heard played back a recording of a call her husband had made to their home two days before. It was reinforced in remarks by a hotel executive who cautioned some members against making indiscreet calls because she suspected the phones were tapped. A Sheraton Boston spokesperson doubts that wiretapping

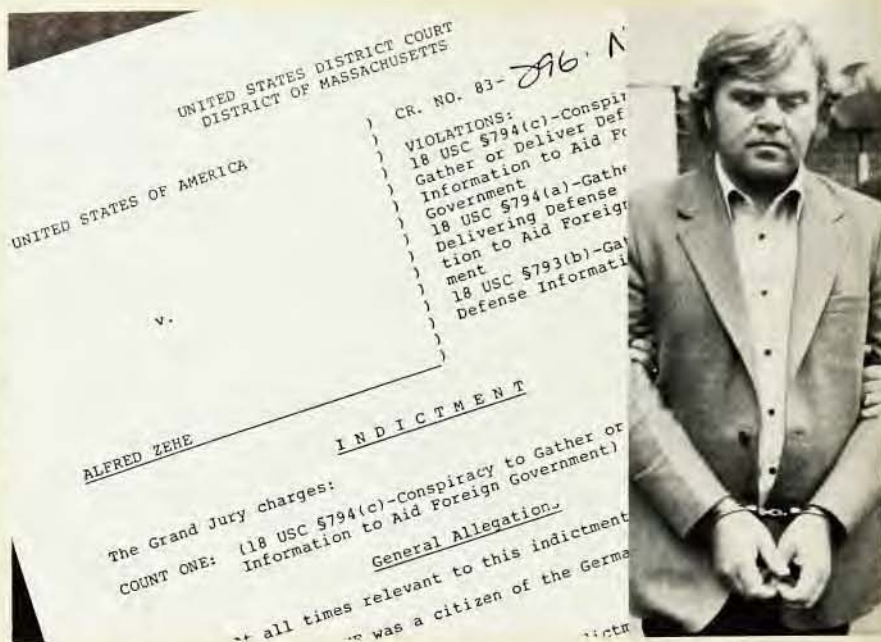
took place. The FBI, for its part, will not comment on the matter while its investigation of the case is pending.

As for Zehe, nobody recalls whether he attended any sessions, though he identified himself to AVS staff on two separate occasions. He displayed a copy of a letter sent to AVS by a woman graduate student at the Autonomous University of Puebla in Mexico, asking that a back issue of a scientific journal be brought to the Boston meeting, where it would be picked up. Another time he showed a list of scientific books to a member of the American Institute of Physics staff and requested that the books be available for him to buy at the March meeting of The American Physical Society in Detroit. Zehe is not a member of AVS, though he is a paid-up member of APS.

Navy 'mole.' According to the eight-count indictment returned by a grand jury in the US District Court in Boston on 10 November and the affidavit of James E. Lancaster, an FBI special agent, Zehe is a physics professor at the Technical University in Dresden, German Democratic Republic, teaching as an exchange scholar at the University of Puebla. In Lancaster's account, Zehe comes in at the midpoint of the spy caper. It began in December 1981 with a meeting at the East German embassy in Washington, D.C., between a civilian employee "in a responsible position" at the Naval Electronic Systems Engineering Command in Charleston, South Carolina, and Dieter Walsch, an embassy attaché identified in the affidavit as "an officer of the GDR Ministry of State Security, East Germany's intelligence gathering organization." Unknown to the East Germans, the Navy employee, always referred to in court papers as "the confidential source," was cooperating with the FBI and the Naval Investigative Service.

Walsch subsequently paid the US counterspy a total of \$3500 for two sets of classified documents that were delivered to the embassy in February and April 1982. The documents were provided by the FBI and NIS. The confidential source then was instructed to deal with officials at the East German embassy in Mexico City, where he was introduced to Zehe as a "scientific-technical expert" who would evaluate the classified documents.

From 25 October 1982, when they first met, until last 7 October, when the last documents and photographs were passed, Zehe or consular officers at the East German embassy in Mexico paid the "mole" another \$17 800. At Zehe's insistence, one meeting took place at a house just outside East Berlin, where the double agent was "debriefed" by two members of the GDR Ministry of State Security on his accessibility to



East German physicist Alfred Zehe is indicted on espionage charges after his arrest at American Vacuum Society meeting in Boston on 3 November.

additional classified material and his willingness to provide this to East German agents. Earlier, in Mexico, Zehe had supplied a movie camera capable of taking up to 2600 still shots on one film cassette. At three meetings in April, May and October 1983, the source turned over films of classified documents made available by the FBI and NIS, the affidavit reads.

When he first appeared before the magistrate after his arrest on 4 November, Zehe, a stocky, blond-haired 44-year-old, said softly: "A highly-trained spy? I am very sorry. I am a university professor—a scholar not a spy." At his arraignment on 14 November, Zehe pleaded not guilty. Because he has no diplomatic immunity, he could be sentenced to life in prison, if convicted of espionage.

Zehe's arrest, as it happened, coincided with hearings by a Congressional subcommittee on scientific communication and national security, at which several witnesses expressed fears that regulations restricting the dissemination of scientific information through meetings and publications could be

highly detrimental to US science. Some scientists are uneasy about the place and timing of Zehe's arrest. That someone from the Soviet bloc is actually caught at a scientific conference and charged with spying may appear to the public as ample justification that a vigorous response by government is necessary. Right now a Department of Defense task force is completing the final draft of new regulations to handle unclassified, but potentially sensitive, scientific and technical information. The Commerce Department is asking Congress to tighten the Export Administration Act of 1969, under which such items as computers, machine tools and microelectronics with dual civilian and military uses can be banned in foreign trade, and an interagency committee led by the National Security Council has just completed its report on government-wide regulations for commercial and scientific materials and information with national security implications (PHYSICS TODAY, June, page 41). One effect of the Zehe affair, accordingly, is to send a chill through the science community.

—JG

Besieged, Congress protects peer review

One of the most intense controversies among academics in 1983 involved the use of political influence to obtain Federal funds for science facilities. This subject was Topic A at a closed meeting in Los Angeles during the last week of October when presidents of 45 leading research universities in the US and Canada, belonging to the Associ-

ation of American Universities, signed a "gentleman's agreement" affirming that scientific merit, not political clout, should be decisive in determining where government money should be allocated for scientific projects and their related facilities.

By issuing the statement, the AAU implicitly reprimanded two of its own