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F.B.I. Agent in Spying Case Is Said to Have Had Problems at Work

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LOS ANGELES, Oct. 4 — Richard W. Miller had a record of discipline problems at the Federal Bureau of Investigation long before his arrest on charges of selling secrets to Soviet spies, according to law-enforcement sources here.

They say that agents in the Los Angeles office are rankled and that some of them question why superiors allowed Mr. Miller to work in the high-security area of counterintelligence.

Morale at the bureau here was severely shaken by the dismissal and arrest of the first agent in F.B.I. history to be accused of espionage. Mr. Miller, who worked for the bureau for 20 years, pleaded not guilty to the charges of conspiracy to provide national defense information to a foreign government at an arraignment in Federal District Court in San Diego today.

In the tension and emotion of the last two days, speculation has arisen within the agency here that personal favoritism based on religion, coupled with a bureau tradition of protecting its own people, may have influenced some officials in the Los Angeles division to shield Mr. Miller.

Charges Termed Unfair

In response to questions from reporters about such allegations, the special agent in charge of the Los Angeles division, Richard T. Bretzing, denied that Mr. Miller had benefited from any religious favoritism.

Mr. Miller, Mr. Bretzing and the agent in charge of counterintelligence, P. Bryce Christensen, are all members of the Church of Jesus Christ of Latter-day Saints.

In his statement, Mr. Bretzing said: "There are dozens, perhaps hundreds, of special agents in the F.B.I. currently on the rolls and serving throughout the world who are members of the Church of Jesus Christ of Latter-day Saints (Mormon). I believe it is unfair to these employees to impugn them or their religion based on the activities of another individual with a common religious background.

"The suggestion that preferential treatment," Mr. Bretzing continued, "has been given or is being given to anyone based upon his or her personal religious preference is totally inconsistent with exercising our rights and privileges guaranteed by the United States Constitution. These rights have not been and are not being abridged by anyone within the Los Angeles F.B.I."

A spokesman for the bureau here, Fred Reagan, said that Mr. Bretzing had turned down a request for disclosure of Mr. Miller's personnel record and that he would not comment on whether it contained any disciplinary or performance infractions.

"We don't talk about personnel matters or in-house matters of discipline," Mr. Reagan said.

John Moot, the public defender who represented Mr. Miller at the arraignment in San Diego today, said he had no information on Mr. Miller's work record at the F.B.I.

Law-enforcement sources here said that Mr. Miller had earned the sympathy of other agents as a man burdened with concern for a handicapped child — a teen-age son, Drew, who is deaf, according to a Miller relative — but who also worried them as a longtime problem.

One source, saying Mr. Miller has family and financial problems, suggested that he should not have been allowed to work in the area of counterintelligence, with access to sensitive material that others might be willing to pay for.

According to the sources, Mr. Miller had been reprimanded in writing for poor job performance, and was censured for selling Amway products, a line of household goods sold by individual franchisees, from a government car while on government time.

They said Mr. Miller had also been reprimanded for failing to lose weight to meet the bureau's physical stand-

ards. At least once he was suspended for several days without pay, the sources said.

Homer Boynton, former executive assistant director of the F.B.I., said that years ago Mr. Miller had worked under him in the counterintelligence area. "He didn't conform to the mold," recalled Mr. Boynton, now a vice president of American Airlines. "He always marched to a different drummer." He would not elaborate on his comments.

Suspect Held Without Bail

Mr. Bretzing told a news conference on Wednesday that he believed Mr. Miller had been motivated by financial problems in the purported sale for \$65,000 of F.B.I. secrets to a Soviet émigré couple, Svetlana and Nikolay Ogorodnikov, who are suspected of working for the Soviet security and intelligence agency, the K.G.B. Of Mr. Miller's performance record, Mr. Bretzing said Wednesday only that there was nothing to indicate that he might have been a security risk.

Mr. Miller was held without bail today at the Metropolitan Correctional Center in San Diego by Federal Magistrate Roger McKee, who ordered his removal to Los Angeles at the convenience of United States Marshals. Mr. Moot, the attorney who represented the former agent today, said that he expected Mr. Miller would soon be represented by private counsel.

Mr. Miller was arrested late Tuesday night at his family's 11-acre avocado ranch at Bonsall, in northern San Diego County.

His stepfather-in-law, Felipe Gonzalez, who lives near the ranch, said in an interview that the avocado venture had run into financial difficulty in recent years. He said that Mr. Miller, together with his wife, Paula, a substitute schoolteacher, recently "were involved in selling Amway products, but I don't know how they did it."

Mr. Gonzalez said that although the Millers' son, Drew, was enrolled in a special school for the deaf, he did not think that added significantly to his son-in-law's purported financial problems.

He said Mr. Miller had not spoken to him of any particular problems at his work, but that he complained often in recent years of being "very very bored sitting in the office and he was tired of it."