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PROGRAM House Assassinations Hearings STATION WETA-FM Radio NPR Network

DATE September 15, 1978 9:00 AM CITY Washington, D.C.

SUBJECT Testimony by Mr. John Hart

REP. LOUIS STOKES: The Chair recognizes Professor Blakey (?).

PROFESSOR BLAKEY: Thank you, Mr. Chairman.

Within hours of the arrest of Lee Harvey Oswald for the assassination of President Kennedy, officials in the United States began to speculate about the significance of Oswald's defection to the Soviet Union in 1959 and his activities in that country until returning to the United States in June of 1962. Specifically, the troubling question was asked, whether Oswald had been enlisted by the Soviet secret police, the dreaded KGB.

U.S.-Soviet relations had been turbulent during the Kennedy presidency. There had been major confrontations over Berlin, where the wall had come to symbolize the barrier between two superpowers, and over Cuba, where the emplacement of Soviet missiles had nearly triggered World War II.

A nuclear test ban treaty in August of 1963 had seemed to signal detente. But in November, tension was building again, as the Communists harassed American troop movements to and from West Berlin.

Cuba, too, was as much an issue as ever. In Miami, on November 18, Kennedy vowed the U.S. would not countenance the establishment of another Cuba in the Western Hemisphere.

The Warren Commission, of course, considered the possibility of Soviet complicity in the assassination, but concluded that there was no evidence of it. In its report, the Commission noted that the same conclusion had been reached by Secretary of

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State Dean Rusk and Secretary of Defense Robert McNamara, among others. Rusk testified before the commission on June 10th, 1964, quote, "I have seen no evidence that would indicate to me that the Soviet Union considered that it had any interest in the removal of President Kennedy. I can't see how it could be to the interest of the Soviet Union to make any such effort."

Then, in February 1964, a Russian, saying that he was a KGB agent, sought asylum in the United States, and he seemed to answer the question categorically by denying Oswald had been connected with the KGB. According to Yuri Nosenko, a self-proclaimed former KGB officer, he had been assigned in 1959 and 1963 to the KGB's American Tourist Section. This assignment, he said, had afforded him an opportunity to review Oswald's KGB file in those years.

Nevertheless, Nosenko's assertion did not end the mystery. In fact, it only tended to complicate it, because some officials of the Central Intelligence Agency doubted Nosenko was a bona fide defector. Some went so far as to suggest his defection was a KGB disinformation mission, an effort to mislead the American Government.

Beginning in April 1964, hostile interrogations of Nosenko were approved and initiated. He was cut off from the world and confined to a single room. Every movement he made was monitored. The hostile interrogations continued for over three years. Eventually, Nosenko was released from confinement, and a senior official in the agency was assigned to interview him anew. This time, the interviews were conducted in a more friendly atmosphere. Ultimately, the official wrote a report detailing his conclusions. At the termination of this yearlong process, it was decided that Nosenko was indeed a bona fide defector. He was given a substantial sum of money and hired as a CIA consultant, a position he holds to this day.

In its investigation of the Kennedy assassination, the Warren Commission was aware of the Nosenko issue, but it was able to make little of it, and opted not to refer to it in its reports.

News accounts of the Nosenko matter have not been particularly informative, owing to the limited nature of the generally classified information that they were reporting. A book by Edward J. Epstein, "Legend: The Secret World of Lee Harvey Oswald," published in early 1978, did raise some question about Nosenko's information on Oswald, though Epstein did not have complete access to all of the FBI and CIA files on Nosenko. Apparently, he depended on secondhand accounts.

Mr. Chariman, the evidence to be received today is directed toward the public resolution of a twofold issue with

regard to Nosenko. First, are his statements about Oswald credible? If so, the issue of Soviet involvement in the assassination is, of course, moot. But if not, the converse does not necessarily follow. Nosenko can be a bona fide defector and still not be a valid source of information about Lee Harvey Oswald. Deciding not to believe what Nosenko told about Oswald does not, therefore, necessarily lead, absent other information, to any conclusion about Nosenko's general bona fides or Soviet involvement in the assassination. Nosenko is only one possible source of evidence on this point. If he turns out to be good, he may be decisive. If he turns out to be bad, it may simply mean that there is no good source of information on this point available to the American Government, and nothing definite can be said about this question by the American Government.

Consequently, because the mandate of the Select Committee, as the committee has indicated to the staff, was limited to determining the facts and circumstances surrounding the President's death, no examination of the general question of the bona fides of Mr. Nosenko has been made. That question properly lies within the jurisdiction of other bodies.

Second, what was the quality of U.S. Government agencies in the Nosenko affair? The agencies whose performance is at issue are the CIA, the FBI, and, of course, the Warren Commission itself.

Mr. Chairman, Nosenko has been given a new identity by the CIA; and the agency, as well as the FBI, believes that to compromise it could put him in great personal danger. Consequently, he cannot testify before the committee in this public session, either in person, by film, or by tape recording, although each of these alternative methods was explored with him and with those in charge of his security. He did, of course, testify in person before two closed sessions of this committee on May 19 and May 20th. In addition, he was deposed, and extensive files were read, both at the CIA and the FBI. Interviews and depositions of other principals were conducted by the committee or the staff. While virtually all of the material reviewed, either by the committee or by the staff is classified, it is possible to tell the essential aspects of the Nosenko story without compromising national interest. And the CIA, as well as the FBI, has cooperated with the committee by facilitating the declassification of the basic outlines of the story.

A staff report on the committee's investigation has been prepared by the staff. Before summarizing the staff report, which will be made public, Mr. Chairman, I would like again to emphasize for those who follow the committee's work that the question of Nosenko's bona fides lies outside of the jurisdiction of the committee. Its mandate is limited. It is to weigh Nosenko's credibility as it bears on the career of Lee Harvey Oswald and to evaluate the performance of federal agencies in the matter. Other ques-

tions are for other bodies.

Finally, I note that the staff report does not contain any conclusions on either of these issues. Conclusions remain in the province of the committee to formulate and decide in December.

Mr. Chairman, I would ask at this time that the staff report on Mr. Nosenko be entered in the record as JFK Exhibit Number F-425.

I'd like, Mr. Chairman, with your permission, at this time to summarize the highlights of that report.

Nosenko has testified to the committee that he was born Yuri Ivanovich Nosenko in the town of Nikolayev in the Ukraine on October 30th, 1927. On leave in Moscow in 1953, he joined the NVD, later KGB. In 1955 Nosenko was transferred to the Seventh Department of the Second Chief Directorate, a department newly formed in the KGB to monitor tourists in the Soviet Union. In July 1962, he was promoted to Deputy Chief of the Seventh Department, second chief director.

Nosenko first came to the attention of U.S. intelligence agencies in June 1962. He identified himself to the CIA and offered to sell information for 900 Swiss francs. He explained he needed the money to replace KGB funds he had spent on a drinking spree. He has since said he did not really need the money, but felt an offer simply to give away the information would be rejected, as it had been with similar offers by other Soviet agents.

On January the 23rd, 1964, Nosenko was heard from again. The CIA was surprised by his sudden decision to defect, but Nosenko was adamant. On February the 4th, Nosenko revealed he had received a telegram ordering him to return to Moscow directly from Geneva. Nosenko later admitted, however, that the recall telegram was a fake. He had made up the story to get the CIA to agree to his defection without further delay.

By April 1964, Nosenko had been in the U.S. for nearly two months. Already, top officials of the Soviet Russia and counterintelligence sections of the CIA had nagging doubts as to whether he was a bona fide defector. Information Nosenko had given about Oswald, for one thing, aroused suspicions. The chief of the Soviet Russia section had difficulty accepting the statements about Oswald, characterizing them as seemingly, quote, almost to have been tacked on to or have been added, as though it didn't seem to be part of the real body of the other things he had to say, many of which were true, close quote.

Statements by Nosenko at the time of his contact with the CIA in 1964 revealing he had information about Lee Harvey

Oswald led to his being questioned by the FBI upon arrival in the United States. Nosenko told the FBI about his knowledge of Oswald and the fact that the KGB had no contact with him. The conclusion of the March report by the FBI reads as follows:

"On March 4, 1964, Nosenko stated that he did not want any publicity in connection with this information, but stated that he would be willing to testify to this information before the presidential commission, provided such testimony is given in secret and absolutely no publicity is given, either to his appearance before the commission or to the information itself,"

The report noted that on March 6th Nosenko inquired if the information he furnished on March 4 regarding Oswald had been given to the appropriate authorities. He was advised that this had been done.

On April 4, 1964, CIA officials decided to place Nosenko in isolation and to commence hostile interrogations.

First he was subjected to a polygraph, one designed to insure a proper atmosphere for the hostile interrogations. The CIA polygrapher was instructed to inform Nosenko that he had lied, regardless of the actual outcome of the test. In his report, the polygrapher wrote his true conclusion, which was that Nosenko had indeed lied. The official position now stated by the CIA is that the test was invalid or inconclusive.

The condition of Nosenko's isolation has been described by the Rockefeller Commission as, quote, Spartan, unquote.

Both Nosenko and the CIA were asked by the committee to describe them. Nosenko says the room to which he was confined had a, quote, metal bed attached to the floor, close quote, and, quote, the only furniture in the room was a single bed and a light bulb, close quote. The CIA states, quote, Nosenko received a regular diet of three meals a day. Periodically during his time, his diet was modified to the extent that his portions of food were modest and restricted, close quote.

Nosenko states he, quote, was not given a toothbrush and toothpaste, and food given to me was very poor. I did not have enough to eat, and was hungry all the time, close quote.

The CIA: Quote, Nosenko did not have access to TV, radio, or newspapers. He was provided with a limited number of books to read from, April 1964 to November 1965, and from May 1964 to October 1967. His reading privileges were suspended from November 1965 to May 1967, close quote.

Nosenko: Quote, I had no contact with anybody to talk. I could not read. I could not smoke, close quote.

The CIA states that Nosenko was, quote, under constant surveillance, constant visual observation from April 1964 to October 1967, close quote, the period of his isolation.

Nosenko states, quote, I was watched day and night through TV camera. I was desperate, wanting to read. And once when I was given toothpaste, I found in the toothpaste box a piece of paper with a description of the compound on this toothpaste. I was trying to read it under my blanket, but guards noticed it, and again it was taken from me, close quote.

Both Nosenko and the CIA agree that conditions improved markedly beginning in the fall of 1967, the end of the period of isolation.

Nosenko was questioned about Lee Harvey Oswald on five occasions in 1964. Nosenko said that as soon as President Kennedy's assassin was identified as a man who had lived in the Soviet Union, the KGB ordered that Oswald's file be flown to Moscow and reviewed to determine whether there had been any contact between him and Soviet intelligence. Nosenko said, further, he was assigned to review Oswald's file.

Based on that review, as well as his earlier contacts with the case, he was able to report positively that Oswald had neither been recruited nor contacted by the KGB.

At the time of his second polygraph examination, in October 1966, Nosenko was again asked about Oswald. The CIA examiner, the same one who administered the first test, concluded, again, that Nosenko was lying, although the official agency position now is that the test was, quote, invalid or inconclusive because the conditions and the circumstances under which it was administered are considered to have precluded an accurate appraisal of the results, close quote.

The Soviet Russia section of the CIA wrote a 900-page report based on its interrogations of Nosenko, though it was trimmed to 447 pages by the time it was submitted in February 1968. It came to the following conclusions:

Nosenko did not serve in the Naval Reserve, as he had claimed. He did not join the KGB at the time nor in the manner he described. He did not serve in the American Embassy section of the KGB at the time he claimed. He was not a senior case officer or deputy chief of the Seventh Department, as he stated he had been. He was neither deputy chief of the American Embassy section nor a supervisor in that section. He was not chief of the American/British Commonwealth section. He was not a deputy chief of the Seventh Department in 1962, as he had claimed.

High officials of the CIA, including Richard Helms, were

aware of the Nosenko dilemma by the time the Soviet Russia section report had been drafted. In May of 1967, a career officer in the Office of Security was assigned to write a critique of the handling of Nosenko. The security officer gradually came to the conclusion that Nosenko was supplying valid intelligence and that he was who he claimed to be, leading to the eventual conclusion that Nosenko was bona fide. The investigation ended in the summer of 1968.

On August 8th, 1968, Nosenko was given a third polygraph test. Two of the questions related to information he had supplied about Oswald. This time, Nosenko passed.

The CIA, when asked by the committee to comment on the third polygraph, now states, quote, This test is considered to be a valid test, close quote.

This committee obtained an independent analysis of the three polygraph tests given Nosenko from Richard Arthur, president of the Scientific Lie Detection, Incorporated and a member of the American Polygraph Association. In his report, Mr. Arthur expresses the judgment that the second test, the one in which the examiner determined Nosenko was lying, was the most valid and reliable of the three examinations administered to Nosenko.

As for the two questions about Oswald in the third test, Mr. Arthur characterized the first as, quote, atrocious, unquote, and the second as, quote, very poor, close quote, for use in assessing the validity of Nosenko's responses.

In a report issued in October 1968, the security officer disputed each and every conclusion of the report of the Soviet Russia section written only eight months earlier.

The security officer's report, like the Soviet Russia section report, paid little attention to the Oswald aspect of the Nosenko case. Neither attempted to analyze the statements made about Oswald. Out of a combined total of 730 pages of the report, only 15 deal with the alleged assassin of President Kennedy. The security officer did reach a conclusion, however, that Nosenko was not dispatched by the Soviet Government to give false information to the U.S. officials about Oswald.

The Warren Commission received FBI and CIA reports on Nosenko and his statements about Oswald, but chose, in its final report, not to refer to them. And while Nosenko expressed a willingness to testify before the Commission, as I previously noted, he was not called as a witness.

The CIA has informed the House Select Committee of Nosenko's status subsequent to the 1968 report as follows: Quote, Following the acceptance of Nosenko's bona fides in late 1968, an arrangement was worked out whereby Nosenko was employed as an

independent contractor for the CIA effective March 1st, 1969. His first contract called for him to be compensated at the rate of 16,500 a year. As of 1978, he is receiving \$35,325 a year. In addition to the regular yearly compensation, in 1972 Nosenko was paid for the years 1964 through 1969 in the amount of \$25,000 a year, less income tax. The total amount paid was \$87,052. He also received, in varying increments, in March 1964 through July 1973, amounts totaling \$50,000 to aid in his resettlement in the private economy.

To this day, Nosenko is a consultant to the CIA and the FBI on Soviet intelligence, and he lectures regularly on counter-intelligence.

In 1978 the Select Committee began its investigation of the Nosenko case. It was granted permission by the FBI and the CIA to read all documents, to interview principals in the case, and to question Nosenko himself about his knowledge of Oswald. Nosenko spoke to the House committee on five occasions. During two of these sessions, staff members took notes. In the third, Nosenko gave a sworn deposition. And on July 19 and 20, 1978, Nosenko testified before the committee in executive session. There was no substantive variation in Nosenko's recounting of the facts. There have been, however, significant inconsistencies over the years in Nosenko's story. Let me here note one, although others appear in the full summary:

Nosenko has always insisted that the KGB never had any contact with Oswald. He stated in both 1964 and 1968 that the KGB determined that Oswald was of no interest to them and did not even bother to interview him.

Question: And exactly why did no KGB officer ever speak to Oswald before they made the decision about whether to let him defect? Answer: We didn't consider him an interesting target.

When asked if he knew of any other defector who was turned away because he was uninteresting, Nosenko answered: No. Nosenko said the KGB not only did not question Oswald when he asked to defect, it also did not interview him later when it was decided he would be permitted to remain in Russia. At no time, Nosenko told the committee, did the KGB talk to Oswald.

Question: Now, when it was determined that Oswald was going to be allowed to stay in the Soviet Union and live in Minsk, did any KGB officers speak to him at that time? Answer: No. As far as my knowledge, nobody was speaking with him.

Question: Why didn't the KGB speak to him, then? Answer: KGB once said, "We don't have interest." The same was reported to the government [technical difficulties] that



the KGB doesn't have interest. The KGB didn't want to be involved.

According to Nosenko, the KGB would have been very interested in the fact that Oswald worked at the air base in Japan from which the super-secret U-2 spy planes took off and landed.

Question: And in 1959, would the Soviet Union have been interested in someone who served as a radar operator on an air base where U-2s took off and landed? Answer: Yes, sir. It would be very interested.

But Nosenko maintains that the KGB never spoke with Oswald, so it didn't know that he had any connection with the U-2 flights.

The head of the CIA Soviet Russia section from 1963 to 1968 was asked by the committee if he knew of comparable situations in which someone was not questioned, was just left alone, as Nosenko says Oswald was. He replied that he did not know of any former Soviet intelligence officers or other knowledgeable sources to whom he had spoken who felt that this would have been possible.

Quote, If someone did, close quote, he said, quote, I never heard of it, close quote.

In short, Nosenko's Oswald story is as follows: The KGB, although very interested in the U-2, never learned anything about it from Oswald because it didn't know he had any knowledge of the aircraft. Why? Because Oswald was never questioned by the KGB, because the decision was made that Oswald was of no interest to Soviet intelligence.

After questioning Nosenko on a number of other statements and their possible contradictions with prior statements which he made to the FBI and the CIA in 1964, and receiving similar response to the one I've just outlined, the committee, in its May hearing, returned to earlier topics.

Nosenko on numerous occasions had complained that the transcripts he was being shown were inaccurate, that he had been drugged by the CIA during interrogation, and that he was not fairly questioned, etcetera, etcetera, etcetera.

Therefore, the committee decided to play for Mr. Nosenko the actual tapes of the interrogation in which Nosenko made these statements, and to allow him to comment on them. At the time, a tape recorder was brought out and the following was stated by the questioner: "I would like to ask that this tape, which is marked 3 July '64, Reel Number 66, be marked for identification." A recess was requested to put the tape in the

machine. At the conclusion of the recess, Nosenko returned to the room and then refused to answer any questions dealing with interviews done by the CIA prior to 1967. He stated that all statements prior to that time by the CIA were the result of hostile interrogations, and that he was questioned illegally, in violation of his constitutional rights.

The committee considered how to respond to Mr. Nosenko's objection. And after deliberation, it decided that all questions dealing with prior statements to the FBI and the CIA would be suspended by the committee.

Mr. Chairman, that concludes my summary of the report.

It's appropriate to note that a draft of the staff report, a summary of which was just read, was submitted to the CIA for declassification. Within two days, the CIA declassified the entire draft, requiring that only a few minor changes and the deletion of the names of agency personnel and sources. The committee provided both the FBI and the CIA with copies of the report and asked the agencies if they wished to respond to the report at the public hearing to be held today. The FBI informed the committee that no response would be submitted. The CIA has made available to the committee John Lemon (?) Hart as its official representative to state the agency's position on the committee's Nosenko report.

Mr. Hart is a career agent with the CIA, having served approximately 24 years. He has held the position of chief of station in Korea, Thailand, Morocco, Vietnam, as well as several senior posts at CIA Headquarters in Virginia. Mr. Hart has considerable experience with Soviet intelligence and counterintelligence activities while serving in various capacities in the United States and abroad. He has written two extensive studies on Soviet defectors, one of which, dated 1976, dealt with the handling of Yuri Nosenko by the CIA.

Mr. Chairman, it would be appropriate at this time to call Mr. Hart.

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KENNETH KLEIN (?): Mr. Chairman, at this time, I believe, Mr. Hart would like to make a statement to the committee.

REP. STOKES: You're recognized, sir.

JOHN HART: Thank you, Mr. Chairman, gentlemen.

Before I begin my statement, I would like to make a prefatory remark on a technical aspect of what was said about me by the chief counsel, Mr. Blakey. I was not and never have been

what is called a career agent with the CIA. I bring that up only because that term happens to have a technical meaning in the agency. I was what you would call an employee or an officer of the agency. And I would like to have that made part of the record.

REP. STOKES: The record may so show.

HART: Mr. Chairman, it has never been my custom to speak from a prepared text. I've tried and I never succeed. Therefore, what I have before me are a series of notes which were finished about eight o'clock last night, based on guidance which I got at that time from Admiral Stansfield Turner, Director of Central Intelligence. It is my purpose to tell you as much as possible about the background of the Nosenko case, with the idea not of addressing what have been called his bona fides, but what has been described as his credibility.

Now, I must say that I have difficulty in distinguishing between credibility and bona fides, but, in any case, the testimony and the evidence which has been presented regarding Nosenko simply cannot be evaluated properly unless I give you the background which I am about to present.

REP. DODD: Mr. Chairman, I would like to make a request at this point, if I could. As I understood it last week, the agreement and understanding was that we would prepare a report of our investigation, submit it to the agency, to which the agency would then respond in a like report. We were notified earlier this week that a detailed outline of the agency's response would be forthcoming.

And am I to assume that this detailed outline consists of this single page and the summary of Mr. Hart's presentation, listing four subtitles. And that, as far as I can determine, is the full extent to which we have any response at this juncture of Mr. Hart's testimony.

What I would like to request at this point is if this committee could take a five- or ten-minute recess and we could have the benefit of examining your notes from which you're about to give your testimony, so that we could prepare ourselves for proper questioning of you, Mr. Hart.

Mr. Chairman, I'd make that request.

REP. STOKES: Does the witness care to respond?

HART: Mr. Chairman, I will do anything which will be of help to the committee. I want to state that I am not personally certain what was promised the committee. I was brought back on duty to be the spokesman for the agency. I've spent my