

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

HAROLD WEISBERG,)	
)	
Plaintiff-Appellant,)	
)	
v.)	No. 77-1831
)	No. 78-1731
GENERAL SERVICES ADMINISTRATION,)	Consolidated
)	
Defendant-Appellee.)	

AFFIDAVIT

My name is Harold Weisberg. I reside at Route 12, Frederick, Maryland. I am the plaintiff-appellant in this instant cause.

1. My prior experience includes that of investigative reporter, investigator and editor for the United States Senate and intelligence analyst. As an intelligence analyst I was authorized to classify records at the "Secret" level.

2. I have read Defendant-Appellee's Motion for Partial Dismissal dated October 16, 1978 (hereinafter the Motion), and its attached letters, of October 13, 1978, by Acting Archivist of the United States James E. O'Neill and of October 11, 1978, by CIA General Counsel Anthony A. Lapham. I also have read the previously withheld Warren Commission executive session transcripts, 10 pages of the transcript of January 21, 1964, and the entire transcript of June 23, 1964.

3. The Lapham letter states that these records were withheld "to protect intelligence sources and methods" and "because the documents were classified ...". It does not state that the alleged "intelligence sources and methods" were secret or in any way not generally known. It does not state that the records were properly classified.

4. Having read the transcripts in question, based on my knowledge and experience I state that there never was any possibility of disclosure of any intelligence source or method because the only content that could possibly have

been referred to is not and never has been secret. This is obtaining information from defectors.

5. On the same basis I also state that there never was justification for classification of these records at any level. There is no intelligence-related content of either record that was unknown to the KGB or to subject experts. There is no "national security" content at all.

6. On the same basis and from having read countless tens of thousands of pages of formerly withheld pages of information relating to the official investigation of the assassination of President Kennedy, including many thousands of pages of CIA records, and from extensive personal experience in Freedom of Information Act (the Act) matters, including litigation involving the Defendant-Appellee, the CIA, the Department of Justice and the FBI, I state that there is no content in either record that was withheld for any purpose other than withholding it from the American people and to avoid the certainty of official embarrassment if these records were to obtain any extensive public attention.

7. Because this and other information was improperly withheld, it was not possible for me to present what I know about the information to the district court or to this Court before now.

8. Improper CIA practice in this instant cause is duplicated in another cause (C.A. 77-1997) in which I seek other public information from the CIA. This other improperly withheld information includes the location of CIA stations the existence of which is public knowledge. The false claim made to withhold this information is that any official acknowledgment of the existence of these stations would be embarrassing to the governments of the countries in which they are located and thus would endanger United States "national security."

9. The Motion states (at page 5) that the CIA presented John Hart to the House Select Committee on Assassinations (hereinafter the Committee) as the official

CIA representative and as an expert, for the purpose of public testimony, on September 15, 1978.

10. The Hart testimony was broadcast. I heard that broadcast. When Hart was introduced and accredited by the Committee, as the Committee's press package states (at page 6), he was described as "a career agent with the CIA" who "held the position of Chief of Station in Korea, Thailand, Morocco and Vietnam ..."

11. This constitutes an official CIA acknowledgment of having stations in these four countries under circumstances that, to the CIA's knowledge, would receive and did receive extensive international attention.

12. This therefore proves that the prior sworn representations to the contrary by CIA representatives in C.A. 77-1997 were falsely sworn and were knowingly pretextual for purposes that are not in accord with the language and intent of the Act. This illustration of CIA false representation is typical of my experiences with the CIA in FOIA matters and throughout this instant cause.

13. The Motion represents (at page 5) that "the CIA conducted a classification review" of these transcripts because of the Hart testimony and a month after that testimony informed the Department of Justice that it "no longer deemed it appropriate to withhold the transcripts."

14. Having read the two dozen pages in question, I state that declassification review does not require a month and that with a case in court the time required for such a review, if any, is a matter of minutes, not a matter of a month.

15. Because of what I state in the preceding paragraph and because the CIA has a long record of untruthful representations, including under oath and in this instant cause, I attach proof of steps I personally took after the Hart testimony. This may explain or contribute to an explanation of other inspiration for the release of these transcripts that have been denied to me throughout the decade of my effort to obtain them and since 1975 in this instant cause.

16. I have separate FOIA requests filed with the Defendant-Appellee, the FBI and the CIA for the information these agencies withheld from me but provided to another despite my prior requests, as set forth in the addendum I filed with this Court on February 22, 1978. These three requests have been rejected. I have appealed these rejections.

17. Under date of September 17, 1978, I provided further information to Quinlan J. Shea, Department of Justice Director of FOIA/PA appeals, including information relating to these transcripts in question. (Exhibit 1A) Exhibits 17 and 12 of my prior affidavit in this instant cause set forth the impropriety of the withholdings and called the Department's attention to its prior policy decision in violation of the Act, to withhold Warren Commission executive session transcripts from me without specifying any exemption and for clearly political purposes. (Exhibits 1B and 1C)

18. In response, on October 5, 1978, Exhibits 1A, 1B and 1C were forwarded to the Director of the Department's Office of Information Law and Policy. (Exhibit 2) That Office was asked to provide copies of relevant records of the Freedom of Information Committee and the Office of Legal Counsel.

19. The production of records reflecting extralegal reasons for withholding such transcripts from me is certain to be embarrassing to the Department, which is also counsel in this instant cause.

20. Under date of October 3, 1978, I wrote Archivist James B. Rhoads, whose agency is part of Defendant-Appellee General Services Administration (GSA). (Exhibit 3) The first information request I renewed was for public information he had been denying me for 12 years. This information had been televised a month earlier during the Committee's September hearings. More than the 10 days of the Act have passed without any acknowledgment of the renewed request reaching me.

21. Next I called to his attention the fact that some withheld Nosenko

information also had been publicized by the Committee. I stated, "I believe that this requires you to reconsider your previous denials and I ask it." In the third paragraph I requested "reconsideration of the withholding of" the Nosenko transcript. (Inadvertently I gave the wrong date but in a subsequent paragraph did make accurate identification.)

22. I called to his attention the provisions of what is known as a "letter agreement" between GSA and the representative of the executors of the estate of President Kennedy. This agreement prohibits public display of the President's bloody clothing under any circumstances. Because the Archivist and GSA permitted public display and national televising of the bloody clothing, I asked for a copy of any amendment to the letter agreement under which such display is not prohibited. I reminded him that he had gone to court to deny me clear photographs of this clothing for my study. (Utterly incompetenet photographs were provided to the Warren Commission by the FBI. The Commission printed only unclear and distorted photographs. In my C.A. 2569-70, the Archivist told that court that under the letter agreement he could not provide me with prints of any pictures but that he would have photographs made for me.) I reminded him also that he had refused to permit the photographs taken for me to be presented to the court in C.A. 75-226. I renewed my requests relating to all the foregoing matters. These requests also remain totally ignored.

23. In the concluding paragraph, where I identified the Nosenko transcript accurately, I stated that one of those in the CIA who had caused this transcript to be withheld had told a reporter "that while the transcript could not be properly withheld as classified this claim was hoked up so that there could be withholding the CIA desired for entirely different purposes." I also reminded him that he is a classification expert and "ask that you personally review these transcripts that are withheld on claim to classification to determine that the claim is warranted."

24. I concluded with what I believe has great bearing on the present disclosure of these transcripts, "I remind you that there soon will be oral argument in this matter before the court of appeals." I believe it is the inherent threat that I would call this Court's attention to new proofs that the withholdings were unjustified and were for political purposes, as well as the fact of the CIA's official disclosures at the telecast hearings of the Committee, that impelled the present disclosure of these long-withheld transcripts.

25. From the foregoing it is apparent that I called Defendant-Appellee's and the Department's attention to the consequences of continuing to withhold these transcripts after the CIA disclosures before the Committee.

26. There is still another misrepresentation and attempt to deceive and mislead this Court in the Motion and in the CIA's Lapham letter of October 11, 1978.

27. The Lapham letter gives as the reason for the CIA's abandonment of its "previously claimed exemptions for the two Warren Commission transcripts" in order "to protect intelligence sources and methods" the fact that the Committee's testimony "has been given."

28. On page 5 of the Motion, in Paragraph 10, it is stated that "On September 15, 1978, the House Committee on Assassinations summarized a report ... submitted to the agency for prior clearance. The Director of Central Intelligence reviewed the report within two days of receipt and agreed to declassify the draft. The Director also made Mr. John Hart, an expert in Soviet Intelligence and counter-intelligence, available to testify before the Committee."

29. The Committee report is based on examination of many CIA records, a number of staff interviews with Nosenko and Nosenko's testimony at several Committee executive sessions. If the Director could review and declassify all this extensive material "within two days," her certainly could have reviewed the relatively few pages of these transcripts in much less time at any time since the filing of my

complaint in this instant cause. I know of no development in the past three years that in any way altered the significance or meaning of the content of these transcripts.

30. What the Motion does not tell this Court is that for a long time, certainly more than a years, the CIA was aware of the fact of the Committee's interest in disclosing information relating to Nosenko and the content of the Warren Commission executive sessions. This is not a matter that came to the attention of the CIA on September 15, 1978, and not before then, the implication of the Motion.

31. There is misrepresentation and intent to mislead in the Motion's formulation, "The Director also made Mr. John Hart... available to testify ...". This gives the impression that Hart, a CIA "expert in Soviet intelligence and counter-intelligence," was on the job at the CIA and as part of his regular, on-going duties was "available to testify before the Committee." The facts are to the contrary.

32. Hart had retired from the CIA after 24 years of service. Long before September 15, 1978, he was recalled by the CIA in anticipation of the September 15 testimony.

33. In his testimony Hart described months of searching, research and personal investigation. He recounted reading, rereading and comparing contradictory reports of many hundres of pages each, even of searching out a CIA official's handwritten thinking-aloud about Nosenko. (This deputy chief of a CIA Soviet Union division is one who contemplated what the CIA describes in this instant cause as "model" treatment. His "model" treatment ranged from inflicting brain and mind damage to permanent psychiatric institutionalization to killing Nosenko and leaving no trace of the assassination or the body.

34. During the long period of Hart's inquiries, searching of CIA files and

and interviewing of CIA personnel, there was never a time, from the very first moment, when it was not known that he would be making extensive disclosures relating to defectors and Nosenko. From the very outset it also was known to the CIA that the content of these transcripts was at most an insignificant part of the coming Hart testimony. It thus was known to the CIA from the very first moment, from even before it recalled Hart from retirement, that it would be making public disclosure of what it was withholding in these transcripts. During all this long time, the CIA was persisting in falsely sworn statements in this instant cause to perpetuate withholding them from me and from the meaning I as a subject expert could give them. (Some of this follows.)

35. At the cited point on page 5 the Motion states that "a partial transcript" of the Hart testimony is attached. I heard not part of the Hart testimony but all of it. (The Committee has not responded to my request for the full transcript or the Nosenko report referred to although this report was made available to the press.)

36. Based on careful attention to the Hart testimony and prior and detailed knowledge of this matter, I state that most of his testimony related to the CIA's treatment of Nosenko, which in this instant cause is not relevant. Nosenko's treatment is not mentioned in these two previously withheld transcripts. (The nature of the CIA's treatment of Nosenko was not unknown.) The possibly relevant portion of Hart's testimony also was not secret. This relates to the credibility of what Nosenko said about Lee Harvey Oswald, the only accused assassin of the President. What Nosenko told the FBI about this was not classified but GSA withheld it nonetheless until early 1975, when I obtained copies. Relevant Warren Commission staff papers were not properly classified because the Commission neither had nor sought authority to classify.

37. As one of many available proofs of what has been in the public domain

relating to the Commission and Nosenko, I attach as Exhibit 4 the Commission staff memorandum titled "Yuri Ivanovich Nosenko." Although this is dated the day after the Nosenko executive session, there is no reference to that executive session in it.

38. Having read the transcript and this and other Commission staff reports, I state that there is no information in the transcript relating to Nosenko that is not in the staff reports.

39. The staff report that is Exhibit 4 was declassified on April 7, 1975. This one of many available records establishes that GSA and the CIA have known from prior to the filing of my complaint in this instant cause and all during the time both were making false representations to the district court that both were withholding what was already within the public domain. Yet it was the month after "declassification" of Exhibit 4 that the two transcripts were reclassified.

40. Having read the Nosenko transcript, I state further that it holds no information relating to him that was not made available to Edward J. Epstein for his book Legend, his magazine articles and interviews and his extensive use on nationwide TV and other forums. This is to say that for all or virtually all of the time GSA and CIA were withholding this transcript from the district court and from me the identical information and much more had been made available to Epstein, who published it prior to the time I informed this Court of it in February 1978. Despite this, GSA, the CIA and the Department and its counsel continued to withhold this transcript and continued to make misleading and deceptive statements to courts to accomplish this improper withholding. (The foregoing statements apply to the January 21, 1964, or "defector" transcript, also.)

41. The only content of either of these two transcripts that might be alleged to be subject to classification is not properly classified. This relates to the use of those who defect from an intelligence agency by the intelligence

agency to which they defect. There is no possibility of the "disclosure" of an "intelligence source or method" in this because it has been common practice for as long as there have been intelligence agencies.

42. With regard to the names of defectors and any information they provide, there is no secrecy from the intelligence service from which there was defection. It knows that all its defected personnel know and much more. It assumes that they disclosed to the agency to which they defected all they know. The defector's only alternative is to risk Nosenko's long and barbarous abuse and what was considered for him thereafter, psychological torture or assassination.

43. Nosenko did not possess all of the KGB's knowledge of Lee Harvey Oswald, as he testified to the Committee. (He also provided to the Committee an affidavit I have read along with the Committee's summary of what he told it, the CIA's accounting of the services he rendered it and its payments to him for this service going back to 1962.) There were seven or eight KGB volumes relating to Oswald and various surveillances on him and their fruit. Nosenko testified that, during the brief period after the President was assassinated when he had possession of these volumes, he had time for only a skimming of the first half of the first volume.

44. The only secrecy with regard to Nosenko and what he knew of what the KGB knew about Oswald is what the CIA withholds from the American people. The KGB knows this and more.

45. With regard to the seven or eight KGB volumes relating to Oswald, I state that I have read the questions the CIA proposed having the State Department address to the Government of the USSR and that I recall no CIA request or recommendation that these volumes be provided to the United States Government. Rather were the CIA's questions drawn in a manner calculated to give offense, cause resentment and discourage cooperativeness. The State Department and the Commission did not approve them. In all the many thousands of pages of Warren

Commission records I have and have read, I recall no single page in which the Commission was informed about these KGB volumes by the CIA.

46. Based on prior experience and knowledge from my service in the State Department, I state that under the circumstances of the assassination of President Kennedy no government would risk appearing to force upon the United States what the United States did not request or indicate it desired to have. With regard to the coexistence of adversary intelligence agencies, this also is axiomatic. This became a matter of extraordinary delicacy because the Russians suspected that Oswald served American intelligence and Oswald was the alleged assassin.

47. It was the duty and obligation of the CIA to inform and counsel the Warren Commission wisely and fully. In not informing the Commission about these existing volumes of KGB records relating to Oswald, the CIA failed in its duties and obligations, making the failure in itself highly suspect.

48. Having read both previously withheld transcripts, I state that the actual reason for withholding them is an effort to prevent embarrassment and to hide the fact that the CIA virtually intimidated and terrified the Warren Commission. It misinformed and misled the Commission to avoid what was embarrassing to the CIA. It was in part to make such matters comprehensible that I earlier provided information and records that may have appeared not to be relevant but which are relevant and now are more relevant with what as a subject expert I perceive in these transcripts.

49. Because I was denied discovery and live testimony, I took the only road not barricaded.

50. The previously withheld ten pages of the January 21 transcript are attached as Exhibit 5. The purpose of the discussion, in the words of the Chairman (on page 64), is consideration of a CIA offer of assistance: "they would like to have us give them certain of our records so that they can show them to some of

their people, namely a couple of persons who have defected from Soviet Russia." Commission General Counsel J. Lee Rankin described the expertise of these former KGB intelligence experts (on page 66): "one was in Vienna and one was in Finland and fairly high up in the KGB." He added, with no omission in direct quotation, "The material they (i.e., the CIA) have in mind is nothing that is really classified ... material that Oswald wrote himself ... diary, letters and things of that kind..." what "could mean a good deal to a man who is" a former Soviet intelligence expert who had been "fairly high up" in it. "It is nothing that normally would be classified," Rankin added. (page 66) Former CIA Director Allen Dulles described the information as what the Commission would publish. (page 68). In fact, it was published in facsimile by the Commission. Within a few days of this discussion, some of it was leaked in a commercial venture involving about \$25,000 and a fixing of the national mind and attitudes toward Oswald.

51. This was the month before Nosenko defected. At that time the CIA was being helpful. It recommended that an official request be presented to the Soviet Government through the State Department. (pages 65ff.) It offered to use its KGB defectors for such purposes as looking for any kind of code in Oswald's writings. Dulles personally endorsed these defectors - before Nosenko defected - in these words: "... they have been working very closely with us, one has been working six or seven years and one about two years."

52. The Commission paranoia that borders on the irrational and is, I believe, one of the actual reasons for the withholding of these transcripts, was expressed by the Chairman (on page 64). Speaking of unclassified information and what the Commission was going to publish, he wondered aloud about "whether we should do that," meaning let the defected KGB experts examine the unsecret and unclassified material, "without taking some very careful precautions ..." His reason, suppose these two should redefect or "turn out to be counter-intelligence agents." So, "I myself

question the advisability of showing these records to any defector."

53. Soon thereafter "these records" were published in facsimile in Life magazine and extensively in many newspapers.

54. General Counsel Rankin, who had already described "these records" as not classified or classifiable, sought to reassure the Commission with regard to the Chairman's uneasiness: "... the CIA people say they couldn't hardly defect back again without being in plenty of trouble and they don't believe there is any prospect and they also say that when they have anything like that they have had plenty of notice in advance ... but they think that they could be very helpful because they can interpret these materials and suggest inquiries that we should make to the Soviet ..." (pages 64-5)

55. If by any chance the formerly high-up KGB official and his associate, after the kind of tough testing given by the CIA before it trusts defectors with its own secrets, still were in any way untrustworthy and would risk being killed by redefecting after giving away all the KGB's secrets they could, it is obvious that there could be no harm from their examining in private what they soon enough read in the press.

56. But the paranoid attitude, also fostered by the former CIA Director, continued throughout the transcript. Commissioner Gerald Ford asked (on page 70), "Does it have to be a matter of record for anybody other than ourselves and the CIA that these individuals within their agency have perused these documents?" Dulles responded, "No, unless they yell." (sic) Rankin explained, "He is afraid they might give it away," "it" being the unclassified material that was to be published. Ford stated, "I see."

57. That mature and responsible men could be so terrified of a nonexistent shadow - that a Presidential Commission investigating the assassination of a President could be rendered so impotent by irrationalities and impossibilities -

is an unusual glimpse of the inside, but it is not properly subject to classification, never was and contains no "security" secrets.

58. In all the pages of the various CIA, GSA and Department of Justice filings in this cause, there is no statement that the use of defectors by intelligence agencies is an unknown "intelligence source or method." Specifically, there is no representation that this is a CIA secret. There is no claim that it is subject to classification at any level. It is on pretextual and generalized allegations that this case has been so long-drawn-out and my rights under the Act denied and frustrated. The reason there is no such specific representation is that the CIA is well aware that I would prove it to be false swearing. The reasons for this include the CIA's own prior disclosure to me of its use of KGB defectors in precisely the manner it recommended to the Warren Commission.

59. In partial and limited compliance with an older information request, I received these kinds of records from the CIA. One in particular is a record it had made available to the Rockefeller Commission. Earlier it was given to the FBI, under date of December 16, 1963. When the records of which this is part were provided to me, these pages (attached as Exhibit 6) were withheld. Under date of November 1, 1975, the CIA explained this withholding from me: "we were victimized by the reproduction process in which two pages were somehow left out of Documents 413-76A and 513-199B responsive to your request number F-75-6669." (Attached as Exhibit 7)

60. The first two sentences of CIA Deputy Director Helms' letter to the Director of the FBI reads: "Attached for your perusal are the written comments of a Soviet defector (obliterated) on some aspects of the assassination of President Kennedy. As you know (obliterated) defected from the (obliterated) about ten years ago."

61. Contrary to the CIA's representations in this instant cause, this

record bears neither a classification stamp nor indication of the withholding of any classification stamp.

62. Directions for the routing of copies, mostly withheld, do not include the Warren Commission.

63. If the fact of use of information obtained from Soviet defectors was ever classified or subject to classification, this record and the covering letter to me establish that from prior disclosure to me three years ago the CIA itself revealed the information. I believe this means that any CIA or GSA representation to the contrary or any claim to classification or to need to withhold from alleged fear of disclosing "intelligence sources and methods" is a fraudulent misrepresentation.

64. It is well known that Anatoli Golitsin is a Soviet KGB defector. His name fits the spaces in Exhibit 6 from which the typing is obliterated. The space in Exhibit 6 for the place from which the defector defected fits "Finland," from which one of the two defectors the CIA wanted to provide "information" to the Warren Commission did defect. The time of defection approximates the above-quoted Dulles representation.

65. As I informed this Court in February 1978, the CIA had abundant reason from Epstein's earlier writing and sycophancy to expect him to write as it liked. It provided him with information it refused (and still refuses) to provide to me under my prior information requests.

66. It now appears that the CIA's spoonfeeding of Epstein includes what was withheld from the January 21 transcript as well as that of June 23.

67. On page 27 of Legend (Exhibit 8) he identifies Golitsin by name and by the code name of "Stone," both sworn to be secrets that the CIA claims in court it is required to withhold.

68. Within my experience the withholding of the names of defectors is not

the practice of the FBI. It also has the responsibility of protecting legitimate intelligence sources and methods. The first record of the content that I found in a spot check of my files is page 41 of the Commission file identified as CD 49. (Attached as Exhibit 9) As can be seen, the fact that Peter S. Derjabin is "an admitted former Soviet intelligence officer" is neither classified nor withheld by the FBI nor is the fact that he was an FBI source. (The release of his testimony before the Senate Internal Security Committee is reported in a Los Angeles Times story printed in the Washington Post of November 22, 1965. This also dates his defection as in 1955. Three days earlier the Post carried his column-long letter headed "Penkovsky Papers Defended." His name is Anglicized to Peter Deriabin. The first sentence of his letter discloses his CIA connection: "As the translator of The Penkovsky Papers ..." Naturally enough, he defends the authenticity of the manuscript it has since been established he and the CIA created.)

69. According to Epstein, Golitsin "defected to the CIA from Helsinki, Finland" with the rank of "a major in the First Chief Directorate of the KGB." This conforms to the description of the defector whose name is withheld from page 66 of the January 21 transcript, "fairly high up in the KGB."

70. While the dating provided by Epstein, "six months before Nosenko's contact" with the CIA in 1962, does not conform to the ten-year time in the Helms to Hoover memo (Exhibit 6), it is Dulles' "about two years" time for the second KGB defector.

71. If the Committee's narration introducing its Nosenko day of testimony is correct, there were only two KGB defectors to the CIA. Derjabin is publicly known to be a defector and publicly known to serve the CIA. This is established by published accounts that he "edited" the Penkovsky papers and by his 1965 testimony about the KGB, which was published by the Senate Internal Security Committee. The published time of his defection conforms with the earlier one Dulles reported.

72. There is no certainty that Golitsin and Derjabin are the two defectors

over whom, allegedly, the CIA withheld the January 21 transcript. The readily available public information strongly suggests they are. Whether or not these are those two, the fact that this and more is publicly available about them, including their use by the United States, means that on this basis alone the claim to be protecting "intelligence sources and methods" by the withholding is spurious. Then, of course, the KGB is only too aware of its defections. What is withheld is not withheld from the KGB.

73. Golitsin argues in accord with the pretext of the CIA's ultras that Nosenko had been dispatched by the KGB to "disinform" about Oswald and the assassination of the President. The political preconceptions and prejudices presented as impartial "analysis" in Exhibit 6 coincide with the views, indeed the campaign attributed to Golitsin.

74. Those who espoused these beliefs and subjected Nosenko to the unprecedented mistreatment the CIA itself described through its official spokesman Hart as the worst thing he had heard of about the CIA and as subhuman were James Jesus Angleton, who was Counterintelligence chief under Deputy Director and later Director Helms, and the deputy chief of the Soviet section. (Hart did not provide his name. It was reported in the press as Pete Bagley.) Information about Golitsin provided by Nosenko is described by Epstein, for whom Angleton was a major source, as "inconclusive and essentially irrelevant." (page 261, attached as Exhibit 10)

75. The doubt created about Nosenko's bona fides by those who had other than dispassionate reasons for creating this doubt permeates the transcript of June 23. It accounts for the failure of the Warren Commission to question Nosenko or to use the information he provided to the FBI as investigatory leads. Without any evidence and contrary to the available evidence, these political paranoids believed that Oswald was a KGB agent sent back to the United States to assassinate the President. Epstein, pretending otherwise, says the same thing in the book the CIA made possible for him. (Transcript attached as Exhibit 10-A)

76. Examination of the June 23 transcript discloses no classified or classifiable information and no information not long within the public domain, except for the successes of the CIA in terrifying the members of the Commission into irrational fears and an avoidance of their responsibility to investigate fully the assassination of the President.

77. The transcript begins (page 7641) with indication there was prior discussion regarded as requiring even more security than the original "TOP SECRET" classification:

(Members present: Chief Justice Warren and Representative Ford.)
The Chairman. On the record.

78. At this point Ford appears to be resuming what was discussed earlier, his account of having just received "a number" of lengthy staff papers and that in one of "about 170 some pages - in the first 120 or 130 pages, I noticed at least 10 references, as I recall, to Mr. Mesenko's views." (Throughout the name is misspelled.)

79. In his speech that continues almost without interruption for four pages, Ford also said about Nosenko, "nor have I seen any F.B.I. or C.I.A. reports on him." This means that not fewer than three FBI reports were not provided to a member of the Commission.

80. Mr. Ford did not provide his sources to the Chairman/Chief Justice in stating, "I have been led to believe, by people who I believe know, that there is a grave question about the reliability of Mr. Mesenko being a bona fide defector."

81. Ford was determined that the Commission make no use of any information provided by Nosenko even if the information were proven to be accurate:

Now, if he is not a bona fide defector, then under no circumstances should we use anything he says about Oswald or anything else in the record, and even if he is subsequently proven to be a bona fide defector, I would have grave questions about the utilization of what he says concerning Oswald.

(The transcript reflects that at this point Dulles entered the room.)

82. Ford stated the Angleton/Bagley view from within the CIA, "that Mr. Mesenko could very well be a plant" for "other reasons" as well as "for the Oswald case." He conceived that this would be "a very easy thing for the Soviet Union." He stated with judicial impartiality in this period prior to the beginning of any Commission investigation or the taking of its first testimony that one reason would be "to extricate themselves from any implication in the assassination." (page 7641)

83. Covering both ways, Ford plowed his furrow in the opposite direction just before the end of the session:

But for us to ignore the fact that an agency of the Government has a man who says he knows something about Oswald's life in the Soviet Union, we ought to say something about it - either say we are not in a position to say it is reliable, it may develop that he was or wasn't reliable. But for us just to ignore the fact, when we know somebody in the Government has information from a person who was in Russia and who alleges he knows something about Oswald would be unfortunate. (page 7648)

84. The Chairman agreed, as he had earlier, rephrasing what Ford said and obtaining confirmation for his "idea:" "... the crux of the whole matter is that the Report should be clear that we cannot vouch for the testimony (sic) of Mr. Mesenko." (Nosenko was not a witness, although the FBI arranged for him to testify in secret.) The "idea" is "clear" in the Report: There is no mention of Nosenko at all, what Ford wanted to begin with and ended up saying would be "unfortunate." Rankin then said, "The staff was very much worried about just treating it as though we never heard anything about it, and having something develop later on that would cause everybody to know that there was such information and that we didn't do anything about it ..." (pages 7648-9)

85. Ford enlarged upon this: "I think you have got to analyze this in two ways. One, if he is bona fide, then what he knows could be helpful. But in the alternative, if he is not bona fide, if he is a plant, we would have to take a much different view at what he said and why he is here."

86. Rankin then stated that this "is one of the things that I inquired into, in trying to find out from the C.I.A., as to whether or not he might have been planted for the purposes of furnishing this information ... Mr. Coleman and Mr. Slawson ... assured me that he had been what they called 'dangled before them,' before the assassination occurred, for several months." (pages 4649-50)

87. This is factually incorrect, an error Ford reenforced immediately: "It is my best recollection that he was actually a defector some time in December." Nosenko was working for the CIA inside the Soviet Union beginning in 1962. He then stated firmly that he would never defect and leave his family behind. His actual defection, not "dangled" but entirely unexpected, was in February 1964, which is after, not before the assassination. (page 7650)

88. Dulles expressed the view that prevailed: "I doubt whether we should let the name Mesenko get into the printed report." (page 7644)

89. This is not because the Soviet Government did not know about the Nosenko defection. It was very public as the transcript reflects at several points.

90. Rankin said that "there will be people, in the light of the fact that this was a public defection, that has been well publicized in the press, who will wonder why he was never called before the Commission." (emphasis added, page 7645) Ford said that "the original press releases were to the effect that he was a highly significant catch ... There was great mystery about this defection, because the Soviet Union made such a protest - they went to the Swiss Government, as I recall, and raised the devil about it." (page 7650. Nosenko defected to the CIA in Geneva, Switzerland.)

91. Despite the fact that Nosenko's name was public, Helms did not want it used. He phoned Rankin just a few minutes prior to this "top secret" executive session to discuss Nosenko. Rankin told the Commission, "I just received a call from Mr. Helms ... he learned that we even had papers that the Commissioners were

looking at. And Mr. Helms said that he thought that it shouldn't even be circulated to the Commissioners, for fear it might get out, about the name Nosenko, and what we received." (emphasis added, pages 7645-6)

92. If there was any Commission Indignation, it will have to be read into the Chairman's words, "Well, that name has been in the papers, hasn't it?"

93. Helms also had a proposal for the Commission as an alternative to performing its duty to investigate leads. In Rankin's words, "And he said would it help if Mr. McCone sent a letter to the Chief Justice as Chairman of the Commission asking that no reference to Mesenko be used. And I said, 'I think that would be helpful to the Commission,' because then the Commission would have this position of the CIA on record ..." (pages 7645-6. John McCone was then Director of Central Intelligence.)

94. Rankin had hardly finished repeating the CIA's request for suppression and offer of a letter to cover the Commission when Dulles objected strongly:

I would like to raise the question whether we would like to have a letter, though, in our files asking us not to use it. It might look to somebody as though this were an attempt by the C.I.A. to bring pressure on us not to use a certain bit of information. (page 7647)

95. Without any CIA incriminating letter in the Commission's files, this is precisely what happened. It began almost as soon as the FBI arranged for Nosenko to testify before the Commission. It was accomplished in a redraft of the "Foreign Conspiracy" part of the Commission's Report that was written and retyped before July 17, 1964, as the staff memorandum attached as Exhibit 11 establishes. The editing was by Howard Willens, a respected lawyer who then was on loan to the Commission from the Department of Justice. He was not assigned to the "foreign conspiracy" team. This memorandum is from the junior member of that team to its senior member, later a Cabinet member in the Nixon and Ford administrations. W. David Slawson informed William T. Coleman that "all references to the 'secret Soviet Union source' have been omitted."

96. "Eliminated" is more accurate than "omitted" because this part of the Report had been written with Nosenko included. Ford's objection on the very first page included reference to Nosenko as "the basis upon which these statements are included in the proposed draft."

97. None of the information in this transcript is or has been secret. This information also is public in available Commission records and in some books.

98. As early as March 12, 1964, a few days after the FBI arranged for Nosenko to testify, Helms and two CIA associates had already begun to talk the Commission out of any Nosenko interest. All reference to this was suppressed until July 11, 1973, when Exhibit 12 was made available. Most of this excision was restored on January 24, 1975, (Exhibit 13) thus disclosing for the first time the CIA's "recommendation ... that the Commission await further developments" on Nosenko. This "recommendation" does not appear to qualify for "TOP SECRET" withholding.

99. These exhibits also establish that years after the CIA concluded that Nosenko was a legitimate defector, was employing him and paid him a king's ransom, the CIA was making a "national security" claim for information that does no more than report the beginning of its successful effort to influence the content of the Commission's work and Report.

100. The transcript is almost totally void on Nosenko's information. There is only a vague reference to Oswald's life in Russia. If any other information was discussed, it is not recorded in the transcript. The transcript does begin after the session began. At the end of what is in the transcript, the Commission did not adjourn. It took a recess. But there is no further text.

101. What concerned the Angletonian wing of the CIA and caused all the commotion over Nosenko is their political concoction, not intelligence analysis, that Nosenko had been dispatched by the Soviet Union to plant "disinformation" about Oswald, an alleged KGB involvement with him and the possibility that the

KGB was responsible for the assassination through Oswald.

102. Aside from the conditions of Nosenko's three years of CIA solitary confinement, the only subject about which Hart was questioned before the Committee is whether or not Nosenko was dependable. When what is totally omitted in all of this is considered (see paragraph 107 below), there is, I believe, a reasonable question of whether history would have been different if these transcripts and still withheld related information had not been withheld from me.

103. Allegedly, the major doubts about Nosenko's bona fides were over his statement that his partial review of the KGB's Oswald file when flown to Moscow from Minsk disclosed no KGB interest in Oswald and that it had not attempted a formal debriefing. The predominating Angleton-Bagley interpretation is that this was impossible because Oswald possessed important military intelligence information and that therefore Nosenko was lying. Although nobody ever gets around to being specific about what real secrets Oswald knew and could have told the Russians, it is implied that Oswald's radar knowledge included what the Russians did not know. The reason there are no specifics is because this is not true. Oswald's knowledge of what was not secret was of no value to the KGB. His knowledge of radar codes was valueless because it was certain that with Oswald's supposed but never formalized "defection" these codes would be changed immediately, as they were.

104. What it is alleged the KGB did not do - evaluate Oswald's potential usefulness to it - in fact it did do, covertly. One reason there was no overt KGB debriefing is because its preliminary inquiry, which was known to the CIA, disclosed that Oswald was what the Warren Commission also concluded he was, an unstable person.

105. The CIA's major interest, which became the Committee's major interest, was in purging itself of the abusive and unconstitutional way in which it had conducted its "model" treatment of Nosenko. While it is not easy to stretch or twist this to fit a legislative purpose limited to inquiry into the assassination

of President Kennedy, the Committee glowed in scare headlines and the CIA pulled a large and successful diversion, as will be stated in what follows. (see paragraph 107)

106. The CIA also used this forum and the nationwide attention it received to make unequivocal its official, anti-Angleton conclusion of almost a decade ago, that Nosenko was an authentic defector and a dependable intelligence expert. In fact, it has paid him for services rendered during the past 12 years. It employs him today as a consultant at a salary of \$35,327.00 a year. The data it provided to the Committee and the Committee released does not tabulate all Nosenko received. Congressman Harold Sawyer estimated that it was about a half-million dollars, including allowances, salaries and benefits.

107. With Nosenko's dependability firmly, officially and expensively established, neither the CIA witnesses nor the Committee alluded to other and totally ignored information Nosenko gave the FBI, the opposite of Oswald as a KGB operative - the KGB suspicion that Oswald was an "American agent in place," also known as a "sleeper agent."

108. There also is no reference to the suspicion that Oswald was an American agent in the June 23 transcript. So that the Court may know some of what was readily available to the Commission in 1964, to the Committee in 1978, and the CIA still withholds from me, I attach two of the FBI's reports as Exhibits 14 and 15.

109. As is shown in Exhibit 4, the staff memorandum of the day after the Nosenko executive session, the Commission's January paranoia was partly overcome and "Nosenko was shown certain portions of our file on Oswald." (page 2, final paragraph) Nosenko told the Commission that Oswald's support from the USSR Red Cross, of 90 rubles a month, "was probably the minimum." (emphasis in original)

110. Nosenko did not represent to the Commission that he had examined the entire KGB file. He made it clear that he was not aware of the results of all

surveillances on Oswald in the USSR. (Exhibit 4, page 3)

111. Rather than having no intelligence estimate of Oswald, this staff memo states that the KGB obtained its information by a number of means without subjecting the suspected Oswald to a formal interrogation. A formal KGB questioning would have told Oswald he was suspected. It would not be a normal practice if he were to be watched as a suspect without being told that he was under suspicion. The Commission staff report discloses how the KGB formed its appraisal of Oswald: "The KGB in Moscow, after analyzing Oswald through various interviews and confidential informants, determined that Oswald was of no use to them and that he appeared 'somewhat abnormal.'" (emphasis added, from page 3)

112. The Intourist interpreter assigned to Oswald also was KGB.

113. What is never stated and to the best of my knowledge is included in my writing only is that Oswald was anti-Soviet. A reference in the KGB Minsk file that worried KGB Moscow after the President was assassinated is that someone in Minsk had tried to "influence Oswald in the right direction." The KGB Moscow fear was that, despite its orders to watch Oswald and not do anything else, an effort might have been made to recruit him. In the words of Exhibit 4 (page 4), "It turned out that all this statement referred to was that an uncle of Marina Oswald, a lieutenant colonel in the local militia at Minsk, had approached Oswald and suggested that he not be too critical of the Soviet Union when he returned to the United States."

114. In the many assassination mythologies, Marina Oswald's uncle's local militia job has been converted into his having a significant KGB intelligence rank.

115. In my first book, which was completed about February 15, 1965, I concluded from the Commission's own published evidence that Oswald's career in New Orleans, after he returned from the USSR, was consistent only with what in intelligence is called establishing a cover.

116. In my first and third books I go into detail, again from what was made

public by the Commission, about Oswald's anti-Soviet and anti-U.S. Communist writing. In his notes, later published by the Commission, Oswald berated the Russians as "fat stinking politicians." The American Communists he declared had "betrayed the working class." His favorite book was the anti-Communist classic, George Orwell's The Animal Farm.

117. Whether or not it is believed that Oswald was anti-Communist, as from my own extensive work I believe he was, it remains unquestioned that Nosenko stated the KGB suspected him as an American sleeper agent; that he told this to the FBI, which told the Commission; that on March 4, 1964, the FBI got Nosenko to agree to testify in secret before the Commission; that CIA efforts to abort this are recorded as beginning not later than a week later; that on April 4, 1964, the CIA made Nosenko totally unavailable by beginning his three years of illegal and abusive solitary confinement that day; and that none of this, which is not secret, is included in the June 23, 1964, transcript which was held secret and was denied to me for a decade.

118. It is in this context that other facts require examination for what I believe is relevant, motive for the unjustified withholding of this transcript from me and the misrepresentation and false swearing employed to accomplish the end that now, from examination of the transcript, can be seen is not a proper end.

119. The CIA officials who were in a liaison role with the Warren Commission were not of its intelligence component. They were from Plans, the Helms dirty-works or operational part. The Angleton Counterintelligence Staff, under Helms, handled most of it. It is one of these people who told the reporter cited above that spurious claims were made to withhold this transcript merely because the CIA wanted to withhold it and despite the fact that no exemption applied. These are the same people who "reviewed" these transcripts and directed GSA to withhold them.

120. Those who created doubts about Nosenko and are responsible for the

"model" treatment he received and its exceptionally long duration are Angleton and Bagley, Deputy Chief of the Soviet Russia function, according to the testimony of the CIA's official spokesman, Hart.

121. If Oswald had been serving an American Intelligence Interest, as former CIA Director Dulles told his fellow Warren Commissioners, the USSR is not within the FBI's jurisdiction and is within the jurisdiction of the CIA.

122. This was in the formerly "Top Secret" transcript of the January 27, 1964, executive session, the one referred to in Exhibits 1 and 2. That transcript also was classified and withheld from me by false representation about its "security" nature until the case was scheduled to go before this Court, when it was given to me as an alternative after GSA prevailed before the district court. It was at this session that Dulles described false swearing as CIA patriotism. Once again, when it was possible to examine the transcript, there was nothing in it that qualified for classification and there was much in it that was embarrassing to the CIA and to Commissioner Ford, who then was also House Minority Leader.

123. The foregoing information can be arranged in another manner to reflect motive for withholding these transcripts when they did not qualify for withholding and were required to be released to me:

1. Nosenko was a productive CIA agent-in-place inside the KGB, beginning in 1962. His work was within the responsibilities of the Angleton and Bagley part of the CIA.
2. Oswald was accused of assassinating President Kennedy on November 22, 1963.
3. Nosenko defected to the CIA in February 1964, meaning to the Angleton-Bagley part of the CIA.
4. Nosenko was made available to the FBI in late February and early March of 1964. He told the FBI and the FBI told the Commission that the KGB suspected Oswald was an American agent-in-place or "sleeper" agent, which would have meant for the Bagley-Angleton part of the CIA.
5. This also meant that the alleged Presidential assassin was suspected of a CIA connection, or an Angleton-Bagley connection.
6. Immediately after Nosenko agreed to testify in secret to the Warren Commission, a CIA delegation headed by Helms, then Deputy Director for Plans and Angleton's superior, started to talk the Warren Commission into ignoring Nosenko and what he stated he knew, including that Oswald was suspected of being an American agent.

7. Immediately after this the CIA, under Angleton-Bagley pressure and persuasion, incarcerated Nosenko illegally and for three years under cruel and brutal conditions, making him unavailable to the Warren Commission throughout its life (and for several years thereafter).

8. After this abusive treatment of Nosenko, during which his life and sanity each were in danger from the same CIA people, the CIA decided, officially, that Nosenko was genuine in his defection and so valuable and trustworthy an expert that he received a large sum of federal money and remains a CIA consultant.

9. By this time there was no Presidential Commission, no other official investigation of the assassination of President Kennedy, but the CIA withheld all relevant records under claim to "national security" need. What has been forced free of CIA false claims to "national security" discloses that there is not and never was any basis for the claim.

10. When there was no official investigation and when for a decade I tried to obtain these records, the same CIA people who are responsible for the catalogue of horrors tabulated above succeeded in withholding these records, including the two transcripts involved in this instant cause, because these same people also were the CIA's "reviewing" authority.

11. This is to say that the CIA people who may have pasts and records to hide are those who were able to misuse FOIA and the courts to hide their pasts and records and any possible involvement with the accused assassin Oswald and that the CIA on higher level permitted this.

124. Whether or not Nosenko was either dependable or truthful, his allegation required investigation by the Presidential Commission charged with the responsibility of making a full and complete investigation of the assassination. The Commission did not have to believe a word Nosenko uttered but it had the obligation of taking his testimony and then, if it believed discounting his testimony was proper, not paying any attention to it. Whether or not the Commission took Nosenko's testimony and whether or not it then believed anything he said, the Commission had before it - and under CIA pressure and intimidation suppressed - the allegation that the Russians suspected that the only accused assassin had been an American agent. This also required investigation. But there was no investigation. For the CIA there was the substitution of an affidavit by its Director, who stated that Oswald was not his agent. As Dulles told the Commission on January 27, 1964, when perpetual secrecy was expected, both the FBI and the CIA would lie about this. (If Oswald had been connected with the CIA, that would have been when Dulles was Director.)

125. The CIA is the country's foremost expert in the fabrication of covers.

The cover story fabricated by those of the motive and record stated above is that the KGB had to misinform the United States about the conspiracy aspect of the assassination. The inference is that, with Oswald having lived in Russia and with Oswald the only official candidate for assassin, the KGB was responsible for the assassination. (The Ford attribution of KGB motive, provided "by people I believe know," is "to extricate themselves from any implication in the assassination.") The cover is diaphanous. If the KGB had been connected with the assassination - and there is no rational basis even for suspecting it from the unquestionable evidence - it still had no need to run the great risk of sending a disinformation agent. The reason is known to subject experts. It should have been known to the Commission and its staff, to the FBI and to the CIA.

126. The most obvious reason is that the official no-conspiracy conclusion had already been leaked and was never altered.

127. Throughout the entire course of the Warren Commission's life, there was systematic leaking of this lone-nut-assassin, no-conspiracy predetermination. The first major leak was of the report President Johnson ordered the FBI to make before he decided on a Presidential Commission. This report, which is of five bound volumes subsequently identified as Commission Document 1" or CD1, is actually an anti-Oswald diatribe that is virtual ly barren on the crime itself. This remained secret until after the end of the Commission's life. This report is so devoid of factual content that it does not even mention all the President's known wounds. Nonetheless, especially because of secrecy and Commission complacency, it became the basis of the Commission's ultimate conclusions.

128. The basis conclusions of this five-volume FBI Presidential report were leaked about December 5, 1963. The next day, at a Commission executive session, then Deputy Attorney General Katzenbach told the Commission members that the FBI itself had leaked the no-conspiracy conclusions of its report. The text of this

FBI report did not even reach the Commission until December 9, four days after the leak. The leak, as published, represented the Oswald-alone, no-conspiracy conclusion as the official FBI conclusion.

129. The CIA's contrivance, which could have incinerated the world, presupposes that the KGB did assassinate the President. If the KGB had not it had neither motive nor need for the CIA's fabricated cover story on Nosenko, that he had come to spread KGB disinformation about the assassination.

130. But even if the KGB had been responsible for the assassination, from the time of the leak of the FBI's no-conspiracy conclusions, there was no reason the KGB had to believe there would be any other conclusion. There thus was no February need to send a disinformation agent, a project that was at best risky in the extreme when the official "no conspiracy" conclusion had been public knowledge since early December. Nosenko did withstand three years of subhuman abuse in solitary confinement. Despite psychological tortures executed with the incredible attention to detail to which the CIA ultimately confessed in its successful misdirection of the House Committee, Nosenko was shown to be not a KGB disinformation agent but an authentic anti-Soviet defector and an extremely valuable expert on Soviet intelligence. It is not likely that any disinformation agent, anyone not genuinely anti-Soviet and truthful, could have survived this intense and continuous abuse and cross-examination. Any intelligence agency attempting this could expect similar treatment to that accorded Nosenko. It would be tempting almost unimaginable disaster. It would have been the ultimate in foolhardiness and pointlessness.

131. Although the CIA's Nosenko cover story is transparently thin, it succeeded with the terrified Warren Commission in 1964 and it succeeded with the House Committee in 1978. Both totally ignored the lingering unresolved question of Oswald, the only accused assassin of the President, as an American rather than a KGB agent.

132. The self-portrait of the confused, terrified and unreasoning Commission in these two transcripts can perhaps explain its abdication. No such explanation is available for the CIA or the House Committee, which had the largest investigative appropriation in the history of the Congress and was not subject to the pressures that existed at the time of the assassination.

133. This Commission self-portrait, however, is not within any exemption of the Act.

134. CIA misconduct, paranoia and failings also are not within any exemption of the Act.

135. One current purpose accomplished by withholding these transcripts from me until after the House Committee held its Nosenko hearings was to make it possible for the Committee to ignore what the Commission ignored, which is what the CIA wanted and wants to be ignored. With any prior public attention to the content of these transcripts, ignoring what Nosenko could have testified to, especially suspicion the only accused Presidential assassin was an agent of American intelligence, would have been impossible. A public investigation also would have been difficult to avoid.

136. As of the time I prepare this affidavit, I am aware that some pages of what I understand is other than the official transcript of the Hart testimony are attached to the Motion. Their content is unknown to me because the government mailed neither the Motion nor these excerpts to me, despite a prior arrangement with the Civil Division and the office of the United States Attorney. I learned of the decision to release these two transcripts when my counsel phoned me to inform me of it on the afternoon of October 16. I asked him to ascertain when and under what conditions. Although the Motion concludes (page 6, Paragraph 13) "copies of the two newly released transcripts will be forwarded to Plaintiff-Appellant as soon as possible," government counsel could not inform my counsel of the time and

conditions of providing copies and, despite a promise to try to call back before the end of the day, did not. I therefore asked my counsel to phone GSA counsel. My counsel then learned that copies would be made generally available, meaning to others as well as to me, at noon the next day. It then was GSA's plan to mail me a copy, whereas others could have earlier access by merely going to the Archives and picking up a copy. Under these conditions I was apprehensive about what is not uncommon in my experience, the misuse of the Act and of releases under the Act for news management. This has become a standard means of misleading the press and the country about information that is politically sensitive and potentially embarrassing to officialdom.

137. I therefore arranged to make personal pickup of the transcripts and to provide copies of them to the press a few hours thereafter, on the afternoon of October 17.

138. My counsel did not receive the mailed copy of the Motion and attachments until October 19. Not having received any copy earlier, he went to the courthouse, obtained a copy of the Motion and mailed it to me on October 18. It reached me for my use in preparing this affidavit on October 19. On that day my counsel also informed me that response is due within a week. This is little time for one who is separated from his counsel by 50 miles and is no longer able to drive his own car that distance. It therefore may be impossible for my counsel to review this affidavit before he must file it. It has been impossible for me to consult with him about each of the points I raise.

139. I understand that Defendant-Appellee's selection from Committee testimony is from the Hart testimony only. The Committee took other relevant testimony, from former CIA Director Helms and from Nicholas Katzenbach, who was Deputy Attorney General at the time of the assassination and was Attorney General when Nosenko was given the CIA's "model" defector treatment.

140. At one point in Katzenbach's testimony he stated that one of the matters about which the CIA consulted him is "suppressing books."

141. I believe this Katzenbach testimony, that the CIA sought the help of the Attorney General in suppressing books, is relevant not only because it is reminiscent of my own past experiences but because what the CIA has done with regard to these Warren Commission transcripts is arrange for their suppression. The CIA contrived false justifications and claims to exemption that it is now apparent were never justified. Its claims, made under oath and through counsel, are baseless. There is no "national security" content in these transcripts. There is no "disclosure" in them of any unknown "intelligence sources and methods."

142. This is consistent with my long and costly experience in seeking public information that officialdom can consider embarrassing. Officials make pretextual claims; provide false and conclusory affidavits; persuade the courts to consider Summary Judgment when, as is inevitable, material facts are and remain in dispute; frustrate discovery and defeat the functioning of the adversary system, which I believe from my experience is essential to the full and accurate informing of the courts; and by these and other means that are possible for those who are well-staffed and immune from prosecution succeed in defeating the purposes of the Act and in making use of the Act for the obtaining of public information prohibitively costly and inordinately burdensome for requesters. Officials have converted the amended Act into an instrument for withholding what the Act requires to be disclosed. (Unjustified delay is a form of withholding and denying.)

143. If it had been public knowledge at the time of the investigation of the assassination of the President that the CIA had, by the devices normally employed by such agencies against enemies, arranged for the Presidential Commission not to conduct a full investigation, there would have been considerable turmoil in the country. If, in addition, it had been known publicly that there was basis for

inquiring into a CIA connection with the accused assassin and that the CIA also had frustrated this, the commotion would have been even greater.

144. At the time of my initial requests for these withheld transcripts, there was great public interest in and media attention to the subject of political assassinations. If the CIA had not succeeded in suppressing these transcripts by misuse of the Act through that period, public and media knowledge of the meaning of the contents now disclosed would have directed embarrassing attention to the CIA. There is the continuing doubt about actual motive in suppressing any investigation of any possible CIA connection with the accused assassin. If such questions had been raised at or before the time of the Watergate scandal and disclosure of the CIA's illegal and improper involvement in it, the reaction would have been strong and serious. This reaction would have been magnified because not long thereafter the CIA could no longer hide its actual involvement in planning and trying to arrange for a series of political assassinations.

145. All of this and other possible consequences and the reforms they might have brought to pass were avoided - frustrated - by the misrepresentations used to suppress these transcripts and to frustrate the purposes of the Act. These purposes include letting the people know what their government is doing and has done so that popular will may be expressed.

146. I believe the foregoing Paragraphs of this affidavit make it apparent that fraud was perpetrated on me and on the courts. I believe that, because I am in a public rather than a personal role in this matter, the people also were defrauded.

147. From my experiences, which are extensive, I believe that these practices will never end, there being no end to varying degrees of official misconduct, as long as there is official immunity for misrepresenting to or defrauding the courts and requesters.

148. From my experience I also believe that when the district courts cannot or do not take testimony, when they do not assure the vigorous functioning of adversary justice and when they entertain Motions for Summary Judgment while material facts are in dispute, the Act is effectively negated. The benefits to the proper working of decent society that accrue to the Act are denied. The cost to any person seeking public information becomes prohibitive. The time required for a writer like me makes writing impossible. (I have one case still not finally decided eight years after the first complaint was filed and another that is without compliance after three years before a district court.)

149. While in my efforts I am handicapped by lack of means, age and the state of my health, I am separated from counsel by only 50 miles. If I were an American living in Alaska or Hawaii or any other remote place and if I had not spent an intensive decade and a half in diligent study, investigation and quest for withheld public information, no matter how young, vigorous or wealthy I might be, it would have been impossible for me to obtain these records or to inform this Court as I have sought to inform it.

150. From my experience what this means is that the executive agencies, which have public information they want to hide and suppress, are able to do this because the district courts have, in effect, permitted them to rewrite the Act, to nullify the adversary system, to commit offenses and be immune from it (as is Briggs in swearing that the unheard-of abuse of Nosenko for three years is "model" treatment) and with it all to blot out the cleansing and healing rays of the sun of exposure that the Act can be for the curing of official wrongdoing. Perfection is not a state of man but healing is essential to life. A viable, healthy Act can mean a healthier nation and a government more worthy of public faith and trust.

151. The wrongful purposes of the improper withholding have been accomplished. What has been done cannot be undone. But what the courts can do can discourage

similar future abuses.

152. This is the second time GSA and the CIA have bled me of time and means to deny me nonexempt Warren Commission executive session transcripts. They dragged me from court to court to delay and withhold by delaying. In each case, both stonewalled until the last minute before this Court would have been involved. In each case, rather than risk permitting this Court to consider the issues and examine official conduct, which is really misconduct, I was just given what had for so long and at such cost to me been denied to me. My experience makes it certain that this is an effective nullification of the Act, which requires promptness. It becomes an official means of frustrating writing that exposes official error and is embarrassing to officials. It thus becomes a substitute for First Amendment denial. They can and they do keep me overloaded with responses to long and spurious affidavits of many attachments. With the other now systematized devices for noncompliance, these effectively consume most of my time. At my age and in my condition, this means most of what time remains to me. My experience means that, by use of federal power and wealth, the executive agencies can convert the Act into an instrument for suppression. With me they have done this. My experience with all these agencies makes it certain that there is no prospect of spontaneous reform. As long as the information I seek is potentially embarrassing or can bring to light official error or misconduct relating in any way to the aspects of my work that are sensitive to the investigative and intelligence agencies, in the absence of sanctions their policy will not change and the courts and I will remain reduced to the ritualized dancing of stately steps to the repetitious tunes of these official pipers.

153. From my subject-matter knowledge, I believe that the May 19 transcript remains withheld from me because of similar impositions upon the district court, which is not a subject expert and denied itself the benefit of expert advice or

guidance. From my subject knowledge I believe that what remains withheld in the May 19 transcript is actually within the public domain save for the precise words used. I believe the actual reason for the withholding is similar to the facts I set forth in this affidavit. In addition, there is the potential for embarrassment of a prominent political personage. The legislative history of the Act is explicit on this - the Act may not be used to withhold what is officially embarrassing.

154. After I prepared this affidavit I received from my counsel a xerox copy of the Motion and attachments as mailed to him. In seeking the description of the Committee "transcript," which I found on page 5, the last sentence in Paragraph 10, I noticed that, for whatever and perhaps an innocent reason, this page is not identical with the copy my counsel obtained for me from the Clerk of the Court. The difference is in the top line on this page. In the mailed copy there is a blank space that does not exist in the Court's copy.

155. The language used is "A partial transcript of the hearings (sic) at which the report was summarized and at which Mr. Hart testified is attached to this motion."

156. This is misleading. It is not faithful to fact. It is used to convey the false impression that Hart testified to what is at issue in and over the withholding of the two Commission transcripts. In fact, there is no content in this "transcript" that relates to the January 21 transcript and there is no real relevance to the June 23 transcript. There is no mention of either. With regard to the June 23 transcript, there also is no use of any of its content. There is no direct or indirect disclosure of anything in it that was previously unknown. There are a few general comments it may be hoped the Court will interpret as coming from that session, but this is not so. These few comments come from what was already within the public domain. The actuality is that there is not even a reasonable inference of any relevance of the Hart testimony or the Committee's introduction to it to

either of the Commission transcripts.

157. While the Motion does not state any purpose for which this "transcript" is attached, the sense in which it is used is to lead the Court to believe that this "transcript" confirms the fact of relevant Hart disclosures that eliminated the alleged need to withhold the two Commission transcripts. This is not in any sense true.

158. Most of what is included in the "transcript" relates to Nosenko's biography and the questioning he underwent during his captivity. Neither is relevant. Neither here nor at the hearing was there reference to the suspicion about Oswald's relations with American intelligence. Hart stated he would not testify to anything related to Oswald and he did not.

159. What is called a "transcript" is only a few words more than one part of the prepared Committee press kit. That part is the previously distributed narration read by chief counsel. Why this is used instead of the readily available Committee press kit I do not know. I do know that it contains considerably less information and had to be purchased, whereas the Committee press kit is a give-away, a freebee.

160. If relevance is imputed to the declassification of the so-called report, that document is not provided. What was said of it, in the "transcript" or at the hearing, bears no relationship to any alleged need to withhold the two Commission transcripts.

161. What the Motion describes as "transcript of the hearings" (sic) is not that at all. It is not a xerox of the transcript by the official reporter, which was available to Defendant-Appellee and counsel. It is not prepared by a court reporter present in the hearing room. It is typed from a tape of the broadcast which at one point caused an omission attributed to "technical" troubles. Rather than "transcript of the hearings," it is a transcript of a radio broadcast. While

this does not mean there is any difference in the content, which is not material in any event, it does give a misleading impression to anyone reading the Motion. Moreover, the pages of "transcript" attached end before Hart's testimony. The last page attached is 11. At this point the Committee was about to take a brief recess "so that we could prepare ourselves for proper questioning" of the testimony Hart had not yet begun to give.

162. In a sense, use of this "transcript" discloses who the real Defendant-Appellee is. The client for whom this "transcript" was made by a commercial service which monitors broadcasts and renders other services is not GSA. It is the CIA. "Public Affairs Staff" is a little-known cover through which for years the CIA has contracted these services while seeming to detach itself from any such interest. In fact, this is one means by which for years the CIA has been accumulating a vast store of transcripts of what Americans think and say.

163. Why the covert-minded could not simply attach the relevant pages of the actual and available official transcript (which would not have been any more relevant) I leave to the spook mind. I believe the accurate description of what is misleadingly described as "transcript of hearings" I provide is relevant to intent. I believe my interpretation of intent is supported by the attempt to mislead the Court into believing that the irrelevancy of this attachment or of what Hart actually did testify to are relevant to the belated release of the transcripts in question when, in fact, they are not. This pretense is but another "Cointelpro" operation, another cover. If it lacks the effectiveness of a piece of tape on a door latch, of two-way radios not in use at the time they were needed, or of a once-fabled red wig and voice-alterator, perhaps this is because the choices were relatively few, given the fact and proofs I set forth in this affidavit.

Harold Weisberg
HAROLD WEISBERG

Before me this 21st day of October 1978 Deponent Harold Weisberg
has appeared and signed this affidavit, first having sworn that the statements
made therein are true.

My commission expires

NOTARY PUBLIC

LIST OF EXHIBITS

Number	Page	Paragraph	
1-A	4	17	9/17/78 letter, Weisberg to Shea
1-B	4	17	Exhibit 17 in C.A. 75-1448
1-C	4	17	Exhibit 12 in C.A. 75-1448
2	4	18	10/5/78, Interoffice memo, Shea to Saloshin
3	4	20	10/3/78 letter, Weisberg to Archives
4	9	37	6/14/64, Warren Commission memo
5	11	50	1/21/64, Executive session transcript
6	14	59	CIA Document No. 413-76A and attachments
7	14	59	11/1/76 letter, CIA to Weisberg
8	15	67	<u>Legend</u> , by Epstein, page 27
9	16	68	Commission Document 49:41
10	17	74	<u>Legend</u> , by Epstein, page 261
10A	17	75	6/23/64, Executive session transcript
11	21	95	7/17/64, Warren Commission staff memo
12	22	98	3/12/64, Commission staff memo, expurgated
13	22	98	3/12/64, Commission staff memo, unexpurgated
14	24	108	Commission Document 651
15	24	108	Commission Document 451

To Quin Shea from Harold Weisberg

9/17/78

JFK Assassination records; 1978 request for info given Epstein re Nosenko
 RA records

With regard to both appeals and in general for the information and understanding of your staff I attach Exhibit 17 from an affidavit I used in C.A.75-1448, a case now before the court of appeals. After the summary judgement and appeal I presented new evidence to the appeals court. It remanded for the district court to consider considering the new evidence, which I provided to it. The district court declined to consider this new evidence (relating to the subject matter of the hearing of the House assassins committee this past Friday) if necessary I can determine the date not visible on this xerox of the first page of that record. The date on Exhibit 12 from the same case is early, 1968.

Both refer to Department records known to exist and not provided.

I do not mince words with regard to these records and the motive they provide for the continued withholdings. The exemptions claimed are so clearly spurious this amounts to deliberate fraud. I have obtained the transcript of the executive session of 1/27/64 referred to and printed it in facsimile in the fourth of my Whitewash series. There is no basis for any withholding or classification under the Act and there never was any such legal basis. The clear reason appears to have been to make official embarrassment more difficult. What the second record says about President Ford's book is an enormous understatement. His dishonesties with this record, to hide what was disclosed about the FBI and CIA, are encapsulated in a tabulation in my book. He edited the transcript without so indicated and presented it as unedited. Of course he began by stealing it and selling it for profit. The content is entirely and deliberately corrupted. Not surprising considering that the man who was to be our first unelected President was also an FBI stooge (aka "toad" to the then Director.) He spied on his fellow Commissioners and tried to use the FBI to work his will inside the Commission. One of the transcripts still withheld and at issue in C.A.75-1448 includes his efforts to get two prestigious lawyers fired as "reds" because they were civil libertarians and anti-racist. Mr. Devine, formerly an FBI SA, then and now a Congressman, was one of those objecting strongly to the anti-racism of these Commission counsel, Joe Ball of California and Norman Redlick, now dean of law at NYU. Mr. Devine is a member of the House assassins committee.

You will note that among the improper reasons for withholding actually specified after consultation with the Department is to deter my work or to prevent my exposing of official improprieties and dishonesties and prevent meaningful use of FOIA.

Please note the secret stated in Paragraph 2 of the first record, there numbered 1., that the withheld records "are generally overclassified when classification is at

at all warranted." This, naturally enough, did not preclude the filing of affidavits attesting to the propriety of classification.

If you would like other relevant records not as directly connected with the Department but flowing from the meeting reported here Jim Lesar can provide them. These other records, some of which probably do include the Department and my Pa request, reflect the various dodges and concoctions fabricated to avoid detection of overt fraudulent misrepresentation and of the switching of records out of the possession of an agency which held that it could not withhold them under the Act so that they could be withheld under still other fabrications. The internal records are explicit in providing the advice of Government counsel that all possible exemptions be dreamed up, whether or not conceived to be within reason, as an alternative to later making claim for substitute exemption when I destroyed any basis for the exemptions claimed.

This is all real, not my imagining. I believe it remains uncontested in a court record. One such false claim to an exemption later chaged at least once is for the still withheld transcript described on the previous page, the Ford/Devine transcript.

Please note (Exhibit 17, first paragraph) the involvement of the Department's "Freedom of Information" (sic) committee, and of the Department's OIG (Exhibit 12, first paragraph.) As stated above, there was no basis for the withholding of the transcript the Department recommended be withheld and it took litigation to obtain it. (I have often referred to wasted costs and ulterior, extra-legal purposes.)

My recollection is uncertain but I believe Commission Document 365 referred to holds the racist venom and the involvement of Messrs. Ford and Devine it is as it relates to the two named lawyers. Subsequently I obtained that file.

Without subject-matter expertise any review that is not made with knowledge of such records as the samples attached is seriously handicapped if not in fact converted into a rubber-stamp approval of official wrongdoing, a matter I believe Chief Judge J. Skelly Wright recently addressed. I therefore believe that your staff should not have some substantial reason to believe that the policy this represents is not the present policy, as I have every reason to believe it is.

Addendum 10

GENERAL SERVICES ADMINISTRATION

DATE: APR 4 1978

Office of General Counsel

Washington, D.C. 20540



REPLY TO
ATTN OF: General Counsel - L

SUBJECT: Warren Commission Materials and the Freedom of Information Act

* Archivist of the United States - N

On March 13, Messrs. Garfinkel and Meszoly of the Records and Administration Division and Mr. Young of the Claims and Litigation Division of this office, along with Dr. Campbell and Mr. Johnson of the Office of the National Archives attended a meeting with the Committee on the Freedom of Information Act of the Department of Justice to discuss the mandates of the Act as they relate to heretofore restricted records of the Warren Commission, now in the custody of the successor agency General Services Administration. Although the topics discussed have been of continuing importance to the National Archives, the immediate stimulus to the meeting was the appeals by Dr. Hoch and Mr. Weisberg from GSA denials to their requests for access to these records. From the conclusions reached at this meeting, as well as from the extensive review of this material undertaken by this office in the past several months, the following recommendations are offered for your consideration.

1. A classification review of all of these Warren Commission materials that remain classified should be commenced as soon as possible. Our review of these records in light of Executive Order 11652 (37 F.R. 5209, March 10, 1972) has revealed that they are generally overclassified when classification is at all warranted. This office would be happy to assist the National Archives in such a review.
2. The executive sessions of the Warren Commission should remain exempt from disclosure as "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency . . ." (5 U.S.C. 552(b)(5)). Moreover, those parts of the executive sessions that remain classified after a classification review should be further exempted as "specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy . . ." (5 U.S.C. 552(b)(1)).
3. Commission Document 365 should remain exempt from disclosure as "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy" as well as "investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency . . ." (5 U.S.C. 552(b)(6) and (7) respectively).
4. Mr. Rankin's letter of March 26, 1964, to Mr. Hoover, relating to the Fair Play for Cuba Committee and other organizations, should remain exempt from disclosure as "inter-agency or intra-agency memorandums or letters . . ." supra, No. 2. Moreover, should this document remain classified after the

Exhibit 12

No. 78 - 1731
EXHIBIT 1-C
C.A. No. 75-1448

Addendum

November 15, 1968

N

Correspondence with Harold Weisberg, Coq d'Or Press, Route 8,
Frederick, Maryland 21701

L

The transcript of the executive session of January 27, 1964, of the Warren Commission requested by Mr. Harold Weisberg in the attached letter was reviewed by GSA, the CIA, and the Department of Justice. Mr. Martin Richman of the Office of Legal Counsel of the Department recommended that the entire transcript be withheld from research, and we have withheld it.

As Mr. Weisberg says, there are certain quotations, presumably taken from a copy of the transcript in Congressman Ford's possession, that are published in Portrait of the Assassin (New York: Simon and Schuster, 1965) by Gerald R. Ford and John R. Stiles (pages 19-25). Some material is deleted from the quotations without any indication of the deletions, and there are other variances from the text of the transcript. The quoted material does not consist of a continuous passage, but of various passages chosen from different pages. Only one complete page (page 158) of the transcript is included in the quoted material. We feel that to tell Mr. Weisberg this, or to supply him with a copy of the page that has been completely published, would encourage him to increase his demands for additional material from the transcript and from other withheld records.

JAMES B. RHOADS
Archivist of the United States

cc: Official File - NND ✓
Reading File - NNDC
N

MMJohnson/mc NNDC 69-89
Ext. 23171 11/15/68

NND 1198

NN

DATE: OCT 5 1978

memorandum Exhibit 2

REPLY TO: Quinlan J. Shea, Jr., Director
ATTN OF: Office of Privacy and Information AppealsSUBJECT: Letter from Harold Weisberg Dated September 17, 1978TO: Robert L. Saloschin, Director
Office of Information Law and Policy

The attached letter, with two attachments (both of which are exhibits in the referenced suit), appears to me to be a request under the Freedom of Information Act for all records of the Freedom of Information Committee regarding the indicated Committee meetings. If there are records of the Office of Legal Counsel, as distinct from the Committee, would you please make the appropriate further referral?

Attachments

✓ cc: Mr. Harold Weisberg



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OPTIONAL FORM NO. 10
(REV. 7-76)
GSA FPMR (41 CFR) 101-11.6
5010-112

Dr. James D. Rhoads, Archivist
National Archives
Wash., D.C. 20408

10/2/76

Dear Dr. Rhoads,

A month ago there was public showing of President Kennedy's clothing and of autopsy material that was denied me 12 years ago. In this month I had hope that I would hear from you with regard to providing me with copies of what you permitted to be shown in public and other evidence now in the public domain. I desire 6x10 glossy prints of this material and herewith renew my request for it.

During this month other information denied me was also made public. This information relates to Nosenko and other defectors. I believe that this requires you to reconsider your previous denials and I ask it.

Not having seen the transcript of the Warren Commission executive session of May 19, 1964 I cannot be certain but from what is known of it I am led to believe that its content also was discussed in public before the House Assassins Committee. I therefore ask reconsideration of the withholding of this transcript also.

More than a decade ago you wrote me that you keep a list of denied requests and provide this denied information to those who requested it when it is made available. I regret you have not followed this practice and I ask that you please examine this list and provide me with copies of the information that you denied me and since have made available to others.

It is my recollection that the letter agreement covering the JFK materials in question precludes any public showing under any circumstances of any of the autopsy materials and of the clothing. If this contract was amended you have not provided me with any copy of the amended contract. If there is an amended contract I ask for a copy of it. If it was not amended I ask by what authority you violated it and by what authority you can do this selectively. You denied permission for copies of photographs of the clothing to be included in a court record in my C.A. 75-226 when I was taking depositions by order of that court. (This renewed request includes prints of those photographs you made for me and denied me copies of in my C.A. 2569-70. I also desire a negative of each.)

Under the new executive order I believe review of classified material is required to determine whether basis for classification exists. While this is not required prior to December it is permitted under special circumstances. Because of my age, health and unique position now recognized by the courts and the Department of Justice and because this is a matter that in part is presently before the courts I believe I meet the requirements for the earlier classification review and I ask it.

You withheld executive session transcripts from me because the CIA so directed. One of those responsible for this has since retired. He also has spoken with a reporter. He was explicit in telling this reporter that while the transcripts could not properly be withheld as classified this claim was hoked up so that there could be withholding the CIA desired for entirely different purposes. You personally are a classification authority. I therefore now ask that you personally review these transcripts that are withheld on claim to classification to determine if that claim is warranted. In this regard I remind you that there soon will be oral argument on this matter before the court of appeals.

Sincerely,

Harold Weisberg

WDS:mfd:24 Jun

MEMORANDUM

June 24, 1954

TO: The Commission

FROM: William T. Coleman, Jr.,
W. David Slawson

SUBJECT: Yuri Ivanovich Nosenko

The Commission has asked us to prepare a short memorandum outlining in what respects the information obtained from Nosenko confirms or contradicts information we have from other sources.

Nosenko's testimony to the FBI is the only information we have on what he knows about Lee Harvey Oswald. (Commission Documents No. 434 and 451.) Perhaps more useful information could be gained if we were to question Nosenko directly, but it is unlikely. Nosenko told the representative of the FBI who questioned him that he had given all the information on Oswald he possessed.

Most of what Nosenko told the FBI confirms what we already know from other sources and most of it does not involve important facts, with one extremely significant exception. This exception is Nosenko's statement that Lee Harvey Oswald was never trained or used as an agent of the Soviet Union for any purpose and that no contact with him was made, attempted or contemplated after he left the Soviet Union and returned to the United States. Nosenko's opinion on these points is especially valuable because, according to his own testimony at least, his position with the KGB was such that had there been any subversive relationship between the Soviet Union and Oswald, he would have known about it.

Nosenko's statement to the FBI confirms our information from other sources in the following respects:

1. Prior to Oswald's arrival in Russia in the fall of 1959 he had no contacts with agents of the Russian government or of the International Communist Party who were in turn in contact with the Russian government. (Our

cc: Mr. Rankin's File
Mr. Coleman
✓ Mr. Slawson
Mail Room Files

DECLASSIFIED
E.O. 11652, Sec. 2(b)
By: AMG NARS Date: 11/7/25

~~TOP SECRET~~

independent sources on this are extremely weak, however. We simply do not have much information on this particular subject.)

2. When Oswald arrived in the Soviet Union he was traveling on a temporary tourist visa but very quickly made known to the Russian authorities that he desired to remain permanently in the USSR and wanted to become a Soviet citizen. He made known his intention to his Intourist guide at the Hotel Berlin in Moscow. This Intourist guide was a KGB informer.

3. Oswald was advised through the Intourist interpreter that he would not be permitted to remain in Russia permanently and that he would therefore have to leave that country when his temporary visa expired.

4. Upon learning that his request to remain in Russia permanently had been denied, Oswald slashed his wrist in his room at the Hotel Berlin in an apparent attempt to commit suicide, was found by the Intourist interpreter when he failed to appear for an appointment that evening, and was immediately taken to a hospital in Moscow for treatment. This hospital was the Botkinskaya Hospital.

5. Oswald was questioned by doctors at the hospital and told them that he attempted suicide because he was not granted permission to remain in Russia.

6. Oswald was assigned to Minsk probably because it is above average for cleanliness and modern facilities, and would therefore create a good impression for him.

7. Oswald appeared at the Soviet Embassy in Mexico City and asked for a Soviet re-entry visa.

8. Nosenko was shown certain portions of our file on Oswald, including a section which stated that Oswald received a monthly subsidy from the Soviet Red Cross. On seeing this statement, Nosenko commented that it is normal practice in the Soviet Union to cause the Red Cross to make payments to emigres and defectors in order to assist them to enjoy a better standard of living than ordinary Soviet citizens engaged in similar occupations. (Nosenko also said that the subsidy Oswald received was probably the minimum

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~~TOP SECRET~~

given under such circumstances. This is news to us, although it is not inconsistent with other information we have.)

9. Oswald was in possession of a gun which was used to shoot rabbits while he was living in Minsk (Nosenko said he learned this upon reviewing Oswald's file after the assassination of President Kennedy when, under the circumstances, he took particular note of this fact.)

10. There is no KGB or GRU training school in the vicinity of Minsk.

11. All mail addressed to the American Embassy in Moscow, therefore, also including Lee Harvey Oswald's mail so addressed, is "reviewed" by the KGB in Moscow. Nosenko said that this is routinely done but he added that he personally had no part in the review of, or knowledge of such review, of Oswald's correspondence.

12. No publicity appeared in the Soviet press or Soviet radio regarding Oswald's arrival or departure from the Soviet Union or on his attempted suicide. (Our evidence on this is simply negative, that is, we have no evidence that there was any such publicity.)

13. Oswald was regarded as a "poor worker" by his superiors in the factory at Minsk.

The following information obtained from Nosenko is not available to us from any other source. As will be seen, it generally does not add much to our knowledge about Oswald but rather supplies background information on Soviet activities relating to his residence in Russia.

1. The KGB in Moscow, after analyzing Oswald through various interviews and confidential informants, determined that Oswald was of no use to them and that he appeared "somewhat abnormal."

2. The KGB did not know about Oswald's prior military service and even if they did, it would have been of no particular significance to them.

3. When the KGB was advised by some other Ministry of the Soviet State that the decision had been made to permit

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Oswald to stay in Russia and that he was to reside in Minsk, it brought Oswald's file up to date and transferred it to its branch office in Minsk. The cover letter forwarding the file to Minsk, prepared by one of Nosenko's subordinates, briefly summarized Oswald's case and instructed the branch office to take no action concerning him except to "passively" observe his activities to make sure he was not an American intelligence agent temporarily dormant. (Oswald did tell an American friend once that on one or two occasions in Minsk he had heard that the KVD had inquired of neighbors or fellow workers about him.)

4. According to the routine of the KGB, the only coverage of Oswald during his stay in Minsk would have consisted of periodic checks at his place of employment, inquiry of neighbors, other associates, and review of his mail.

5. When the KGB was asked about Oswald's application for a re-entry visa made in Mexico City, it recommended that the application be denied.

6. Shortly after the assassination, Nosenko was called to his office for the purpose of determining whether his Department had any information concerning Oswald. When a search of the office records disclosed that information was available, telephone contact was immediately made with the KGB branch office in Minsk. The branch office dictated a summary of the Oswald file to Moscow over the telephone. This summary included a statement that the Minsk KGB had endeavored to "influence Oswald in the right direction." This statement greatly alarmed the Moscow office, especially in view of their instructions to Minsk that no action was to be taken on Oswald except to "passively observe" his activities. Accordingly, the complete Oswald file at Minsk was ordered to be flown at once via military aircraft to Moscow for examination. It turned out that all this statement referred to was that an uncle of Marina Oswald, a lieutenant colonel in the local militia at Minsk, had approached Oswald and suggested that he not be too critical of the Soviet Union when he returned to the United States.

7. Marina Oswald was once a member of Komsomol but was dropped for nonpayment of dues. (Marina told the Commission she was a member of Komsomol, but she has been inconsistent on why she was dropped.)

8. The Minsk KGB file on Oswald contained statements from fellow hunters that he was an extremely poor shot and that it was sometimes necessary for them to provide him with game.

9. After the assassination, the Soviet government provided about 20 English-speaking men who were assigned to the immediate vicinity of the American Embassy in Moscow to insure that no disrespect was shown by the Soviet citizens during this period.

10. Some other agency, just which agency Nosenko says he does not know, subsequently decided that Oswald would be permitted to stay in Russia, on its responsibility. Nosenko speculates that this other agency was either the Soviet Red Cross or the Ministry of Foreign Affairs. (This bit of information fits in especially neatly with Oswald's own statements that the Soviet officials he met after his suicide attempt were new to him, and did not seem to have been told by his earlier interrogators anything about him.)

The following information given by Nosenko tends to contradict information which we have from other sources:

1. Nosenko says that after Oswald was released from the hospital where he was treated for an attempt to commit suicide, he was told again that he would have to leave the Soviet Union and thereupon threatened to make a second attempt to take his own life. Oswald's own diary of this time contains no mention of a threat to make a second attempt at suicide or of any post-hospitalization statement by the Soviets that he would still have to return to the United States. Of course, Oswald's own account of these activities is not entitled to a high degree of credibility.

2. Nosenko says that there are no Soviet regulations which would have prevented Oswald from traveling from Minsk to Moscow without obtaining first permission to do so. We have information from the CIA and the State Department that such regulations exist, although they are apparently rather easily -- and frequently -- violated.

~~TOP SECRET~~

16 Dec 63

TO : Director
 Federal Bureau of Investigation
 Attention: |

FROM : Deputy Director (Plans)

SUBJECT : | Comments on the Kennedy Assassination

1. Attached for your perusal are the written comments of a Soviet defector on some aspects of the assassination of President John F. Kennedy. As you know, | defected from | about two years ago, and his personal knowledge is not up to date, but he has stayed in touch with Soviet intelligence developments to the best of his ability. His comments on how Lee OSWALD and his wife must have been handled by Soviet intelligence authorities while they were inside the Soviet Union are particularly interesting and his suggestions for the questioning of Mrs. Marina OSWALD are equally provocative.

2. We have decided to pass on his views without editing, and this Agency does not specifically endorse his conclusions or recommendations.

Enclosures: Per paragraph 1

12 December 1963

Distribution:

BASIC:
None

Orig. & 1 - Addressee

- 1 -
- 1 -
- 1 -
- 1 -
- 2 -
- 1 -

Document Number

413-76A

for FOIA Review on

MAY 1976

16 DEC 63

SUBJECT :

Comments on President Kennedy's
Assassination

1. We should understand that my comments which follow are not based solely on the thesis that OSWALD was specifically dispatched to murder our President. The very real possibility also exists that OSWALD was sent here on another mission by the KGB and subsequently accomplished the deed on his own initiative. However, such a possibility does not make the KGB less culpable as the seeds for OSWALD's act must have been planted while he was being trained in the USSR for his other mission. We might first examine the question foremost in the minds of our Americans, "What did the USSR have to gain by killing the President?" I believe we can make a good case as to the precise gains accruing to the USSR and most specifically accruing to KHRUSHCHEV. The assassination of President Kennedy would accomplish the following for KHRUSHCHEV personally:

a. Western pressure behind the leadership of the USA would automatically ease up. Witness President Johnson's immediate conciliatory telegram to KHRUSHCHEV, after the murder. We might mention that the USA was the chief proponent for not extending long range credits to the USSR. Extension of long range credits is vital to the USSR at this juncture.

b. This leads us into the most pressing problem within the USSR. The West persistently underestimates the extent of the Soviet internal situation. It was my prediction that as a result of the mismanagement of the 1963 harvest and the CHUCKY arguments that KHRUSHCHEV would resign during the upcoming December plenum of the Communist Party of the USSR. Our President's death thus effectively diverts the Soviets' attention from their internal problems. It directly attacks KHRUSHCHEV's longevity.

c. In the Cuban situation any USA or Cuban retaliatory actions against Cuba will not be tainted by the fact that these are vengeful acts against Cuba because of OSWALD's "Fair Play for Cuba" associations. Obviously the Soviets properly interpret our situation in that President JOHNSON will restrain any planned intervention in Cuba for a long time.

d. A more amenable America will strengthen KHRUSHCHEV's hand in his running battle with the CHUCKY. He will thus have another reason to say his form of peaceful coexistence is superior to that of the CHUCKY's.

e. Conceivably any of President KENNEDY's planned actions to get even more close with the Soviets during the pre-election year are thus salvaged by the President's murder.

1. The Soviets originally understood that the death of President KENNEDY would result in the emergence of DeGAULLE as a strong Western leader. DeGAULLE of course says "what's good for France is not necessarily bad for the USSR."

2. The death of President KENNEDY receives a popular rallying point for our allies. Furthermore, and more pertinent, his death receives a symbol for Soviet intellectuals who have inevitably made invidious comparisons between their own intellectual class and the flowering of the arts under the KENNEDY. The attitude of the intellectuals in the USSR should not be interpreted as the least of KENNEDY's internal problems. We must recall that beginning with Lenin, intellectuals have provided the impetus for revolution in the USSR and they comprise one of the three main KENNEDY's most constant juggle—the intellectuals, the Party and the Military.

3. If the USSR had any ambitions since in manipulating H. S. public opinion their murder of President KENNEDY would serve to exacerbate the present differences between the radical left and right in America. In fact the USSR propaganda machine began to say the murder was committed by the radical right as soon as the deed was done and before OSWALD was captured.

4. Finally, the death of President KENNEDY, whether a planned operation or not, will serve the most obvious purpose of providing proof of the power and conscience of the KGB. This application of sheer terror could be interpreted as a warning to America's own citizens, as the Soviet intelligence services have suffered some very real reverses recently with BERKOWITZ, GAMBURG's defection, their ignominious expulsion from the Congo, etc. I have long predicted that the USSR would take some drastic action to halt the rapid erosion of their security.

5. Can we briefly view the OSWALD operation as a mounted KGB operation to kill the President? What are the essential ingredients?

6. The KGB had some three years to assess OSWALD in the USSR. Lagas will deprecate the value that the KGB attaches to such an in spot assessment. They may also say that OSWALD was a nut and properly would not be entrusted with such an operation by the KGB. However, the KGB properly knows that historically most assassins have been imbalanced maladjusted types.

b. In such an operation the KGB could not use a Soviet citizen through the very real possibility exists that OSWALD was assisted by a Soviet illegal of the KGB 13th Department. Sticking to essentials—It was a good plan that did succeed.

c. OSWALD did escape from the dock building.

d. He did get to a theater which could have been his point of contact with his illegal case officer. Certainly we know the KGB's penchant for using theaters for meeting places.

e. After his arrest, which was only due to his unfortunate encounter with Policeman WIZARD, OSWALD still remains silent. How like the behavior of Col. ABEL was his behavior in this regard.

3. Also the very real possibility exists that the KGB intended to liquidate OSWALD after he did the job. His meeting in the theater was probably for just such a liquidation or removal from the scene. In ABEL's part in the operation we must recognize the possibility that ABEL was also a KGB batcher and looking at the bare essentials of his part in the operation we see the following:

a. ABEL had access to the police station. Reports say he personally knew some policemen.

b. He successfully silenced OSWALD.

c. ABEL remains silent and his cover is holding up.

d. He has a good legend of temporary insanity.

e. He has a reasonable chance to escape the death sentence.

4. The undersigned might be better qualified to comment on the OSWALD aspects of this case if we knew the following about his activities prior to his departure to the USSR: (a, b, and c. below offer three possible answers to the question, "Why did he go to Moscow?")

a. First, OSWALD was a self-made Marxist or Communist who decided to go on his own; that is, he made this decision by himself and prompted by no one. He possibly was looking for a better life without knowing what the Soviet Union really is.

b. Second, after OSWALD's discharge as an "undesirable" from the Marines, he found himself in a difficult and unpleasant situation. In it possible that in this situation he was noticed by a spotter/recruiter for the illegals or some other department and was considered as a possible candidate for use or

recruitment. The full information about OSWALD was sent to Moscow, and on Moscow's order an investigation of OSWALD was made and there followed a decision to "invite" him to Moscow. Using the word "invite", the undersigned has in mind that some agents or messengers through conversations with OSWALD, but without actually suggesting the trip itself, inspired OSWALD to travel to the USSR. And, in this case, it is possible that someone gave him some financial assistance and some advice on how to do this.

4. Third, OSWALD went to Moscow, or was sent to Moscow, by some pro-Soviet, pro-Communist, pro-Cuba organization(s), having in mind that he would stay in the Soviet Union for a few years, learning more about the Soviet Union and receiving information for future operations, activities, etc.

5. Knowing for sure that the Soviets never give a visa without making an investigation of the person asking the application, we have to make our own investigation of the following questions:

a. When did OSWALD start to begin to express his wish to go to the Soviet Union?

b. To whom did he talk, whom did he contact at this early time, and how much time elapsed between these talks and contacts and his application?

c. How, when and through whom did OSWALD get his Soviet visa?

d. How long did it take for him to get the visa?

e. Who personally gave the visa to OSWALD? He must know if the person at the Embassy who talked to OSWALD was a CIA employee.

f. How and how did OSWALD travel to the USSR (air, sea, through which countries, in which countries, if any, did he make stops; how long were such stops)?

6. Together with the above, it is very important to know of OSWALD's circumstances before his trip to the USSR. Who knew in advance that he was going and who knew that he had gone: father, brother, relatives, friends, neighbors, girl friends, boy friends, old buddies, etc. To whom did OSWALD say goodbye before he left for the USSR: personally or by telephone, by mail? Did he ever ask anyone any questions on traveling to the USSR? When?

7. OSWALD in Moscow. When OSWALD arrived in Moscow, he was under observation, investigation and complete control by the KGB. In this particular case, under the Second Chief Directorate (DI), being under the control of the KGB, at the same time he was under heavy investigation directed at answering the question of why this stupid American had come to the USSR (it doesn't make any difference whether they knew in advance about OSWALD or not; anyway, they would conduct such an investigation). Every possible bit of information was taken from OSWALD about the USA, especially about his service in the Marine Corps, etc. At the same time, OSWALD was under constant observation and study for possible future use by the Soviet Intelligence and CI services.

8. It should be noted here that any foreigner, especially an American, who arrives in the USSR for permanent or prolonged stay always is examined by the Soviet State Security as a possible candidate for future use (special training and recruitment) within the USSR or other countries (but against the USA). After a good study and investigation which continues several months in Moscow under normal financial support and minimum contact from the KGB, the KGB makes its conclusions: that OSWALD is clear and is not to be taken to be bad but that he might possibly be used or useful for Soviet Intelligence or CI Service. KGB: the undersigned believes that during his (OSWALD's) first few months in Moscow, additional inquiry and investigation of OSWALD was going on through the Soviet Embassy in Washington and through Soviet agents networks in the USA and possibly through pro-Soviet and pro-Communist organizations within the USA.

9. After being a few weeks or months in Moscow, OSWALD expressed a wish to stay forever in the Soviet Union and to be a Soviet citizen. Then the KGB said to him: "If you really want to be a Soviet citizen and serve the Communist cause, you must denounce American Imperialism and American citizenship. Therefore, sometime in this period, OSWALD went to the U. S. Embassy and renounced his U. S. citizenship. After this act State Security decided to give OSWALD some kind of job in accordance with his knowledge and capabilities, at the same time continuing to study him as a potential agent.

10. Because to make a good agent takes a long time and because OSWALD was important—and because he had not yet been given Soviet citizenship—the KGB decided not to make of him a good agent, but did not break relations with him and decided to use him in a more or less open way.

11. When OSWALD showed some dissatisfaction about the Soviet way of life (it is tough for Americans)—and by this time OSWALD had already met his girl friend (the KGB probably helped

him to find her—to make him happy and to make sure that he would not leave the Soviet Union)—the KGB at the same time continued to train him, probably in the way of an old-fashioned Marxist, telling him that he would be a good fighter against imperialists and against American millionaires, such as ROOSEVELT, KENNEDY and others. And somewhere here, while in this kind of training, a low level case officer of State Security told him that to have a better life in the U.S., you have to fight very hard to buy capitalism, as our friend Sergayevich says: together with capitalism, you have to buy all the millionaires, including your first boss and blood-sucker, KENNEDY. (NOTE: this is not a tall story; it is the way in which State Security operates with the stupid Marxists and with naive followers of the Communist movement). If on a high level within the KGB it was decided that there is nothing good in OSWALD and that he is just a naive American and that he could not be relied upon fully, but that nonetheless he could be used because he is for our cause and is against capitalism in general, then the following would have been suggested—after OSWALD already had asked permission to return to the USA: OSWALD was told to be a good fighter against capitalism and to secure your Soviet citizenship, you must show yourself as a good fighter for the Communist cause inside the USA; then, we give you permission because we believe you are a strong Marxist to return to the USA and to do something for our common cause, such as to help any American pro-Soviet organizations or, for instance, become a member of a Pro Cuba Committee or in case of course to do something outstanding—that will be noticeable everywhere—that will prove that you are a real Communist. Then, somewhere here, if he was already a Soviet agent or not, the girl showed up, or she was there before, but by this time she was pregnant and OSWALD decided to go to the USA. Then he was told, after this talk, OSWALD shouted—there is your freedom! She is my wife, we have a child, and I would like to go. If he did make a big noise, they decided to let him and his boy or if he already was a trained agent, then without any kind of noise on his part, but with some difficulties, permission was granted for her to go with him.

12. Looking at the wife of OSWALD, we should have in mind that she was and still is an agent or at least a low-level informant of the KGB. If she was not before she met OSWALD, she became so after the second day she met him. This is the regulation in State Security on how to handle foreigners—it makes no difference whether they are Communists or not.

13. Investigation of OSWALD's wife should be undertaken as soon as possible, with special attention being paid the questions to follow:

a. What was her education, profession, age, family background, Party affiliation (Komsomol membership). If she was a member of the Komsomol, what the Komsomol organization will take any steps possible against her traveling to the U. S. Also, she must be expelled from the Komsomol, and then she automatically would be considered a member of the Imperialist Camp. Thus, if she was a member of the Komsomol and this action did not take place, it was because of KGB interference against such action. The same action would relate to any of her relatives—father, mother, brothers...if they were members of the CPSU or Komsomol.

b. To which office was she invited before and after their marriage? If she was invited to some official Soviet offices, and if these offices asked her not to marry a foreigner and not to go with him, then probably she was not a member of the Komsomol and she did it on her own will; but if she answers that no one invited her to such offices, then the whole job was done by the KGB—smoothly and quietly, with no talk going around about it.

c. Who helped her and how many times to write papers for the Soviet Ministry of Foreign Affairs to say that she had married an American citizen and would like to go with him to the USA? If it was done a few times and with great difficulties, then probably it was done only with a little help from the KGB. If, however, the papers were prepared only once and permission was granted after only a few months' wait, that everything was done by the KGB. (According to the American newspapers, her application for permission to come to the U. S. was processed very easily and quickly.)

d. What and where did they register their marriage? Who were the witnesses to that marriage? How many relatives and friends (of wife) were present at the wedding and celebration. What kind of gifts did they receive at the time of marriage and from whom? Where did they take up residence after marriage? Were they given an apartment, or a room? And in what neighborhood?

e. Where did her husband, OSWALD, work? In what factory? What were his hours of work? How long did he spend in Moscow before he went to Minsk? Who chose Minsk—did he or did someone else?

f. Who were her husband's friends? From what district? Workers? Intellectuals?

g. How many times were she and her husband—while they lived together—invited to the police stations or any other Soviet government offices, together or separately? (NOTE: There is no other office than the KGB which would make such an invitation. It makes no difference if they were agents or not.)

h. Her aunt (intelligent) is she? Does she really speak no English? Is her English better than she shows or better than it should be after being here only two years? Or worse?

i. What does she say about life in the Soviet Union?

j. Did her husband have a gun while he was in the Soviet Union? If so, how does she know about it? When did he get it? Did he have special permission to carry a gun? Did he bring this gun with him across the border? For your information, nobody carries a gun in the USSR without the KGB eventually learning of it. (Least of all, an American.)

k. Who gave financial help to them before they left the Soviet Union. (NOTE: For a regular worker in the Soviet Union, it is impossible to save enough money to buy a ticket and make any kind of preparations to go abroad.)

l. She gave instructions to OSWALD to ask for financial assistance at the American Embassy upon his return to the USA?

m. Was their first child born in Russia—baptized in the USSR? If so, in what church? Whose idea was it? Did they baptize their second child, born in the U. S.?

n. If OSWALD never had a permanent job here in the USA, then who was going to finance his next trip to the USSR? How much did his wife know about his plan to return to the USSR via Cuba?

14. The investigation of the wife should be made step by step, keeping in mind and never forgetting that OSWALD as well as she herself were under constant observation and with constant contacts with organs of the KGB. Without such observation and contacts with organs of the KGB, no foreigners can live within the Soviet Union.

15. In any investigation of this case we should not lose the initiative. In view of the extraordinary circumstances surrounding this case, the FBI, through the Department of State, could legally enough request that the USSR provide all available info on OSWALD's story in the USSR and the purpose of his visit to the Soviet Embassy in Mexico City. A friendly nation can be expected to honor such a request. We might learn a great deal from the Soviet reply.

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

1 NOV 1976

Mr. Harold Weisberg
Route 12
Frederick, MD 21701

Dear Mr. Weisberg:

I am sorry that you and we were victimized by the reproduction process in which two pages were somehow left out of documents 413-76A and 513-199B responsive to your request number F-75-6669. I am pleased, however, that you and your wife were able to catch the omissions and advise us of the problem. If you should find other omissions in your study of the documents, don't hesitate to let us know so that we can rectify the matter for you and for others concerned with the documents. Needless to say, the enclosures should be substituted for the incomplete documents you now have.

Sincerely,

Charles B. Savage
for Gene F. Wilson

Information and Privacy Coordinator

Enclosures



MESSAGE FROM MOSCOW / 27

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of time. He knew that Soviet intelligence had the capacity for mounting highly sophisticated disinformation programs with a whole array of dispatched defectors and double agents feeding information to other intelligence services.⁷ For Angleton, unravelling such a deception was an intellectual challenge of the first order.

Ever since Nosenko had first approached the CIA in Geneva in 1962 and volunteered information about Soviet espionage operations, Angleton and his staff had pondered the significance of the offer. Only six months before Nosenko's contact, another Soviet intelligence officer, Anatoli M. Golitsin, had defected to the CIA from Helsinki, Finland. Golitsin, who identified himself as a major in the First Chief Directorate of the KGB working primarily against targets in the NATO alliance, was brought to Washington and given the code name Stone.

The information Stone provided in his debriefing had caused a sensation. According to Stone, the KGB had already planted an agent within the highest echelons of United States intelligence. This penetration agent would be assisted by "outside" men—other Soviet-controlled agents masking themselves as defectors or double agents—who would supply pieces of disinformation designed to bolster an "inside" man's credibility. The "inside" agent, in turn, would be in a position to help confirm the authenticity of the "outside" agents.

Angleton could not afford to neglect this possibility. He knew that the Soviet Union had successfully penetrated both the British and the West German intelligence services in the years since World War II.⁸ The specter of a "mole," or enemy agent, burrowing his way into the heart of an American intelligence service caused such consternation in the CIA and FBI that a personal interview was arranged for Stone to brief Attorney General Robert F. Kennedy.

During his debriefing sessions with Angleton in 1962 Stone had called particular attention to a trip made by V. M. Kovshuk to the United States in 1957 under diplomatic cover, using the alias Komarov. Stone identified Kovshuk as the then-reigning head of the all-important American Embassy Section of the

WFO 105-37111

6

On some TV program on November 23, 1963, or November 24, 1963, it was reported that the Dallas Police Department had questioned a JOSE RODRIGUEZ, a fellow employee of OSWALD, at the book warehouse from which assassination of President KENNEDY occurred. Office of Security had check made of visa files of Department of State regarding this name and located following information regarding one JOSE MIGUEL RODRIGUEZ y MOLINA, possibly identical.

On March 6, 1961, latter individual was issued B-2 visa at Embassy, Havana, Cuba, valid through March 5, 1961, for one month's visit to a cousin in New York City, not identified and no address given. He was warned not to accept work or overstay period of admission. Visa Number 1490477 was issued. Following description was given:

Date of birth:	1/27/36
Place of birth:	Havana, Cuba
Height:	5'6"
Weight:	160 pounds
Hair:	Brown
Eyes:	Brown
Complexion:	Fair
Marital status:	Married
Home address:	Calle 15 #201 Lawton, Havana

On November 26, 1963, PETER S. DERJABIN, an admitted former Soviet intelligence officer, furnished the following information concerning LEE HARVEY OSWALD and his wife:

DERJABIN does not believe the Soviet Government had any knowledge of OSWALD's plans to assassinate President KENNEDY; however, he does believe that OSWALD and his wife had some connection with the Russian intelligence service. He said the Soviet Government undoubtedly has a file on OSWALD and feels that it should be requested to furnish information regarding OSWALD's activities while in the Soviet Union. Normally, when an individual leaves the Soviet Union and has been working for the government, he would be furnished some clothes and transportation expenses to his destination. Since this was not done, DERJABIN

INSIDE OUT / 261

For him, deception fostered by Soviet intelligence was not the product of a single agent or act, but rather a dovetailing continuity. By confronting Nosenko with the contradictions in his story, the Soviet Russia Division had, in a sense, given the game away and allowed him to concoct *ad hoc* explanations, albeit feeble ones.

From the division's long report, Angleton could see that there was a plethora of evidence to indicate that Nosenko had lied and attempted to deceive the CIA. But the question that concerned him was: What was this deception designed to achieve? If Nosenko were deported, the answer to this long-term question would be forever lost.

Angleton turned the report over to his staff for full assessment. The chief of research based his analysis solely on the content of the report itself. As far as its substance was concerned, he essentially agreed that Nosenko was probably a fake sent by the KGB to confound the CIA. Indeed, he assigned an 85 percent probability to that conclusion. However, he was unsatisfied with the presentation of the division's report. It seemed to him unnecessarily long and convoluted, with inconclusive and essentially irrelevant sections on the defector Anatoli Golitsin, whose code name was Stone. He recommended that the report be re-edited by the Soviet Russia Division to omit peripheral material on Stone, and to sharpen the focus on evidence that bore directly on the issue of Nosenko's credibility.

To supplement this analysis, Angleton ordered his chief of operations, Newton S. Miler, to fully reinvestigate the Nosenko case. This entailed not only evaluating the division's report, but systematically comparing all the information that Nosenko had furnished during the past five years with that provided by other defectors and agents. To assist him, the chief of operations asked two senior researchers in his department, neither of whom had any acquaintance with the case, to independently review the evidence without consulting with him or each other.

As far as he was concerned, the case for or against Nosenko depended on an assessment of whether or not he had provided

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MEMORANDUM

Green Copy

July 17, 1964

To Willens
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To: William T. Coleman

From: W. David Clawson

Attached is Howard Willens' re-draft of our Foreign Conspiracy draft. I have not had time to read it in detail yet, but with a few exceptions he seems to have accepted our arguments and our plan of organization. There are three major exceptions: First, all references to the "secret Soviet Union source" have been omitted. I attended a conference with the CIA on this and now agree that we should not mention this source. Willens can fill you in on the reasons why. Second, the argument based upon Oswald's being permitted to marry Marina has been omitted because the CIA claims it has information of many cases in which spies were married to nonspies. Third, the argument based upon Oswald's general character and his way of life in the United States has been omitted here and will be reinserted at a point where it will apply to not only the foreign conspiracy but also the conspiracy and a tie-in with Ruby.

In case I do not get to talk to you on the telephone before I leave, I have read your Mexican draft. It is very good. If you get a chance, speak to Willens and see whether he wants a xerox copy now or whether he wants to wait for footnoting. I made a very few changes while I was reading it, but have not attempted as yet a real editing job. I am in full agreement with the substance and the conflicting evidence. These, so far as I am concerned, require no change.

- ① handed over to diary set out by Russia
- ② Soviet Union Council held 1st meeting 11/1 given to him he met Moscow
- ③ No Oswald's friend he did in fact Oswald's name
- ④ Paul Cross Oswald's name with letter

~~TOP SECRET~~

MEMORANDUM

August 22, 1964

To: J. Lee Rankin
From: W. David Slawson

WDS

Subject: Language in the Possible Foreign Conspiracy section of the Report relating to 'N'

You asked that I set forth the language which I propose to use in the Possible Foreign Conspiracy section of the Report which covers the use and non-use of information obtained from 'N'. I do not propose to use any information from 'N' which the Soviet Union would be able to trace to him rather than to Soviet defectors generally. Information supplied by 'N' which bears on the general practices and procedures of the KGB and is, therefore, not traceable to him, will be used but attributed to the CIA and its "stable" of Soviet Defectors. This is a thoroughly honest attribution; the defectors other than 'N' are in most cases fully able to supply this information. In one case, I hope to use some particular information supplied both by 'N' and Madame Furtsova, but it will be attributed solely to Madame Furtsova. The language of the sections I propose to use is quoted below:

I

(Taken from page 3 of the Introduction.)

"In approaching the question of foreign involvement, the Commission has received valuable assistance from the Central Intelligence Agency, the Federal Bureau of Investigation, the Department of State and other federal agencies with special competence in the field of foreign investigation. The CIA has made an especially valuable contribution by supplying the Commission with information originating with defectors from the Soviet intelligence services and bearing on secret practices and procedures which would be applicable in the Soviet Union to a case like that of Oswald's during his stay there.

"Some of the information furnished by the aforementioned agencies, and many of their sources for that information, are of a highly confidential nature. Nevertheless, because it believes that the fullest possible disclosure of all the facts relating

WDSlawson/omh
cc: Mr. Rankin
Mr. Willens
Mr. Slawson

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E.O. 11652, Sec. 1.4
By *hch*, NARS Date *8/6/76*

to the assassination of President Kennedy is of the highest importance, the Commission has included in this Report all the information furnished by these agencies which it considered in coming to its conclusions, and, in addition, all the information which would have contradicted those conclusions if it had been considered, even though the Commission did not regard it as sufficiently reliable to be considered. This second category of information consists mostly of rumors and speculations, some of them almost wholly frivolous. The Commission included it notwithstanding that fact, however, in order that the public could decide for itself the correctness of the conclusions in this Report, by testing them against all the evidence which tends to contradict them.

"The only relevant information which has not been included in the Report is that which is consistent with the Commission's conclusions but highly confidential and derived from sources the reliability of which is so low or so uncertain that the Commission was not able to rely upon it in coming to its conclusions. Thus, even if this information should later be wholly discredited, none of the conclusions in the Report would be affected; the relatively little advantage to be gained by including it, therefore, was not deemed sufficient to override the serious compromise of national security which disclosure would involve.

"Secret sources of information, as contrasted with the information itself, have in many instances been withheld. The continued use of such sources and, where secret informants are involved, the very lives of such informants would be placed in jeopardy if names, positions or other identifying characteristics were to be disclosed."

II

(Taken from page 41 of the section dealing with Oswald's defection in the Fall of 1959. (Footnote No. 135 is to the CIA; footnote No. 136 is to Madame Furstova; footnote No. 137, as the text states, is to the Historic Diary.)

"The Commission has information from confidential sources that the normal Soviet procedure for handling would-be defectors is to give the KGB the initial task of examination and assessment. 135/ Presumably this was done with Oswald. His rejection on October 22,

which triggered his suicide attempt, therefore, probably means that the KGB had conducted its examination between October 16 and October 22 and had concluded that Oswald was of limited value to the Soviet Union. The Commission has other information from a source of unknown reliability that when the news of Oswald's rejection and dramatic suicide attempt reached Madame Furtsova, a prominent Soviet official and a member of the Praesidium, she personally intervened and asked that he be permitted to reside in the Soviet Union. ^{136/} If this information is correct, it explains the change in Oswald's fortunes which occurred after he was released from the Boykinskaya Hospital. The Commission can only speculate on what branch of the Soviet Government took charge of Oswald after Madame Furtsova's intervention, if it in fact occurred, or why she decided to intervene. Sympathy for what appeared to be a very appealing case certainly may have played a role. It may also have been of some significance that had a young American who had presented himself as a devout convert to the Communist cause been summarily rejected, the resulting publicity would have been unfavorable to the Soviet Union. In any event, it is interesting to note that the apparent shift of Oswald's case from the KGB to some other Ministry of the Soviet Government shortly after his release from the hospital is supported by the entries in his Diary commenting that the officials he met after his hospital treatment were different from those with whom he had dealt before. ^{137/}

III

(The following is the first paragraph of the conclusion.)

"The Commission has thoroughly investigated the possibility that Lee Harvey Oswald was a secret Soviet agent. The specific facts and circumstances, so far as they are known, relating to Oswald's defection to the USSR, his residence there in Minsk, and his return to the United States in 1962 have been carefully evaluated. The defectors from the Soviet intelligence service who are now working with the Central Intelligence Agency, some of whom were still working with Soviet intelligence when Oswald was in Russia, have all failed to furnish any information indicating that Oswald was a Soviet agent. The Commission concludes that there is no credible evidence of Soviet involvement in the assassination, and that the facts that have been obtained strongly negate any conclusion that Oswald was an agent of the Soviet government."

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EO 11652 Sec. 1.6(b)

By mmg NARS Date 8/4/76

~~T O P S E C R E T~~

MEMORANDUM

CIA
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TO : Records
FROM : W. David Slawson *WDS*
SUBJECT : Conference with the CIA on March 12, 1964

At 11:00 a.m., on March 12, 1964 the following individuals gathered in J. Lee Rankin's office to confer on how best the CIA and the Commission could work together at this juncture to facilitate the remaining work of the Commission: J. Lee Rankin, Howard P. Willens, William T. Coleman, Jr., Samuel A. Stern, Burt Griffin, W. David Slawson, Richard Helms, and Raymond Rocca, the latter three from the CIA. The meeting lasted until about 1:15 p.m.

The Commission's staff members pointed out to the CIA that we had developed materials which might be of help to the CIA in assessing the Russian situation, in particular, the testimony of Marina Oswald, Robert Oswald, Marguerite Oswald, John Martin and other witnesses scheduled to appear before the Commission. Mr. Rankin pointed out that it was established Commission policy that transcripts of testimony were not to be taken out of the offices of the Commission but that we would of course make these transcripts available in our offices to CIA representatives. It was agreed that a CIA man would come over in the near future to read these transcripts, especially Marina's, and that they would contact either

~~T O P S E C R E T~~

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By Archivist of the United States

By *RMJ* Date *7/11/73*

ent
memo for Rankin
~~TOP SECRET~~
MEMORANDUM

TO : Records
FROM : W. David Slawson
SUBJECT : Conference with the CIA on March 12, 1964

3/2/64

At 11:00 a.m., on March 12, 1964 the following individuals gathered in J. Lee Rankin's office to confer on how best the CIA and the Commission could work together at this juncture to facilitate the remaining work of the Commission: J. Lee Rankin, Howard P. Willens, William T. Coleman, Jr., Samuel A. Stern, Burt Griffin, W. David Slawson, Richard Helms, [redacted], and Raymond Rocca, the latter three from the CIA. The meeting lasted until about 1:15 p.m.

The first topic of conversation was Yuri Nosenko, the recent Soviet defector. A general discussion was held on this problem, with the CIA's recommendation being that the Commission await further developments.

The Commission's staff members pointed out to the CIA that we had developed materials which might be of help to the CIA in assessing the Russian situation, in particular, the testimony of Marina Oswald, Robert Oswald, Marguerite Oswald, John Martin and other witnesses scheduled to appear before the Commission. Mr. Rankin pointed out that it was established Commission policy that transcripts of testimony were not to be taken out of the offices of the Commission but that we would of course make these transcripts available to our offices to CIA representatives. It was agreed that a CIA representative in the near future to read these transcripts, especially [redacted] and that they would contact either [redacted]

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By *ADJ* NARS Date *1/24/25*

Other Individuals and Organizations
Involved or Interviewed

Oswald, Lee H., Russian

Date 2/28/64

Oswald, Marina - 1

The following information was furnished on February 26 and 27, 1964, by YURI IVANOVICH NOSENKO:

NOSENKO said he was Deputy Chief of the Tourist Department, Second Chief Directorate of the Committee for State Security (KGB) at the time of his defection February 4, 1964, at Geneva, Switzerland, and held the rank of Lieutenant Colonel. He said the Second Directorate of the KGB is concerned with the internal security of the Union of Soviet Socialist Republics (USSR).

NOSENKO advised he was familiar with the visit of LEE HARVEY OSWALD to the Soviet Union in the Fall of 1959 and supervised the handling of the KGB file on OSWALD in the Tourist Department.

NOSENKO stated that when OSWALD arrived as a tourist in the Soviet Union the KGB had no current interest in him and possessed no information that OSWALD was a member of the Communist Party, USA, elsewhere, or that he was a member of any pro-Soviet organization. NOSENKO advised that upon arrival in Moscow OSWALD contacted Intourist, the official Soviet travel agency. OSWALD informed representatives of the Intourist that he desired to remain in the Soviet Union. Thereafter, OSWALD's case was referred to the Seventh (Tourist) Department, Second Main Directorate, KGB.

NOSENKO related OSWALD was discouraged from remaining permanently in Russia. It was suggested to him that he complete his visit as a tourist and return to the United States. It was further suggested he could thereafter make application through routine channels at the Soviet Embassy in the United States for admission as an immigrant to the Soviet Union.

NOSENKO said OSWALD was not regarded by the KGB as being completely normal mentally nor was he considered to be very intelligent. He stated it was the desire of the KGB that OSWALD depart from Russia as early as convenient but no effort was made to curtail his visit or to inconvenience him during his stay in Russia. NOSENKO stated,

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 E.O. 11652, Sec 1.4
 By Mrg NARS Date 5/13/77

On 2/26 and 27/64 at Fairfax County, Virginia File # WFO 105-37111
 by SAs MAURICE A. TAYLOR, DONALD E. WALTER, and ALEKSO POPTANICH:kls Date dictated 2/28/64

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

WFO 105-37111

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however, that OSWALD was pointedly informed he could not remain in Russia permanently. Later OSWALD was scheduled to take a tour of Moscow but before the tour began he was again notified he could not remain in the Soviet Union. When he failed to appear for this tour a search was instituted for him and according to NOSENKO inquiry was made at the Berlin Hotel in Moscow where OSWALD was a guest. This inquiry disclosed OSWALD had locked himself in his room and when entry was made to his room OSWALD was found bleeding from self-inflicted wounds to his wrists. NOSENKO stated OSWALD was rushed to a hospital and NOSENKO expressed the opinion that if OSWALD had not received immediate medical assistance he would have died.

NOSENKO stated that upon OSWALD's release from the hospital OSWALD was again informed he could not remain in the Soviet Union, whereupon OSWALD declared if this were true he would commit suicide. NOSENKO said that at this point the Second Directorate of the KGB "washed its hands of OSWALD."

NOSENKO advised that OSWALD was, nevertheless, permitted to remain temporarily in Russia and it is NOSENKO's opinion this was accomplished through the Ministry of Foreign Affairs or the Soviet Red Cross. NOSENKO said OSWALD was not granted Soviet citizenship nor was this ever considered. He said OSWALD was thereafter sent to Minsk in Byelorussia, northwest of Moscow where he was given a small apartment and a minor position in a plant, believed by NOSENKO to be engaged in the manufacture of radio receivers. NOSENKO said OSWALD received a small salary and this was supplemented by funds provided by the Soviet Red Cross.

NOSENKO said the KGB file on OSWALD was then transferred to the regional office of the KGB at Minsk and that office was instructed to maintain a discreet check on the activities of OSWALD. NOSENKO commented that the possibility that OSWALD might be a "sleeper agent" for American intelligence had been considered by the KGB but at this time the interest of KGB headquarters in OSWALD was practically nil.

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NOSENKO said no further word was received at the KGB headquarters concerning OSWALD until he appeared at the Soviet Embassy, Mexico City, Mexico, and sought to return to the Soviet Union. He stated the headquarters of the First Chief Directorate (Foreign Intelligence) at Moscow was advised of OSWALD's interest in returning to Russia. It was subsequently ascertained that OSWALD had been of interest previously to the Second Directorate and the Second Directorate promptly informed the First Directorate that OSWALD was of no interest to the Second Directorate. The Second Directorate said it wanted nothing to do with OSWALD and it recommended to the First Directorate that OSWALD not be granted permission to return to the Soviet Union.

NOSENKO related he next heard about OSWALD approximately two hours after the assassination of President JOHN F. KENNEDY when NOSENKO was summoned to the KGB center in Moscow and queried concerning his knowledge of OSWALD. NOSENKO said that since no file on OSWALD could be located at the center he was instructed by General OLEG M. GRIBANOV, Head of the Second Directorate, to telephone the KGB office at Minsk and obtain a dictated summary of information concerning OSWALD. NOSENKO said he contacted the KGB office at Minsk and obtained a summary wherein there appeared a phrase that the KGB at Minsk had endeavored "to influence OSWALD in the right direction." General GRIBANOV was greatly concerned about this phrase inasmuch as the KGB in Minsk had been instructed to take no action concerning OSWALD. General GRIBANOV ordered all records at Minsk pertaining to OSWALD be forwarded by warplane to Moscow with an explanation concerning attempts "to influence OSWALD in the right direction."

NOSENKO advised the KGB at Minsk reported no official action had been taken to direct OSWALD and explained that an uncle of MARINA OSWALD, wife of LEE HARVEY OSWALD, who was a lieutenant colonel in the local militia at Minsk, had voluntarily approached OSWALD and suggested OSWALD not be too critical of the Soviet Union when he returned to the United States. NOSENKO commented that when the KGB at Minsk was first requested to furnish a summary of the OSWALD file it was unaware of the international significance of OSWALD's

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activities and had included the statement reporting their endeavors to influence OSWALD as a self-serving effort to impress the KGB center.

NOSENKO advised that the OSWALD affair was a source of great concern to the KGB center and a large staff of KGB employees was called into service and records were reviewed in great detail to make certain the KGB had not utilized OSWALD as an agent.

With respect to MARINA OSWALD, NOSENKO advised that she was not employed as an agent of the KGB. He said she had been a member of the Komsomol (Communist Party Youth Organization) but had been dropped from the rolls on an unknown date for non-payment of dues over a long period of time. NOSENKO stated MARINA OSWALD was not regarded by the KGB as a very intelligent person. MARINA was permitted to depart Russia with her husband, but NOSENKO said this was of no significance since there was no objection from the KGB.

NOSENKO advised that since the death of STALIN it is possible under the law for a Russian wife of a foreign national to leave the USSR with her husband, although in practice this may be prevented as a matter of policy.

FEDERAL BUREAU OF INVESTIGATION

Date 3/5/64

On March 3, 1964, YURI IVANOVICH NOSENKO advised that at the time of OSWALD's arrival in the Union of Soviet Socialist Republics (USSR) in the Fall of 1959, he (NOSENKO) held the position of Deputy Chief, First Section, Seventh Department, Second Chief Directorate (counterintelligence), KGB (Committee for State Security). This particular Section, of which he was then Deputy Chief, handled the KGB investigations of tourists from the United States and British Commonwealth countries.

The First Section, at that time, and at present, contains fifteen or sixteen officers, holding ranks of Junior Case Officers, Case Officers and Senior Case Officers. At the time of President JOHN F. KENNEDY's assassination, NOSENKO stated he then held the position of Deputy Chief, Seventh Department, (Tourist Department), Second Chief Directorate, with the rank of Lieutenant Colonel. The Seventh Department, consisting of approximately ninety Case Officers, is responsible for KGB investigations of tourists from all non-communist countries.

Prior to OSWALD's arrival in the USSR he was completely unknown to the KGB, according to NOSENKO. In this connection he pointed out that immediately upon issuance of a visa to a person to visit the USSR, the Seventh Department (Tourist), Second Chief Directorate, KGB, is notified. At that time a preliminary evaluation is made of the individual and a determination made as to what action, if any, should be taken by the Tourist Department. OSWALD's background was not of sufficient importance for the Tourist Department to have any advance interest in him and NOSENKO stated that his first knowledge of the existence of OSWALD arose in about October, 1959, when KIM GEORGIEVICH KRUPNOV, a Case Officer in his section, reported to him information which KRUPNOV had received from an Intourist interpreter. It was to the effect that OSWALD, an American citizen who had entered the USSR on a temporary visa, desired to remain permanently in the USSR and to become a Soviet citizen. KRUPNOV at this time displayed to NOSENKO a memorandum prepared by KRUPNOV containing information which had been received by KRUPNOV from KGB informants at the Hotel Berlin (which administratively is part of the Hotel Metropole) concerning OSWALD's behavior patterns, an Intourist itinerary for OSWALD, and a two-page report prepared by the Intourist interpreter (a KGB informant) concerning his conversations with OSWALD and his impressions and evaluations of OSWALD. At that time a file was opened in NOSENKO's section incorporating all of the information which KRUPNOV had collected.

On 3/3 & 4/64 at Fairfax County, Virginia File # WFO 105-37111

by SAs ALEKSO POPTANICH and W. MARVIN GHEESLING; /jmn Date dictated 3/4/64

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NOSENKO and KRUPNOV, on basis of this information, concluded that OSWALD was of no interest to the KGB and both agreed that OSWALD appeared somewhat abnormal. NOSENKO could not specifically state what factors caused him to evaluate OSWALD as being abnormal, but on basis of all information available to him at the time there was no doubt in his mind that OSWALD was not "fully normal." At that time the KGB did not know of OSWALD's prior military service and NOSENKO stated that had such information been available to him, it would have been of no particular interest or significance to the KGB.

On the basis of NOSENKO's evaluation of OSWALD he instructed KRUPNOV to advise OSWALD, through the Intourist interpreter, that OSWALD would not be permitted to remain in the USSR permanently and that he would have to depart at the expiration of his visa and thereafter seek re-entry as a permanent resident through routine channels at the Soviet Embassy in the United States. NOSENKO's instructions were carried out and on the same date or the following day he learned that OSWALD failed to appear for a scheduled tour arranged by his Intourist guide. This prompted Intourist to initiate efforts to locate him and after a couple of hours, inquiry at the Berlin Hotel established that OSWALD's room key was missing, indicating that he was apparently in his room. Hotel employees then determined that OSWALD's room was secured from the inside and when he failed to respond to their request for him to open the door, they forced it open. OSWALD was found bleeding severely from self-inflicted wounds and was immediately taken by an ambulance to a hospital, believed by NOSENKO to be the Botkinskaya Hospital in Moscow. NOSENKO did not know specifically whether OSWALD was bleeding from wounds in his left or right wrist or whether from both wrists and he did not know what instrument was used to cause the wound or wounds. The information regarding OSWALD's wounds was received by NOSENKO from KRUPNOV who in turn received it from Intourist sources. NOSENKO did not know how long OSWALD remained in the hospital but stated it was for several days. OSWALD's attempted suicide was reported by NOSENKO to the Chief of the Seventh Department, Colonel KONSTANTIN NIKITOVICH DUBAS, and NOSENKO believed that DUBAS then reported it to the Office of the Chief of the Second Chief Directorate. NOSENKO's original decision that the KGB would not become involved with OSWALD was approved by the Chief of the Second Directorate, and it was further agreed that he should not be permitted to remain in the USSR.

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A report from the hospital was received which gave the circumstances of OSWALD's admittance to the hospital, treatment received including blood transfusion, and the report stated OSWALD had attempted suicide because he was not granted permission to remain in the USSR. The hospital record also included an evaluation that OSWALD's attempted suicide indicated mental instability. NOSENKO did not know whether this evaluation was based on a psychiatric examination or was merely an observation of the hospital medical staff. NOSENKO also learned that upon OSWALD's discharge from the hospital he was again informed by Intecurist that he could not reside in the USSR and OSWALD stated he would commit suicide.

NOSENKO did not know who made the decision to grant OSWALD permission to reside temporarily in the USSR, but he is sure it was not a KGB decision and he added that upon learning of this decision the KGB instructed that OSWALD not be permitted to reside in the Moscow area. NOSENKO suggested that either the Soviet Red Cross or the Ministry of Foreign Affairs made the decision to permit OSWALD to reside in the USSR and also made the decision to assign him to Minsk. NOSENKO attached no particular significance to the fact that OSWALD was settled in Minsk but offered the opinion that since Minsk is a capital city of one of the Republics and is an above-average Soviet city in cleanliness and modern facilities, it was selected in order to create a better impression on OSWALD, a foreigner.

After the KGB was advised of the decision to authorize OSWALD to reside in Minsk it was necessary for KRUPNOV to bring OSWALD's file up to date for purpose of transferring it to the KGB Office in Minsk. This was done and the file was forwarded to Minsk by a cover letter prepared by KRUPNOV. That cover letter briefly summarized OSWALD's case and specifically instructed that KGB, Minsk, take no action concerning OSWALD except to "passively" observe his activities to make sure he was not a United States intelligence agent temporarily dormant. KRUPNOV's letter was read by NOSENKO and signed by DUBAS.

NOSENKO stated that in view of instructions from KGB, Moscow, no active interest could be taken in OSWALD in Minsk without obtaining prior approval from KGB, Moscow. According to NOSENKO no such approval was ever requested or granted and based on his experience, he opined that the only coverage of OSWALD during his stay in Minsk consisted of periodic checks at his place of employment, inquiry of neighbors, associates and review of his mail.

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The next time NOSENKO heard of OSWALD was in connection with OSWALD's application to the Soviet Embassy in Mexico City for a Soviet re-entry visa. NOSENKO did not know how Mexico City advised Moscow of subject's application. His knowledge resulted from an oral inquiry of NOSENKO's department by M. I. TURALIN, Service Number Two, (counterintelligence in foreign countries), First Chief Directorate. NOSENKO recalled that TURALIN had orally contacted VLADIMIR KUZMICH ALEKSEEV, Chief, Sixth Section of NOSENKO's Tourist Department, with respect to OSWALD. NOSENKO's Department had no interest in OSWALD and recommended that OSWALD's request for a re-entry visa be denied. NOSENKO could not recall when OSWALD visited Mexico City in connection with his visa application.

NOSENKO's next knowledge of OSWALD's activities arose as a result of President JOHN F. KENNEDY's assassination. NOSENKO recalled that about two hours after President KENNEDY had been shot he was telephonically advised at his home by the KGB Center of this fact. A short time later he was telephonically advised of the President's death. About two hours later NOSENKO was advised that OSWALD had been arrested, and NOSENKO and his staff were called to work for purpose of determining whether the KGB had any information concerning OSWALD. After establishing OSWALD's identity from KGB files and ascertaining that OSWALD's file was still in Minsk, NOSENKO, on instructions of General OLEG M. GRIBANOV, Chief of the Second Chief Directorate of the KGB, telephonically contacted the KGB Office in Minsk and had them dictate a summary of the OSWALD file. NOSENKO did not personally accept this summary, but it was taken down by an employee of his department. As reported by NOSENKO at the time of his interview on February 26, 1964, this summary concluded with a statement that the KGB at Minsk had endeavored "to influence OSWALD in the right direction." As reported by NOSENKO, this latter statement greatly disturbed GRIBANOV since the KGB Headquarters had instructed that no action be taken concerning OSWALD except to passively observe his activities. Accordingly, GRIBANOV ordered all records at Minsk pertaining to OSWALD be forwarded immediately to Moscow by military aircraft with an explanation concerning the meaning of the above-mentioned statement. NOSENKO read the file summary telephonically furnished by Minsk, the explanation from.

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Minsk concerning the meaning of the above-mentioned statement, and thoroughly reviewed OSWALD's file prior to making same available to SERGEI MIKHAILOVICH FEDOSEEV, Chief of the First Department, Second Chief Directorate, who prepared a two-page summary memorandum for GRIBANOV. That memorandum was furnished by GRIBANOV to VLADIMIR SEMICHASTNY, Chairman of KGB who in turn reported to the Central Committee of the Communist Party, USSR, and to NIKITA S. KHRUSHCHEV. According to NOSENKO, OSWALD's file, as received from Minsk, contained no information to indicate that the KGB at Minsk had taken any action with respect to OSWALD contrary to instructions from KGB Headquarters. It did contain information concerning OSWALD's marriage to MARINA OSWALD, background data on MARINA, including fact she had been a member of the Komsomol (Communist Party Youth Organization) but was dropped for nonpayment of dues and the fact that the OSWALDs had departed the USSR for the United States. His file also included a statement that OSWALD had been a poor worker. NOSENKO read FEDOSEEV's summary memorandum and he recalled that it contained the definite statement that from the date of OSWALD's arrival in the USSR until his departure from the USSR, the KGB had no personal contact with OSWALD and had not attempted to utilize him in any manner.

NOSENKO was questioned as to whether OSWALD could have been trained and furnished assignments by any other Soviet intelligence organization including the GRU (Soviet Military Intelligence) or the Thirteenth Department of the First Directorate of the KGB (which deals with sabotage, explosions, killings, terror). NOSENKO stated that he is absolutely certain that OSWALD received no such training or assignments. In this connection he explained that if any other department of KGB wanted to utilize OSWALD, they would have to contact the department which originally opened up the file on OSWALD (NOSENKO's department) and ask permission to utilize him. NOSENKO stated that this would also apply to GRU. NOSENKO further explained that in view of their evaluation that OSWALD appeared to be mentally unstable no Soviet Intelligence Agency, particularly the Thirteenth Department, would consider using him. NOSENKO also advised that further evidence that OSWALD was not of intelligence interest to the KGB is shown by the fact that the KGB Headquarters did not retain a control file concerning OSWALD following his settlement in Minsk. He elaborated by stating that had OSWALD been of any intelligence interest to KGB a control file would also have been maintained at

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KGB Headquarters. This file would have been assigned to a Case Officer at Headquarters with responsibility to direct supervision of the case, including the making of periodic visits to Minsk by the Case Officer. In OSWALD's case the only record maintained at KGB Headquarters in Moscow was an index card bearing OSWALD's name and the identity of the department which originated the file concerning him.

NOSENKO advised that he ascertained from reading OSWALD's file that the Soviet Red Cross had made payments to OSWALD. He stated, however, that it is a normal practice for the Soviet Red Cross to make payments to emigres and defectors in order to assist them in enjoying a better standard of living than Soviet citizens engaged in similar occupations. He learned that OSWALD received the minimum payments from the Soviet Red Cross which he estimated to be approximately 90 rubles per month. He did not know when these payments began and did not know for how long they continued.

NOSENKO stated that there are no Soviet regulations which would have prevented OSWALD from traveling from Minsk to Moscow without police authority. He stated that Soviet citizens likewise are permitted to travel from place to place without having to receive special permission.

Following President KENNEDY's assassination, NOSENKO ascertained from OSWALD's file that he had had access to a gun which he used to hunt game with fellow employees in the USSR. He could not describe the gun used by OSWALD but did remember that it was used to shoot rabbits. NOSENKO stated that Western newspaper reports describe OSWALD as an expert shot; however, OSWALD's file contained statements from fellow hunters that OSWALD was an extremely poor shot and that it was necessary for persons who accompanied him on hunts to provide him with game.

NOSENKO stated that there is no KGB and no GRU training school in the vicinity of Minsk.

According to NOSENKO, no separate file was maintained by the KGB concerning MARINA OSWALD and all of KGB's information concerning her was kept in OSWALD's file. He said that no information

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in that file indicated that the KGB had any interest in MARINA OSWALD either while she was in the Soviet Union or after she departed the Soviet Union. NOSENKO also advised that KGB had no plans to contact either OSWALD or MARINA in the United States.

NOSENKO opined that after OSWALD departed the USSR he would not have been permitted to re-enter that country under any circumstances. He expressed the opinion that MARINA and her children would have been granted permission to return alone had President KENNEDY not been assassinated.

Since the assassination of President Kennedy he does not know what decision would be made with respect to MARINA OSWALD and her children.

NOSENKO had no information that the Soviet Government ever received any contact from the Cubans concerning OSWALD, and he knew of no Cuban involvement in the assassination.

NOSENKO stated that he had no knowledge that OSWALD had made application to re-enter the Soviet Union other than through his contact with the Soviet Embassy at Mexico City. He pointed out in this connection, that had OSWALD applied at the Soviet Embassy in Washington, D. C., or elsewhere, the KGB would not have ever been apprised of the visa request if the visa issuing officer at the Embassy decided on his own authority to reject the visa application.

NOSENKO noted that all mail addressed to the American Embassy in Moscow, emanating abroad or from the USSR itself, is first reviewed by the KGB in Moscow. NOSENKO added that on occasions mail from "significant" persons is not even permitted by KGB to reach the American Embassy. In the case of OSWALD, NOSENKO stated that since he was of no significance or particular interest to the KGB, correspondence from OSWALD would be permitted to reach the Embassy, even though critical. However, NOSENKO had no knowledge that OSWALD ever directed a communication of any type to the American Embassy in Moscow.

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NOSENKO stated that no publicity appeared in the Soviet Press or over the radio regarding OSWALD's arrival or departure from the USSR and no publicity resulted from his attempted suicide. Soviet newspapers and radio have carried numerous statements concerning President KENNEDY's assassination which quoted from Western newspaper stories concerning OSWALD's alleged involvement including the fact that OSWALD had previously visited the USSR.

NOSENKO advised he saw nothing unusual in the fact that OSWALD was permitted to marry a Soviet citizen and later permitted to depart the USSR with her. He noted that Soviet law specifically provides that a Soviet citizen may marry a foreign national in the USSR and depart from the USSR with spouse, provided, of course, the Soviet citizen had not had access to sensitive information.

It was his opinion that President KENNEDY was held in high esteem by the Soviet Government and that President KENNEDY had been evaluated by the Soviet Government as a person interested in maintaining peace. He stated that following the assassination, the Soviet guards were removed from around the American Embassy in Moscow and the Soviet people were permitted without interference to visit the American Embassy to express their condolences. According to NOSENKO, this is the only occasion he can recall where such action had been taken. He said that the orders to remove the guards came from "above." He added that his department provided approximately 20 men who spoke the English language for assignment in the immediate vicinity of the American Embassy in Moscow to insure that no disrespect was shown during this period.

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.

FEDERAL BUREAU OF INVESTIGATION

~~CONFIDENTIAL~~

Date 3/9/64

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Other Individuals and Organizations
Involved: of Interviewed

On March 6, 1964, YURI IVANOVICH NOSENKO inquired if the material he furnished on March 4, 1964, regarding LEE HARVEY OSWALD was given to the appropriate authorities with his request that no publicity be granted the information he furnished. He was advised that this was done.

NOSENKO was asked if an alien residing in the Soviet Union could own a rifle or shotgun. He replied that an alien can own a shotgun, but it must be registered with the Militsia. He added that an alien can buy a rifle for hunting only with the permission of the Militsia prior to the purchase, and it must be registered with the Militsia. He stated that at no time can an alien buy or carry a pistol or a military rifle.

DECLASSIFIED 312
E.O. 11652, Sec. 54.2

By hny NARS Date 3/1/83

On 3/6/64 at Fairfax County, Va. File # WFO 105-37111
by SAs MAURICE A. TAYLOR, DONALD E. WALTER and ALEKSO POPTANICH AP:lkc Date dictated 3/9/64

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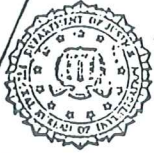
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No. 78-1731

Exhibit 15

STATEMENT BY YURI IVANOVICH NOSENKO



In Reply, Please Refer to
File No.

Commission No. 451

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON 25, D.C.

March 4, 1964

LEE HARVEY OSWALD
INTERNAL SECURITY - R - CUBA

On March 3, 1964, Yuri Ivanovich Nosenko advised that at the time of Oswald's arrival in the Union of Soviet Socialist Republics (USSR) in the Fall of 1959, he (Nosenko) held the position of Deputy Chief, First Section, Seventh Department, Second Chief Directorate (counterintelligence), KGB (Committee for State Security). This particular Section, of which he was then Deputy Chief, handled the KGB investigations of tourists from the United States and British Commonwealth countries.

The First Section, at that time, and at present, contains fifteen or sixteen officers, holding ranks of Junior Case Officers, Case Officers and Senior Case Officers. At the time of President John F. Kennedy's assassination, Nosenko stated he then held the position of Deputy Chief, Seventh Department, (Tourist Department), Second Chief Directorate, with the rank of Lieutenant Colonel. The Seventh Department, consisting of approximately ninety Case Officers, is responsible for KGB investigations of tourists from all non-communist countries.

Prior to Oswald's arrival in the USSR he was completely unknown to the KGB, according to Nosenko. In this connection he pointed out that immediately upon issuance of a visa to a person to visit the USSR, the Seventh Department (Tourist), Second Chief Directorate, KGB, is notified. At that time a preliminary evaluation is made of the individual and a determination made as to what action, if any, should be taken by the Tourist Department. Oswald's background was not of sufficient importance for the Tourist Department to have any advance interest in him and Nosenko stated that his first knowledge of the existence of Oswald arose in about October, 1959, when Kim Georgievich Krupnov, a Case Officer in his section, reported to him information which Krupnov had received from an Intourist interpreter. It was to the effect that Oswald, an American citizen who had

LEE HARVEY OSWALD

entered the USSR on a temporary visa, desired to remain permanently in the USSR and to become a Soviet citizen. Krupnov at this time displayed to Nosenko a memorandum prepared by Krupnov containing information which had been received by Krupnov from KGB informants at the Hotel Berlin (which administratively is part of the Hotel Metropole) concerning Oswald's behavior patterns, an Intourist itinerary for Oswald, and a two-page report prepared by the Intourist interpreter (a KGB informant) concerning his conversations with Oswald and his impressions and evaluations of Oswald. At that time a file was opened in Nosenko's section incorporating all of the information which Krupnov had collected.

Nosenko and Krupnov, on basis of this information, concluded that Oswald was of no interest to the KGB and both agreed that Oswald appeared somewhat abnormal. Nosenko could not specifically state what factors caused him to evaluate Oswald as being abnormal, but on basis of all information available to him at the time there was no doubt in his mind that Oswald was not "fully normal." At that time the KGB did not know of Oswald's prior military service and Nosenko stated that had such information been available to him, it would have been of no particular interest or significance to the KGB.

On the basis of Nosenko's evaluation of Oswald he instructed Krupnov to advise Oswald, through the Intourist interpreter, that Oswald would not be permitted to remain in the USSR permanently and that he would have to depart at the expiration of his visa and thereafter seek re-entry as a permanent resident through routine channels at the Soviet Embassy in the United States. Nosenko's instructions were carried out and on the same date or the following day he learned that Oswald failed to appear for a scheduled tour arranged by his Intourist guide. This prompted Intourist to initiate efforts to locate him and after a couple of hours, inquiry at the Berlin Hotel established that Oswald's room key was missing, indicating that he was apparently in his room. Hotel employees then determined that Oswald's room was secured from the inside and when he failed to respond to their request for him to open the door, they forced it open. Oswald was found

LEE HARVEY OSWALD

bleeding severely from self-inflicted wounds and was immediately taken by an ambulance to a hospital, believed by Nosenko to be the Botkinskaya Hospital in Moscow. Nosenko did not know specifically whether Oswald was bleeding from wounds in his left or right wrist or whether from both wrists and he did not know what instrument was used to cause the wound or wounds. The information regarding Oswald's wounds was received by Nosenko from Krupnov who in turn received it from Intourist sources. Nosenko did not know how long Oswald remained in the hospital but stated it was for several days. Oswald's attempted suicide was reported by Nosenko to the Chief of the Seventh Department, Colonel Konstantin Nikitovich Dubas, and Nosenko believed that Dubas then reported it to the Office of the Chief of the Second Chief Directorate. Nosenko's original decision that the KGB would not become involved with Oswald was approved by the Chief of the Second Directorate, and it was further agreed that he should not be permitted to remain in the USSR.

A report from the hospital was received which gave the circumstances of Oswald's admittance to the hospital, treatment received including blood transfusion, and the report stated Oswald had attempted suicide because he was not granted permission to remain in the USSR. The hospital record also included an evaluation that Oswald's attempted suicide indicated mental instability. Nosenko did not know whether this evaluation was based on a psychiatric examination or was merely an observation of the hospital medical staff. Nosenko also learned that upon Oswald's discharge from the hospital he was again informed by Intourist that he could not reside in the USSR and Oswald stated he would commit suicide.

Nosenko did not know who made the decision to grant Oswald permission to reside temporarily in the USSR, but he is sure it was not a KGB decision and he added that upon learning of this decision the KGB instructed that Oswald not be permitted to reside in the Moscow area. Nosenko suggested that either the Soviet Red Cross or the Ministry of Foreign Affairs made the decision to permit Oswald to reside in the USSR and also made the decision to assign him to Minsk. Nosenko attached no particular significance to the fact that Oswald was settled in Minsk but offered the opinion that since

LEE HARVEY OSWALD

Minsk is a capital city of one of the Republics and is an above-average Soviet city in cleanliness and modern facilities, it was selected in order to create a better impression on Oswald, a foreigner.

After the KGB was advised of the decision to authorize Oswald to reside in Minsk it was necessary for Krupnov to bring Oswald's file up to date for purpose of transferring it to the KGB Office in Minsk. This was done and the file was forwarded to Minsk by a cover letter prepared by Krupnov. That cover letter briefly summarized Oswald's case and specifically instructed that KGB, Minsk, take no action concerning Oswald except to "passively" observe his activities to make sure that he was not a United States intelligence agent temporarily dormant. Krupnov's letter was read by Nosenko and signed by Dubas.

Nosenko stated that in view of instructions from KGB, Moscow, no active interest could be taken in Oswald in Minsk without obtaining prior approval from KGB, Moscow. According to Nosenko no such approval was ever requested or granted and based on his experience, he opined that the only coverage of Oswald during his stay at Minsk consisted of periodic checks at his place of employment, inquiry of neighbors, associates and review of his mail.

The next time Nosenko heard of Oswald was in connection with Oswald's application to the Soviet Embassy in Mexico City for a Soviet re-entry visa. Nosenko did not know how Mexico City advised Moscow of subject's application. His knowledge resulted from an oral inquiry of Nosenko's department by M. I. Turalin, Service Number 2, (counter-intelligence in foreign countries), First Chief Directorate. Nosenko recalled that Turalin had orally contacted Vladimir Kuznich Alekseev, Chief, Sixth Section of Nosenko's Tourist Department, with respect to Oswald. Nosenko's Department had no interest in Oswald and recommended that Oswald's request for a re-entry visa be denied. Nosenko could not recall when Oswald visited Mexico City in connection with his visa application.

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Nosenko's next knowledge of Oswald's activities arose as a result of President John F. Kennedy's assassination. Nosenko recalled that about two hours after President Kennedy had been shot he was telephonically advised at his home by the KGB Center of this fact. A short time later he was telephonically advised of the President's death. About two hours later Nosenko was advised that Oswald had been arrested, and Nosenko and his staff were called to work for purpose of determining whether the KGB had any information concerning Oswald. After establishing Oswald's identity from KGB files and ascertaining that Oswald's file was still in Minsk, Nosenko, on instructions of General Oleg M. Gribanov, Chief of the Second Chief Directorate of the KGB, telephonically contacted the KGB Office in Minsk and had them dictate a summary of the Oswald file. Nosenko did not personally accept this summary, but it was taken down by an employee of his department. As reported by Nosenko at the time of his interview on February 26, 1964, this summary concluded with a statement that the KGB at Minsk had endeavored "to influence Oswald in the right direction." As reported by Nosenko, this latter statement greatly disturbed Gribanov since the KGB Headquarters had instructed that no action be taken concerning Oswald except to passively observe his activities. Accordingly, Gribanov ordered all records at Minsk pertaining to Oswald be forwarded immediately to Moscow by military aircraft with an explanation concerning the meaning of the above-mentioned statement. Nosenko read the file summary telephonically furnished by Minsk, the explanation from Minsk concerning the meaning of the above-mentioned statement, and thoroughly reviewed Oswald's file prior to making same available to Sergei Mikhailovich Fedoseev, Chief of the First Department, Second Chief Directorate, who prepared a two-page summary memorandum for Gribanov. That memorandum was furnished by Gribanov to Vladimir Semichastny, Chairman of KGB who in turn reported to the Central Committee of the Communist Party, USSR, and to Nikita S. Khrushchev. According to Nosenko, Oswald's file, as received from Minsk, contained no information to indicate that the KGB at Minsk had taken any action with respect to Oswald contrary to instructions from KGB Headquarters. It did contain information concerning Oswald's marriage to Marina Oswald, background data on Marina, including fact she had been a member of the Komsomol (Communist Party Youth Organization) but was dropped for nonpayment of dues and the fact that

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the Oswalds had departed the USSR for the United States. His file also included a statement that Oswald had been a poor worker. Nosenko read Fedoseev's summary memorandum and he recalled that it contained the definite statement that from the date of Oswald's arrival in the USSR until his departure from the USSR, the KGB had no personal contact with Oswald and had not attempted to utilize him in any manner.

Nosenko was questioned as to whether Oswald could have been trained and furnished assignments by any other Soviet intelligence organization including the GRU (Soviet Military Intelligence) or the Thirteenth Department of the First Directorate of the KGB (which deals with sabotage, explosions, killings, terror). Nosenko stated that he is absolutely certain that Oswald received no such training or assignments. In this connection he explained that if any other department of KGB wanted to utilize Oswald, they would have to contact the department which originally opened up the file on Oswald (Nosenko's department) and ask permission to utilize him. Nosenko stated that this would also apply to GRU. Nosenko further explained that in view of their evaluation that Oswald appeared to be mentally unstable no Soviet Intelligence Agency, particularly the Thirteenth Department, would consider using him. Nosenko also advised that further evidence that Oswald was not of intelligence interest to the KGB is shown by the fact that the KGB Headquarters did not retain a control file concerning Oswald following his settlement in Minsk. He elaborated by stating that had Oswald been of any intelligence interest to KGB a control file would also have been maintained at KGB Headquarters. This file would have been assigned to a Case Officer at Headquarters with responsibility to direct supervision of the case, including the making of periodic visits to Minsk by the Case Officer. In Oswald's case the only record maintained at KGB Headquarters in Moscow was an index card bearing Oswald's name and the identity of the department which originated the file concerning him.

Nosenko advised that he ascertained from reading Oswald's file that the Soviet Red Cross had made payments to Oswald. He stated, however, that it is a normal practice

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for the Soviet Red Cross to make payments to emigres and defectors in order to assist them in enjoying a better standard of living than Soviet citizens engaged in similar occupations. He learned that Oswald received the minimum payments from the Soviet Red Cross which he estimated to be approximately 90 rubles per month. He did not know when these payments began and did not know for how long they continued.

Nosenko stated that there are no Soviet regulations which would have prevented Oswald from traveling from Minsk to Moscow without police authority. He stated that Soviet citizens likewise are permitted to travel from place to place without having to receive special permission.

Following President Kennedy's assassination Nosenko ascertained from Oswald's file that he had had access to a gun which he used to hunt game with fellow employees in the USSR. He could not describe the gun used by Oswald but did remember that it was used to shoot rabbits. Nosenko stated that Western newspaper reports describe Oswald as an expert shot; however, Oswald's file contained statements from fellow hunters that Oswald was an extremely poor shot and that it was necessary for persons who accompanied him on hunts to provide him with game.

Nosenko stated that there is no KGB and no GRU training school in the vicinity of Minsk.

According to Nosenko, no separate file was maintained by the KGB concerning Marina Oswald and all of KGB's information concerning her was kept in Oswald's file. He said that no information in that file indicated that the KGB had any interest in Marina Oswald either while she was in the Soviet Union or after she departed the Soviet Union. Nosenko also advised the KGB had no plans to contact either Oswald or Marina in the United States.

Nosenko opined that after Oswald departed the USSR he would not have been permitted to re-enter that country under any circumstances. He expressed the opinion that Marina and her children would have been granted permission to return alone had President Kennedy not been assassinated.

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Since the assassination of President Kennedy he does not know what decision would be made with respect to Marina Oswald and her children.

Nosenko had no information that the Soviet Government ever received any contact from the Cubans concerning Oswald, and he knew of no Cuban involvement in the assassination.

Nosenko stated that he had no knowledge that Oswald had made application to re-enter the Soviet Union other than through his contact with the Soviet Embassy at Mexico City. He pointed out in this connection, that had Oswald applied at the Soviet Embassy in Washington, D. C., or elsewhere, the KGB would not have ever been apprised of the visa request if the visa issuing officer at the Embassy decided on his own authority to reject the visa application.

Nosenko noted that all mail addressed to the American Embassy in Moscow, emanating abroad or from the USSR itself, is first reviewed by the KGB in Moscow. Nosenko added that on occasions mail from "significant" persons is not even permitted by KGB to reach the American Embassy. In the case of Oswald, Nosenko stated that since he was of no significance or particular interest to the KGB, correspondence from Oswald would be permitted to reach the Embassy, even though critical. However, Nosenko had no knowledge that Oswald ever directed a communication of any type to the American Embassy at Moscow.

Nosenko stated that no publicity appeared in the Soviet Press or over the radio regarding Oswald's arrival or departure from the USSR and no publicity resulted from his attempted suicide. Soviet newspapers and radio have carried numerous statements concerning President Kennedy's assassination which quoted from Western newspaper stories concerning Oswald's alleged involvement including the fact that Oswald had previously visited the USSR.

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Nosenko advised he saw nothing unusual in the fact that Oswald was permitted to marry a Soviet citizen and later permitted to depart the USSR with her. He noted that Soviet law specifically provides that a Soviet citizen may marry a foreign national in the USSR and depart from the USSR with spouse provided, of course, the Soviet citizen had not had access to sensitive information.

It was his opinion that President Kennedy was held in high esteem by the Soviet Government and that President Kennedy had been evaluated by the Soviet Government as a person interested in maintaining peace. He stated that following the assassination, the Soviet guards were removed from around the American Embassy in Moscow and the Soviet people were permitted without interference to visit the American Embassy to express their condolences. According to Nosenko, this is the only occasion he can recall where such action had been taken. He said that the orders to remove the guards came from "above." He added that his department provided approximately 20 men who spoke the English language for assignment in the immediate vicinity of the American Embassy in Moscow to insure that no disrespect was shown during this period.