

status because there was a certain unreality, I would say, about his situation.

He had been assured that he was going to be granted a salary and that he was going to have a job and so forth. But he was kept very isolated, he was under guard at all times, and he was being interrogated periodically by the FBI and by the Agency.

His fear, as he recounts it now, is that he was worried about being milked of information, after which he might be discarded. He didn't know what would happen if he were discarded because he still had a very active fear, as he does to this day, that the KGB would like either to kidnap him or kill him.

He nevertheless remained tractable and cooperative for the first few days, although in the succeeding weeks he became more difficult. He had a serious personality crisis, which led to heavy drinking, and he got to the point where he was starting out the day with a drink and was continuing to drink more or less continually throughout the 24 hours, except for those times when he was asleep.

This, once again, has a tendency to vitiate some of the testimony. But I would say that one can certainly say that there is no particular reason to believe that what he was saying wasn't in good faith, despite the fact that it may have been inaccurate because of the amount of alcohol.

An interesting point is that at about this time, while Nosenko was still in this friendly confinement, a Soviet defector who had been with us for some time and who was doing research for us noticed that there were serious discrepancies between the so-called transcripts of the 1962 meetings and the tapes from which these transcripts had allegedly been made.

This particular Soviet defector who is very thorough, very conscientious, wrote a memorandum to the deputy chief "SB" saying that these transcripts do not resemble in many respects the tapes—and here I am afraid I am speaking from memory, but I think my memory is accurate—I think he named 150 discrepancies which he had found in a cursory review of the tapes, and he offered to make a full report of the other discrepancies which might exist.

Insofar as the record shows—and we examined the record quite carefully—to see if there was any reply—we cannot find anything which indicates that the defector was asked to make a full examination and a full report of the discrepancies.

I cannot account for this, but in any case, it can be said with certainty that the responsible people in a position to know that the transcripts were not accurate and did not take the trouble to ask for a more accurate version.

The next step, since the interrogations conducted by the CIA, which as I say were designed not to ascertain information so much as they were to pin on Nosenko the label of a KGB agent acting to deceive us, since nothing had been proved in the friendly confinement, the people running the operation determined that the next step would be a confinement—much more spartan was the word used in the Rockefeller report—a much more spartan confinement was appropriate and a so-called hostile interrogation.

Therefore, they examined the ways in which this might be conducted and they decided to apply to Nosenko's handling approximately the conditions under which an American citizen, Prof. Fredrick Barghorn, had been confined for a period of time in Moscow in 1963.

You may recall that Professor Barghorn happened, fortunately for him, to be a personal friend of President Kennedy and President Kennedy made a personal appeal to Prime Minister Khrushchev and Secretary General Khrushchev.

On the basis of President Kennedy's appeal, Professor Barghorn was released by the KGB and came back to this country and had been extensively debriefed on how he had been treated. Therefore, it was decided that Nosenko would be given the same treatment.

What was to happen was that he was to be given the first of the three polygraph tests that he had in the course of this period during which he was under suspicion, and after the polygraph test, he would be told that he had failed the polygraph test and then would "be arrested"—I put that in quotes—they would act as if he were being arrested. I will come back to the matter of the polygraphs later.

He would then be taken to an area where he would be treated as if he were being put in prison. He would be forced to strip, put on prison clothes, and so on.

The effort would be to put him at a psychological disadvantage, to shake his confidence, to make him fearful. The guards at the house were given instructions that there must be no physical mistreatment of him, but that they were not to talk to him, they were not to smile at him, they were to treat him very impersonally.

The original plan for the so-called cell in which he was to be confined did not envisage even the existence of any heat in the room. It envisaged that one window would be boarded up and that there would be one 60-watt bulb burning all night.

As had been the case of Professor Barghorn when imprisoned in Moscow, he would be forced to arise at 6 in the morning and required to go to bed at 10 at night.

The food which he was to receive was described as follows: breakfast—weak tea, no sugar, porridge; dinner—watery soup, macaroni or porridge, bread, weak tea; supper—weak tea and porridge.

Now, this diet, as a result of the intervention of a medical doctor, was varied and improved. But at first this is what was planned. It never did become very good. But at any rate, it wasn't as meager as I have just described.

The man was under 24-hour visual surveillance through the door. He was not allowed to lie down on his couch during the day after he had gotten up at 6 in the morning. He was allowed to sit down on the bed or sit down in the chair.

Although originally there had been a plan for reading material, very meager amount of reading material, he was at first actually not given reading material.

There was a definite effort to deprive him of any distractions. There was in the house a TV which the guards watched, but the guards were provided with earphones so that he would not hear

the sounds of the TV, and he was not to hear anybody speak except on those occasions when the interrogators came to interrogate him. Now, I might also add that originally he was not to have the benefit of toilet facilities. There was to be a stop pail which he was to empty once a day. But that, I am happy to say, was changed. Once again, because the Office of Security refused—which was in charge of the house—refused to some of the more extreme measures which the operational people had produced.

Now we come to the polygraph, which as I have mentioned is the first of the occasions on which Mr. Nosenko was polygraphed. This polygraph was administered on the 4th of April 1964 from 1045 to 1515 hours.

As I think was mentioned by Professor Blakey, the operator was told to tell him at the end that he had failed the polygraph. I would like, if I may, to pause here for just a minute to say something about the polygraph, and the way that it is used properly—I do not wish to tell you gentlemen things which you already know, but I simply want to establish the way that the polygraph is normally used by the Central Intelligence Agency and has always been used by people who use it responsibly.

In the first place, the polygraph, as you know, is not a lie detector. It doesn't detect lies. It simply detects physiological changes, changes of heartbeat, changes of your respiration rate, changes in something known as galvanic skin reaction, which is electrical conductivity, which is measured by a sensor placed on your finger.

These changes are measured against a base line, and the base line is obtained by asking you rather ordinary questions, like what is your name, which presumably will not cause you anxiety, unless you are faking your name. But you ask a lot of questions and you get a base line.

It is certainly not desirable to raise the tension of the person who is going to be polygraphed if you expect to use the polygraph as an aid to getting at the truth because the tension becomes unpredictable, and then you get tracings on the tape which is run which may seem to indicate that the person is telling a falsehood, but they may simply be due to the extreme tension which you are under.

Now, the important things about this particular first polygraph, which also had a considerable influence on the later conduct of the case, was that not only was Mr. Nosenko told after the fact that he had failed the polygraph, but before the fact, a rather unusual thing—I have never heard of it being done before—was done.

An artifact which was described to him as an electroencephalograph was attached to him and he was told that in addition to all the other sensors, we were going to read his brain waves.

Now, there was no purpose for this except as the documentary evidence shows—except to raise his tension. He was made to fear this polygraph in every way he could.

The first polygraph has been adjudged invalid because of the manner in which it was conducted. The use of these extra strains and stresses might be used in a hostile interrogation if you didn't

expect to use the results of the polygraph to support what the man eventually said.

But you cannot reconcile using the polygraph in this way if you expect to use the tracings to indicate whether or not the person is lying.

A point which is important here is, however, that when the results of this polygraph were reported upwards through the chain of command, there was no indication that there had been any special circumstances surrounding the giving of a polygraph.

On the contrary, the report up the chain of command from chief SB simply said that the polygraph had obtained significant reactions.

It was after this polygraph that Mr. X was brought deliberately into the case to assist the interrogators to examine the answers which Nosenko gave, and to suggest further questions.

As I have mentioned, he was given voluminous material relating to the case to analyze.

Mr. Nosenko then remained in solitary confinement, under constant visual observation, until, if my memory serves me correctly, August 1967. There was a change of the location, but that bore no particular significance because he was treated approximately the same way in both locations.

Insofar as I could tell from reading a vast number of documents, the expectation and the assumption on the part of the top level leadership of the Agency was that Mr. Nosenko was being interrogated, questioned, whatever you wish to call it, during the entire time that he was incarcerated.

Mr. Donn. Mr. Hart, could you please speak up a little bit. You are fading on me.

Mr. HART. Insofar as I can tell, the assumption among the top leadership of the Agency was that during this period of incarceration Mr. Nosenko was being questioned or interrogated. That is fairly contrary to the facts because although he was incarcerated for 1,277 days, on only 292 days was he in part questioned.

We do not know—it is difficult to tell just how many hours of questioning there took place on these 292 days, when he actually was questioned. The rest of the time, which is 77 percent of the total time of incarceration, he was left entirely unoccupied and was not being questioned.

There was, in other words, no effort being made to get at more information which he might have.

The justification for not dealing with Mr. Nosenko was that the lack of any contact would put additional pressure on him, pressure to confess that he was a dispatched KGB agent.

This was eventually surfaced in a memorandum which went to the Director, and it was stated that the interval in isolation will be extremely valuable in terms of allowing subject to ponder on the complete failure of his recent gambits.

His gambits, which may or may not have been gambits, included a period when he was hallucinating while incarcerated and totally inactive.

The eventual conclusion of the medical officer who examined him was that he was feigning these hallucinations, but that was simply one medical officer's opinion.

I am prepared to suggest to the staff, if they wish to look at it, they examine some evidence which has been scientifically collected specifically by the Russians which show that long periods of isolation do lead to hallucination.

So, it may have been well that in addition to the other problems which we face in connection with this, or have faced in connection with Mr. Nosenko, that there was a period when he was hallucinating.

Now, I am not here speaking as a technical expert on this subject, but I have examined some technical works on the subject of the effects which long confinement of this sort could have. I will have to pause here for a minute to get a date. If I may, well, I will get the date for you in just a minute.

But Mr. Helms, the then Director, became very impatient with the large amount of time spent on this case and the failure to come to a conclusion as to the credibility of this man.

Specifically, this was on August 23, 1966. He set a limit of 60 days for the people who were handling this case to wind it up. This resulted in a period of frenetic activity because the people handling the case felt that it was impossible to prove the man's guilt and they couldn't conceive of any way of getting at the truth unless some additional measures were taken.

In September 1966 a proposal which they had made that the man be interrogated, Mr. Nosenko be interrogated under the influence of sodium amytal, which was believed to be a drug which lowered the defenses of a subject and made him more vulnerable to questioning, was turned down by the Director, who refused to permit interrogations using drugs.

The staff handling the case therefore took refuge once again on the polygraph and they submitted Mr. Nosenko to a second series of polygraphs, which continued from October 19 through October 28, 1966.

These are the series of polygraphs which we have been told by Mr. Arther of Scientific Lie Detection are the most valid of the polygraphs which were given the man.

We take serious exception to the statement, the judgment given by Mr. Arther that these were valid polygraphs for a number of reasons.

We take serious exceptions to them partly because we have no understanding of the basis for Mr. Arther's conclusions, and we have doubts that Mr. Arther examined all the relevant data in connection with making this judgment.

When Mr. Arther visited the Central Intelligence Agency in connection with evaluating the polygraphs, he did not, as I understand it, evaluate the 1962 polygraph, only the series of polygraph examinations made in 1966.

He was offered the Agency's own 1966 evaluations of the examinations as part of providing him with all the data available. He declined to see the Agency's evaluations.

Since the October 18 test was the most significant because it was the one which had to do with the Oswald matters— Chairman Strokes, I wonder if the gentleman would suspend for just a minute. It is about 1:30 now. I wonder if you could give the committee some indication as to about how much longer you think

you will go, and then perhaps we can judge whether this is an appropriate time for us to take a recess.

Mr. HARR: I can wind this up, Mr. Chairman, in about 15 minutes.

Chairman Strokes: You may proceed then, sir.

Mr. HARR: As I was saying, the Agency attempted to give the examiner, Mr. Arther, as much data as they could, in order to make a meaningful analysis. However, he did not accept all the data which they were offered.

The examiners at the Agency feel that it would be very hard for anybody, any expert, themselves or anybody else, to make an evaluation of these, of the lapses of this series of polygraphs without knowing the surrounding conditions, and there were a number of serious conditions which would interfere with a satisfactory polygraph.

For one thing, the times involved in this series of polygraphs were excessive, were very excessive. It is a principle of polygraphing, on which most polygraphers agree, that if you keep the person on the machine for too long, the results, the effectiveness of the polygraph declines.

In the case of this series, on the first day the man was kept on it, on the polygraph machine, for 2 hours. On the second day he was kept on the polygraph for a total of almost 7 hours, and for comparable periods of time leading to a total of 28 hours and 29 minutes of time on the machine. In addition to that, it was later discovered that while he was actually not being interrogated, he was also left strapped on the chair where he was sitting so that he could not move. And so while lunchbreaks were being taken, he actually was not being interrogated but he was still strapped to the chair.

Now these lunchbreaks, or whatever they were, perhaps they were also used as time for further preparation of questions. But at any rate, the record shows that they lasted, for example, on October 20, from 12:15 to 3:30, and on October 21, from 12:45 to 4:45. That is 4 hours that the man was left in the chair with no rest. In addition to that, the operator was guilty of some provocative remarks. He told, before the polygraph examination, one of the polygraph examinations began, he told Nosenko that he was a fanatic, and that there was no evidence to support his legend, and your future is now zero.

The operator also on another occasion preceded his interrogation by saying that the subject didn't have any hope, there would be no hope for subject, and he might go crazy, to which Nosenko replied that he never would go crazy. Thus the combination of an antagonistic operator who, I might add, was by now not operating under the auspices of the CIA Office of Security, but who was operating under the aegis of the chief of SB and the deputy chief of SB, the fact that the man was kept for extraordinary lengths of time strapped into the chair, all of these add up, in the estimation of the CIA examiners who have gone over this series of tests, to an invalid polygraph.

Now in the handwriting of the deputy chief SB, who was a day-to-day supervisor of the activity which I have been describing, it is—there is an admission which implies fairly clearly that there was no intention that this 1966 series of polygraphs would be valid.

I read here a direct quotation which exists in writing, and most of it is in the handwriting of the deputy chief of SB. Speaking of the aims to be achieved by the 1966 polygraph examinations, he writes: To gain more insight into points of detail which we could use in fabricating an ostensible Nosenko confession, insofar as we could make one consistent and reliable even to the Soviets, a confession would be useful in any eventual disposal of Nosenko.

Now he doesn't clarify what he means in this document by "disposal," but it is apparent that—

Mr. SAWYER. Excuse me.

Did you use the term "eventual disposal of him"?

Mr. HART. I used the term "the eventual disposal," yes, sir.

Mr. SAWYER. Thank you.

Mr. HART. I want finally to address myself very briefly to the two reports which were turned out, one of which, both of which have been described by Professor Blakey. One was actually about 900 pages, but it came to be called the thousand paper simply because of its extraordinary size.

That was originally, it had originally been hoped that that would be the official CIA write-up on the subject, but there was no agreement between the CI staff and the SB Division on this paper, in part because the SB paper had an implication in it that Mr. X, of whom I have previously talked, had contradicted himself and was not totally reliable. I read here an excerpt in which the chief of the SB Division is talking: "Chief CI said that he did not see how we could submit a final report to the bureau meaning the FBI if it contained suggestions that Mr. X had lied to us about certain aspects of Nosenko's past. He recalled that the Director of the FBI had stated that in his opinion Mr. X himself was a provocateur and a penetration agent."

Thus, what happened was that a long negotiation took place during which a briefer paper, which as I remember is 446 pages long, was eventually produced, and this became the agreed document, agreed between the CIA staff, I mean the CIA-CI staff and the SB Division, until such time as Mr. Helms, exasperated by the long delays on this case and dissatisfied with the results, took the matter out of the hands of both the SB Division and the CI staff, turned the matter over to his Director, Admiral Rufus Taylor, and Admiral Taylor brought in the Office of Security to try to resolve the case.

I have nothing more to say about the resolution of that case because it has been adequately covered by Professor Blakey's presentation this morning.

That is all I have to say in this presentation, Mr. Chairman. Chairman STOKES. Thank you, sir.

I think this is probably an appropriate place for us, then, to take a recess.

The committee will recess until 2:30 this afternoon, at which time we will resume questioning of the witness.

[Whereupon, at 1:43 p.m., the select committee was recessed, to reconvene at 2:30 p.m.]

AFTERNOON SESSION

Chairman STOKES. The committee will come to order.

The Chair recognizes counsel for the committee, Mr. Klein.

Mr. KLEIN. Thank you, Mr. Chairman.

Mr. Chairman, I would only like to state for the record that I have spoken to Mr. Arther, the committee's polygraph consultant, and his account of the events leading to the writing of his report are significantly different than those stated today by Mr. Hart, and I understand that Mr. Hart has stated that he was only repeating what was told to him by the Office of Security. But for the record, Mr. Arther states that he accepted and read all materials made available to him by the CIA and considered all of these materials in reaching these conclusions.

That is all I have to say, Mr. Chairman.

Thank you very much.

Chairman STOKES. Thank you, Counsel.

The Chair will recognize the gentleman from Connecticut, Mr. Dodd, for such time as he may consume, after which the committee will operate under the 5-minute rule.

Mr. DODD. Thank you, Mr. Chairman.

Mr. Hart, thank you for your statement this morning.

Mr. Hart, let me ask you this question at the very outset.

Would it be fair for me to conclude that it was the responsibility of the Central Intelligence Agency to find out, from whatever available sources between late 1963 and 1964, what the activities and actions of Lee Harvey Oswald were during his stay in the Soviet Union?

TESTIMONY OF JOHN HART—Resumed

Mr. HART. Congressman, I want to answer that by telling you that I do not know—

Mr. DODD. Let me say this to you, Mr. Hart.

Wouldn't it be a fair assessment that the Central Intelligence Agency had the responsibility during that period of time to examine whatever information could point to or lead to those activities, to provide us with information regarding Lee Harvey Oswald's activities in the Soviet Union? Isn't that a fair enough, simple enough statement?

Mr. HART. Sir, I can't agree to that in an unqualified manner for several reasons. May I give the reasons in sequence?

Mr. DODD. Go ahead.

Mr. HART. In a telephone conversation between the then Director of Central Intelligence, John McCone, and Mr. J. Edgar Hoover, which took place on the 16th of November 1963 at 11:20 a.m., Mr. McCone said:

I just want to be sure that you were satisfied that this agency is giving you all the help that we possibly can in connection with your investigation of the situation in Dallas. I know the importance the President plays on this investigation you are making. He asked me personally whether CIA was giving you full support. I said they were, but I just wanted to be sure that you felt so.

Mr. Hoover said "We have had the very best support that we can possibly expect from you."

Then the implication through the rest of this document, which I am perfectly happy to turn over to the committee, is that Mr. McCone and Mr. Hoover feel that the main responsibility for the investigation falls on the FBI.

My second point is that when I came on board in the Agency, having been recalled in mid-June, I asked about the responsibility for the Lee Harvey Oswald matter because I knew that he had entered into the overall Nosenko case. I was told that the responsibility for the investigation had rested almost entirely with the FBI. There were a couple of reasons for that.

First, it was understood, although I realize that there had been violations of this principle, Mr. Congressman, it was understood that the jurisdiction of the Central Intelligence Agency did not extend within the territorial limits of the United States, and the Central Intelligence Agency had no particular, in fact, did not have any assets capable of making an investigation within the Soviet Union, which were the two places really involved.

Third, I want to say that in my own investigation, since I intended to depend entirely or almost entirely on documentary evidence for the sake of accuracy, I ruled out going into the Lee Harvey Oswald matter because I realized that I could not possibly have the same access to FBI documents which I had in the Agency where I had formerly been employed which gave me complete access to everything I wanted.

Mr. Dodd. Mr. Hart, as I understand what you have given me in response to my question is the fact that you assumed that the FBI was principally responsible for the investigation, and that Mr. McCone, as Director of the Central Intelligence Agency, in his conversation with Mr. Hoover, indicated that he would be cooperating fully in that investigation. So to that extent, and that is the extent I am talking about, it was the responsibility of the Central Intelligence Agency to cooperate in a responsible fashion in ferreting out whatever information would bear on the activities of Lee Harvey Oswald when he was in the Soviet Union, utilizing whatever sources of information were available to the Central Intelligence Agency in achieving that goal.

Is that not a correct and fair statement of the responsibilities of your Agency?

Mr. HART. Insofar as I am aware of them, keep in mind please, Congressman, that I had nothing to do with this case. I do not know about—

Mr. Dodd. I am asking you Mr. Hart, for a comment about the activities of the Agency, not specifically your actions as one individual. You spent 24 years with the Agency, so you are familiar with what the responsibilities of the Agency are.

Mr. HART. My response to that is that I believe that the Agency should have done everything that it could to assist the FBI. I do not know exactly what the Agency did to assist the FBI, nor do I know what relevant assets or capabilities the Agency had during the time we are concerned with to take any relevant action.

Mr. Dodd. All right.

But you are answering my question; you are saying, "yes," in effect. It was their responsibility to assist the FBI or do whatever

else was necessary in order to gain that information about Lee Harvey Oswald's activities when he was abroad.

Mr. HART. Congressman, I have to repeat that there may have been agreements between the Agency and Mr. Hoover or other parts of the Government of which I am not aware. I, for example, am virtually without knowledge of a very long span of time during which the Director of the Central Intelligence Agency and Mr. Hoover were barely on speaking terms. I know that it was very difficult for the two Agencies to get along. I do not happen to know the reasons for it, and I am in no position to judge what they did, why they did it or what they should have done in order to resolve the lack of cooperation.

Mr. Dodd. Well, after listening to your statement for 1 hour and 40 minutes this afternoon, do I take it that you would concede the point that, as the CIA's activities pertain to one vitally important source, potential source of information namely, Mr. Nosenko, that in the handling of that potential source of information, as it bore on the assassination of a President of the United States, the Central Intelligence Agency failed in its responsibility miserably?

Mr. HART. Congressman, within the context of the total case, I would go further than that. I would say that the Agency failed miserably in its handling of the entire case, and that since the Lee Harvey Oswald question was part of that case, yes.

Mr. Dodd. And, Mr. Hart, I am not going to—I will ask you if you recall with me, basically, the conclusion or one of the conclusions of the Warren Commission report.

Were we not told in the conclusion of the Warren Commission report that "All of the resources of the U.S. Government were brought to bear on the investigation of the assassination of the President," and in light of your last answer, that conclusion was false?

Would you agree with me?

Mr. HART. Well, Congressman, I do not like to have my rather specific answer extrapolated.

Mr. Dodd. But we do consider the Central Intelligence Agency to be part of the U.S. investigatory body; don't we?

Mr. HART. I do.

Mr. Dodd. And you just said they failed miserably.

Mr. HART. I said they failed miserably in the handling of this whole case.

Mr. Dodd. Therefore, it would be fair to say that the conclusion of the Warren Commission report in its statement that all of the resources of the U.S. Government were brought to bear in the investigation of the death of the President is an inaccurate statement. That is not a terribly difficult piece of logic to follow, I don't think.

Mr. HART. It requires me to make a judgment, which I am not sure that I am willing to make, because I can think of possible other evidence which might come up which might show that there is a case to support the fact that the leader, top leadership of the Agency, may have thought they were bringing all their resources to bear. I simply do not know that.

Mr. Dodd. The only question left, it would seem to me, in going back to Mr. Blakey's narration at the outset of this part of our