

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

Chairman STOKES. Counsel may proceed.

Mr. BLAKEY. Nosenko has testified to the committee that he was born Yuri Ivanovich Nosenko in the town of Nikolayev in the Ukraine, October 30, 1927.

On leave in Moscow in 1953 he joined the MVD, later the KGB. In 1955 Nosenko was transferred to the seventh department of the second chief directorate, a department newly formed in the KGB to monitor tourists to the Soviet Union.

In July 1962 he was promoted to deputy chief of the seventh department, second chief directorate.

Nosenko first came to the attention of U.S. intelligence agencies in June 1962. He identified himself to the CIA and offered to sell information for 900 Swiss francs. He explained he needed the money to replace KGB funds he had spent on a drinking spree.

He has since said he did not really need the money but felt an offer simply to give away the information would be rejected, as it had been with similar offers by other Soviet agents.

On January 23, 1964, Nosenko was heard from again. Back in Geneva as an escort to a disarmament delegation, he informed the CIA this time he wished to defect, giving as his reason disillusionment with his government and doubt that he would be able to leave the USSR soon again. The CIA was surprised by his sudden decision to defect, but Nosenko was adamant.

On February 4 Nosenko revealed he had received a telegram ordering him to return to Moscow directly from Geneva. Nosenko later admitted, however, that the recall telegram was a fake. He had made up the story to get the CIA to agree to his defection without further delay.

By April 1964 Nosenko had been in the United States for nearly 2 months. Already top officials of the Soviet Russia and counterintelligence sections of the CIA had nagging doubts as to whether he was a bona fide defector.

Information Nosenko had given about Oswald, for one thing, aroused suspicions.

The chief of the Soviet Russia section had difficulty accepting the statements about Oswald, characterizing them as seemingly " . . . almost to have been tacked on to or have been added, as though it didn't seem to be part of the real body of the other things he had to say, many of which were true."

Statements by Nosenko at the time of his contact with the CIA in 1964 revealing he had information about Lee Harvey Oswald led to his being questioned by the FBI upon arrival in the United States.

Nosenko told the FBI about his knowledge of Oswald and the fact that the KGB had no contact with him. The conclusion of the March report by the FBI reads as follows:

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

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

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

First, he was subjected to a polygraph, one designed to insure a proper atmosphere for the hostile interrogations. The CIA polygrapher was instructed to inform Nosenko that he had lied, regardless of the actual outcome of the test.

In his report, the polygrapher wrote his true conclusion, which was that Nosenko had indeed lied. The official position now stated by the CIA is that the test was invalid or inconclusive.

The conditions of Nosenko's isolation have been described by the Rockefeller Commission as 'spartan.' Both Nosenko and the CIA were asked by the committee to describe them.

Nosenko says the room to which he was confined had a "metal bed attached to the floor," and "the only furniture in the room was a single bed and a light bulb."

The CIA states:

Nosenko received a regular diet of three meals a day. Periodically during this time his diet was modified to the extent that his portions of food were modest and restricted.

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

The CIA:

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

Nosenko: "I had no contact with anybody to talk. I could not read. I could not smoke."

The CIA states Nosenko was "under constant visual observation from April 1964 to October 1967," the end of the period of his isolation.

Nosenko:

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

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

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

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

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

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

Nosenko did not serve in the naval reserve as he had claimed.

He did not join the KGB at the time nor in the manner he described.

He did not serve in the American Embassy section of the KGB at the time he claimed. He was not a senior case officer or deputy chief of the seventh department, as he stated he had been.

He was neither deputy chief of the American Embassy section nor a supervisor in that section.

He was not chief of the American-British Commonwealth section.

He was not a deputy chief of the seventh department in 1962, as he had claimed.

High officials of the CIA, including Richard Helms, were aware of the Nosenko dilemma by the time the Soviet Russian section report had been drafted. In mid-1967, a career officer in the office of security was assigned to write a critique of the handling of Nosenko.

The security officer gradually came to the conclusion that Nosenko was supplying valid intelligence, and that he was who he claimed to be, leading to the eventual conclusion that Nosenko was bona fide.

The investigation ended in the summer of 1968. On August 8, 1968, Nosenko was given a third polygraph test. Two of the questions related to information he had supplied about Oswald. This time Nosenko passed. The CIA, when asked by the committee to comment on the third polygraph, now states: "This test is considered to be a valid test."

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

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

In a report issued in October 1968, the security officer disputed each and every conclusion of the report of the Soviet Russian section written only 8 months earlier.

The security officer report, like the Soviet Russian section report, paid little attention to the Oswald aspect of the Nosenko case. Neither attempted to analyze the statements made about Oswald.

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Out of a combined total of 730 pages of the report, only 15 deal with the alleged assassin of President Kennedy.

The security officer did reach the conclusion, however, that Nosenko was not dispatched by the Soviet Government to give false information to the U.S. officials about Oswald.

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

The CIA has informed the House Select Committee of Nosenko's status subsequent to the 1968 report as follows: Following the acceptance of Nosenko's bona fides in late 1968, an arrangement was worked out whereby Nosenko was employed as an independent contractor for the CIA effective March 1, 1969. His first contract called for him to be compensated at the rate of \$16,500 a year. As of 1978 he is receiving \$35,325 a year.

In addition to the record yearly compensation in 1972, Nosenko was paid for the years 1964 through 1969 in the amount of \$25,000 a year less income tax. The total amount paid was \$87,052. He also received in varying increments from March 1964 through July 1973 amounts totaling \$50,000 to aid in his resettlement in the private economy.

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

In 1978, the select committee began its investigation of the Nosenko case. It was granted permission by the FBI and the CIA to read all documents, to interview principals in the case, and to question Nosenko himself about his knowledge of Oswald.

Nosenko spoke to the House committee on five occasions. During two of these sessions, staff members took notes. In the third, Nosenko gave a sworn deposition, and on July 19 and 20, 1978, Nosenko testified before the committee in executive session. There was no substantive variation in Nosenko's recounting of the facts. There have been, however, significant inconsistencies over the years in Nosenko's story.

Let me here note one, although others appear in the full summary. Nosenko has always insisted that the KGB never had any contact with Oswald. He stated in both 1964 and 1968 that the KGB determined that Oswald was of no interest to them and did not even bother to interview him.

Question: And exactly why did no KGB officer ever speak to Oswald before they made the decision about whether to let him defect?

Answer: We didn't consider him an interesting target.

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

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Question: Now when it was determined that Oswald was going to be allowed to stay in the Soviet Union and live in Minsk, did any KGB officer speak to him at that time?

Answer: No. As far as my knowledge, nobody was speaking with him.

Question: Why didn't the KGB speak to him then?

Answer: KGB once said we don't have entrance. The same was reported to the Government. Must be by the chairman that the KGB doesn't have interest. The KGB didn't want to be involved.

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

Question: And in 1959, would the Soviet Union have been interested in someone who served as the radar operator on an air base where U-2's took off and landed?

Answer: Yes, sir. It would be very interesting.

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

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

"If someone did" he said "I never heard of it."

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

After questioning Nosenko on a number of other statements and their possible contradictions with prior statements which he made to the FBI and the CIA in 1964 and receiving similar response to the one I have just outlined, the committee in its May hearing returned to earlier topics. Nosenko on numerous occasions had complained that the transcripts he was being shown were inaccurate, that he had been drugged by the CIA during interrogation, and that he was not fairly questioned, et cetera, et cetera, et cetera. Therefore the committee decided to play for Mr. Nosenko the actual tapes of the interrogation in which Nosenko made these statements and to allow him to comment on them.

At the time a tape recorder was brought out and the following was stated by the questioner: I would like to ask that this tape, which is marked "3 July 1964, Reel No. 66", be deemed marked for identification.

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

The committee considered how to respond to Mr. Nosenko's objection, and after deliberation, it decided that all questions dealing

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with prior statements to the FBI and the CIA would be suspended by the committee.

Mr. Chairman, that concludes my summary of the report. It is appropriate to note that a draft of the staff report, a summary of which was just read, was submitted to the CIA for declassification. Within 2 days, the CIA declassified the entire draft, requiring that only a few minor changes and the deletion of the names of agency personnel and sources.

The committee provided both the FBI and the CIA with copies of the report and asked the agencies if they wished to respond to the report at the public hearing to be held today.

The FBI informed the committee that no response would be submitted. The CIA has made available to the committee John Clement Hart as its official representative to state the agency's position on the committee's Nosenko report. Mr. Hart is a career agent with the CIA, having served approximately 24 years. He has held the position of chief of station in Korea, Thailand, Morocco, Vietnam, as well as several senior posts at CIA headquarters in Virginia.

Mr. Hart has considerable experience with Soviet intelligence and counterintelligence activities while serving in various capacities in the United States and abroad. He has written two extensive studies on Soviet defectors, one of which, dated 1976, dealt with the handling of Yuri Nosenko by the CIA.

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

Mr. PREYER. At this time, before we hear this witness, the Chair would like to take a few minutes recess until the other members have had an opportunity to return from the vote. I think it is important that they have the opportunity to hear this witness. So at this time, the Chair will take a recess not to last more than 5 minutes.

The committee stands in recess for 5 minutes.

[Recess.]

Chairman STOKES. The committee will come to order.

The committee calls Mr. John Hart.

Mr. Hart, would you please stand, raise your right hand and be sworn. Do you solemnly swear the testimony you will give before this committee will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. HART. I do, sir.

Chairman STOKES. Thank you. You may be seated.

The Chair recognizes counsel Ken Klein.

Mr. KLEIN. Mr. Chairman, at this time I believe Mr. Hart would like to make a statement to the committee.

Chairman STOKES. You are recognized, sir.

TESTIMONY OF JOHN HART

Mr. HART. Thank you, Mr. Chairman, gentlemen. Before I begin my statement, I would like to make a prefatory remark on a technical aspect of what was said about me by the chief counsel, Mr. Blakey. I was not and never have been what is called a career agent with the CIA. I bring that up only because that term happens to have a technical meaning in the Agency. I was what you

would call an employee or an officer of the Agency. And I would like to have that made part of the record.

Chairman STOKES. The record may so show.

Mr. HART. Mr. Chairman, it has never been my custom to speak from a prepared text. I have tried, and I never succeeded. Therefore, what I have before me are a series of notes which were finished about 8 o'clock last night, based on guidance which I got at that time from Admiral Stansfield Turner, the Director of Central Intelligence.

It is my purpose to tell you as much as possible about the background of the Nosenko case with the idea not of addressing what have been called his bona fides, but what has been described as his credibility.

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

Mr. DODD. Mr. Chairman, I would like to make a request at this point if I could. As I understood it, last week, the agreement and understanding was that we would prepare a report of our investigation, submit it to the Agency, to which the Agency would then respond in a like report. We were notified earlier this week that a detailed outline of the Agency's response would be forthcoming. Am I to assume that this detailed outline consisting of a single page, listing four subtitles, is the summary of Mr. Hart's presentation? That is, as far as I can determine, the full extent to which we have any response relating to Mr. Hart's testimony at this juncture.

What I would like to request at this point is that this committee take a 5- or 10-minute recess, and we have the benefit of examining your notes from which you are about to give your testimony, so that we could prepare ourselves for proper questioning of you, Mr. Hart.

Mr. Chairman, I would make that request.

Chairman STOKES. Does the witness care to respond?

Mr. HART. Mr. Chairman, I will do anything which will be of help to the committee. I want to state that I am not personally certain what was promised the committee. I was brought back on duty to be the spokesman for the agency. I spent my time preparing testimony which I am prepared to offer here. If it will be of assistance for the committee to see this in advance, I am perfectly happy to do so, if there is a way of doing that.

Chairman STOKES. Does the gentleman from Connecticut, Mr. Dodd, want to be heard further?

Mr. DODD. Yes, just to this extent, Mr. Chairman. It is not my intention to delay these proceedings any more than they have to be. I am not asking for a lot of time. If we could have just 5 or 10 minutes in which we might be able to make some Xerox copies of those notes, so that we could have the benefit of following you along in your testimony on the basis of that outline, it would be helpful I think in terms of the committee assessing the material and also preparing itself for the proper questions to be addressed to you at the conclusion of your statement. So I do it only for that

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Chairman STOKES. Would the gentleman be agreeable to providing Mr. Hart the opportunity to proceed with his testimony, and then in the event that you deem it necessary to have additional time to review his notes, or to prepare an examination of him after his testimony, that the Chair would grant you that time at that time.

Mr. DODD. That would be fine, Mr. Chairman. I will agree to that.

Chairman STOKES. I thank the gentleman. You may proceed, sir.

Mr. HART. Mr. Chairman, I also want to emphasize that in order to be of as much help as possible, I am perfectly willing to take questions as we go along. This is not a canned presentation. It may be easier for the members of the committee to ask questions as we go along, in which case I will do my best to answer them as we go along.

Chairman STOKES. I think the committee would prefer to have you make your presentation. Then after that the committee will then be recognized—members will be recognized individually for such questioning as they so desire.

Mr. FITHIAN. Mr. Chairman, may I ask the witness to move the microphone a little closer in some way or another. We are having some difficulty in hearing from this angle.

Mr. HART. Yes, sir. Is this all right?

Mr. Chairman, gentlemen, the effort in this presentation will be to point out some of the unusual factors in the Nosenko case which resulted in a series of cumulative misunderstandings. And I am hoping that once these misunderstandings are explained—and they were misunderstandings within the Agency for the most part—I am hoping that when these are explained, that many of the problems which are quite understandable, which the staff has had with the questions and answers from Mr. Nosenko, and also allegations concerning him, will be cleared up and go away.

I will endeavor to show that the handling of Nosenko by the Central Intelligence Agency was counterproductive from the time of the first contact with him in Geneva in 1962, and that it continued in a manner which was counterproductive until the jurisdiction over the case was transferred to the CIA Office of Security in late 1967, specifically in August of that year.

The manner in which the defector was handled, which I am going to outline, resulted in generating a large amount of misinformation and in creating difficulties, not only for an investigating body, such as yourself, but for people such as the Director of the Central Intelligence, Mr. Helms, who was not well informed in many cases as to what was actually happening. I do not mean to imply that he was told untruths. He was simply not given the total picture of what was going on.

Since Admiral Turner has become Director of Central Intelligence, he has been quite concerned about this case, and he specifically requested that I come back periodically to the Agency, from which I retired in 1972, and give presentations to senior officials of the Agency on the nature of the case. The complexity of the case is

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such that to give a minimally adequate presentation to the first group which I lectured took me 4½ hours of continuous lecturing. However, I think that since the interests of this committee are more pinpointed than that group I have been lecturing, I can certainly do it in a shorter time.

Now, the study which I made was made from mid-June 1976 until late December 1976. It required the full-time efforts of myself and four assistants.

We collected from various parts of the Agency 10 4-drawer safes full of documents, and we had also access to documents which were in repositories in other parts of the Agency, and which we simply didn't have room to collect in our office.

In making this presentation, I will be somewhat hampered, but not to the point where I can't do the job properly, by the fact that this session is, of course, open to the public. Most of the documentation which we had, in fact I would say, almost without exception was heavily classified, and we pulled together pieces of documentation which no single person had ever seen before. So we put together the first full picture which has ever been had of this activity.

The first specific question which I want to address myself to is this case as a human phenomenon, because the human factors involved have a direct bearing on some of the contradictions which have appeared in the case.

And unfortunately the human factors were the last to be considered by the people who conducted this case between 1962 and 1967. Some of them were ridiculously simple things which you might have thought would come to their attention.

I am about to discuss a psychological profile which was made of Mr. Nosenko on June 24, 1964. This would have been available to any of the persons working on the case, but they—and it probably was seen by them, but they paid no attention to it.

Let me say by way of qualification for giving you this evidence that although I am not a psychologist, I have had considerable training in psychology and specifically in giving of intelligence tests. And I am about to talk to you about what is known as the Wexler adult intelligence scale, which was administered to Mr. Nosenko. The Wexler adult intelligence scale measures 10 elements of the—of a person's intelligence. Of the 10 elements shown here on the measure which I have here, and which I will be happy to make available to the committee staff, if you wish, it is shown that Mr. Nosenko's memory was the weakest aspect of his overall intelligence. His memory in terms of the weighted scale came out as a 7. Now, the mean would have been a 10. Thus he was at the time tested, he was registering a memory well below the normal level.

It is impossible to say what he would have scored under conditions which were more normal, because it must be taken into consideration that at the time he was—he was tested, he had been subjected to not only the stresses and strains of—involved in defecting, but also in some rather rough handling which he had received since his defection. However—you will see that if this man—man's memory was below the normal to be expected for a person of his intelligence, that any of the testimony which he gave in the course of various interrogations could be expected to be flawed simply by the human factor of memory alone.

Second, I want to point out that defection is in itself a major life trauma. It has a very serious effect, which I cannot testify to from the medical standpoint, but it is—it has both psychological and physical effects on people, and anybody who has, as I have, had to do, had considerable contact over the years with defectors, knows that a defector is usually a rather disturbed person, because he has made a break with his homeland, usually with family, with friends, with his whole way of life, and above all he is very uncertain as to what his future is going to be.

I have had defectors whom I personally took custody of turn to me and the first question they asked was, "When are you going to kill me?" In other words, defection is an upsetting experience, and you cannot expect of a man immediately after he has defected that he will always behave in a totally reasonable way.

Another circumstance which I want to bring up is the fact that the initial interrogations of Mr. Nosenko, which took place in Geneva in 1962, were handled under conditions which, while understandable, did not make for good interrogations. They did not make for good questioning.

Mr. Nosenko, as of the time he was being questioned in 1962, was still considered by the KGB to be a loyal member of that organization. He had considerable freedom because he actually did not have any duties in connection with the disarmament discussions. He was simply the security guardian of the delegates. He was the KGB's watchdog. And as such, he was able to move freely and in a manner of his own choice. He availed himself of this freedom to make contact with an American diplomat, who in turn turned him over to representatives of the CIA.

In making these contacts, which were recurrent, he each time was nervous that the local KGB element might for some reason be suspicious of him, and therefore he took about an hour and a half before each meeting in order to be sure that he was not being tailed. In his particular case, this countersurveillance measure consisted of visiting a number of bars, in each of which he had a drink. He had one scotch and soda in each of four or five bars. So by the time he got to the point where he was going to be questioned, he had had four or five drinks.

When he arrived on the spot where he was going to be questioned—this was a clandestine apartment, in the Agency's terms, Agency's jargon it is called a safe house, he was then offered further liquor. And he continued to drink throughout the interrogation.

In talking to Nosenko, and requestioning him a few days ago, I asked him to describe his condition during these meetings, and he said, "I must tell you honestly that at all these meetings I was snookered."

And I said, "You mean that you were drunk?"

"Yes, John," he said, "I was drunk." Therefore he was being interrogated about very important things while he was heavily under the influence of liquor. And he said to me that in some cases he exaggerated the importance of his activities, in some cases he really didn't know what he was doing, he was simply talking.

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Now, I want to then tell you how the problems involved with this testimony, if you can call it such, given by Mr. Nosenko, was further worsened.

There were two people sent from Washington specifically to talk to Mr. Nosenko after he made the approach. One of them was a native-born American who had learned a certain amount of Russian academically, but did not speak it, write it or read it fluently. The other was an American citizen who spoke native Russian, but whose principal purpose was to be an interpreter.

There was a tape recorder on hand at these meetings. Sometimes it worked well, sometimes it did not work well. You must remember, I am sure, that back in the 1960's tape recorders were much less refined than they are now, and the ambient noise, straight noise, and so forth, interfered considerably.

However, records of these original meetings were not made from the tapes on the tape recorder. The records which were thought for a number of years to be transcripts were in fact made from notes made by the non-Russian speaker, what he understood as a result of interrogation by the Russian speaker, or what he got himself from his own knowledge of Russian. He made notes.

After the meetings, these notes were then used as the basis of purported transcripts, purported transcripts, which went unchallenged for a number of years.

When later in 1967 these transcripts were compared carefully with what was on the tape, it was shown that there were a number of discrepancies. These discrepancies were very important in the history of this case, because the discrepancies between what Mr. Nosenko really said and what was on the tapes gave rise to charges within the Agency that Mr. Nosenko was not what he purported to be.

But the important point is that in many cases what was being used against him as evidence of telling untruths was not in fact what he had said.

I will take simply one example to illustrate for you what happened.

Mr. Nosenko mentioned that he had attended what is called the Frunze Naval Preparatory School. Frunze was a general who was a hero of the Russian revolution and there seemed to be countless institutions of a military nature in the Soviet Union named after him. The most famous is the Frunze Military Academy which roughly compares to West Point.

Into the transcript was put the fact that Mr. Nosenko said he had graduated from the Frunze Military Academy. He never said this. He never said this at all, but it was held against him that he had said this. That is an example of the type of evidence which was used against him in assessing him.

Now I would like to say a few words about what, despite this, these difficulties—excuse me, Mr. Chairman. I would like to say a few words about the intelligence which Mr. Nosenko did produce during that time, despite the adverse circumstances surrounding the questioning.

In the first place, Mr. Nosenko was responsible for the discovery of a system of audio surveillance or microphones within the U.S. Embassy in Moscow which hitherto had been suspected but nobody

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had had enough information on it to actually detect it. The information provided by Mr. Nosenko was sufficiently specific, so that when the necessary action was taken which involved wholesale tearing out of walls, tearing out of plumbing, tearing out of old-fashioned radiators, it was discovered that there was a system which totaled 52 microphones which were planted throughout the most sensitive parts of the American Embassy in Moscow. Forty-two of these microphones were still active at the time and were being used by the KGB to collect information continuously on what was going on in the American Embassy.

It has been said that this was not a significant contribution, that some of the people, whom I shall describe later, who have claimed that Mr. Nosenko was a dispatched Soviet agent sent to deceive the U.S. Government, said this was throwaway information.

I can only say, Mr. Chairman, that this is not entirely a matter of judgment on my part or on the part of those of us who have investigated this case. We do not believe that there is any reason to think that the Soviets would ever have given away that information simply to establish somebody in a position to mislead us. There are no adequate precedents to show that they would have done so.

Another case which was revealed to us in 1962, despite the, as I say, undesirable circumstances surrounding the questioning of Mr. Nosenko, had to do with a man, whom I in open session cannot identify, but he was a very high level Soviet KGB penetration in a very sensitive position in a Western European Government. He was, and on the basis of Mr. Nosenko's lead, arrested, tried, and convicted of espionage. There is no reason to believe that the Soviets would have given this information away. There is no precedent that we know of for the Soviets giving information of this sensitivity away.

Now I want to mention some further aspects of the difficulties which arose in the handling of the agent, some of the events which distorted this case. The first important communication which went back from Geneva after the two Washington emissaries had met with Mr. Nosenko was sent by a man who, in order to avoid the use of personal names, although the true name of this individual is certainly available to the staff, and if they have any questions I will be happy to answer, I am going to call him the deputy chief of the SB Division, Soviet Bloc Division, throughout my testimony. The deputy chief, who is the chief interrogator over there, sent back a telegram to Washington on June 11, 1962, in which he said "Subject" meaning Nosenko "has conclusively proved his bona fides. He has provided info of importance and sensitivity. Subject now completely cooperative. Willing to meet when abroad and will meet as often and as long as possible in his departure in Geneva from June 15."

On June 15 both Nosenko and the Deputy Chief SB departed from Geneva, Mr. Nosenko to return to Moscow and his KGB duties, the Deputy Chief SB to return to Washington.

In the course of my investigation, I asked the gentleman, who was for many years chief of the CIA counterintelligence staff, to describe to me what ensued after the arrival in Washington of DCSB, and I shall give you a brief quote which was recorded and

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transcribed and which is held in our files. This is the chief of the counterintelligence staff of the CIA speaking:

We got the first message from Deputy Chief SB—that is the one that I have just previously quoted to you—on Nosenko from Geneva, and Deputy Chief SB was ordered back to Washington, and we had a big meeting here on Saturday morning, and Deputy Chief SB thought he had the biggest fish of his life. I mean he really did. And everything I heard from him, however, was in direct contrast from what we had heard from Mr. X.

I now come to the subject of another defector who, throughout this paper, I am going to call Mr. X, although the staff is well aware of his true identity.

Mr. X was a defector who had come, who had defected from the Soviet Union in late 1961. In the course of his dealings with the Central Intelligence Agency, he was diagnosed by a psychiatrist and separately by a clinical psychologist as a paranoid. And I am sure that everybody knows what a paranoid is. This man had delusions of grandeur. He was given to building up big, fantastic plots, and he eventually built up a plot, which I will have to go into in a little detail here, which centered around the idea that the KGB had vast resources which it was using to deceive not only the U.S. Government but other Western governments. This plot was masterminded by something called the KGB disinformation directorate, and this KGB disinformation directorate was able to deceive the West, as a whole, meaning the United States and the allied European countries, because of the fact that it had penetrations at high levels, both within the intelligence services of these countries, including our own, but also in high places in the governments of the various countries, in the nonintelligence parts of the governments.

Mr. X's story did not come out immediately in one piece. It was elaborated over the years, and for all I know, it may be still in the process of exaggeration, exaggeration and elaboration.

One aspect of Mr. X's character was that he was rather jealous of other Soviet defectors.

Now he did personally know Nosenko, and when Nosenko came out, he did give evidence confirming that Nosenko had had certain jobs, which was in agreement with what Nosenko told us he had done. At later phases of the handling of Mr. X, he changed his story a number of times. I am not an expert on the Mr. X case, and therefore I cannot give you all the details. It is a very lengthy case, but he did go through a number of stages in which he changed his stories.

Mr. X was a problem for the Central Intelligence Agency and for anybody else who dealt with him, because he basically insisted that he wanted to deal only with the President of United States. He did not want to deal with people at a lower rank. But he had a substantial influence on the case because he came to be accepted as almost a member of the Central Intelligence Agency, in terms of the handling of the Nosenko case. He was in due time given access to a voluminous amount of information relating to matters of counterintelligence interest.

In the case of Nosenko, he was given access to all the debriefings of Nosenko. He was given access to the tapes themselves. He was consulted as to Nosenko's bona fides. He was allowed to think up

Mr. Martin

questions which were to be asked Nosenko. He participated almost as if he were a U.S. citizen, with a status similar to my own in the organization.

He did this, however, without the knowledge at that time of Nosenko. He was kept behind the scenes, but he was masterminding the examinations in many ways.

The final point that I suppose I might make about Mr. X, which will give it, give you some evidence of his peculiar point of view, was that it was one of his contentions that the schism between the Soviet Union and China, Communist China, was simply a KGB disinformation ruse, designed to confuse the West. He offered this theory quite seriously, and in some limited quarters within the agency, it came to be taken seriously.

Now Mr. X said, in regard to Nosenko, that Nosenko had been sent out specifically to remedy the damage produced by Mr. X who defected some time previously and had given us information which he thought of great value. In point of fact, quantitatively and qualitatively, the information given by Mr. X was much smaller than that given by Nosenko. But I will read you an excerpt from what Mr. X had to say regarding Nosenko because it bears on the manner in which Nosenko was cheating—was treated.

Now this is a report written, not a direct quote, a report written on a conversation with Mr. X.

Mr. X felt in general that there were indeed serious signs of disinformation in this affair. He felt that such a disinformation operation to discredit him was a likelihood. A KGB officer could be permitted to tell everything he knew now—that is another KGB officer—everything he knew now, if he worked in the same general field as Mr. X.

The purpose of Nosenko's coming out, he thought, would be to contradict what Mr. X had said, and also possibly to set Mr. X up for kidnaping, also to divert our attention from investigations of Mr. X's leads by throwing up false scents, and to protect remaining Soviet sources.

Now Mr. X's views were immediately taken to be the definitive views on Nosenko, and from that standpoint, from that point on, the treatment of Mr. Nosenko was never, until 1967, devoted to learning what Mr. X had to say. It was devoted to "breaking"—excuse me, sir, I misspoke. It was never devoted to finding out what Mr. Nosenko said. The Agency's activity was devoted to breaking Nosenko, who was presumed, on the basis of the supposed evidence given by Mr. X, that Nosenko was a "dispatched KGB agent" sent to mislead the United States.

It is with this in mind that we have to approach everything that happened from 1962, after the first contact with Nosenko terminated, and the time that Nosenko was turned over to the CIA Office of Security for reinvestigation.

The polygraphs themselves must be evaluated in the light of their use, not to get at truth, because they were not used as an instrument of getting at truth, because they were used as an instrument of intimidation of one sort or another, in one way or another.

Now again on the handling of Mr. Nosenko, the belief among the small group of people running the Nosenko case, a very limited

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group of people, was that he was part of a plot of the type outlined by Mr. X, which was so horrendous that therefore not many people could be made privy to this investigation.

One of the reasons for that, even within the Agency, was that Mr. X had alleged that the Agency must be penetrated by the KGB at a high level, and therefore you had to limit what Nosenko and Mr. X said to a very small number of people who were thought not to be penetrations, a very small trusted group.

The secrecy surrounding this case, I can illustrate to you from the following personal experience.

In 1968 I came back, well, after this case had been resolved, I came back from Vietnam and was put in charge of the European Division of the Directorate of Operations of the Agency. Under my supervision at that time, there were two senior officers, one a GS-18 and one a GS-16, who had been two of the three persons who were in charge of the Nosenko and Mr. X cases. I was never told of their participation in this case. I was never told that their work on the case had been discredited and had caused them to be transferred out of headquarters to foreign assignments.

Therefore even though I was their supervisor, I was not permitted to know of this important part of their recent past and of their performance.

In 1964, Mr. Chairman, Nosenko came back out from the Soviet Union, again to Geneva, again in the same capacity as the KGB security officer attached to the Soviet mission to the disarmament conferences. He came out with the intention, a firm intention, of not going back. The Agency in the meantime had built up an elaborate case against him, a case built up under the aegis of the chief of the CI staff, the chief of the Soviet Bloc Division, and the deputy chief of the Soviet Bloc Division. Again it was the man I am referring to as the deputy chief of the Soviet Bloc Division, although he did not as yet hold that rank, who came out to Geneva to make the recontact with Nosenko.

The question of just how to deal with Nosenko had been carefully examined, and it was decided that although the Agency was intensely suspicious of him, perhaps more than suspicious, they had concluded that he was being dispatched to mislead the U.S. Government. Nevertheless we must not tip our hand. We must not let Nosenko know that we suspected him, because Nosenko would then report back to his superiors that we knew what they were up to. Thus Nosenko was treated with the maximum of duplicity.

As an illustration, I want to read then an excerpt from a transcript, and this is an accurate excerpt from a transcript. I want to read an excerpt of a conversation which ensued on the 30th of January 1964 between the deputy chief SB and Nosenko.

Nosenko, who, by the way, was worried about his future. He knew he had some kind of a relationship with us, but he was interested now in breaking finally with the Soviet Union and coming to the West, and he wanted asylum in United States, and he wanted to be sure that he was able to earn his living. He wasn't asking to be in charge of the Government. He wanted an opportunity to earn his living.

Nosenko said:

The only thing I want to know, and I ask this question, what should I expect in the future?

The Deputy Chief SB replied:

The following awaits. As I presented it, you wanted to come to the United States to have some job, some chance for future life which gives you security, and if possible, the opportunity to work in this field which you know; is that correct?

Nosenko: Absolutely.

Deputy chief SB: The Director has said yes, flatly, absolutely yes, in fact, I would say enthusiastic. That is the only word to describe it. We talked about it, and since this was a business discussion, I will repeat all of it. The next thing will be some details that we spoke about. We talked about the means by which you could have a solid career with a certain personal independence. Because of the very great assistance you have been to us already, and because of this desire to give you a backing, they will give you a little additional personal security. We want to give you an account of your own, a sum at the beginning of just plain \$50,000, and from there on, as a working contract, \$25,000 a year. But in addition, because of the case."

Which I have said I cannot otherwise identify, in which a KGB penetration had been arrested on the basis of Nosenko's information:

But, in addition, because of this case, which would have been impossible without your information, we are going to add at least \$10,000 to this initial sum.

So he was being paid, he was being assured of a bonus of \$10,000 for his excellent performance in connection with one case. That commitment was subsequently reiterated in almost those exact words on a later occasion when he was on his way back to the United States.

Once Nosenko arrived in the United States, there were a couple of problems. The two agencies were interrogating him, although he was in the actual custody of the Central Intelligence Agency. The FBI did not at that time at least share the doubts about Nosenko which the Agency had. They regarded him as a bona fide defector, and considered that his information was valid and useful. It shows in the record that at a later date Mr. Hoover expressed himself as believing that Nosenko was a valid defector but that Mr. X was a provocateur. So there was a direct conflict between the two agencies on this subject.

The position of the Central Intelligence Agency was that it faced a dilemma as to how to keep Nosenko sufficiently isolated so that he could not communicate with his supposed "KGB controllers," who were still masterminding his activities, while at the same time keeping him sufficiently cooperative to be debriefed.

The dilemma was compounded by the fact that while the FBI was primarily interested in ascertaining from Nosenko valid information which they presumed him to have, the interest of the Agency was not particularly in obtaining valid information because the Agency assumed that he would not be giving valid information except incidental to establishing falsely his bona fides.

Therefore, the Agency thought, the Agency effort was devoted to a plan to break him. "Break him" meant getting him to confess to what was presumed by the Agency to be the case that he was a dispatched KGB agent still functioning under KGB control, although in American hands.

On February 12, 1964, Nosenko was lodged in a CIA controlled house under constant guard, while being treated in a friendly fashion. Yet, he was, during all this time, still worried about his

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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 who—or at least one of the responsible people running this operation was 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.

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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. Frederick 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

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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 slop 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

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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. Dodd. 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 flatly 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.

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