

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 23, 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 STOKES. 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

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

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

Chairman STOKES. You may proceed then, sir.

Mr. HART. 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 tapes 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 believable 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."

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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.

*How could he
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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

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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

investigation, where he noted that the Nosenko case was important in two areas. One had to do with the efficiency, the effectiveness, the thoroughness of the CIA's performance, and, second, the credibility of Mr. Nosenko.

It would seem to me, in response to the last series of questions you have just given me, that we have answered the first question, and what is left is the second question, that is, whether or not this committee and the American public can believe Mr. Nosenko's story with regard to the activities of Lee Harvey Oswald during his tenure in the Soviet Union.

And Mr. Hart, I would like to ask you, in light of your testimony today, again going more than an hour and a half, why should this committee believe anything that Mr. Nosenko has said when, after your testimony, you state that he was intimidated, not interrogated, for more than 3 years, that he was probably hallucinating during various stages of that interrogation, that he was, according to your testimony, a man of a very short memory; that he was drunk or at least heavily drinking during part of the questioning; that there are no accounts, verbatim accounts, of some of the interrogation but rather notes taken by people who didn't have a very good knowledge of Russian. Why then should we believe any of the statements of Mr. Nosenko, which from point to point contradict each other, in light of the way he was treated by the Central Intelligence Agency from the time he defected in January of 1964 until today?

Mr. HART. I believe that there are important reasons why you should believe the statements of Mr. Nosenko. I cannot offhand remember any statements which he has been proven to have made which were statements of real substance other than the contradictions which have been adduced today on the Lee Harvey Oswald matter, which have been proven to be incorrect. The important things which he has produced, which we have been able, which the Agency have been able to check on, have, by and large, proved out. The microphones were in the Soviet Embassy. He has clarified the identities of certain Soviet agents who are in this country. His information led to the arrest of an extremely important KGB agent in an important Western country. The volume of material which he has produced far exceeds my ability to have mastered it but it has been found useful over the years, and to the best of my knowledge, it has been found to be accurate.

Mr. DODD. What you are asking us, therefore, to believe is, because Mr. Nosenko may be credible on certain issues and in certain areas, he is therefore credible in all areas.

Mr. HART. No, sir. I am not asking you to believe anything in connection with his statements about Lee Harvey Oswald. I am only asking you to believe that he made them in good faith. I think it is perfectly possible for an intelligence officer in a compartmented organization like the KGB to honestly believe something which is not true.

Mr. DODD. Which statements of Mr. Nosenko's would you have us believe? Have you read, by the way, the report that we sent you, a 40-page report, that was sent last week to the Central Intelligence Agency pursuant to the request of the Agency?

Dodd wants to know what the CIA advised

Not in this transcript or recall more from transcript see 509

not relevant to what Nosenko said (B)

Mr. HART. Are you speaking of the report which, the essence of which, Professor Blakey read today?

Mr. DODD. Yes, I am.

Mr. HART. Yes, I have read that.

Mr. DODD. You have read that report?

Mr. HART. Yes.

Mr. DODD. I am curious, Mr. Hart, to know why—it was my belief and understanding, and I am really curious on this point—why it was that you didn't address your remarks more to the substance of that report than you did? I don't recall you once mentioning the name of Lee Harvey Oswald in the hour and 30 minutes that you testified, and I am intrigued as to why you did not do that, why you limited your remarks to the actions of the Central Intelligence Agency and their handling of Nosenko, knowing you are in front of a committee that is investigating the death of a President and an essential part of that investigation has to do with the accused assassin in that case; why have you neglected to bring up his name at all in your discussion?

Mr. HART. The answer is a very simple one, Congressman. I retired some years ago from the Central Intelligence Agency. About 3 weeks ago I received a call from the Central Intelligence Agency asking me to, if I would, consent to be the spokesman before this committee on the subject of the Nosenko case. I said that I will be the spokesman on the subject of the Nosenko case but I will not be the spokesman on the subject of Nosenko's involvement with Lee Harvey Oswald. That was a condition of my employment. And if they had attempted to change that condition before I came before this body, I would promptly have terminated my relationship because I do not want to speak about a subject concerning which I do not feel competent.

Mr. DODD. Do you appreciate our particular difficulty here today in that our responsibility and obligation is to focus our attention more directly on that aspect than on the other, and that we are a bit frustrated in terms of trying to determine what the truth is with regard to the activities of the Agency as they pertain to Mr. Nosenko's statements regarding the activities of Lee Harvey Oswald?

Mr. HART. Congressman, I fully appreciate the difficulty, but I must observe that it is not a difficulty which I created. I was perfectly frank about what I was willing to testify about and what I was not willing to testify about.

Mr. DODD. So it would be fair for me to conclude that really what the Central Intelligence Agency wanted to do was to send someone up here who wouldn't talk about Lee Harvey Oswald.

Mr. HART. I personally would not draw that conclusion, but I think that is a matter best addressed to the Director of Central Intelligence rather than to me.

Mr. DODD. Well, you told them you wouldn't talk about Lee Harvey Oswald and they said that is OK you can go on up there.

Mr. HART. I told them, once I came on board, that is as I saw it, a crucial question lay here in the credibility of Lee Harvey—of Nosenko, and that I thought I was qualified to address myself to the question of the credibility of Nosenko, now I mean the general credibility of Nosenko.

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Mr. DODD. But you cannot really testify as to the credibility of Mr. Nosenko with regard to statements he may have made about Lee Harvey Oswald's activities in the Soviet Union.

Mr. HART. I can say this, and here you realize that I am entering into an area of judgment, it is my judgment that anything that he has said has been said in good faith. I base that judgment on an enormous amount of work on this case in which I see no reason to think that he has ever told an untruth, except because he didn't remember it or didn't know or during those times when he was under the influence of alcohol he exaggerated.

Mr. DODD. You understand our difficulty. We are trying to find out which one of his statements are true. All right?

Do you have that report in front of you, by the way, the one that we sent you?

Mr. HART. No, sir; I do not have it in front of me.

Mr. DODD. Mr. Chairman, could we provide the witness with the copy?

Chairman STOKES. Do you have it with you, sir?

Mr. HART. I have what we were given this morning, which is substantially the same thing, I believe, as the one we received. I believe that Professor Blakey had some items in this morning which were not even in here; is that correct, sir?

Mr. BLAKEY. The report as read is a partial reading of what was there. The narration that preceded it was not given to you before you came, although of course it was given before you testified. The report that was given to the public is substantially the report that was given to you. There have been some grammatical changes in it, correction of some typographical errors, but all matters of substance are the same.

Mr. HART. Thank you.

Mr. DODD. Is that a complete copy of the report that Mr. Hart has in front of him?

Mr. BLAKEY. Yes.

Mr. DODD. Mr. Hart, just some of them. I don't want to belabor this point but to impress upon you the difficulty we have in light of what you have said this afternoon, in terms of us trying to determine what in fact we can believe from Mr. Nosenko's story. Turn to page 27 or 28 of that report, if you would, please, 27 first.

Look down around the middle of the page, and let me begin reading there in our report.

Speaking to the CIA on July 3, 1964, Nosenko was specifically asked whether there was any physical or technical surveillance on Oswald, and each time he replied "No."

In 1964, after stating to the CIA that there was no technical and physical surveillance of Oswald, Nosenko made the following statement upon being asked whether the KGB knew about Oswald's relationship with Marina before they announced that they were going to be married:

Answer. "They (KGB) didn't know she was a friend of Oswald until they applied for marriage. There was no surveillance on Oswald to show that he knew her."

Although in 1978 Nosenko testified that there were seven or eight thick volumes of documents in Oswald's file, due to all of the surveillance reports and that he could not read the entire file because of them, in 1964 he told the FBI agents that he "thoroughly reviewed Oswald's file." There was no mention of seven or eight thick volumes of surveillance documents.

Now, there, and I should have probably started up above, but there we have two cases where, one, he is claiming that there was

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no surveillance. Then he is stating there was surveillance. He is telling us that he, on the one hand, didn't have the opportunity or didn't see any reports on Oswald from Minsk and then turns around and says that he did have a chance to look at them.

Which can we believe?

I mean these are two contradictory statements by a man who, according to your testimony, may be acting in good faith, but we are confronted with two different sets of facts.

Which do we believe? Can we in fact believe him, if we accept your testimony this afternoon that he went through this outrageous treatment for a period of more than 3 years?

Mr. HART. Congressman, I think what this boils down to, if I may say so, is a question of how one would, faced with a choice as to whether to use this information or not, would do so. It would be a personal decision. If I were in the position of this committee, I frankly would ignore the testimony of Mr. Nosenko but I wouldn't ignore it because I think it was given in bad faith.

Let me express an opinion on Mr. Nosenko's testimony about Lee Harvey Oswald. I, like many others, find Mr. Nosenko's testimony incredible. I do not believe, I find it hard to believe, although I, as recently as last week, talked to Mr. Nosenko and tried to get him to admit that there was a possibility that he didn't know everything that was going on, I find it very hard to believe that the KGB had so little interest in this individual. Therefore, if I were in the position of deciding whether to use the testimony of Mr. Nosenko on this case or not, I would not use it.

I would like to say, just to conclude my remarks, let me tell you why I don't believe it. I had 24 years of experience in a compartmented organization, and I was chief of several parts of the organization which had done various things at various times which came under investigation, happily not while I was in charge of them. I will make one specific, give you one specific example.

I was once upon a time chief of what we can call the Cuban Task Force, long after the Bay of Pigs, within the Agency. At some point I was asked whether I knew anything, whether I thought there had been an attempt to assassinate Castro. I said in all good faith that I didn't think there had. I had absolutely no knowledge of this. It had been kept from me, possibly because my predecessor several times removed had taken all the evidence with him. I didn't know about it, but I said it in good faith. And I think it is very possible that an officer of Nosenko's rank might have functioned within the KGB and not known everything which was going on in regard to this particular man.

Mr. DODD. So you would suggest to this committee that we not rely at all on Mr. Nosenko for information that could assist us in assessing the activities of Lee Harvey Oswald in the Soviet Union?

Mr. HART. I believe as a former intelligence officer in taking account of information of which there is some independent confirmation if at all possible, and there is no possibility of any information, independent confirmation of this, and on the face of it, it appears to me to be doubtful. Therefore, I would simply disregard it.

Mr. DODD. I would like to, if I could—first of all, do you still maintain your security clearance?

*This removes the abuse of
Nosenko's & its effect
& the fact that he told
the FBI that it was
only a part surveillance*

Mr. HART. Yes, sir. I have. It is restored when I go back to the Agency to do work such as this, yes.

Mr. DODD. Now your statement at the outset was that there was communication and contact between the FBI and the CIA with regard to the investigation, and in fact the FBI was principally responsible, and that the CIA was to assist.

Is that a fair summation of what the memo indicated?

Mr. HART. To the best of my knowledge, yes. I produced this thing in which the Director of Central Intelligence, Mr. McCone, says to Mr. Hoover, "Well, you can call on us for anything we have." I think the implication is perfectly clear, that Mr. McCone is offering to be helpful to Mr. Hoover but is implying that he is playing a secondary role in this matter.

Mr. DODD. So that it would be fair to characterize the actions of the FBI as being that of principally responsible for the investigation into the assassination and calling upon the Central Intelligence Agency to respond in areas where the Agency had particular expertise or knowledge that was not available to the FBI?

Mr. HART. Yes, sir.

Mr. DODD. So we talk about Lee Harvey Oswald's activities abroad, and we have a potential defector who has indicated to the Agency that he has some specific knowledge with regard to the activities of Lee Harvey Oswald during his stay in Russia, his activities abroad. That would legitimately fall into that category, an area where the Central Intelligence Agency would have a specific expertise or knowledge that was not necessarily available to the FBI?

Mr. HART. Yes, sir.

Mr. DODD. Now in our report, at the bottom of page 4 and top of page 5, it states, and I will quote from the report: "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. He was interviewed in late February and early March. It is not known if these sessions were tape recorded, but as of today, all that exists are statements prepared by the interrogating FBI agents."

Do you have any reason to question that as being an accurate statement of the circumstances?

Mr. HART. I have no reason to question it.

Mr. DODD. I would like, Mr. Chairman, if I could, to give to Mr. Hart, and the reason I asked him whether or not he had a security clearance, I would like to give him a copy of a secret report from the Department of Justice. And I want to be very careful, Mr. Hart. I am going to ask you only about those areas that have been declassified in the report, and I have them specifically, but I would like you to have this.

[Clerk hands Mr. Hart the report.]

Mr. HART. Thank you, ma'am.

Mr. DODD. I wonder if you might, Mr. Hart, turning to page 5 of that report, I think it is question 8 on there, could you read the question to me, and then I would like you to limit your remarks to the first six lines ending with the word, I think it is two sentences there, the first two sentences, ending with the word "received."

Do you see where I want you to terminate?

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Mr. HART. Yes, sir; I do.

Mr. DODD. Would you read the question and read the response, please?

Mr. HART. "If the answer to question 6 is different from the response to question 7, when did the change occur and why?"

The answer is "The FBI had no direct access to Nosenko from April 3, 1964 until April 3, 1969 and therefore was not in a position to make an objective assessment of his bona fides nor of the veracity of information furnished by him. Thus information provided by him in early 1964 was accepted at face value and qualified in terms of the source and the conditions under which it was received."

Mr. DODD. Now could you look on page 6 and read the question and answer to question 12?

Mr. HART. The complete answer?

Mr. DODD. The complete answer there and the complete question, yes.

Mr. HART. "What was the FBI's position from 1964 to 1968 on whether Nosenko was telling the truth in the statements he made to the FBI about Oswald?"

"Answer: The FBI did not take a position from 1964 to 1968 on whether Nosenko was telling the truth in the statements he made to the FBI about Oswald. The statements were accepted at face value and qualified in terms of the source and the conditions under which they were received."

Mr. DODD. And now lastly, Mr. Hart, I would like you to on page 7 read the complete question and the complete answer to question 15.

Mr. HART. "Question: Did either the FBI or the CIA have primary responsibility for investigating Nosenko's statements about Oswald? If neither had primary responsibility, was there any division of responsibility?"

"Answer: The FBI had primary responsibility for investigating Nosenko's statements about Oswald that pertained to his, Oswald's, activities in the United States, including the assassination of President Kennedy. The CIA had primary responsibility for investigating Nosenko's statements about Oswald's activities abroad."

Mr. DODD. I would now, Mr. Chairman, ask the clerk to pick up that secret report and bring it back. And for the purpose of the record, I am not going to offer that as evidence, obviously. But for the purpose of the record, that is the FBI's sworn statements in response to questions that this committee posed to the FBI regarding this specific source of information.

Chairman STOKES. I take it then the gentleman just wants the declassified portion that he examined on as a part of the record.

Mr. DODD. Only what I had Mr. Hart read into the record should be considered as part, as public record.

I would like to ask you, Mr. Hart, whether or not you would take issue with that last question, last response, with regard to the areas of responsibility, according to the FBI's assessments?

Mr. HART. I do not take issue with it.

Mr. DODD. Then I would like to come back once again, if I could, to my first question to you, and that is, whether or not it was not in fact the responsibility of the Central Intelligence Agency to ferret out, to seek out, to do whatever it could to learn everything

See below

possible about the activities of Lee Harvey Oswald as they pertained to his activities in the Soviet Union.

Was that not in fact a responsibility of the Central Intelligence Agency including not only my assessment but the assessment of the Federal Bureau of Investigation?

Mr. HART. Yes.

Mr. DODD. Mr. Chairman, I would reserve the balance of my time and would like to come back, if I could, but I would like to give my other colleagues on the committee the opportunity to ask questions at this point.

Chairman STOKES. The Chair will protect the gentleman in the preservation of his time.

The Chair now recognizes the gentleman from Indiana, Mr. Fithian—

Mr. FITHIAN. Thank you, Mr. Chairman.

Chairman STOKES [continuing]. For 5 minutes.

Mr. FITHIAN. Mr. Hart, wasn't it knowledge at the CIA at the time those individuals were dealing with Mr. Nosenko that he was the one person, the one source, that this country had to ascertain what Lee Harvey Oswald's activities were in Russia?

Mr. HART. Congressman, I have every reason to believe that that was the case. I want to repeat what I said before, that I was among a number of thousands of people who were excluded from the knowledge of this case, but everything, every bit of common sense I have, tells me that that should have been the case, yes.

Mr. FITHIAN. Thank you.

Now to just return to one area that Mr. Dodd has already proceeded on, it seems to me very clear that to fulfill the CIA's obligations with regard to the international aspects of the assassination, that it would have been much more helpful in what must be viewed as one of the most important endeavors of early 1964, it would have been infinitely more useful for the Agency to have first tried to obtain from Mr. Nosenko all the information that they could about the President's alleged assassin.

Isn't that clear now and shouldn't it have been clear then to the Agency that that would have been a logical first step?

Mr. HART. Yes, it would have been. What I cannot judge, on the basis of the documents, and I have tried to stick very close to the documents, was whether or not they thought they had done everything that they could, because they had asked Mr. Nosenko, he had given them the information, and they may have thought they had done their bit, I am simply unable to judge what the opinions were of people at that time.

Mr. FITHIAN. In fact former Director Mr. Helms said, when asked if questions concerning Oswald did in fact constitute a major facet of the overall inquiry that was being made of Nosenko, Helms replied "Yes, no question about it."

Now if in fact the former Director is correct, and the inquiries that the Agency was making of Nosenko centered on the information he might have had on Oswald, that is, information he might have had about Oswald, it seems to me then that what you are testifying here to today, starting with, if I may just retrace your testimony, starting with the fact that in Geneva, even before the Oswald matter, the case was pretty badly handled, that is, they

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had an English-speaking person trying to take notes and writing down what this major potential defector was saying and then transcribing those and giving them to the Agency, right on down through the interrogation, it seems to me to underscore again that, despite the fact that Mr. Helms and others were aware that that was the No. 1 mission of the Agency, that the performance of the Agency was really pretty dismal. That is the only conclusion I can draw from it.

Am I wrong?

Mr. HART. Congressman, that would be the conclusion which I would draw. But I want to once again say that I know the limitations of my own knowledge, and I have tried, in the course of my activities in this highly controversial matter, to be sure that I kept that in mind. I too have done some writing of history, and I know that you shouldn't go beyond, you shouldn't extrapolate from facts beyond the bounds of certainty.

Mr. FITHIAN. To the best of your knowledge, did the CIA make any attempt to verify the information Nosenko provided regarding Oswald's contacts or lack of them with the KGB?

Mr. HART. I will have to think about that just a minute to see if I remember.

Yes, I can say that they did, yes. They did. They asked a number of people about this. They got a number of affirmative actions about Nosenko's statements about himself.

Now within the climate of the time, and here I have to introduce a word which was used by many persons in the CIA at that time about this whole project, the climate of the time was one of what many people called sick think, and it was concluded when a Soviet said yes, Nosenko is telling the truth, that that cast a reflection upon the Soviet who said yes, Nosenko is telling the truth. That was taken as pretty clear evidence that he himself was under KGB control. Otherwise he would not testify in favor of Nosenko's truthfulness.

Mr. FITHIAN. Mr. Hart, is this the first time that the Nosenko case has been discussed before a congressional committee?

Mr. HART. As far as I know, yes, sir; except that—well, I don't know whether the Rockefeller committee would be considered congressional or not. I gather not.

Mr. FITHIAN. I was referring to the Church committee.

Mr. HART. Oh, I cannot speak about the Church committee.

Mr. FITHIAN. At least you did not participate.

Mr. HART. No, sir.

Mr. FITHIAN. Now we have been working with the Agency and sometimes with you over the past while. If the CIA was aware of the blunders that you testified to here today, the blunders that were made during the early interrogation of Nosenko, why are we first learning about them now at the end of our 2 years of endeavor?

Mr. HART. Since I have no position of command or responsibility in the Agency, I can't tell you that.

Chairman STOKES. The time of the gentleman has expired.

Mr. FITHIAN. Thank you, Mr. Chairman.

Chairman STOKES. The gentleman from Michigan, Mr. Sawyer.

Mr. SAWYER. Witness, aside from what Nosenko has testified to, do you, yourself, have any knowledge of any agency relationship with Oswald?

Mr. HART. I do not.

Mr. SAWYER. When he was paid this money when he was released, as I understand it, I get two figures, but one of them would lead you to believe it was \$125,000 and the other some \$87,000. Do you know how much it was?

Mr. HART. The divergence between those two figures I believe had to do with the fact that the amount owed in income tax was obviously subtracted before he was given the sum.

Mr. SAWYER. So then he got \$125,000 but after taxes he got \$87,000.

Mr. HART. I believe that is correct, yes, sir.

Mr. SAWYER. Then you gave him another \$50,000 after that; is that right?

Mr. HART. If my memory serves me, Congressman, the \$150,000 was added up in bits and pieces over the years, and it included advances which were made to him when he first came to the United States, and so forth. In other words, he was allowed spending money during the time before he was actually confined in isolation, and these amounts were kept track of. When added up, the amounts, one of which was, again if my memory serves me correctly, a down payment on a house were added up, and they came to \$50,000.

Mr. SAWYER. So then he got \$125,000 pretax, plus he got another \$50,000 when added together with a number of other items.

Mr. HART. Yes.

Mr. SAWYER. And then you paid him, then you put him on a salary or retainer or some kind or contract?

Mr. HART. Yes, sir.

Mr. SAWYER. And what salary is he getting now on that?

Mr. HART. I do not have the figures as to what his actual salary is. I will speak from memory. I believe his salary is somewhere in the lower \$30,000's.

Mr. SAWYER. He told us that he came into the CIA about once a month, sometimes for a couple of days; is that about right?

Mr. HART. I do not know that, sir. I know that he comes in periodically but I do not know how often.

Mr. SAWYER. What does he do between the periods?

Mr. HART. I am afraid that what he does between the two periods is an item of classified information which I cannot discuss here in this committee.

Mr. SAWYER. Is he working for the CIA in between the periods?

Mr. HART. To a large extent, I cannot give you the percentage of time that he devotes to work as against the percentage of time that he does not devote to work.

Mr. SAWYER. Apparently as of now he is receiving \$35,325 a year. Would that be about the range?

Mr. HART. That would accord with my memory, yes.

Mr. SAWYER. This arrest of Nosenko took place in the United States, did it not, as I understand it?

Mr. HART. Yes, sir.

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Mr. SAWYER. Was there any kind of process or authorization or anything sought by the CIA to do this?

Mr. HART. I won't tell you what the process was. I have been advised by the CIA general counsel that if you have, if the committee has any questions as to the legal validity of this, that this question should be answered by a member of the general counsel's staff because I am not a lawyer, but—

Mr. SAWYER. I am one, and I don't think there is any question about the legal validity of it. It is a question, did you have any kind of a semblance, a process of any kind?

Mr. HART. The process is what I am about to explain. The process was a trip by Mr. Helms to the Department of Justice in which he consulted Mr. Nicholas Katzenbach who was at that time the Deputy Attorney General, and Mr. Katzenbach brought in one or two other people and they discussed the status of a person who is here on parole. The reasoning as I remember it was that a person who is here on parole was not legally within the United States, in the normal sense of the term.

Mr. SAWYER. So then on the basis of Katzenbach's OK, you made the arrest; is this correct?

Mr. HART. That is the sequence of events, yes.

Mr. SAWYER. And where was he taken after he was arrested?

Mr. HART. He was taken to a house in the suburbs of Washington, the location of which I am told is still, I am to treat as classified, and he was held there under the circumstances which I have previously outlined.

Mr. SAWYER. But then he was moved at some time, was he not?

Mr. HART. He was moved to still another place which was built especially to house him, the location of which I am not at liberty, according to my instructions, to divulge. But I can tell you what it was like, if you so desire.

His accommodations were somewhat better but they were absolutely unacceptable, in my personal opinion, from any civilized point of view.

Mr. SAWYER. But these facilities were built specially to put him in?

Mr. HART. They were, sir.

Mr. SAWYER. Would it be fair to say in some other part of the country, other than this area?

Mr. HART. In another part of the country, not in the District.

Mr. SAWYER. But in the United States?

Mr. HART. Within the United States, yes, sir.

Mr. SAWYER. And was this a windowless facility that he was kept in?

Mr. HART. It would be most closely comparable, Congressman, to a bank vault. The door to it was in fact the type of barred door which you see to protect safety deposit vaults in small banks.

Mr. SAWYER. How big a thing was he kept in? How big was this room?

Mr. HART. The exact dimensions I don't remember, but I would estimate, and I am a pretty good estimator of size, I would say between 10 by 10 and 12 by 12.

Mr. SAWYER. With no windows or ability to look outdoors or anything?

Mr. HART. Correct, sir.

Chairman STOKES. The time of the gentleman has expired.

Mr. SAWYER. Thank you.

I wonder if I could have an additional 2 minutes, Mr. Chairman.

Chairman STOKES. Without objection.

Mr. SAWYER. I understood from talking to Mr. Nosenko too that there was an episode where he became so desperate for something to do, because he was not allowed even to read, that he fashioned a little chess set out of threads he pulled out of the clothing that was put on him, to do something, and when they observed this, they confiscated that too.

Were you aware of that episode?

Mr. HART. I am, sir. That is true. He also made himself a calendar out of lint from his clothing, because he was trying to keep track of time, which as I have previously mentioned, the book I have on scientific studies of the effects of isolation, it becomes very hard when you are isolated over a prolonged period of time to keep track of time. Your sense of time simply slips, there not being any landmarks, as it were. He was desperately trying to keep track of the time, so he made himself calendars out of lint. But in the course of his having been compelled to sweep up his room or clean up his room, why these calendars were of course ruined, so he had to start all over again.

Mr. SAWYER. Another thing I didn't understand is you said that he had a bad memory.

Well, of course a bad memory wouldn't affect a polygraph test at all, would it?

Mr. HART. Yes, sir, it could.

Mr. SAWYER. How could it, in that it doesn't record whether what you are saying is correct or not? It merely records whether you are deliberately falsifying, and if you don't remember, your memory is poor, it wouldn't register against you on a polygraph?

Mr. HART. Well, it is slightly more complicated than that, sir, in that the person has to, one, know the difference between the truth or falsity of what he is saying. He also has to have a sense of guilt in regard to telling something which is untrue, and that sense of guilt is reflected in the physiological change which then registers on the polygraph.

Mr. SAWYER. But if his memory is faulty, he will be thinking he is telling the truth, but it is just faulty memory, and therefore it would not affect the validity of the polygraph.

Mr. HART. That, itself, would not affect the validity of the polygraph, in and of itself, no.

Mr. SAWYER. You also said that part of the reason for this great secrecy was because this plot, this disinformation plot, was so dangerous. Well, all you had to do is not believe what he told you and it couldn't hurt anything, could it?

Mr. HART. Congressman, if I may have permission, I would like to read an excerpt from a document which I wrote following an interview with the man whom I have called the Deputy Chief SB Division. I went to see the Deputy Chief SB Division in the middle of 1966—excuse me—1976, and I asked him questions about various aspects of this case in which he had been the prime mover really.

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