

One of them I asked him related to a message from him from a place abroad which had gone around me. I was his chief, but he had sent me a message. He had sent a message through a channel so that I would not see it, to the chief of the CI staff, in which he had commented on the so-called Solly report, which was the Office of Security's report which was published in 1978 and which laid the basis for the rehabilitation of Nosenko. In this letter, which I ran across only because I had all files available to me, once I made my investigation, he talked about the devastating consequences, that is in quotes, "devastating consequences" of the liberation of Nosenko.

Now I want to read the document, if I may. This is a memorandum of conversation which I made immediately after my interview with this man, and I had a witness present during the time I talked to him and also during the time I made this statement.

"In an effort to approach the question of KGB objectives from another angle, Hart asked DCSB to specify what 'devastating consequences' he thought were likely to ensue from freeing Nosenko. His response to this question was also evasive. He said that inasmuch as there had been no devastating consequences, it was pointless to talk about what might have happened. To a further question as to what consequences he had anticipated that might affect him personally"—for he had said that there would be dangers to him personally—"he refused to answer on grounds that the matter was speculative."

I have no idea what he was talking about frankly.

Mr. SAWYER. And that would apply then to the plot, this misinformation plot, requiring this great secrecy in handling too, I assume.

Mr. HART. I have tried to remain fairly dispassionate in my presentation this morning, Congressman. I think it may have seeped through that, I think, this so-called plot was sheer nonsense.

Mr. SAWYER. Now, we were told by Mr. Nosenko that these periods of interrogation would run 48 hours at a stretch. Did you verify that?

Mr. HART. I cannot at this moment remember one which lasted 48 hours, but I do not doubt that that may have happened, because what they did was, they staged them at irregular hours and people came and went.

I am not sure that the records would even be able to establish the fact because the times were not always kept track of that accurately.

Mr. SAWYER. Incidentally, to who was that memo addressed, or to whom was it addressed, that made a mention of "before they dispose of him." Who was the addressee?

Mr. HART. That was not a memo. That was not a memo which went anywhere. That was written by the man I referred to as deputy chief SB, and it was a draft which he had then corrected in his handwriting.

On the outside of it it said "excised portions" of a report. So, it was something which did not go to any addressee, as far as I know.

Chairman STOKES. The time of the gentleman has again expired.

Mr. Hart, can you tell us the cost of this specially constructed house for Mr. Nosenko?

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Mr. HART. It would be easy to ascertain, Mr. Chairman, but I do not happen to know how much it was. I will tell you that it must have been quite expensive because I can describe it for you briefly, if you wish, sir.

In addition to the vault it consisted of a house which disguised the vault, which surrounded it, and which contained facilities for the guard force to live and pass their time while they were guarding this man.

There was a chain link fence out at the back containing a very small area, and by that I mean an area of, I would estimate again, from seeing photographs, perhaps 12 by 16, which was built as an exercise area. Then around all that there was another chain link fence with barbed wire at the top of that.

The building, the vault itself, was a very expensive construction because it consisted of heavy steel-reinforced concrete.

Chairman STOKES. When you say that the cost is obtainable, you mean that we could obtain it from the Agency. Is that what you are saying?

Mr. HART. Absolutely, sir, yes.

Chairman STOKES. Now, as I understand your testimony this morning, when you were called back in your present capacity you conducted a study from June of 1976 until December of 1976, yourself and four assistants, with reference to ten four-door safes of documents, is that correct?

Mr. HART. Yes, sir.

Chairman STOKES. And it is from this material that you now lecture for some four and one half hours, is that correct?

Mr. HART. I have lectured on one occasion for four and one half hours. Yesterday I made a similar lecture and tried to reduce it, and did conduct the lecture followed by a question period in 2½ hours.

Chairman STOKES. During the course of this lecture, whether it be two and one half hours or four and one half hours, do you, during the course of that lecture, touch upon the Oswald portion of the CIA's activities?

Mr. HART. I make it a point to say at the beginning of the lecture that I did not investigate the Oswald matter because it was impossible for me to do so for a number of reasons, the most cogent of which is that I could never have had access to the amount of documentary evidence which I had access to in CIA, and I insisted before I agreed to make the study that I must have total access. I could not have asked for that at the FBI.

Chairman STOKES. For what reason?

Mr. HART. I don't think they would have given it to me. I was able to ask for it at the Central Intelligence Agency because I was a senior officer who had served with them for nearly a quarter of a century and they trusted me. I had built up no such record of trust at the FBI.

Chairman STOKES. You also told us this morning that a decision was made not to tell Mr. Helms about what was going on with relation to Mr. Nosenko, is that true?

Mr. HART. No, sir, I didn't say that the decision was made. I said that I drew the conclusion from the way the documents were

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disclosed by
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phrased, reports to Mr. Helms were phrased, that Mr. Helms was not being adequately informed of this subject.

Now, that conclusion was based on a very large number of documents which I read and which I noticed a pattern of using words in their most harmless form.

In other words, if the documents were to speak of a polygraph examination, the documents did not speak of polygraph examinations in which we have previously attempted to frighten the man, and of the fact that they kept the man in his chair in between interrogations and so on.

I can only think of a couple of documents offhand from which Mr. Helms could have inferred the type of treatment which was being given the man.

Chairman STOKES. Didn't you say this. Didn't you say that he was not well-informed; that is, he was not given the total picture?

Mr. HART. I believe that he was not well-informed. I believe that he was not given the total picture.

Chairman STOKES. Then you added to that the fact that you yourself, in the capacity that you held at that time, with reference to two men whom you cited, you were not permitted to know certain things regarding those two men in your unit, is that true?

Mr. HART. That is absolutely true. Now, I never asked for information because I didn't know about the case.

Chairman STOKES. Well, I think the American people would probably be very much concerned about knowing what prevents that type of situation from prevailing at the CIA today; that is, how have things changed?

Mr. HART. Is that a question, Mr. Chairman?

Chairman STOKES. Yes.

Mr. HART. I can only speak from a small exposure to CIA as of the present time, so I cannot tell you all of what has changed or how. You must keep in mind that when I go back, I go back for brief periods and for a specific purpose. I am not involved in the large number of things which I was involved in before.

I do know that Admiral Turner overruled a number of his subordinates in insisting that I personally be brought back to give a series of lectures to all the newly promoted supergrade personnel through all parts, throughout all the agency on this subject.

I do know that Admiral Turner has specifically insisted that a number of his most senior people—and I don't know all of them by any means—read the rather lengthy document and annexes attached thereto, and that he has—he used the term, our escutcheon has been besmirched by this case, and said that he wanted to do everything he possibly could to see to it that there was never any repetition of this.

Chairman STOKES. But at any rate, if I understand your testimony correctly, if the agency has taken the proper steps and has initiated the kinds of reforms that will see that this kind of a situation never occurs again, you are not the proper person to tell us about those reforms, is that correct?

Mr. HART. That is correct, sir, because I have no command responsibility, no authority whatsoever. I am a one purpose person who was called back for this particular subject only.

Chairman STOKES. Now, let me ask you this.

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This much we know—Nosenko was in the possession of the CIA, not the FBI, isn't that true?

Mr. HART. That is true, sir, yes.

Chairman STOKES. Now, we know that under American law the CIA has responsibility for matters outside the jurisdiction of the United States, don't we?

Mr. HART. Yes, sir.

Chairman STOKES. We know that the FBI has primary responsibility within the confines or the jurisdiction of the natural borders of the United States, isn't that true?

Mr. HART. Within the borders of the United States, yes, sir. Chairman STOKES. Therefore, it is simple logic under law that with reference to the activities of Oswald in Russia, that would fall within the domain and the jurisdiction of the CIA, would it not?

Mr. HART. It would fall within the jurisdiction, but not necessarily the competence to do anything about that jurisdiction, yes.

Chairman STOKES. Well, being a historian, and being a part of the CIA as long as you have, you know that the CIA had a certain responsibility in terms of the investigation of the facts and circumstances surrounding the assassination of President Kennedy, do you not?

Mr. HART. Yes.

Chairman STOKES. Now, this much we also know, that Nosenko was under arrest and was in jail in the United States, isn't that true?

Mr. HART. That is right, sir.

Chairman STOKES. And during the period he was under arrest and in jail, out of 1,277 days he was only questioned in part 292 days, and according to your calculation 77 percent of the time he was not being questioned, is that correct?

Mr. HART. Absolutely correct, sir, yes.

Chairman STOKES. Then obviously the only conclusion that we can come to is that with reference to the activities of Oswald, through Nosenko, that there was no investigation of that matter by the CIA. Isn't that true?

Mr. HART. Off the top of my head I would tend to say that was true, because I have not seen any indications in those files which I have read of any energy on the subject.

I do want to point out that simply by virtue of the fact that a piece of correspondence was about Lee Harvey Oswald it would have been in a file which I did not ask for because I had pointed out that I could not do an adequate job which met my standards of scholarship if I didn't have access to all the documents.

So, I don't think I am really quite—I don't think I am completely competent to answer that question.

Chairman STOKES. Let me ask you this. One of the responsibilities of this committee is to assess the performance of the agencies in relation to the job that they did, cooperating with one another and with the Warren Commission in terms of the investigation of the assassination.

In light of your statements here to other members of the committee with reference to the performance of the agency which you have described as being dismal, et cetera, if I were to ask you to rate the performance of the agency in this matter on a scale of 1 to

10, with 10 representing the highest number, top performance, where would you rate them?

Mr. HART. I would rate it at the lowest possible figure you would give me an opportunity to use. I am perfectly willing to elaborate on that, Mr. Chairman.

I have never seen a worse handled, in my opinion, worse handled operation in the course of my association with the intelligence business.

Chairman STOKES. I have one other question I would like to ask you.

In the final report submitted by the Warren Commission, page 18 says this: "No limitations have been placed on the Commission's inquiry. It has conducted its own investigation, and all government agencies have fully discharged their responsibility to cooperate with the Commission in its investigation."

"These conclusions represent the reasoned judgment of all members of the Commission and are presented after an investigation which has satisfied the Commission that it has ascertained the truth concerning the assassination of President Kennedy to the extent that a prolonged and thorough search makes this possible."

Then at page 22 it further says this: "Because of the difficulty of proving negatives to a certainty, the possibility of others being involved with either Oswald or Ruby cannot be established categorically. But if there is any such evidence, it has been beyond the reach of all the investigative agencies and resources of the United States, and has not come to the attention of this Commission."

In light of your testimony here today with reference to the performance of the agencies, obviously the conclusions of the Warren Commission which I have just read to you are not true, are they?

Mr. HART. May I add one point. It is my understanding that the Nosenko information was made available to the Warren Commission but it was made available with the reservation that this probably was not valid because this man was not a bona fide defector and that there was a strong suspicion that he had been sent to this country to mislead us.

And therefore again speaking, sir, from memory and as somebody who has already told you that he is not an expert on this subject, I believe that the Warren Commission decided that they simply would not take into consideration what it was that Nosenko had said.

Chairman STOKES. But in light of the fact that we now know that the CIA did not investigate what Nosenko did tell them about Oswald in Russia, then obviously the Commission then still could not rely upon that data for that reason. Isn't that true?

Mr. HART. Mr. Chairman, I am not sure, when you use the word "investigate"—I am not absolutely certain, and I don't want to quibble about semantics needlessly, but I am not actually certain that there was much more to do.

I hesitate to judge in retrospect their actions on that basis. I would make harsh judgments on most other aspects. But I don't really know whether they did all they could or not because I do not happen to know whether, for example, all the other defectors were queried on this subject. No such file came to my attention.

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So, I am once again having to say that I don't know for sure the answer to your question.

Chairman STOKES. My time has expired.

The gentleman from Connecticut, Mr. Dodd.

Mr. DODD. Thank you, Mr. Chairman.

Mr. HART, in response to Chairman Stokes' question in terms of how you would rate the CIA's performance if you had to rate it on a scale of 0 to 10, I gather from your answer that you would rate it zero, that being the lowest score.

Mr. HART. Yes, sir.

Mr. DODD. Let me ask you to hypothesize with me for a minute. Let's assume, given the level of performance that you have just rated the Central Intelligence Agency's activities during that period of time, let's just suggest that if in fact there had been a conspiracy, or had been some complicity—and by that statement I am not in any way suggesting that I believe there was, but let's just for the sake of argument say there was—are you saying in effect that even if there had been some involvement by the Soviets that the caliber of the activity of the CIA during that period of time was such that we wouldn't have ever found out anyway?

Mr. HART. No, sir, I am not saying that.

Mr. DODD. You used a word in response to Mr. Sawyer. During your testimony you raised a point. He heard you use the word "disposal"—

Mr. HART. Yes, sir.

Mr. DODD [continuing]. In talking about a memo that you were quoting, on how Mr. Nosenko would be treated if certain things didn't occur. Is that a word of art in the Central Intelligence Agency and, if so, what does it mean?

Mr. HART. I would like to make—there is a two-part answer, Congressman. I would like to say that the word "disposal" is often used, I believe, rather carelessly because it can mean simply in the case of, say, a refugee whom you have been handling how do we dispose of this matter, how do we relocate him.

Now, the second part of my answer will be more specific. I think I know what it meant in this case, but I would prefer to depend on documents, and I will read you a document.

I am about to read you a very brief excerpt from a document, also written in the handwriting of deputy chief SB, which was not a document which to the best of my knowledge he ever sent anybody.

He appears to have been a man who didn't think without the help of a pencil. Therefore, he wrote, tended to write his thoughts out as they occurred to him.

I will read you the document. I don't believe that I am going to have to make any judgment. I think you will be able to draw your own conclusions, sir.

He was talking about the problems which were faced by the fact that a deadline had been given the organization to resolve the case. Mr. Helms had given them a deadline. As I have previously said, he believed that there would be "devastating consequences" if this man were set free.

What he wrote was, "To liquidate and insofar as possible to clean up traces of a situation in which CIA could be accused of illegally holding Nosenko."

Then he summed up a number of "alternative actions," which included—and I start with No. 5 simply because the first four were unimportant.

"No. 5, liquidate the man; No. 6, render him incapable of giving coherent story (special dose of drug, et cetera). Possible aim, commitment to loony bin." Some of the words are abbreviated, but I am reading them out in full for clarity.

"No. 7, commitment to loony bin without making him nuts."

Mr. DODD. The word "disposal," was that the word "liquidation" you were talking about?

Mr. HART. I am drawing the conclusion that disposal may have been a generalized word which covered inter alia these three alternatives.

Mr. DODD. There is no question about what the word liquidate means, though, is there?

Mr. HART. No, sir.

Mr. DODD. Since I have got you here, and you have that memo right in front of you, the words "devastating effect" that were predicted if Nosenko were released, to your knowledge, Mr. Hart, are you aware of any contract that may exist between the Central Intelligence Agency and Mr. Nosenko that in payment of the money that he has received he would not tell his story and that, therefore, we averted the alternative suggested in that memo or that note by the payment of money to Mr. Nosenko?

Mr. HART. No, sir. I can tell you that Mr. Nosenko will learn of this for the first time when he reads about it in the press because this information has been known to me, and I was the one in fact first to run across it.

I didn't feel that I needed to add to the miseries of Mr. Nosenko's life by bringing it to his attention. So, I did not do so.

Mr. DODD. Let me ask you this. In response to Chairman Stokes, you really—and I appreciate the position you are in in not being able to comment on what steps have been presently taken by the current administration or the immediately previous administration to reform some of the practices that have gone on in the past.

But can you tell us this, if you are not fully capable of talking about the reforms: Are some of these characters still kicking around the Agency, or have they been fired?

Mr. HART. There is nobody now—well, I will make one exception to that. There is one person now in the Agency whose activities in this regard I could question, but I do not like to play God. I know that—

Mr. DODD. Is it the deputy chief of the Soviet bloc?

Mr. HART. No, sir.

Mr. DODD. He is gone?

Mr. HART. Yes, sir.

Mr. DODD. I gathered by what you have told us here today that we really cannot rely on the statements of Mr. Nosenko for a variety of reasons, and that your suggestion to us was to discount his remarks, albeit you believe that in good faith he is a bona fide defector.

You have quite a few years of experience yourself, and I went over your resume and I noticed that you had a significant amount of experience as an intelligence analyst, as a counterintelligence analyst, you had written several papers on defectors, you seem to have some expertise in that area.

I would like to take advantage of your presence here today and ask you a couple of questions drawing upon that expertise, if I may.

Mr. HART. Yes, sir.

Mr. DODD. If you take out that report that we submitted to you, and looking at the bottom of page 23, and going over to page 24, and then there is a paragraph on page 25, I would like to read; and I would like to get your comments on it, if I could. Do you have it in front of you?

Mr. HART. I have page 23 with a heading in the middle which says, "Committee Investigation of Nosenko's Oswald Story." Is that the right place?

Mr. DODD. Yes. Going down to the last paragraph on that page, "Nosenko has always insisted that the KGB never had any contact with Oswald. He stated in both 1964 and 1978 that the KGB determined that Oswald was of no interest to them, and did not even bother to interview him."

Turning to page 24, "Question:"—and this is from the deposition—"And exactly why did no KGB officer ever speak to Oswald before they made the decision about whether to let him defect?"

Answer by Mr. Nosenko, "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, Mr. Nosenko answered, and I quote, "No."

Turning to page 25, eliminating for the purpose of brevity a lot of this, I would like to draw your attention to the second paragraph from the bottom, which begins with the words:

In short, Nosenko's Oswald story is the following: 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.

Now, as someone who has had a quarter of a century of experience in this area, do you think that is plausible?

Mr. HART. Well, let me first downgrade your expectations of me a little bit, if you don't mind, Congressman. I have had a quarter of a century of experience, but a lot of it was in fighting wars in Vietnam and Korea and going in jungles—

Mr. DODD. I will accept your disclaimer.

Mr. HART. But let us assume that I have some expertise, but it is not quite as great as you attribute. I am flattered, but I am not that good.

However, I find it implausible that in the relatively small city of Minsk, which is the capital of the relatively small country within a country called Belorussia, that the KGB in Minsk was so busy that they wouldn't have found time to do a little bit of something in regard to Nosenko. That just strikes me as implausible.

Mr. DODD. Well, does it strike you also as implausible that here you have a young man who had served in the Marine Corps with

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man who has spent 10 years in the KGB. At the time he defects he is one of the top people in the Second Directorate. He is deputy chief of the Seventh Department of the Second Directorate. He comes and announces he wants to defect.

Now, he isn't a young college student deciding he wants to leave the country. He is an experienced intelligence officer. Do you think it is realistic to believe that Mr. Nosenko didn't appreciate from the day he decided to defect, if in fact he did, that he was going to undergo a tough period of time before we would believe him; and that, in fact, he must have known in his own mind that the idea of being immediately accepted, his story immediately being believed, immediately being placed in a job with an alias, was something that was not going to happen in a relatively short period of time?

Mr. HART. Congressman, I believe from what I know of Soviet treatment of defectors from the United States, who were valuable defectors, as he was, that they have been treated extremely well, that they have been given much less trouble, they have been welcomed, in fact.

Everything has been done to encourage that other people like themselves would come to the Soviet Union. They are usually given a stipend immediately. They are given living quarters. They are treated extremely well.

On the basis of what he knew of how the Soviet Union treated defectors, he would have assumed that he could be treated very well.

Now, on the basis of what he knew of how the United States handled defectors, which is not a glorious record, he would have had occasion to be fearful because it is true that it has often been very hard for even the most valuable person to defect to the United States. It has been rather difficult.

It is not just that they have difficulties. It is that we have difficulties accepting and believing them.

Mr. DODD. So your response to my question is that he could have and should have expected a rough time?

Mr. HART. He certainly could have expected interrogations to establish his bona fides. He should not have expected the sort of treatment he got because it has not ever been the experience of any other defector that he happened to know about at that particular time, with the exception of a man whom he did know about, who tried to defect in Moscow, and he was promptly—action was taken by the American Embassy without actually ever consulting the Central Intelligence Agency representative which resulted in that man being tracked down and I believe subsequently executed.

Mr. DODD. Mr. Chairman, can I just ask to suspend for one minute, before I yield my time?

Chairman STOKES. Certainly.

Mr. DODD. Just to resume, if I could, and I will try to make this the last question, you talked about the Wechsler test.

As I recall your statement you said that in the Wechsler exam of Mr. Nosenko's long-term memory, he showed being below the mean of someone with regard to long-term memory. Is that a correct assessment of your statement?

Mr. HART. He was below his own mean in terms of the various—I will see if I can hold this up. If you wish, I could bring it up to you and show it to you.

Mr. DODD. That is all right.

Mr. HART. Basically, what you have here is a profile, these are squares here, and you have the various—you have the 10 elements of his intelligence, which are graded. There are two down here, there is another one here, another one here, and so forth.

They are all superior to his memory; in other words, his memory was the lowest, showed up as the lowest element in those things, those qualities which go into making up this very indefinite term which psychologists really can't agree on, which is what we call intelligence.

Mr. DODD. I am not going to state it as a matter of fact because I am not 100 percent sure. I am going to make a request of the chairman that we ask the Library of Congress to give an assessment of what actually is contained in the Wechsler exam.

But in the half hour or hour since you have made that statement, I have done a little investigation to find out exactly what is included in a Wechsler exam.

While it was not a thorough investigation, I am told by the Educational Testing Service here in Washington, D.C., the director of that agency, who is a member of the American Psychological Association, that the Wechsler test is not designed nor is it fair to use that test in any way whatsoever to reflect long-term memory.

It is basically an intelligence test, and the only direct memory test is a digit span, showing someone a series of numbers for a matter of seconds and then removing them and asking them what those numbers were. It is primarily to test their ability to concentrate.

So, I would like to find out if I could, more about the Wechsler exam.

Mr. Chairman, I would make that request through you of the staff that we get a better reading on exactly what is in the Wechsler exam.

Chairman STOKES. It certainly may be done.

Mr. DODD. I can't resist asking you, Mr. Hart, that if you are right and I am wrong, and Mr. Nosenko had a bad memory, what are we paying him \$35,000 a year to be a consultant in 1978 for activities that occurred prior to 1964, if he has such a rotten memory?

Mr. HART. There are several questions implied, Congressman, in what you said. May I sort of start out in sequence, if you don't mind?

Mr. DODD. Sure.

Mr. HART. In the first place, what I was referring to was the digit span. The digit span, he got a weighted score of seven, which for one of this—a person of this performance would have been low.

Second, you can probably get a great many answers out of a great many people on the subject of the Wechsler adult intelligence scale.

What I use as my standard source on this subject is called "Wechsler's Measurement and Appraisal of Intelligence," by Dr. Joseph D. Moderatso, Ph. D., who is the psychologist who took over

the periodic revisions of the books on the Wechsler scale, which was first developed by Dr. David Wechsler at the Bellevue Hospital in New York.

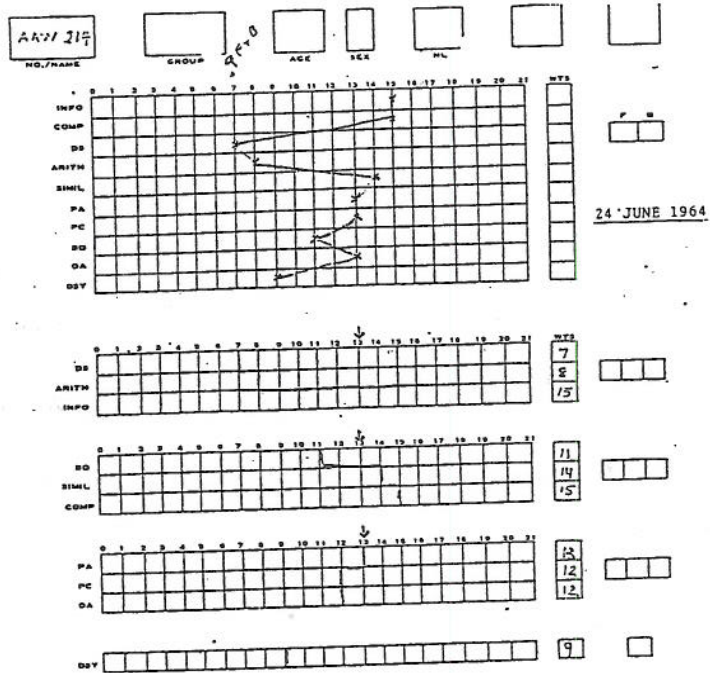
This has been investigated, reinvestigated, and I took one 3-month course on this subject. You will find that various authorities on what these things mean differ considerably.

Basically, the memory span can be—there can be a correlation between short-term and long-term memory span. We don't have time in this committee—

Mr. DODD. Why don't we do this. I have made the request we try to get an assessment of it. I am certainly not an expert on it. I think that may be the best answer. I would ask, however, Mr. Chairman, at this point that that piece of paper that you showed that apparently has a graph on it or some kind of a score, I would like to have that made a part of the record and marked as exhibit F-426, if that is in order.

Chairman STOKES. Without objection, it may be entered into the record at this point.

[The information follows:]



JFK EXHIBIT F-426

Mr. HART. May I ask that it be Xeroxed, rather than my turning this over, because I would like to keep this copy.

Chairman STOKES. We will Xerox that and substitute it for the exhibit in the record.

Mr. DODD. You want to answer the last part? If he has such a bad memory, why do we have him as a consultant?

Mr. HART. Yes. In fact, Mr. Nosenko is not used as an IBM machine which is a repository of information over the years. Mr. Nosenko is used as an intelligent human being who lived, worked in the midst of the KGB for a long time.

I think he is—if you met him, you would find him an intelligent man to talk to. He has interesting ideas on the subject of the Soviet Union. He reasons well. Like many of us, including myself, I might say, his memory is not as good as his powers of logical thought.

That same particular test has another little square on it which measures what is called similarities, and it measures the power of abstract thinking in a rather loose way. That happens to be one of his things on which he scores high.

Mr. DODD. For the purpose of the record, this committee spent more than 6 hours with Mr. Nosenko at the Central Intelligence Agency. So I thank you.

Mr. Chairman, I apologize for taking so much time.

Thank you, Mr. Hart.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Michigan, Mr. Sawyer.

Mr. SAWYER. Is it fair to say that his rating of seven really is not rated against the population as a whole being below average, but the lesser of his variable abilities?

Mr. HART. Exactly.

Mr. SAWYER. All of which are quite high?

Mr. HART. Exactly. I am saying—well, this seven is a pretty low weighted score for a person of his abilities because when you get down just a little bit before that, below that, why, you come into the level where you are likely to presume that a person is under stress or is having, subject to some type of retardation or something. It is pretty low.

Mr. SAWYER. The last of those optional dispositions, disposable items that you read there, out of that memo, as I understood you you said that the last of the three, after there was liquidation, and then there was something, drugging him so he could not talk, and then putting him in a loony bin, after first rendering him nice, is that what you said?

Mr. HART. No, making him nuts, sir. This was a memo of one man to himself, and therefore it wasn't couched in polite proper language.

Mr. SAWYER. But the thrust of it was at first you drive him insane and then put him in a loony bin?

Mr. HART. That is as I understand it, yes, sir.

Mr. SAWYER. Now, you said that people, all except one, are not in the Agency anymore. How did they come to leave? Did they get fired for this or did they just retire in the normal course?

Mr. HART. Sir, I would prefer that that question, which I believe is a very private matter, and affects a number of people, I think that should come from somebody in the command line of the Agency. I don't think it is proper for me to address personnel matters.

Mr. SAWYER. Well, do you know the answer to it?

Mr. HART. I think I know the answer to it, but I believe that the Director of Central Intelligence should reply to that. I am not a lawyer, and I do not have counsel to consult here. But I do feel that is an improper question for me to answer.

Mr. SAWYER. Now, you say Helms had limited information, or at least some limitation on the information that he received on this. He must have known about this torture vault or whatever it is you had specially built. He would have known about that, wouldn't he?

Mr. HART. He sent two people down to take a look at it before it was used. The two people happened to be the chief of the SB division, and the chief of the CIA staff.

Also, if I remember correctly, the chief of the Office of Security. They came back and said that it was a satisfactory place to keep someone.

Mr. SAWYER. But he must have known the general format of it, wouldn't you think?

Mr. HART. I can't say how much he knew.

Mr. SAWYER. He also knew apparently that they had held him in solitary confinement for 1,277 days.

Mr. HART. He did know that, yes, sir.

Mr. SAWYER. And actually, he thought they were interrogating him the whole 1,277 days, was that the thrust of the fact—

Mr. HART. Well, I am not sure he thought they were interrogating him every day. But I—and here I want to make clear that I am entering into the realm of presumption—I never saw any indication that anybody told him that 77 percent of the time that this man was in this prison, that nothing was happening to him.

Mr. SAWYER. He knew, too, apparently that they wanted to use sodium pentathol on him, which he turned down.

Mr. HART. Sodium amytal, but the same thing.

Mr. SAWYER. Did the Department of Justice know or were they advised what you intended to do with this man, when you were consulted?

Mr. HART. I do not believe that that was spelled out in detail. At the time that Mr. Helms went over to see Mr. Katzenbach, as I interpret events, nobody realized that this man would be held that long. I am quite sure that nobody had any thoughts that he would be held that long.

Mr. SAWYER. Well, did they tell the Department of Justice that they planned to subject this man to torture over this period of time by depriving him of adequate food and reading material?

Did the Department of Justice have any information what they were proposing or even the outlines of what they were proposing to do to this man?

Mr. HART. I do not believe that they did.

Mr. SAWYER. I don't have anything else, Mr. Chairman. Thank you.

Chairman STOKES. The time of the gentleman has expired.

Mr. Hart, I just have one question. It is based upon what I have heard here today. It troubles me, and I am sure that it is going to trouble some of the American people.

The American people have just spent approximately \$2.5 million for this congressional committee to conduct a 2-year investigation

of the facts and circumstances surrounding the death of President John Kennedy.

Pursuant to that, this committee met with Mr. Nosenko 2 successive evenings, where we spent in excess of 3 or 4 hours with him each of those evenings.

In addition to that, counsel for this committee, Kenny Klein, spent in excess of 15 hours with him preparing before the committee met with him. In addition to that, Mr. Klein has perhaps spent hundreds of hours at the CIA researching everything about Mr. Nosenko.

I want to predicate my question, my final question to you, upon this statement which appears in the staff report at page 17. It was read by Chief Counsel Blakey here earlier today in his narration.

It says:

Following acceptance of Nosenko's bona fides in late 1963, 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 regular yearly compensation in 1972, Nosenko was paid for the years 1964 through 1969 in the amount of \$25,000 a year less income tax. The total amount paid was \$87,052.

He also received in various increments from March 1964 through July 1973 amounts totaling \$50,000 to aid in his resettlement in the private economy.

We know in addition to that now about the home we don't know the cost of, that the CIA has built for him.

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

So that I can understand, and the American people can understand, the work of this congressional committee, do I understand you correctly when you say that with reference to what Nosenko has told this congressional committee about the activities of Oswald in Russia, this man who is today, not 15 years ago but today, your consultant, based upon everything you know about this bona fide defector, you would not use him?

Mr. HART. Mr. Chairman, when the question arose about whether I would use—depend on the information which he offered on the subject of Lee Harvey Oswald, I replied that I find that information implausible, and therefore I would not depend on it.

I did not make that same statement about any other information which he has offered over the years or the judgments which he has given. I was addressing myself specifically to his knowledge of the Oswald case. I was making a judgment.

Chairman STOKES. Your judgment is that from everything you know about him, and from what you know that he knew about Oswald in Russia, you would not depend upon what he says about it?

Mr. HART. I would not depend on it, but I am not saying that he wasn't speaking in good faith because I repeat that one of the principal qualities of an intelligence organization, whether we like intelligence organizations or don't like intelligence organizations, is compartmentation as it is called.

That means that a person at his level might well not know about something which was going on up at a higher level. The KGB is a very large organization, considerably dwarfing any intelligence organization which we have and, therefore, it is perfectly possible for

something else to have been going on which he wouldn't have known.

Chairman STOKES. Can we then leave the term "in good faith," and can you tell us whether he would be telling us the truth?

Mr. HART. He would be telling us the truth insofar as he knows it, yes.

Chairman STOKES. Thank you.

The Chair recognizes counsel for the committee, Mr. Gary Cornwell.

Mr. CORNWELL. Mr. Hart, may we look at the document that you referred to several times that has the list of the ways in which they could have disposed of the problem that Nosenko posed at the time of his contemplated release? Is that a document we could look at?

Mr. HART. I would like, if I may, to simply excerpt this part of it. If that is an acceptable procedure, I will give you exactly what it was that I presented in my testimony.

I have here a mixture of things which have been declassified at my request, and not declassified and so forth. So, if you will allow me simply to make this available. There we are.

[The document was handed to counsel.]

Mr. CORNWELL. Mr. Hart, do you not have with you the items that would appear on the list prior to item number five?

Mr. HART. I do not have that with me. It would be possible to dig them up. The reason that they are not in there is that I considered them insignificant. I consider this obviously very significant, and I simply wasn't using up space with insignificant things.

In many cases throughout my study I was using portions of rather long documents. But it would be possible to find that, yes.

Mr. CORNWELL. All right. The portion that you did bring with you, though, however, seems to refer to notes which were prepared prior to 1968, is that correct?

Mr. HART. Yes, sir.

Mr. CORNWELL. By the deputy chief of the Soviet branch.

Mr. HART. Yes, sir.

Mr. CORNWELL. And at a time in which the Agency was contemplating the release of Nosenko, the release from confinement.

Mr. HART. Yes. The director said, as I remember his specific words, "I want this case brought to a conclusion."

First he asked for it to be brought to a conclusion within 60 days, which I think would have put the conclusion in sometime in September of 1966. Later on they went back to him and said, "We can't do it that fast," and he extended the deadline until the end of the year.

Mr. CORNWELL. And this was the same deputy chief of the Soviet branch who earlier in your testimony you stated had referred to potentially devastating effects from that release; is that correct?

Mr. HART. He later used that term. That term was used by him much later after he was no longer connected with the Soviet Division. That was in the letter which I described he wrote, so that it bypassed me as his superior, and I happened to find it in the file.

Mr. CORNWELL. And you testified that at one point, I believe, you didn't know specifically what dangers this deputy chief foresaw might stem from his being released; is that correct?

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Mr. HART. He had refused to tell me. He refused to tell me. I can read you that.

Mr. CORNWELL. No, I think we remember that. But at least in this memo it appears that the principal fear that he had was with respect to the CIA being accused of illegally holding Nosenko; is that correct?

Mr. HART. That was a fear expressed in there. I frankly think that there must have been something else in his mind, but I, for the life of me, don't know what it was. He had built up a picture which was based on a good deal of historical research about a plot against the West, and since I don't happen to be able to share this type of thing, I don't know.

Mr. CORNWELL. I think we understand. Let me simply ask you this: Nosenko has never publicly complained of his illegal detainment, has he? He has never taken that to any authorities and asked that anything be done with it, has he?

Mr. HART. He, I believe, when he was released, that in connection with the release but not as a condition of release, you must understand that this was not a condition of the release, but as of the time that the settlement was reached with him, I believe that he signed some type of document saying "I will no longer, I will not make further claims on the organization," something of that sort. I have never actually read the administrative details.

Mr. CORNWELL. That was the point that I was coming to.

Thank you.

Mr. HART. Yes.

May I say something more, Mr. Cornwell? He does periodically get very upset. He got very upset, for example, on the subject of the Epstein book. He is a very—he is a normal human being, and when he feels that he is being maligned, he gets just as upset as anybody else around.

Mr. CORNWELL. But your conclusion then is that in 1968 he was paid a large sum of money. In connection with it, he agreed not to voice any complaints about the way he was treated prior to that, and the fears that were at least in certain persons' minds prior to that did not come to pass.

Mr. HART. I don't believe, I do not interpret these events, although they can be so interpreted, as his being paid off not to cause trouble. The fact is that two responsible members of the Agency had made commitments to him, and they are clearly, you can hear them, you can see the tapes and you can, I believe, hear them on the tapes if you listen to them talking. They made commitments to him that they were going to do this.

Mr. CORNWELL. Thank you.

I have no further questions.

Chairman STOKES. You don't think though, Mr. Hart, that if he were to sue the CIA for his illegal arrest and detention that they would continue to keep him as a consultant, do you?

Mr. HART. Sir, you are getting into a point which I cannot speak about. I have no idea what they would do. As a matter of fact, I don't think he would do it. I think it is suppositious.

Mr. CORNWELL. Mr. Chairman, may we have the document that Mr. Hart provided marked as an exhibit and placed in the record?

Chairman STOKES. Without objection, and he may want to substitute a Xeroxed copy for the original.

Mr. CORNWELL. Thank you. It will be JFK F-427.
[JFK exhibit F-427 follows:]

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Deputy Chief, SB
✓ ~~Chief~~, in a series of handwritten notes, set forth the Task Force objective as he saw it: "To liquidate & insofar as possible to clean up traces of a sitn in which CIA cd be accused of illegally holding Nosenko." Further on, he summed up a number of "alternative actions," including:

5. Liquidate the man.
6. Render him incapable of giving coherent story (special dose of drug etc.) Poss aim commitmt to looney bin.
7. Commitment to loony bin w/out making him nuts.⁸²

JFK EXHIBIT F-427

Chairman STOKES. Mr. Hart, at the conclusion of a witness' testimony before our committee, under the rules of our committee, he is entitled to 5 minutes in which he may explain or comment in any way upon the testimony he has given before this committee. I at this time would extend the 5 minutes to you if you so desire.

Mr. HART. I don't think I will need 5 minutes, Mr. Chairman, but I thank you for your courtesy.

The final remark that I would like to make is that I have had 31 years, approximately, of Government service, both military and civilian, and participated fairly actively both as a, first, as a military man in the Army, and then in quasi-military capacities as chief of station in two war zones.

It has never fallen to my lot to be involved with any experience as unpleasant in every possible way as, first, the investigation of this case, and, second, the necessity of lecturing upon it and testifying. To me it is an abomination, and I am happy to say that it does not, in my memory, it is not in my memory typical of what my colleagues and I did in the agency during the time I was connected with it.

That is all, Mr. Chairman. I thank you.

Chairman STOKES. All right, Mr. Hart.

We thank you for appearing here as a witness, and at this point you are excused.

There being nothing further to come before the committee, the Chair now adjourns the meeting until 9 a.m. Monday morning.

[Whereupon, at 3:35 p.m., the select committee was adjourned, to reconvene at 9 a.m., Monday, September 18, 1978.]