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OLC 78-1012/8  
30 May 1978

APPROVED FOR RELEASE 1993  
CIA HISTORICAL REVIEW PROGRAM

MEMORANDUM FOR: Director of Central Intelligence

VIA : Deputy Director of Central Intelligence

FROM : S. D. Breckinridge  
Principal Coordinator, HSCA  
Office of Legislative Counsel

SUBJECT : House Select Committee on Assassinations  
Request for Access to the "Hart Report"

1. Action Requested: That you approve the recommendation at paragraph 14 for limited access of selected House Select Committee on Assassinations (HSCA) staff members to a classified, sanitized version of the Hart Report.

2. Background: As you know, the HSCA Staff Director, Mr. Blakey, has requested you in a letter dated 9 May 1978 (Tab A), to provide access to a report prepared by John Hart in 1977 on the subject of the Agency's handling of the Nosenko case. This request is part of an inquiry into hypotheses arising from Epstein's book Legend, in which the view is presented that Nosenko was a dispatched agent with the mission of concealing KGB ties with Lee Harvey Oswald. Central to HSCA interest is the question of Nosenko's bona fides. Additional to that issue, interest has developed in the manner in which Nosenko was treated during the period that his bona fides were suspect. These two issues are treated separately below.

I

3. The Hart report is directed at the handling of the Nosenko case, addressing the actions and conduct of various officers in the Agency. These matters cannot be treated without also considering the question of Nosenko's bona fides, so there also is considerable review of the methodology employed and the analyses of those handling the matter. Mr. Blakey states in his letter that he has been informed that the report contains no information on the issues of bona fides, being concerned instead only with personnel and internal procedures. This understanding on his part is incorrect, and his letter suggests that he himself has reservations about it.

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4. The Agency has made available to the HSCA two studies conducted in 1967 and 1968 by SE Division, both of which questioned Nosenko's bona fides. A subsequent study by the Office of Security in 1968 has also been made available; it reached a conclusion contrary to the preceding studies and supports Nosenko's bona fides. Other Soviet defectors have been interviewed by the HSCA staff, as well as knowledgeable CIA officers and retirees. As a result, much of the information on the case has been revealed to the Committee.

5. The two SE Division studies, concluding that Nosenko was a KGB agent, were superseded by the Office of Security study, which prevailed. The HSCA investigators reportedly have problems with how the earlier two studies could be rejected so shortly after their completion. As a result, the HSCA seems focused on the issues as viewed at that time. The Hart report has the advantage of having been prepared after a ten year period, during which experience with the validity of Nosenko's information provides the basis for an objective re-examination. It is relevant to HSCA interests that the Hart Report constitutes a convincing statement of the bona fides of Nosenko. Access to this portion of the Hart Report would help broaden and complete the understanding of the HSCA of the matter.

6. Because of the above, the Agency has everything to gain and nothing to lose in providing the Hart Report for its review of the issue of Nosenko's bona fides.

## II

7. In addition to the central issue of Nosenko's bona fides, Chairman Stokes has expressed interest in the treatment accorded Nosenko during the period that his bona fides were in question. Nosenko reportedly has provided the HSCA with some detail on this. We have made the point that how Nosenko was treated was a result of the issue, not a part of it. When we questioned the relevance of this line of inquiry to the HSCA charter, HSCA staff representatives assert that their charter extends to the conduct of the intelligence agencies in the Warren Commission inquiry which includes this. The rationale appears a bit contrived and stretched in terms of the real issues. How Nosenko was treated may indicate how concerned CIA was with the man's bona fides, but so far as relating further to the inquiry concerning President Kennedy's assassination, it seems marginal at best. The rationale is so far-fetched that we have been led to consider that its dramatic qualities are attractive for the projected TV spectacular this coming September. It also doubtless provides an opportunity for public criticism for those staff members who have been acknowledged by Mr. Blakey as hostile to the Agency.

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8. If the rationale of the HSCA for pursuing the question of Nosenko's treatment is contrived, and largely peripheral to the real purpose of the Committee, as we believe it to be, it should be faced in those terms. No one would disagree with there being relevant inquiries, but it is hardly proper to take an internal critique and turn it against the Agency on a point irrelevant to the central purpose of the inquiry. The HSCA staff position is tendentious, and reflects on its face a hostile attitude that the Committee may not otherwise want to be so obvious. The Committee has the right to determine what is relevant to its charter, but the Agency should also assert a similar right to defend itself from truly peripheral and hostile fishing expeditions.

9. Therefore, while we believe that the Hart Report should be made available to the HSCA staff, we do not believe that such action should be taken prior to attempting to limit the use made of information contained in the Report not related to the issue of Nosenko's bona fides.

### III

10. There are aspects of the Hart Report that contain information on foreign liaison services that should not be exposed to the HSCA. There is, therefore, a question of some sanitization to be conducted prior to the Report's being made available.

11. A version of the Report has been prepared for the FBI in which the names of employees below the DCI have been removed, as well as certain modifications in more dramatic rhetorical phrases. That version is in other respects faithful to the original Report. It provides a working basis for further sanitization. Sanitization prior to review is not foreign to the HSCA, as the Directorate of Operations has had a continuing policy of selected sanitization. Extending this practice to the Hart Report would be consistent with the extant working relationship with HSCA. The Report will remain classified.

12. If the paper is made available, classified and sanitized, it should be on a highly restricted basis; the HSCA wants six named persons to have access to it, which is at least three times the number needed for bona fide research purposes.

13. Staff Position: This paper favors making a sanitized version of the paper, in classified form, available to a limited number of the HSCA staff representatives at the CIA Headquarters Building at Langley. Any such release should be preceded by appropriate discussions limiting use of the material by the Committee. The General Counsel is of the opinion (Tab B)

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that if the paper is withheld, and a court test results, the Agency must expect to fail in withholding the paper. The Office of the General Counsel, the Office of Security, SE Division and CI Staff favor making the paper available under the conditions set forth above.

14. Recommendation: That you approve granting access to a limited number of staff members of the HSCA to a classified, sanitized version of the Hart Report. Such access shall be conditioned on agreement to limit use of materials contained in the Report to those matters relating to the question of Nosenko's bona fides.

SIGNED

S. D. Breckinridge

Attachments

CONCURRENCE:

SIGNED

31 MAY 1978

General Counsel

Date

SIGNED

31 MAY 1978

Chief, SE Division

Date

SIGNED

1 JUN 1978

Chief, CI Staff

Date

SIGNED

1 JUN 1978

Director of Security

Date

2 JUN 1978

APPROVAL:

*Frank Carlucci*  
Dep. Director of Central Intelligence

Date

DISAPPROVAL:

Director of Central Intelligence

Date

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SUBJECT: House Select Committee on Assassinations  
Request for Access to the "Hart Report"

Distribution:

Orig - Adse  
1 - DDCI  
1 - ER  
1 - OGC  
1 - C/SE Div  
1 - C/CI Staff  
1 - SA/DO/O  
1 - D/OS  
1 - OLC/Subj  
1 - OLC/Chrono  
OLC/SDB/ksn (30 May 78)

CIA HISTORICAL REVIEW PROGRAM  
RELEASE AS SANITIZED

1998 NS 1/6/98

4028 rec'd 9/14/78

HSCA

OLC # 78-4028/2

SUMMARY OF MR. HART'S PRESENTATION

I. Defection as a Psychological Phenomenon

Misinterpretation of Nosenko's reactions will be covered within the context of failure to understand the stresses to which he was subjected as a defector.

II. 1962 Contacts

Factors leading to an inaccurate record during the 1962 meetings will be covered.

III. The Role of Mr. X

The influence of another defector -- to be referred to only as Mr. X -- will be indicated as resulting in misinterpretation of many of Nosenko's statements.

IV. Confinement of Nosenko

Details of the confinement will be outlined as they relate to possible misinterpretation of his statements under questioning during the period up to his being reassigned to the custody of the CIA Office of Security.

The entire presentation will be about 30 pages in length when reduced to final written form. Mr. Hart's presentation will not specifically address the question of Nosenko's statements regarding Lee Harvey Oswald. Mr. Hart, in studying the Nosenko case, deliberately disregarded the Oswald aspect of the case inasmuch as it had by and large been handled by the FBI. Mr. Hart will argue that, inasmuch as Nosenko is a bona fide defector, his statements regarding Lee Harvey Oswald should be accepted as having been given in good faith and to the best of his knowledge.

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☐ UNCLASSIFIED☐ INTERNAL  
USE ONLY☐ CONFIDENTIAL☐ SECRET

## ROUTING AND RECORD SHEET

SUBJECT: (Optional)

HSCA

FROM:

Rodger S. Gabrielson

EXTENSION

4084

NO.

OLC-78-5231

DATE

18 September 1978

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S  
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

Mr. Breckinridge

18 Sept 1978

JD

2.

3.

Mr. Miller

9/19

L

4.

5.

Mr. Hitz

9/19

JH

6.

7.

Rodger Gabrielson

8.

9.

10.

11.

12.

13.

14.

15.

In discussions prior to the hearing, Hart said he would not mention the item clipped at p. 23. It wasn't relevant HSCA's charter, and that position was sound. He did so anyway.

It is also noted that in his presentation, Hart omitted reference to the third polygraph, which was the last point in establishing Nosenko's bona fides.

1 to 7 =

Are you handling the follow-up? yes

3 to 107; how handling the "what happened" follow-up? Many interested parties involved.

21552

FORM  
3-62

610

USE PREVIOUS  
EDITIONS☐ SECRET☐ CONFIDENTIAL☐ INTERNAL  
USE ONLY☐ UNCLASSIFIED

SECRET

OLC # 78-5231

18 September 1978-

MEMORANDUM FOR THE RECORD

SUBJECT : John Hart Testimony before House Select  
Committee on Assassinations

DATE : 15 September 1978

PLACE : 345 Cannon House Office Building

MEMBERS PRESENT (Public Hearing) STAFF PRESENT

Stokes (Chairman)  
Preyer  
Fauntroy  
Dodd  
Fithian  
Ford  
Edgar  
Devine  
Sawyer

G. Robert Blakey  
Gary Cornwell  
Ken Klein  
Johanna Smith  
Elizabeth Berning  
Robert Morrison

AGENCY OFFICERS PRESENT

Rodger S. Gabrielson, OLC  
John Morrison, OGC  
Richard Rininger, OGC  
John Hart

DDO

Mrs. Hart  
Hugh Tovar (retired Chief, CI)  
Jean Evans (retired CI Staff)  
(retired SB)

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CIA HISTORICAL REVIEW PROGRAM**

1. G. Robert Blakey, Chief Counsel, began with a narration of the Nosenko matter. He followed his narration with a reading of excerpts from the staff report on Nosenko. Copies of both are attached.

2. John Hart testified from 1100-1330 and from 1400-1615 hours. Ms. [ ] assisted him at the witness table

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with documentary material.

3. Testifying that his study of the Nosenko matter was drawn from material totaling ten four-drawer safes, Hart cautioned the Committee against using statements Nosenko made about his knowledge of Lee Harvey Oswald without having other means of validating those statements. As an example of "validation" Hart recounted how the information Nosenko had provided about the microphones in the American Embassy in Moscow was ultimately validated by physical recovery of the actual microphones.

COMMENT: I do not believe the Committee was prepared to hear this renunciation of the Oswald information. This is evident by their detailed challenges of the inconsistency of that information in their report. With the Oswald information out of the way, there was little else to focus upon than the treatment of Nosenko.

4. The presentation by Mr. Hart required the entire morning session. Representative Dodd attacked Hart for not having provided an advance copy of his presentation to the Committee staff prior to the hearing. Hart responded that the majority of his presentation would be extemporaneous with occasional referral to notes which he had brought with him. Representative Dodd was unsuccessful in his attempt to seek a copy of the notes before the presentation proceeded.

5. Mr. Hart was deliberate in his presentation. Toward the end of the morning portion, two different Members approached the Chairman for private discussions. The appearance of these moves seemed to indicate that the Members were getting anxious either for lunch or for cross-examination. Finally, Mr. Dodd interrupted and asked Mr. Hart how much longer he would continue. Chairman Stokes, though pressed for a suspension, asked Hart to continue to the conclusion of his presentation.

6. The afternoon session was devoted to cross-examination of Hart by the Members. Ken Klein, HSCA Counsel, later advised that he, too, had intended a lengthy cross-examination of Hart on the Oswald information. But after hearing the scope and depth of the morning presentation, he relinquished his cross-examination time.

7. Follow-up items are:

A. Provide the Committee with costs of the building in which Nosenko was held. (Chairman Stokes)

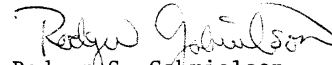
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B. Provide the Committee staff with the entire list of disposal options of which number 5 was to "liquidate the man." The entire list is attached. (Gary Cornwell)

c. Provide the Committee with information on "what happened to the individuals involved in the treatment of Nosenko." The individuals were referred to by position: DC/SB, C/SB, C/CI, etc.

7. Attached are Hart's "notes" from which he spoke extemporaneously. Hart advises that pages 8, 11, 14, 15, 16, 17, 21, 23, 26 were the original unexpurgated version of his report and were approved for declassification in personal discussions he held with Chief, CI Staff and Chief, SB Division. Other attachments include two memoranda recording communications between Hart and the DCI prior to the hearing.

  
Rodger S. Gabrielson

Attachments

- A. Hart notes
- B. Blind Memo sent to DCI, 14 Sept.
- C. Hart Memorandum for the Record, 14 Sept.
- D. Blakey's presentation & Committee Report
- E. List of Disposal Options

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How I chose refer to people

D R A F T

SUMMARY

*It is not my custom to speak from a prepared text. I am using notes, but only for the sake of accuracy. Pls ask any questions you wish to during my presentation.*

The effort in this presentation will be to point out the unusual factors in the Nosenko case which resulted in a series of cumulative misunderstandings. It will be shown that the handling of Nosenko was counter-productive from the time of his second contact with CIA in Geneva, beginning on 23 January 1964 and continuing until some time in August of 1967.

The manner in which this defector was handled has resulted in generating a large amount of misinformation and in creating difficulties for the investigators of your Committee by saddling them with a number of irrelevant and often fallacious data.

Bringing this case into proper perspective for your Committee is not a simple or brief task. I shall try to be as terse as possible because of the limited time available. However, I would like to point out that a minimally adequate presentation which I gave to a CIA training course on 4 May 1978 required four-and-one-half hours of virtually continuous lecturing. And that presentation was an abbreviation of a 202-page, single space study on legal-size paper, which was the result of six-and-one-half months' research which I conducted with the

help of four assistants + 10 *four drawer safes and 1 2 - drawer safe plus holdings in other offices.*

At the beginning, I would also like to point out that this presentation is somewhat hampered by being given in open session. In the first place, I wish to avoid the use of true names to the extent possible. Secondly, I am of course not at liberty in open session to divulge information which remains classified, and am therefore unable to present evidence which would establish Mr. Nosenko's value as a source of counter-intelligence ever since he first made contact with the CIA in 1962.

#### DEFECTION AS A PSYCHOLOGICAL PHENOMENON

Some of the misapprehensions which have plagued those involved in this case, including the members of this Committee who face the dilemma of whether or not to accept Nosenko's statements as having been made in good faith, stem from the regrettable failure on the part of those persons in CIA who handled Nosenko and another closely-related case until 1967, to take into account the individual human qualities of defectors in general.

*1) Example: Nosenko's memory.*  
2) A CIA psychiatrist (not involved in the Nosenko case), who did a study of defectors in 1970 has pointed out that "defection does not occur out of the blue.



Defection has significant personal meaning in the context of life patterns; individuals who defect have been predisposed by critical life experiences."

The psychiatrist might have added another fact: defection is a very rare form of human behavior. In the case of Soviets with whom we are here concerned, only a minute percentage of those Soviets who are allowed by their government to go abroad choose to defect; thus, by definition, defection is <sup>not</sup> ~~an~~ normal behavior. Had this simple fact been taken into consideration by those persons most immediately involved in the case between 1962 and 1967, an enormous amount of trouble, misunderstanding and -- in the case of Nosenko himself -- real human misery could have been avoided.

The significance of the above generalizations will be made clear as we now examine the events surrounding Nosenko's early contacts with the CIA and FBI.

#### 1962 CONTACTS

The first contacts which took place in Geneva in 1962 were characterized by several circumstances which made them unlikely to produce an accurate record.

PSYCHOLOGICAL "TURMOIL"

Nosenko describes himself at this period as being in psychological turmoil and also afraid for his life. This turmoil is typical of defectors and naturally has an adverse effect upon them, unless they are given assurance that they are to be accepted fully <sup>and will be protected by</sup> by the government to which they have defected. Nosenko was not given such assurance until 1964, <sup>and was off balance as to his future and afraid for his life.</sup>  
EXCESSIVE CONSUMPTION OF LIQUOR

Because Nosenko was alarmed that he himself might be under surveillance by the local element of the KGB in Geneva, he took careful counter-surveillance measures before all of his meetings with the two Americans sent to Geneva to handle his case. About an hour and a half before each meeting he would start bar-hopping, having a drink in each of several bars in order to give him a chance to check on whether he was being followed. In general, he drank a scotch-and-soda in each bar. Upon reaching the meeting site, he was then offered more liquor and drank continuously, as did the Russian-speaking CIA officer who was acting as interpreter (henceforth to be described as "the interpreter"). Asked what his condition was as a result of this drinking, Nosenko replied, "I was almost on every meeting 'snookered'".)

#### LINGUISTIC PROBLEMS

Nosenko himself had had training in English, but it was only adequate for his use as a KGB operations officer, in which he was the dominant figure in an operation conducted in Moscow against an American. In other words, when the American whom Nosenko was trying to manipulate was clearly the underdog and also trying to understand Nosenko, he could make himself understood. On the other hand, Nosenko's English was inadequate for accurately conveying or understanding complex matters.

The senior American operations officer sent from Washington (henceforth to be described as the "Deputy <sup>Soviet Division</sup> ~~Division~~ Chief," because that was later to be his rank) understood some Russian and actually took notes on the basis of what he understood from conversations between Nosenko and the interpreter. However, the Deputy Chief's Russian was inadequate to hold discussions in Russian or to <sup>fully</sup> understand ~~complex~~ complex explanations.

The interpreter's Russian, according to Nosenko, was fluent but somewhat old fashioned. He did not, in Nosenko's opinion, have a good grasp of current Soviet official terminology.

#### INADEQUATE RECORD OF MEETINGS

Although meetings with Nosenko in 1962 were recorded, the written record made and used until 1967

was derived by the interpreter from notes made by the Deputy Chief as well as from the interpreter's memory, but without recourse to the tapes. This resulted in erroneous tapes and an enormous amount of misunderstanding, because statements were ascribed to Mr. Nosenko which he did not make.

OVERALL ASSESSMENT OF 1962 PRODUCTION

Notwithstanding these difficulties, information produced by Nosenko was valuable and resulted in his being awarded a \$10,000 bonus because of the value of one single item of intelligence which he made available. On 11 June, at the conclusion of the first two days of debriefing, the Deputy Chief sent the following cable to CIA in Washington:

Subject conclusively proved bona fides.

Provided info of importance and sensitivity,

Subject now completely cooperative. Willing

meet when abroad and will meet as often

and as long as possible until departure

15 June.

On 16 June, however, the Deputy Chief returned to Washington and, under the influence of the Chief of CIA's Counterintelligence Staff (henceforth referred to as Chief, CI), modified his views. On 23 June 1976, Chief, CI described these events, as follows:

"We got the first message from [Deputy Chief] on Nosenko from Geneva, and Deputy Chief was ordered back, and we had a big meeting here on Saturday morning, and Deputy Chief thought he had the biggest fish of his life. I mean he really did . . . and everything I heard from him was in direct contrast from what we heard from Mr. X."

BACKGROUND ON AND INFLUENCE OF MR. X

From this point on, Nosenko as a person, and everything he said and did, were interpreted in the light of Mr. X's views. The nature of these views will be discussed at greater length later in this presentation, but for the moment the following points are sufficient:

1. Mr. X had been diagnosed by a CIA psychiatrist as a paranoid personality.
2. Mr. X was in the process of elaborating a complex theory of "Soviet disinformation" in which the United States and the West in general were being duped about matters ranging from individual intelligence cases to such larger events as the Sino-Soviet schism. (Mr. X claimed that the latter was actually a Soviet disinformation ruse.) An integral part of this scheme was the successful penetration of U.S. and Allied Governments by the KGB.

When the first information from Nosenko was presented to Mr. X in disguised form for evaluation by the Deputy Chief, the latter prefaced this action with the following remarks:

"I told Mr. X that I thought it quite possible, in view of his own statements about disinformation, that this was the beginning of a disinformation operation possibly relating to [his] defection."

Thus, Mr. X was encouraged by the Deputy Chief of the Soviet Division to make an adverse judgment on Nosenko's information.

According to the Deputy Chief, Mr. X then had the following to say regarding Nosenko:

*Mr. X*  
[redacted] felt, in general and without having the full details necessary to an assessment, that there were indeed serious signs of disinformation in this affair. He felt such a disinformation operation, to discredit him, was a likelihood, as he had earlier said. A KGB officer could be permitted to tell everything he knew, now, if he worked in the same general field as [redacted] had. When told that so far this source had not done anything to discredit [redacted], and had in fact reported that the KGB is greatly upset about [redacted] defection, and asked what he thought the purposes of such a disinformation operation now might be, [redacted] agreed that kidnapping was a likely one, "to arrange an exchange for me." Also, to divert our attention from investigations of his leads by throwing up false scents, and to protect their remaining sources. He also added, "There could be other aims as well. The matter should be looked into. It seems serious to me." He thought the KGB might allow a first series of direct meetings with the KGB officer, to build up our confidence, and then in the next session do whatever the operation's purpose might be (discredit [redacted], kidnap, pass serious disinformation items, etc.).

KNOWLEDGE OF CASE VERY LIMITED & RUSP  
REFLECTED LIMITED TO A  
HANDLING OF NOSENKO CASE BETWEEN 1962 AND 1964 FEN IN DIVISIONS

Between Nosenko's return to Moscow on 15 June 1962 and recontact by CIA in Geneva on 19 June 1964, the efforts of the SB Division and the CI Staff had been devoted largely to building an adverse case against him, based on the theories of Mr. X. Starting in November 1963 voluminous information was made available to Mr. X from CIA's files which included information on the 1962 meetings with Nosenko in Geneva. It is pertinent to point out that complete faith was reposed in the trustworthiness of Mr. X, despite the fact that Mr. X's polygraph examinations in 1962 had not been accepted as valid by the CIA Office of Security. The concepts which were elaborated by Mr. X and adopted in toto by Chief, CI are too elaborate to be spelled out in detail here, but two aspects of the overall disinformation concept must be mentioned.

(1) Mr. X claimed that, in cases where a valuable defector had come into the hands of a foreign intelligence service such as the CIA, the KGB would not hesitate to stage another defection of an intelligence officer of approximately equal experience in order to contradict and nullify the information brought out by the first defector. Since Mr. X had a very high estimate of his own importance, he argued that the

KGB would go to almost any lengths to take measures of this sort against him. In addition the KGB might attempt either to kidnap or assassinate him. Another aspect of Mr. X's theory which had a profound impact upon the handling of the Nosenko case was Mr. X's claims, on which he elaborated progressively over the years, that the various Western intelligence and counterintelligence services, including the CIA and the FBI, had been penetrated at a high level by the KGB. Thus, investigation of Mr. X's allegations must be handled in a highly restrictive manner, limiting knowledge of both the allegations and their investigation to a very small number of completely trustworthy persons. This limitation of knowledge, coupled with the large volume of paper produced in support of the investigation -- far too copious for most of the Agency's busy executives to grasp thoroughly -- drastically limited the normal processes of review and criticism of the manner in which the Nosenko case was handled. At the same time, persons expressing doubt about the validity of Mr. X's theories and the manner in which the Nosenko case was handled were threatened with sanctions by senior officers in charge of the case.



When Nosenko re-emerged from the Soviet Union in 1964 he was therefore received with deep suspicion. Nevertheless, a conscious decision was made not to disclose to him CIA's suspicion because to do so, it was reasoned, would alert the KGB to the fact that the CIA knew what the Soviets were up to.

On the other hand, therefore, Nosenko was greeted effusively and assured that the CIA welcomed his re-emergence and would amply reward him for his cooperation. On 30 January 1964, we therefore find the following exchange taking place between Deputy Chief, SB and Nosenko:

Nosenko: . . . the only thing I wanted to know and I asked this question, "What should I expect in the future?"

De/sB [redacted]: The following awaits: As I presented it, you wanted to come to the United States and have some job, some chance of a future life, which gives you security and if possible the opportunity to work in this field which you know. Is that correct?

Nosenko: Absolutely.

De/sB [redacted]: *The Director* [redacted] said yes, flatly absolutely yes, in fact I would say enthusiastic . . . that's the only word to describe it. We talked about, and since this was a business discussion I'll repeat all of it whether it was pleasant or unpleasant. So the next thing will be some details that we spoke about. We talked about the means by which [you] could have a solid career with a certain personal independence. Because of the very great assistance you've been to us already and because of this desire to give you a backing, they will give you a little additional personal security, we want to give you an account of your own, a sum of at the beginning just plain \$50,000 and from there on as a working contract \$25,000 a year. But in addition because of the [redacted] which would have been impossible without your information we are going to add at least \$10,000 to this initial sum. 12

The Agency (and to a much lesser extent the FBI, because the latter organization did not share the CIA's misgivings) now faced a dilemma as to how to keep Nosenko sufficiently isolated so that he could not communicate with his so-called "KGB controllers," while at the same time keeping him sufficiently cooperative to be debriefed. The dilemma had still another permutation in that the FBI was primarily interested in ascertaining from Nosenko valid information which they presumed him to have, while the Agency was principally interested in "breaking him." The latter expression implied forcing from him by whatever means necessary an admission that he was a dispatched KGB agent sent here to deceive the United States.

On 12 February 1964 Nosenko was lodged in a CIA-controlled house under constant guard while being treated in a friendly fashion. Nevertheless, he was, according to his own statements, worried that he was being "milked" of information, after which he might be discarded. He appears to have remained tractable, nonetheless, until the date of his first debriefing by the FBI. This appears to have upset him, for reasons which remain obscure, and from then

on he indulged in heavy drinking which, it is reasonable to infer, may have had an adverse effect on the accuracy of his debriefings, even though this judgment is not clearly drawn in the available documentation. Nevertheless, the FBI's conclusion at this time was that Nosenko was a genuine defector.

Shortly after the conclusion of debriefing by the FBI, Nosenko was sent on a vacation to Honolulu, where his psychological condition worsened.

DISCOVERY OF ERRORS IN 1962 TAPES

During Nosenko's absence, another defector, who was by now on contract to the Agency, examined the supposed transcripts of the 1962 tapes and reported to the Deputy Chief, SB that they contained numerous inaccuracies. There is no record that Deputy Chief, SB took any action to correct these inaccuracies, and the inaccurate "transcripts" continued to be used in building the case against Nosenko.

PLANS FOR NOSENKO'S CONFINEMENT AND HOSTILE INTERROGATION -- 30 MARCH 1964

*Barghoorn's comments*

Meanwhile, plans had proceeded for confining Nosenko and forcing him to admit his guilt. It was decided by Chief, SB and Deputy Chief, SB to apply to him techniques comparable to those that the KGB had employed with a U.S. citizen, Professor Frederick Barghoorn, who had been imprisoned in Moscow in 1963,

then liberated following a personal plea from President Kennedy to Khrushchev. Plans were drawn up for an "arrest," strict confinement and hostile interrogation. These plans are worth quoting at length:

*Nosenko*

The operational and psychological assessments of ~~the situation~~ suggest strongly that the timing and the staging of the "arrest," and the physical surroundings and psychological atmosphere of the detention could influence ~~the situation~~ strongly, and if properly done, could go a long way towards "setting him up" for the interrogators. For this reason, we wish to emphasize that apart from the purely mechanical problems involved, every member of the guard force will have an important part to play as an actor.

Briefly, the plot is as follows: On the evening of April 2 (the actual date may yet be moved up or delayed a few days), a team of four or five security officers will pull up to the present safehouse in a van or panel truck. Three of them, all unknown to Subject, will enter the

safehouse, will inform Subject that he is under arrest, slap handcuffs on him, lead him out to the van and hustle him into the rear of it. All of this is to be done as quickly as possible, and with an absolute minimum of conversation. [REDACTED] is not to be allowed to take anything with him, and any questions or requests on his part are to be completely ignored. It is anticipated that he will put up physical resistance and, if necessary, the security guards already at the house can bear a hand; however, if possible it would be desirable that they stand completely apart. What we are after in this initial scene is complete surprise, and also to keep Subject in suspense for as long as possible as to who is perpetrating this outrage on him and why. Therefore, it would be desirable for the new "hostile guards" and the old "friendly guards" at the safehouse not to let on that they know each other.

*All  
Nosenko*

The van will then proceed to the Detention House. [REDACTED] will remain handcuffed throughout; seated in the rear of the van with three guards he should be unable to see anything of the route. The guards should continue to ignore anything he may say; nor should they speak to each other -- an atmosphere of stony and even unnatural silence is just what we want.

Upon arrival at the Detention House, [REDACTED] is to strip completely and to put on prison attire. Again for psychological reasons, it would be desirable to have genuine prison clothes; failing that, coveralls and slippers without laces, or something along those lines will do. The senior officer at the Detention House should play the part of "warden." He is the one who should explain the "prison rules" to Subject and "assign him to his cell."

For a cell, Subject should have the smallest room in the house. From the description, one of the attic bedrooms sounds about right. It is to be furnished with a cot, a hard chair and a slop pail. Nothing else. The window will be gridded, and there should be a single overhead light bulb (about 60 watts) for illumination. This light will remain on at all times. There should be a screened observation window in the cell door, and Subject is to be under observation at all times that he is in the cell. There is no need for this to be covert; in fact, we want Subject to feel that he is under a microscope. Under no circumstances should the guard talk to Subject, however. The prison routine is to be patterned after the description provided by Prof. Barghoorn of his stay in the KGB prison in Lubyanka. Subject will be made to rise at 0600. He will then be taken to the WC where he will be

allowed to empty his slop pail and wash up (cold water only). Meals will be brought to him, and will follow the following pattern:

Breakfast: weak tea (no sugar), porridge

Dinner: watery soup, macaroni or porridge, bread, weak tea

Supper: weak tea and porridge

After the first few days, this diet may be augmented if Subject is cooperative at the interrogation sessions. Subject is not to receive any tobacco or alcohol. A doctor will be on call at all times if medical treatment is required. There should be a buzzer outside the cell door so that the duty guard can summon help without leaving his post. Some provision should be made for a half hour's outdoor exercise once a day, but this is not necessary for the first few days of detention. Subject is not allowed to lie on his cot after reveille; he may sit on his cot or chair. He may retire at 2200. Every several days he will be required to sweep and mop his cell.

There is to be no use of brutality, threats, or third-degree measures of any kind. However, if resistance is encountered, force is to be used whenever necessary during the arrest or to enforce the prison regulations. Force should be applied as swiftly and efficiently and impersonally as possible, without unnecessary talking, and preferably in total silence. Specific measures will have to be considered for violations of or refusal to follow the prison regulations. For example, the first time Subject tries to unscrew the light bulb, he could be placed in a straitjacket for the remainder of the night. On cleaning days, food will not be brought to him until he has cleaned his cell, and so on. We do not expect Subject to be an easy prisoner, but if we are ready to counter his every move from the beginning, it is not likely that he will give much trouble for very long. Suicide is a remote possibility; constant observation and the ready availability of a doctor should be adequate safeguard.

It might be worth listing our objectives in the security aspects of Phase 3. First of all, we want to be sure that we take Subject by surprise, before he can destroy or swallow anything, or take any defensive measures of any kind. We want to prevent him from escaping or from communicating with anyone. We want to keep him from harming himself. We want no one to know where he is. All these objectives could be achieved by more or less routine security measures. On a deeper level, we would like for Subject to be overwhelmed by the sudden change in his fortunes; we want to exploit the shock to his system when he

*See  
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circ*

learns that he was not really fooling everyone as he thought. Particularly at first we want to keep him as much in the dark as possible as to what went wrong, who are the new people who arrested him, where was he taken, and above all, what is in store for him. In the Detention House, we want to create an atmosphere in which he feels totally cut off from the world, trapped in a situation from which there is no escape, caught in a dismal trap in which he may be stuck for the rest of his life. To this end, we would like for him not even to hear the sound of human speech any more than is absolutely necessary. The section of the house in which the cell is located should be sufficiently well shielded acoustically from the rest of the house so that Subject cannot hear the sounds of voices, laughter, telephone calls, comings and goings, etc. No one should ever so much as smile in his presence. No one except the interrogators should ever talk to him. In addition, it would be well if everyone behaved as if the Detention House were a permanent installation and tried to give Subject the impression (without words) that they had been working there for years and that he was just another nameless and faceless prisoner brought there to rot. Although we are ruling out the use of threats, there is no harm in letting [sic] Subject's imagination do the job for us. The best way to do this is to keep him from getting any clues as to what the true state of affairs is. 31

The above plans were modified slightly by the Office of Security. The chronological record states that "... OS does not want the SR Phase 3 to be carried out as originally planned. They desire a heated room for Subject, no slop pail, and no aggressive arrest at night. They propose Subject be lured to [safehouse in] [redacted] during daylight hours for a poly (PL 110 processing) . . . Poly operator would say that Subject was withholding and [redacted] [De/sis] would be called in." 13

FIRST POLYGRAPH OF NOSENKO

*Administered on 4 April 19  
from 1045 to 1515 hrs.*

During the pre-polygraph conference, the polygraph operator was informed that the polygraph was being used to "help break Subject." As part of the effort to raise his level of apprehension and reduce his supposed defenses against the polygraph interrogation, an additional mechanism was attached to him which, he was told, was an electroencephalograph (EEG). This supposed EEG was described by an Agency doctor, who actually watched the interrogation, as a "gidget" which did not actually record brain waves but which was used for the purpose of enhancing Nosenko's reactions. The doctor's presence was due to concern about the sudden withdrawal from alcohol and the effects which this might have on Nosenko; but he states that, like other persons present, he had never been left in doubt as to Nosenko's guilt.

It should be noted that in reporting results of the polygraph to his superiors, Chief, SB simply stated that the polygraph had obtained "significant reactions" and gave no hint of the unusual methods involved in administering it.

During the interrogation phase which followed the polygraph, Mr. X was brought into the case as a



behind-the-scenes consultant. He was given voluminous material relating to the case to analyze in this connection.

Nosenko remained in solitary confinement under constant visual observation. He was not taken out for exercise, and at this time he had no reading material. For the most part, he occupied himself by pulling threads from his clothing or blankets and trying to make a calendar in order to keep track of time.

In late 1965, he was transferred to an expensive, specially-built facility where he was similarly treated. For the most part, he was not even distracted by interrogations since a relatively small of time was devoted to debriefing or interrogating him. Out of a total of 1,277 days' incarceration, only 292 days were -- at least in part -- devoted to questioning him. Thus, 77 percent of the time he was in detention, he was left entirely unoccupied.

During 1965 and 1966 various efforts were made to put additional pressure on Nosenko in the effort to break him. The record discloses that at various times, he was deprived of books (of which, for a while, he was allowed one per week) and was also temporarily

denied soap, towels and tooth brush.

We have a fairly complete record of what happened to Nosenko while he was in confinement because the guards were required to submit a daily "morning report" covering events of the last 24 hours. To give the Committee some idea of the atmosphere of the confinement, I would like to read several excerpts from these morning reports. [ ] have morning reports file ready at this point.]

In February 1966 Chief, SB reported to the Director that there were "hopeful signs" that the isolation was beginning to have an effect on Nosenko. However, it is not entirely clear from the record just what aspects he was referring to, although Nosenko had been threatening to commit suicide and was complaining of auditory hallucinations. An Agency psychiatrist doubted that these were genuine, but Nosenko remains convinced that he was subjected to drugs during this time. I have not found evidence in the records to support his contention, but it should be noted that a large amount of research devoted to the subject of the effects of isolation and confinement indicates that such phenomena could occur as a result of prolonged isolation. (In this regard, if the Committee staff is interested, I would refer them to a research work on the subject called Man in Isolation

and Confinement, edited by Dr. John E. Rasmussen.)

During April 1966 Nosenko went to considerable lengths to contact Deputy Chief, SB but, after consultation with an Agency psychiatrist, he was sent on 13 May 1966 a note which read as follows:

**Answer "YES" or "NO":**

- 1) Do you admit that you came to the United States on a KGB mission?

YES ☐

NO ☐

- 2) Are you ready to tell us about your KGB mission and how your legend was prepared and taught to you?

YES ☐

NO ☐

Date \_\_\_\_\_ Signed \_\_\_\_\_

If the answers to both questions are "YES" someone will come to talk to you. If not, there is no need to write any more letters. 78

The next major maneuver on Nosenko's part was a hunger strike, in the course of which he lost some forty pounds. 79 \*

\* From 174 pounds in November 1965 to his lowest weight of 130 pounds in June 1966.

The continuing refusal to have contact with Nosenko was justified by the proposal repeatedly put forward by Chief, SB and Deputy Chief, SB to submit Nosenko to an interrogation under the influence of sodium amytal. A memorandum to the Director in late July stated:

"Both we and [an Agency psychiatrist] believe that the intervening interval of isolation will be extremely valuable in terms of allowing Subject to ponder on the complete failure of his recent gambits, and of building up tension and frustration that can be exploited in the amytal interview. Happily, this schedule is also compatible with the summer vacation plans of the key personnel concerned."

After careful consideration, the Director stated that no such use of drugs would be permitted. The Director also ordered that the case be brought to an early conclusion "within about sixty days." Chief, SB therefore reconstituted a special Task Force to carry out this edict.

✓ Deputy Chief, SB,

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.<sup>82</sup>

Deputy Chief, SB/

A problem which [redacted] found particularly thorny, to judge by his notes, was posed by the FBI's unwillingness to accept CIA's evaluation of Nosenko.

Our case is based primarily on analysis, not confirmed by juridically acceptable evidence, and this analysis is so complex that it probably could not be made more understandable to laymen than it has been to the FBI, which has largely failed to understand it . . . Action serving the interests of this Agency may run counter to the interests of the FBI, since our basic position on Nosenko is different from the Bureau's,

Deputy Chief, SB's/

The FBI also played a role in [redacted] handwritten ruminations over the value of a bogus "confession" by means of which Nosenko would ostensibly discredit himself:

"Confession" wd lessen zeal of congress for a session w/him. Or wd it? FBI might leak to cong/press that they don't know of conf. And they might object to the whole premise, view their interests. "Conf" wd also provide basis for explanation of removal to another ctry -- if feasible. Q: Cd we fake to FBI (CSCI, all other contacts) squaring only w/top?

the Director's/

Despite [redacted] expressed preference for returning Nosenko to Soviet hands, [redacted] (continued to have misgivings about such a course: Deputy Chief, SB)

Danger in the Nosenko case lies not only in holding him, but in bringing his case to public notice again, and especially in allowing the Soviets to regain possession of him. (Our denial of Nosenko to the Soviets, particularly if they are in some doubt about his real status/loyalty, is a form of guarantee that the Soviets cannot take the many damaging actions available to them if they had the body.) The course of action therefore must balance the respective dangers. <sup>84</sup>

By 2 September 1966 Deputy Chief, SB had asked that the 60-day deadline previously imposed be extended until the end of the year, and this request was granted. Since the Director had refused to permit interrogation using sodium amytal, a new series of polygraph-assisted interrogations were arranged. These examinations were made by the same polygraph operator who had examined Nosenko in 1964, but this individual had now been transferred from the CIA Office of Security to the jurisdiction of Chief, SB Division.

This second interrogation which took place from 19 October through 28 October 1966 also violated the normal canons applied to such interrogations in several respects:

(1) The length of time during which Nosenko was under continuous interrogation. [ ] pg. 149.]

(2) The fact that prior to interrogation, the interrogator made several remarks of an antagonistic nature. [ ] pg. 149.]

(3) In addition, between periods of interrogation, Nosenko was left strapped in the polygraph chair.

[ ] pg. 149.]

Considering the circumstances just listed, the polygraph-assisted interrogation can, under no circumstances, be judged to have been acceptable or to have yielded valid results.

Furthermore, it was apparently never intended that the results be entirely valid. In a document written after the interrogation, labeled "Excised Portions of First Draft Interrogation Report," Deputy Chief, SB wrote -- largely in his own handwriting -- the following statement of one of the aims to be achieved:

"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' could be useful in any eventual disposal of Nosenko."

This last quotation should be read in light of earlier notes by Deputy Chief, SB regarding the eventual "disposal" of Nosenko.

REPORTING ON THE NOSENKO CASE

The point has already been made, and is here reiterated, that the reporting from Deputy Chief, SB

to the Director gave little or no indication of the manner in which Nosenko was being handled. It is also important to note that the very long period of time which it took to produce the supposedly definitive report on the Nosenko case

↓  
Mr X  
[redacted] was somewhat complicated by disagreements between CIA and the FBI, as well as between SB Division and CI Staff within the Agency. The intra-CIA disagreement stemmed from differing views on the validity of [redacted] information. Whereas SB Division insisted that Nosenko, during his KGB career, had never "served in any of the specific staff positions he has described," 94 [redacted] had in some respects supported Nosenko's claims regarding his KGB service. After a conference with [redacted] (summed up the problem on 29 March: Chief, CI, Chief, SB)

Chief, CI said that he did not see how we could submit a Final Report to the Bureau if it contained suggestions that [redacted] 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 [redacted] himself was a provocateur and penetration agent. On the other hand, most FBI agents have accepted that when [redacted] was speaking on facts known to him he was accurate even though they do not accept most of his hypotheses or inferences drawn from facts. Chief, CI went on to say that if we submitted to the FBI a report on Nosenko in the form we now have it, it would most certainly cause us difficulties. It might cause us to lose whatever impact our report would be able to make on the overall question of Nosenko's bona fides and relationship with other cases. 98

Chief, SB  
and  
Chief, CI  
The disagreements between the Agency and the FBI were never to be resolved as long as Nosenko remained within the jurisdiction of the SB Division and the CI Staff. Within house, [redacted] eventually papered over their differences sufficiently to publish a second, compromise report on the Nosenko case in February 1968. But by then the case had been taken out of their hands, and the report was a dead letter even before it went to press.



CONCLUSION

A presumption that the case against Nosenko -- i.e., the contention that he was a dispatched agent of the KGB sent to deceive the United States -- was false. However, as confirmatory evidence, the following statement is excerpted from a letter signed by the Chief of the CI Staff on 16 December 1970:

"In June 1962, Mr. X was consulted with respect to Nosenko's information. Refusing to accept an offered cover story as to the source of the information, Mr. X was certain we had a new and live source. He was further confident from the beginning that the source was a dispatched [KGB] staff officer whose purpose was to discredit Mr. X. This interpretation to a substantial degree conditioned the Soviet Bloc Division's attitude toward an evaluation of the case, and by the time of the return of Nosenko in January 1964, our Soviet Bloc Division was inclined to accept him as a defector mainly in order to break him and establish the nature of his mission. This has never

been achieved. Since 1967, Nosenko has been treated somewhat as a consultant and continues to provide, as he always has, extensive personality data respecting Soviet, mainly KGB, personalities. To the extent that it is subject to cross-check, Nosenko's information is generally accurate.

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14 September 1978

SUBJECT: Presentation Concerning Nosenko Case by  
John L. Hart to House Select Committee on  
Assassinations

For your information, herewith is a summary of the rationale behind the proposed Hart presentation to the Committee and the subjects to be covered therein.

While Committee spokesmen have stated that they are not attacking the bona fides of Nosenko, in questioning his testimony regarding his knowledge of Lee Harvey Oswald they have done exactly that. In order to establish Nosenko's bona fides, we are presented with two alternatives: First is to support bona fides by citing information provided by Nosenko which has proven to be true (e.g., intelligence regarding Vassal and microphones in the U.S. Embassy, Moscow). This alternative is unacceptable because it exposes sensitive, classified information. The remaining possibility is to refute Committee reflections on Nosenko's veracity by making clear the reasons for the seeming contradictions in his statements at various times since 1962. As made clear in Hart's study, these seeming contradictions are adequately accounted for by the manner in which his case was handled by the Agency during the years 1962 to 1967, until he was turned over to the Office of Security.

In light of the above considerations, Hart has been authorized to testify in considerable detail on the unprofessional interrogations of Nosenko, the inhumane treatment which he received during his confinement, and the misapprehensions which arose as a result of evaluating him within the framework of [redacted]'s theories concerning KGB disinformation. The use of names of Agency personnel will be avoided to the extent possible, sensitive operations will not be touched upon, and it will be made clear that the top leadership of the Agency was kept in ignorance of the many aspects of the operation.

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amytal interview and to consider proposals for use of special techniques within the time frame we suggested but unless these steps developed new information or indicated definite progress in resolving the case, he wanted us to wind it up. He emphasized that he was not willing to accept the kind of press attacks which would be directed at the Agency if it became known that we had held Subject in these circumstances and in what would be interpreted as outright defiance of law and custom. He commented that we had to recognize as almost inevitable the possibility that some day, directly or indirectly, someone connected with the case would become concerned at this violation of Subject's rights and surface the matter in Congress or in the press . . . . Regardless of the importance of the case or the professional correctness of our position, the Director said a matter of this kind could not be contained in our society . . . . The Director made it clear that he would favor some form of return to Soviet control on the grounds that one could handle accusations by Pravda with Senator Fulbright, but a live AEFOXTROT, able to speak to the press in whatever country we had resettled him, or even to return to this country would be disastrous. 85

Helms' decision triggered a new rash of activity within the SB Division. Murphy, noting that "there is no appeal . . . unless we uncover new, compelling data," reconstituted a special Task Force to work on the case, headed by Bagley, ~~who had by now become Deputy Chief of SB Division.~~ 86

DC/SB ~~Bagley~~, 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

A problem which Bagley found particularly thorny, to judge by his notes, was posed by the FBI's unwillingness to accept CIA's evaluation of Nosenko.

Our case is based primarily on analysis, not confirmed by juridically acceptable evidence, and this analysis is so complex that it probably could not be made more understandable to laymen than it has been to the FBI, which has largely failed to understand it . . . . Action serving the interests of this Agency may run counter to the interests of the FBI, since our basic position on Nosenko is different from the Bureau's, and the Nosenko case is inextricably

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linked with [a Soviet agent] and linked to some degree with [a Soviet agent], on which the Bureau official position is most inflexible. 84

The FBI also played a role in Bagley's handwritten ruminations over the value of a bogus "confession" by means of which Nosenko would ostensibly discredit himself:

"Confession" wd lessen zeal of congress for a session w/him. Or wd it? FBI might leak to cong/press that they don't know of conf. And they might object to the whole premise, view their interests. "Conf" wd also provide basis for explanation of removal to another ctry -- if feasible. Q: Cd we fake to FBI (CSCI, all other contacts) squaring only w/top? Then cd we fake to Brits under similar circumstances? Any action on Nos likely affect [a Soviet agent] & hence FBI interests. This considered under each alternative for action. 82

Despite Helms' expressed preference for returning Nosenko to Soviet hands, Bagley continued to have misgivings about such a course:

Danger in the Nosenko case lies not only in holding him, but in bringing his case to public notice again, and especially in allowing the Soviets to regain possession of him. (Our denial of Nosenko to the Soviets, particularly if they are in some doubt about his real status/loyalty, is a form of guarantee that the Soviets cannot take the many damaging actions available to them if they had the body.) The course of action therefore must balance the respective dangers. 84

*Excerpt of transcript of last interview w/ downward Osborn  
former Dir of Security, ...  
22 Sept 1976*

now we have interviewed Bruce Solie at some length. I have here Bruce Solie's interview, which stretches to 48 pages. And as I told you, I have just finished talking to [ ] about the transition which was made from SB control to Office of Security control. I've talked to the polygraph people at some length about the various polygraphs done, but I'd kind of like to get your connected story, if you could just reassociate a bit.

HO: Well, I can't give you dates, any exact dates.

JH: No, we don't need them.

HO: Of course, the Office of Security was called upon to maintain custody of Nosenko. As it was . . . and I suppose still is for all defectors, i.e., for "protective purposes." Essentially, it is to make sure they don't get away and redefect, as a Romanian did some eight or nine ~~some~~ years ago. We provided custody under the direction/supervision of an SR senior case officer, who I think was Pete Bagley. A house was constructed specifically for this purpose . . . it had cost, I think, it was \$50,000 in what was then ISOLATION.

JH: But, before this you held him at [ ]

HO: That's right, [ ] It was when he was transferred down there that I began to run into trouble with SR Division on this thing. Well, associated with that . . . let me go back a little bit and give you some of the philosophy of it. [ ] at that time, was peddling this highly spurious and maligned idiot theory of disinformation . . . everything was Soviet disinformation. Every defector was a double agent sent out to duly spread this philosophy of disinformation. For a time, particularly when I was Chief, SR Division, I used to be responsible for [ ] who never cooperated with anyone, who insisted on having all of the operational files in his own possession in New York, and I doubt that he's cooperating now.

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14 September 1978

MEMORANDUM FOR THE RECORD

SUBJECT: Call from Admiral Stansfield Turner  
at 1715 Hours, 14 September 1978

1. Admiral Turner called to say that he appreciated the memorandum which I had sent him this morning informing him of the dilemma which we face in our testimony in open session before the House Select Committee on Assassinations.

2. The Admiral said that he personally was not as concerned about establishing the bona fides of Nosenko as he was about keeping the Agency from getting still another black eye. However, he realized that I had a job which had to be done, and he was not in any sense trying to censor what I said or to limit me to using my best judgment.

3. We then discussed the paragraph in my memorandum which talked about the trade-off between establishing bona fides by unveiling intelligence which Nosenko had produced versus establishing a case to the effect that doubts about his veracity were the result of mishandling by the Agency. He said that he personally could see no reason why we could not unveil the discovery of the microphones in the American Embassy in Moscow which was attributable to intelligence provided by Nosenko. I replied that I had recommended this course of action to George Kalaris two days ago, but that Kalaris indicated the State Department had objections to any such actions; Marshall Shulman had told Kalaris that there must not be any flaps on the eve of the forthcoming Gromyko--Vance meeting. Admiral Turner

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concluded by thanking me for the lecture which I delivered this morning to the newly-promoted GS-16s and said he realized the difficulty of the problem I faced. Therefore, I should "follow my conscience."

4. Note: I conveyed the substance of this conversation to George Kalaris at 1725 hours, this date.

John L. Hart

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~~CONFIDENTIAL~~

~~EYES ONLY~~

18 September 1978

MEMORANDUM FOR THE RECORD

APPROVED FOR RELEASE 1993  
CIA HISTORICAL REVIEW PROGRAM

SUBJECT: Testimony by CIA Spokesman Before HSCA

1. John Hart testified before the HSCA, as the Agency spokesman on the Nosenko case, on 15 September 1978. As the testimony differed significantly in some respects from that which had been discussed and agreed with him, this memorandum is merely to record some of the points. It is not felt profitable to explore what happened, as it is over, but some record might be useful to future historians.

2. When it became clear that the HSCA was going to concentrate on the Nosenko matter, particularly as it relates to Oswald, the question was who should be the Agency's spokesman. Most of the officers have retired who had been active in the case during the period that is now judged to have involved its mishandling. The two officers currently with the Agency, and whose views are those of the Agency, were actors at various points in the handling of the case and might not be considered objective reporters. Certain senior officers suggested the name of John Hart, who had done a special study of the matter in 1976. One of those officers, the then Chief of CI Staff, contacted Hart and got his agreement to participate.

3. When Mr. Hart came in to discuss the matter there were certain things that were apparent about the HSCA approach. It was felt that in addition to disclosing the way in which Nosenko was handled, the HSCA would raise (and at least leave alive) the question of whether Nosenko was a bona fide defector. It was the basic Agency position that it should not contest revealing the story of how it had handled Nosenko. In doing so, however, Nosenko's bona fides as a defector should be supported; it reflected on the professional position, in its continued relationship with Nosenko. Part of the problem in doing so was that sensitive information received from Nosenko--on which the ultimate decision of his bona fides rests--should not be revealed publicly. Mr. Hart was of the opinion that the original case against Nosenko was flawed in its inception and this could be shown on its face. If something also could be said about the value of his information, a complete case on his bona fides could be made.

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4. There were a number of discussions with Mr. Hart in which various nuances were discussed and, apparently, agreed. The mis-translations of early questioning, which became a part of the pattern of interrogation, could be described and how the continued pursuit of them served to distort the record could be recited. How the man was treated (hostile interrogation, stringent living conditions and solitary confinement) could be shown for the purpose of demonstrating that many of his reactions during that period could not be judged reliable. The techniques employed in the first two polygraph examinations would convincingly demonstrate their unreliability, with the third one being valid. The primary purpose of this approach would be to show how the case against Nosenko was basically flawed. While a by-product would be to disclose how the Agency treated him, the details of that treatment were not relevant except to the extent they bore on the issue at hand-- the bona fides of Nosenko in the context of the questions raised by HSCA.

5. After the case against Nosenko was exposed in all its errors, the significance of his bona fides could be addressed. Simplistically summarized, if Nosenko was a bona fide defector what he said about Oswald was not as important in 1968 (when he was accepted), or in 1978 when the current investigation was underway. If he was bona fide, what he said about Oswald was, at least, in good faith. If what he said was accurate, it only tended to confirm the conclusions of the Warren Commission as to whether or not there was a tie between Oswald and the KGB. He may have thought he knew more than he did, but if what he said was inaccurate, although made in good faith, it did not really make any substantive difference. The significance was materially reduced.

6. Mr. Hart wanted a letter of instruction and a draft was prepared, with coordination from various elements in the Agency. This draft is attached at Tab A. It records the understandings arising from discussions with Mr. Hart about the line to be taken. Mr. Hart accepted this letter in draft. The Office of General Counsel took exception with the draft because it was subject to the interpretation that it "instructed" Mr. Hart what to say, and this might be viewed as "muzzling" the Agency's witness. The draft was then edited to remove the questioned statements and to clarify certain points. Mr. Hart, when shown it as edited on its face, stated only that he agreed and that as we were already in agreement it did not make much difference. The draft was typed and sent to the DDCI for signature (see Tab B), but was not seen in its final form by Mr. Hart before his testimony.

7. Mr. Hart's actual testimony on 15 September gave considerable detail about the mishandling of Nosenko, both as to his interrogation, and as to his reaction under the conditions to which

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he was subjected. Included in his testimony was a statement that he said he would omit, in which notes by one of those involved indicated consideration (by that officer) of killing Nosenko. Obviously, many thoughts must have run through the minds of people at one time or another, but not all of them bore on the question of his bona fides. And this seems to have been one of them. While this may be a titillating detail, it was literally irrelevant to the issue and of dubious usefulness to the presentation. In any event, Mr. Hart had agreed to not mention it or introduce it.

8. While Mr. Hart addressed the flaws of the first two polygraph tests, and in a passing manner criticized the way the HSCA consultant handled the matter, he failed to close the circle by omitting all reference to the third polygraph test, which was the capstone of the final acceptance of Nosenko's bona fides. He also omitted what had been an agreed conclusion, which was a "ringing defense" of Nosenko's bona fides. Upon conclusion of his formal presentation, we contacted an OLC officer in his company to remind Mr. Hart to cover the third polygraph test, and to offer a summary on the significance of the bona fides question to the Committee's inquiry.

9. In addition to the statements in the first draft letter of instruction Mr. Hart was given the Agency's summary positions on the significance of Mr. Nosenko's bona fides. They were in answer to questions number 9 and 20 of an interrogatory from HSCA. They are attached at Tab C.

10. Unfortunately Mr. Hart allowed himself to get caught up by questions addressed to him on jurisdictional responsibilities between the FBI and CIA. By the time he understood the question, he had made it appear that we were trying to duck the blame by passing it to the Bureau. That actually was not the question. While CIA had reported on the things about Oswald from abroad, it was unable to follow up on Nosenko's statements about Oswald, simply because there was no way of conducting an investigation in the USSR. CIA was forced to fall back on the questioning of Nosenko, which provided limited opportunity. The answer, of course, had to be in resolving the issue of bona fides; cast in this light the testimony would not have sounded as badly as it did. Attached at Tab D, which was available to Mr. Hart, is the CIA response to HSCA question number 23 in its interrogatory, on just the jurisdictional issue.

11. Mr. Hart was to mention no names, a provision by which he abided. He also was not to reveal any classified information obtained from Nosenko, to avoid exciting the animosities of hostile intelligence services and possibly reviving their reported interest

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in his assassination. We had agreed that general references could be made, but this should be treated very conservatively. He got permission from the Chief of SE Division to mention the audio devices ~~disclosed~~ in the American Embassy in Moscow as a result of information from Nosenko. He also described in very general terms the identification of an important Soviet penetration in an allied government (the Vassal case) without mentioning the country or the person. It is hoped these references will not prove harmful. He also was instructed to make no documents available to the HSCA, although on several occasions in his testimony he offered to do so.

12. While the Agency may be able to take some comfort in this demonstration of candor, it occurred in a form that was not necessary or useful. Since the investigation had to do with the assassination of President Kennedy, much of the detail bordered on the irrelevant. The testimony should have confined itself to those issues raised by the HSCA's handling of the Nosenko case--his bona fides and their significance. It is useless at this point to speculate much about how the HSCA will treat this matter. It may recommend legislation to change the Agency's authority for handling defectors. Certainly, the unpleasant details of the handling, and their impact, will be lasting.

S. D. Breckinridge

Attachments:  
As Stated

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78-2544

1st draft  
not sent

MEMORANDUM FOR : Mr. John L. Hart  
FROM : Deputy Director of Central Intelligence  
SUBJECT : Guidelines for HSCA Testimony

1. Subsequent to our discussion concerning your testimony, consideration has been given on how to phrase the guidelines that you wish, including the latitude of judgment that you should feel free to exercise. Realizing that we cannot anticipate all of the issues that may arise this memorandum must necessarily be somewhat general.

2. As pointed out everything on the Nosenko matter continues to bear a classification. It will be necessary to remove the formal classification from much of this material if you are to be able to give a coherent presentation in your public testimony. In arranging to do this it should be pointed out first that the specific intelligence provided by Mr. Nosenko should continue to be treated as classified; general characterizations should be formulated to serve the purpose of indicating that such information exists, to reinforce the credibility of your testimony. This will be compatible with the understanding we have with the Committee that classified information will not be introduced by or sought by the Committee. As you decide upon the information required for your general presentation, it is requested that you arrange with the Chief, CI Staff and the Chief, SE Division for appropriate declassification. Where specific details cannot be declassified, it is requested that you agree upon a formula or a generalized description that will still permit basic references in the presentation. As you will be making an oral presentation no documents will be submitted as part of the testimony;

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if asked to submit any of the papers with you, the request should be declined.

3. It is my understanding that you feel that the Nosenko story requires discussion from the early contacts with him in 1962, and his defection in 1964, through the questions raised about his defection and the decisions on how to handle him. This would progress from the way he was handled at the time of his defection to the ultimate decision about his bona fides in 1968. From the discussion when we met it is my understanding that it is not necessary to identify individuals, it being possible to describe the background, the issues raised at the time, how the decisions were taken to handle the man, the approach in the early debriefings, and how the matter continued when those who handled the case were unable to gain a confession.

4. As you know we have hoped that the Committee will not raise the issue of Mr. Nosenko's bona fides, although it was understood that it was intended that his reliability as a witness on the Oswald matter would be tested. There appears to be an unavoidable relationship between the two. It is my understanding that you intend to take issue with the initial analysis that led to the questions about his bona fides, and that you will outline how initial mis-translations and follow-on interrogations served first to distort the record and then compound the early errors. I understand that you can make general references to the extensive information provided by him and how it has been borne out in the 14-year period since his defection.

5. I understand that you do not feel properly qualified to address in detail the question of Nosenko's information on Oswald. However, you do feel without addressing the detail--in fact, dismissing some of the testimony on the subject--that you can offer a rationale that provides a different perspective of the case. I understand it goes somewhat as follows: Mr. Helms reported to Chief Justice Warren the reservations that existed about Mr. Nosenko's bona fides, which threw doubt on his statements about Oswald; that if Mr. Nosenko's bona fides were accepted, as they later were in 1968, it would indicate at least that what he said about Oswald was in good faith; that once his bona fides were established the only significance of his statements about Oswald were that they confirmed,

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while after the fact, what the Warren Commission had concluded much earlier. Even if what he said about Oswald was inaccurate, although said in good faith, it was of limited significance. In essence, the significance of what Mr. Nosenko said in 1964 had become greatly reduced by 1968, when he finally was accepted as a bona fide defector. This approach would permit avoiding treating the matter as the Committee may have treated it, moving consideration from detailed analysis of questions and answers that have their origin in a dubious initial handling, to a broader and more realistic frame of reference.

6. If the Committee members have been provided questions by the staff, designed to attack Mr. Nosenko's credibility as a witness on Oswald (and thereby, indirectly, his bona fides) the above line would make it possible to simply dismiss the finely focused and technical approach in favor of the broader and more reasonable approach.

7. If you are cross-examined as to your understanding of certain issues, based on statements attributed to other witnesses (who may not appear in public hearings), you should feel free to decline to accept the characterization of that other testimony and even its association with named witnesses, and speak instead to facts as you know them. We would prefer the impersonal approach, if only to avoid inciting future controversy; in any event the generalized approach often offers the best statement in terms of making your points. As there is no need to name individuals involved, some of whom retain their cover, you should avoid doing so; if pressed you should ask to be excused from doing so simply because it does not really contribute to understanding.

8. If you are asked specific questions taken from the Epstein book, Legend, in which Mr. Nosenko is alleged to have conveyed certain intelligence that we already had, it is hard to see how you can avoid comment. It is felt that a terse reply is better than one that is elaborated in any detail.

9. I am fully appreciative of the difficulties that may be presented in your appearance. It seems to me that as long as we can eliminate reference to specific intelligence provided by Mr. Nosenko and from other sources we cannot suffer harm. Of course no mention should be made of ongoing operations. If we cannot answer without walking a very dangerous edge of compromise, then simple statements of conclusion may be better than specific

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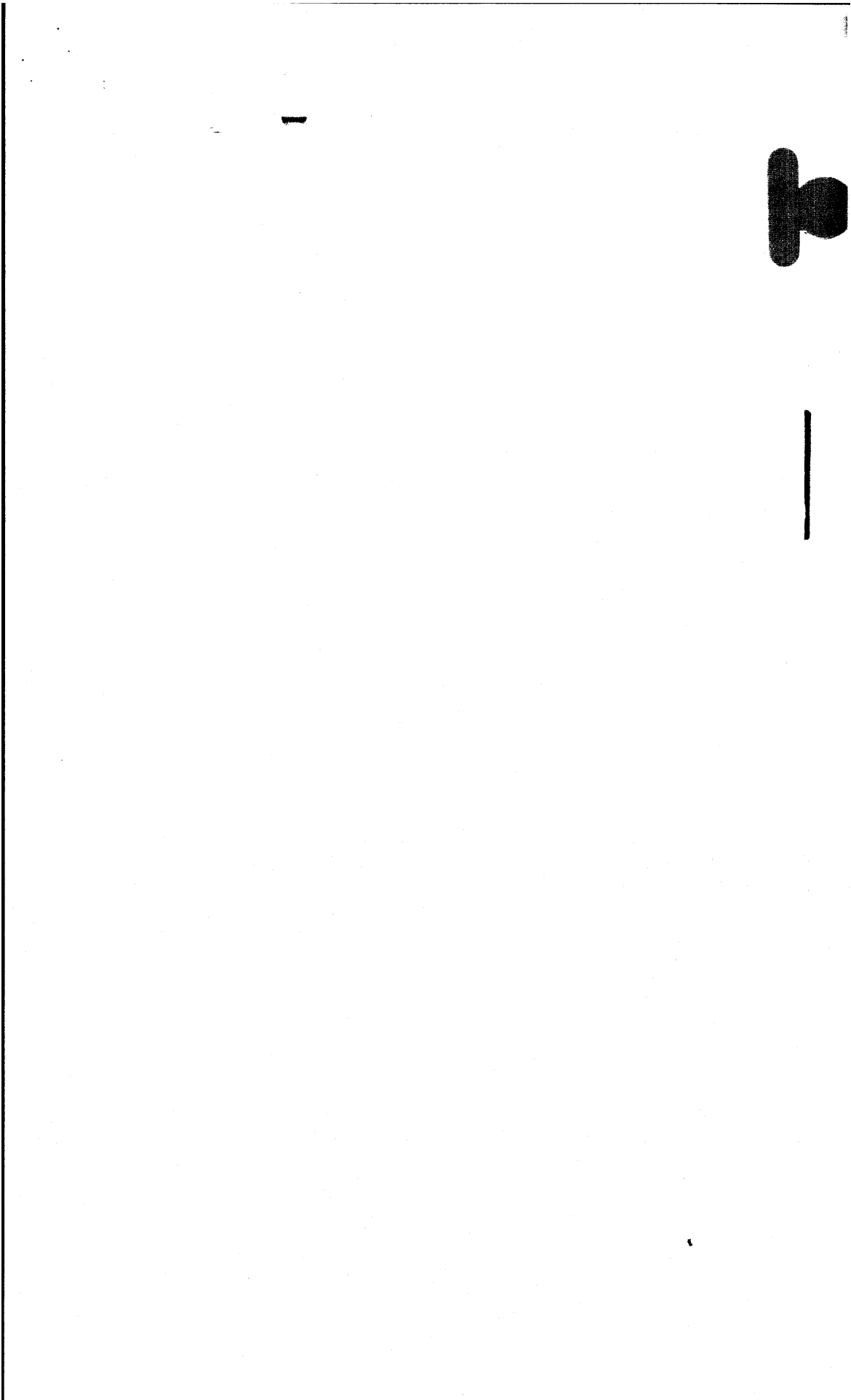


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statements of fact. In any event you must rely in your judgment, in which we place considerable faith, to handle this should it present itself. Our understanding with the Committee is that if the Agency spokesman is pressed too hard on classified matters he can state the agreement to hold classified matters out of public testimony.

Frank C. Carlucci

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MEMORANDUM FOR : Mr. John L. Hart  
FROM : Deputy Director of Central Intelligence  
SUBJECT : Guidelines for HSCA Testimony

1. Subsequent to our discussion concerning your testimony, consideration has been given on how to phrase the guidelines that you wish, including the latitude of judgment that you should feel free to exercise. Realizing that we cannot anticipate all of the issues that may arise this memorandum must necessarily be somewhat general.

2. As pointed out most Agency material on the Nosenko matter continues to bear a classification. It will be necessary to remove the formal classification from much of this material if you are to be able to give a coherent presentation in your public testimony. In arranging to do this it should be pointed out first that the specific intelligence provided by Mr. Nosenko should continue to be treated as classified; general characterizations should be formulated to serve the purpose of indicating that such information exists, to reinforce the credibility of your testimony. This will be compatible with the understanding we have with the Committee that classified information will not be introduced by or sought by the Committee. As you decide upon the information required for your general presentation, it is requested that you arrange with the Chief, CI Staff and the Chief, SE Division for appropriate declassification. Where specific details cannot be declassified, it is requested that you agree upon a formula or a generalized description that will still permit basic references in the presentation. As you will be making an oral presentation no documents will be submitted as part of the testimony; if asked to submit any of the papers with you, the request should be declined.

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3. It is my understanding that you feel that the Nosenko story requires discussion from the early contacts with him in 1962, and his defection in 1964, through the questions raised about his defection and the decisions on how to handle him. This would progress from the way he was handled at the time of his defection to the ultimate decision about his bona fides in 1968. From the discussion when we met it is my understanding that it is not necessary to identify individuals, it being possible to describe the background, the issues raised at the time, how the decisions were taken to handle the man, the approach in the early debriefings, and how the matter continued when those who handled the case were unable to gain a confession.

4. As you know we have hoped that the Committee will not raise the issue of Mr. Nosenko's bona fides, although it was understood that it was intended that his reliability as a witness on the Oswald matter would be tested. There appears to be an unavoidable relationship between the two. I understand that you do not feel properly qualified to address in detail the question of Nosenko's information on Oswald. However, you do feel without addressing the detail that you can offer a rationale that provides a different perspective of the case.

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that a terse reply is better than one that is elaborated in any detail, in order to avoid compromising material that remains classified.

8. I am fully appreciate of the difficulties that may be presented in your appearance. It seems to me that as long as we can eliminate reference to specific intelligence provided by Mr. Nosenko and from other sources we can avoid compromise of security. Of course no mention should be made of ongoing operations. If we cannot answer without walking a very dangerous edge of security compromise, then simple statements of conclusion may be better than specific statements of fact. In any event you must rely in your judgment, in which we place considerable faith, to handle this should it present itself. Our understanding with the Committee is that if the Agency spokesman is pressed too hard on classified matters he can state the agreement to hold classified matters out of public testimony.

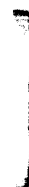
Frank C. Carlucci

OLC/SDBreckinridge/hfs (13 Sept)

Distribution:

- 1 - Adse
- 1 - DDCI
- 1 - ER
- 1 - Chief, SE Division
- 1 - Chief, CI Staff
- 1 - Officer/Personnel
- 1 - Legislative Counsel
- 1 - OGC (Attn:Mr. Ringer)
- 1 - OLC/Chrono
- 1 - OLC/Subject

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9. What significance -- with respect to possible foreign involvement in the assassination as well as to the issue of Nosenko's bona fides-- did the CIA attach during the years 1964-1968 to Nosenko's statements about Oswald?

Of course, Mr. Nosenko's status as a bona fide defector related to the credibility of what he said. And this would bear on the credibility of what he said about Oswald. Whether he was a bona fide defector was the subject of serious reservations during the Warren Commission inquiry. His statements to the effect that Oswald was not a KGB agent were reported by Mr. Helms to Chief Justice Warren, but with the caveat that his bona fides not only had not been established but were suspect. It is our understanding that the Warren Commission decided, on the basis of the stated reservations, not to factor Mr. Nosenko's information into its findings.

CIA did question Mr. Nosenko at great length over an extended period of time. It was unable to resolve satisfactorily the question of his bona fides until well after the Warren Commission had completed its work. From the beginning, it was obvious that if Mr. Nosenko was telling the truth, what he stated about Oswald and the KGB tended to negate the likelihood of Oswald being involved with the USSR, as a KGB agent, in the assassination of President Kennedy. Because of the doubts entertained by CIA about Mr. Nosenko, this information was not acceptable for use in that respect by the Warren Commission.

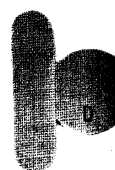
Question #20

Why was Nosenko asked numerous questions pertaining to Oswald on his 1966 polygraph test and only asked two questions about Oswald on his 1968 test?

Answer:

The primary purpose of the 1968 polygraph test was to assist in the resolution of the issue of Nosenko's bona fides. Although the 1968 test included only two questions explicitly relating to Oswald, it also included other questions aimed at determining whether or not Nosenko had any secret mission from the KGB, or whether anyone in the KGB was aware of his intention to defect. If Nosenko was not a dispatched agent, he was a bona fide defector. If he was a bona fide defector, he did not have the mission of concealing some connection between Oswald and the KGB. In point of fact, establishment of his bona fides served to reinforce what he had to say about Oswald--even if some of his beliefs may have not been precise in all respects.





23. 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?

While the FBI had primary responsibility for investigations into the assassination of President Kennedy, the traditional division of responsibilities would apply without additional formal arrangements. CIA had primary responsibility for establishment of Mr. Nosenko's bona fides as a defector, and for the investigation of foreign intelligence and counter-intelligence matters abroad. The FBI was responsible for the investigation of domestic intelligence and counterintelligence matters and those matters relating to internal security and law enforcement.

Neither agency had the capability for conducting investigations in the USSR, by way of checking Mr. Nosenko's statements. He could be questioned -- as he was by representatives of both organizations.