

PREPARED TESTIMONY OF MR. TENNENT H. BAGLEY
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Before the HOUSE SELECT COMMITTEE ON ASSASSINATIONS

November 16, 1978

Mr. Chairman and Members of the Committee:

I have come before your Committee to reply to the testimony of Mr. John L. Hart, who represented the Central Intelligence Agency here on September 15, a testimony which misled you and misused me.

As the former deputy chief of the Soviet Bloc Division of CIA and directly responsible for the case of the KGB defector Yuri Nosenko from 1962 to 1967, I can reply more accurately to your questions and can bring you a better understanding of this matter.

For one thing, I ^{won't} ~~will not~~ have to rely as did Mr. Hart on archeological digs into those forty file drawers of information. Mr. Hart's six-month expedition obviously failed to understand what they dug up, and their leader was highly selective in what he chose to exhibit here. For another, I will not disqualify myself, as he did, from talking about Lee Harvey Oswald, one of the most important aspects of the Nosenko case, nor about the case of the earlier defector here called "X," which is a critical factor in understanding Nosenko.

CIA's selection of Mr. Hart to study the Nosenko case, and later to present it to you, came to me as a great surprise and mystery. He seemed to bring few qualifications

to the study of the most sophisticated Soviet counter-intelligence operations of our generation. As far as I know he never handled a single Soviet intelligence officer, and spent his career, as he told you, remote from Soviet operations, in wars and jungles, as he put it. As a result, he was able to tick off sixty years of Soviet deception as a kind of paranoid fantasy, to make contemptuous remarks about "historical research about a plot against the West," and to use the revealing phrase, "I don't happen to be able to share this type of thing," (1811) But "this type of thing" is what the Nosenko case is all about.

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Mr. Hart did not mention, and perhaps never studied, the related cases bearing importantly on the question of Nosenko's credibility. From his testimony you would never guess at the existence of cases apart from but related to the Nosenko case. Mr. Hart apparently did not bother to talk with many of the best-qualified officers on these cases during his six months of research. When he came to me in 1976 he had not even read the basic papers of the case and instead of talking substance he asked about an irrelevant phrase from an eight-year-old dispatch I had written -- a phrase he ^{later} ~~later~~ brought up with you, the bit about "devastating consequences," in distorted form and out of context. He was clearly concerned about something other than facts.

His testimony here seems not designed to enlighten your Committee, but to subject Nosenko's critics -- Mr. Hart's

former colleagues -- to vilification and ridicule. He left with the Committee a picture of a small group of irresponsible half-wits, carried away by wild fantasies about horrendous plots, failing even to ask questions, neglecting to check on what was said, and all the time hiding their vile misconduct and illegal thoughts from a duped leadership.

Mr. Hart told you a lot about Nosenko's mistreatment but very little about Nosenko's credibility as concerns Lee Harvey Oswald. He called on you to make an act of faith, as the CIA seems to have done, in the goodwill and truth of a Soviet KGB man who had rendered false ^{and} incredible testimony about the assassin of an American president. *I quote!*

"You should believe these statements of Mr. Nosenko," Mr. Hart said, "anything he has said has been said in good faith." Then, avoiding the subject of Oswald, he led you into a maze of irrelevant detail about Nosenko's problems and CIA's earlier misunderstanding and mistreatment of this defector. By spattering mud on Nosenko's earlier handling, and particularly on me, Mr. Hart threw up a cloud which threatens to impede your attempts to get at the answer to the true question before you. ^{focus on} (2)

~~Let us here focus on~~ that question, instead of the irrelevancies.

That question, of course, is how and why a senior KGB defector, directly responsible for important aspects

of Lee Harvey Oswald's sojourn in the Soviet Union, could deliver testimony to this Committee which even the CIA's representative called "implausible" and "incredible."

Mr. Hart even said that if he were in your position, he would simply disregard what Mr. Nosenko said about Lee Harvey Oswald. He seems to have done just that, himself. But Mr. Helms rightly labeled that a copout, and it is not clear to me how Mr. Hart thought you could or would just pretend that the question isn't there.

Of course, you can't. For today you are in the same position I was in back in 1964, trying to make sense of Nosenko's reports. You are investigating and evaluating Nosenko's reporting on Lee Harvey Oswald. I did not think, in my time, that I could just shrug off Nosenko's bizarre story of Oswald with some irrelevant and half-hearted explanation, as Mr. Hart did here, and slide off onto some other subject.

Mr. Hart did not explain what he thought you should believe, or how this "incredible" testimony is compatible with the claim that Nosenko has, by and large, told nothing but the truth ~~ever~~ since 1962.

He said Nosenko's testimony to you was a unique aberration; I quote: "I cannot offhand remember any statements which (Nosenko) has been proven to have made which were statements of real substance other than the contradictions which have been adduced today on the Lee Harvey

Oswald matter, which have been proven to be incorrect."

(3253) But the Committee only spoke to Nosenko about this one matter, and even so, the Committee detected at least six or seven contradictions from one telling to another. Could this, by coincidence, be the only such case? (I can tell you the answer is no; on the contrary, this was typical Nosenko whenever he was pinned down on details.)

While extolling Nosenko's truthfulness, Mr. Hart spent a surprising amount of time giving you reasons why Nosenko might have lied or seemed to lie, such as drunken exaggeration, confusion, emotional stresses, hallucinations, and the impact of mistreatment. But that wasn't helpful to you, for none of these things had anything to do with Nosenko's story about Oswald. After all, Nosenko told the CIA and FBI his story about Oswald before any mistreatment, and he told it to your Committee after any mistreatment, and no one thought he was drunk at any one of those times.

So I will go back to the question here and see if I can help you find an answer. There has to be some way to explain how this direct participant in the events delivered incredible testimony about them. There must be some explanation for the differences in Nosenko's story at different times he told it, for his excuses and evasions when confronted with these differences,

and for his final refusal to talk any more about them with your Committee.

As we seek an answer to these questions, I ask you to keep three things in mind:

- First, that at the time he reviewed Oswald's file for the KGB, Nosenko was already a willing secret collaborator of ^{the} CIA. Therefore, he must have been alert when dealing with this matter of such obvious importance to the United States and to his own country.
- Second, that Nosenko told us of some of these events only ten weeks after they happened, so there wasn't time for them to become dim in his memory.
- Third, that no one has suggested that Nosenko is mentally unfit. Mr. Hart brought in the Wechsler test and other psychological details merely to show Nosenko's relative strengths and weaknesses, not to prove him a mental basket case. On the contrary, Nosenko claims to have risen fast in the KGB, and he is regarded by his current employers as "an intelligent human being" who "reasons well~~s~~." I am quoting Mr. Hart, of course, who also called your attention to Nosenko's powers of "logical thought" and his high score in "power of abstract thinking."

Aside from the irrelevant details about Nosenko's stresses under mistreatment, and drunkenness, I found two things in Mr. Hart's testimony which might bear on the Oswald story. First and foremost, he spoke about compartmentation, bringing in his own experience to show how a person in any organization working on the principle of "need to know" might not be aware of everything going on, even in his own operations. Now, I suppose Mr. Hart intended this as a contribution to Mr. Nosenko's defense; certainly Mr. Nosenko had never mentioned it. The trouble is, it doesn't apply to this story. Nosenko had said repeatedly, to CIA and FBI and ~~most~~ recently swore under oath to this Committee, that he was right there on the inside of any "compartment." He personally reviewed the application of Oswald to stay in the USSR in 1959 and he personally participated in the recommendation that the KGB should not let Oswald stay in the country and in the decision not to notify the KGB sections which might normally be interested in debriefing a man like Oswald. Nosenko knew that the KGB leadership decided that they "didn't want to be involved" with Oswald -- not to question him at all, not even to screen him as a possible enemy plant. Nosenko personally participated in the refusal of Oswald's visa request from Mexico not long before the assassination of President Kennedy. And after the assassination, Nosenko himself was told to review Oswald's KGB file; and did so. He has insisted that if anyone in the KGB ever talked to

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Oswald, he, Nosenko, would know ^{about} it. So "compartmentation" explains nothing. Nosenko's story rests essentially on his personal involvement and authority.

The second and last possible explanation which we can find in Mr. Hart's testimony is Nosenko's odd memory, which Mr. Hart took such pains to establish. After all, Nosenko seems to have changed details of seven or eight aspects of the story at one time or another. The trouble with this is, it doesn't touch the heart of the story, the truly incredible part, Nosenko didn't forget whether or not the KGB questioned Oswald; he remembers sharply and consistently -- and insists, whatever other changes he makes in ~~the~~ ^{his} story -- that Oswald was never questioned by the KGB. He knows that and remembers it, for he participated directly in the decision not to.

Now that was all Mr. Hart offered. But I think we should try every conceivable explanation. Here are a couple I can think of.

Maybe Nosenko was merely boasting, exaggerating, building things up a bit, especially his personal role. Maybe, for example, he only overheard some KGB officers talking, didn't hear it right, and then passed on an incorrect story to us as his own experience, to make himself look important in our eyes. Maybe, under this interpretation, he honestly thinks his story is true.

Another explanation, going a bit further, might be that he invented the whole story. Perhaps, convinced that the USSR wouldn't get involved in ~~an~~ ^{the} assassination of an American president (which is what we all tend to think), he invented this story as a contribution to American peace of mind and to international amity. >

Both of these explanations run into trouble. Nosenko, while in detention, had plenty of time and incentive to back off a mere exaggeration, and did, in fact, admit a few minor lies. But about this story he is adamant. Just recently Mr. Hart tried to get Nosenko to come off it, but even in the current climate of goodwill and trust, Nosenko refused. And remember, too, that Nosenko volunteered to testify to his incredible tale before the Warren Commission, and he swore to it under oath before your Committee.

And there are other problems too. If we begin to play with the idea of fabrication we will have to ask just what parts of the story were invented: did Nosenko also invent the high KGB job which gave him "knowledge" of the Oswald case?

Anyway, CIA ~~would not~~ ^{wouldn't} accept this line of speculation. They insist that Nosenko always talks in good faith, even if his Oswald story isn't believable. They surely wouldn't want you to think they had hired a fabricator as their advisor and teacher.

And there is yet another obstacle to this line of thought, and not the least important. We must not forget that the Soviet Government itself has confirmed Nosenko's authority to tell the whole story about Oswald. In Mr. Edward Jay Epstein's book Legend he reports that an attache of the Soviet Embassy in Washington, named Agu, told him that Nosenko is the person who knows most about Oswald in Russia, even more than the people in Minsk whom Epstein applied vainly to go see.

No, I think we can all agree: Mr. Hart, myself, your Committee, Mr. Agu, and Mr. Nosenko: Nosenko was neither exaggerating nor inventing nor forgetting nor was he compartmented away from the essential facts of ^{the} ~~his~~ story.

So what is left to explain this incredible testimony? I can think of only two ~~other~~ explanations.

Maybe Nosenko's story is true, after all. Let's overlook for a moment the fact that everyone (except Mr. Nosenko) believes the contrary, including Mr. Hart and today's CIA, including Mr. Helms, Soviet specialists, and ex-KGB veterans in the West. Let's also overlook the way Nosenko contradicted himself on points of detail from one telling to another. Let's focus only on the essential elements of the story, the ones which remain constant. There are two: first, that the KGB never questioned Oswald, and second, that the KGB never found out that Oswald had information to offer them about interesting U.S. military matters.

Here was this young American, Lee Harvey Oswald, just out of the Marine Corps, already inside the USSR and going to great lengths to stay there and become a citizen. The KGB never bothered to talk to him, not even once, not even to get an idea whether he might be a CIA plant (and although even Nosenko once said, I think, that the KGB feared he might be).

Can this be true? Could we all be wrong in what we've heard about rigid Soviet security precautions and about their strict procedures and disciplines, and about how dangerous it is in the USSR for someone to take a risky decision (like failing to screen an applicant for permanent residence in the USSR)?

Of course not. Let me give you one small case history which illustrates just how wrong Nosenko's story is. This is an actual event which shows how the real KGB, in the real USSR, reacts to situations like this. It was told by a former KGB man named Kaarlo Tuomi, and can be found on page 286 of John Barron's book, KGB. The story concerns (and from here on I quote) "a young Finnish couple who illegally crossed the Soviet border in 1953. The couple walked into a militia station and requested Soviet citizenship, but the KGB jailed them. Continuous questioning during the next eleven months indicated only that the couple believed communist propaganda and sincerely sought to enjoy the life it promised. Nevertheless the KGB consigned them

to an exile camp for suspects in Kirov province. Because Tuomi spoke Finnish, the KGB sent him into the camp as a "prisoner" with instructions to become friends with the couple. Hardened as he was to privation, he still ^{was} ~~was~~ aghast at what he saw in the camp. Whole families subsisted in five-by-eight wooden stalls or cells in communal barracks. Each morning at six, trucks hauled all the men away to peat bogs where they labored until dark. Small children, Tuomi observed, regularly died of ordinary maladies because of inadequate medical care. Worse still, the camp inmates, who had committed no crime, had no idea when, if ever, they might be released. After only three days Tuomi persuaded himself that the forlorn Finns were concealing nothing, and he signaled the camp administrator to remove him. 'That place is just hell,' he later told Serafim, his KGB supervisor. 'Those people are living like slaves.' 'I understand,' Serafim said, 'but don't get so excited. There's nothing you or I can do about it.'" ^{That's} ~~This is~~ the end of the quotation.

So on the one hand we have a young ex-Marine, Lee Harvey Oswald, from the United States; on the other hand we have a simple Finnish family. Both say they want to live in Russia. The Finns are questioned for eleven months by the KGB, then consigned indefinitely to a hellish camp for suspects. The American is not even talked to once by the KGB. The Finn's experience fits all we now about the true Soviet Union, from Aleksander Solzhenitsyn and so many

others, unanimously. Oswald's experience, as Nosenko tells it, cannot have happened.

The second main point of Nosenko's story about Oswald was that the KGB did not find out that Oswald had information to offer about interesting military matters. Nosenko specifically told your Committee this. To demonstrate its falsity, I need only quote from page 262 of the Warren Commission report, concerning Oswald's interview with the American Consul Snyder in Moscow on October 31, 1959, when Oswald declared that he wished to renounce his U.S. citizenship. I quote: "Oswald also informed Snyder that he had been a radar operator in the Marine Corps, intimating that he might know of something of special interest, and that he had informed a Soviet official that he would give the Soviets any information concerning the Marine Corps and radar operation which he possessed."

Nosenko didn't mention this. Apparently he didn't know it.

So I think we can safely agree with Mr. Hart that Nosenko's story about Oswald is not credible, not true.

Up to this point we've tried five explanations and still haven't found any acceptable one for Nosenko's story, its contradictions, or his evasive manner when confronted with these contradictions. But because you have to find an explanation, just as I had to in 1964, I will propose here the only other explanation I can think of -- one which might explain all the facts before us, including Nosenko's performance before this Committee.

This sixth explanation is, of course, that Nosenko's story, in its essence, is a message from the Soviet leadership, carried to the United States by a KGB-controlled agent provocateur who had already established a clandestine relationship of trust with CIA for other purposes a year earlier. The core of the Soviet message is simple: that the KGB, or Soviet Intelligence, had nothing to do with President Kennedy's assassin, nothing at all.

Why they might have sent such a crude message, why they selected this channel to send it, and what truth may lie behind the story given to us, can only be guessed at. If you like, I am prepared to go into such speculation. But even without the answers to these questions, this sixth explanation would make it clear why Nosenko adhered so rigidly to his story. However incredible we might find a message from the Soviet leadership, learned and recited by Nosenko, we would find it difficult to get him to back off it: discipline is discipline, especially in the KGB.

Now, I'm ready to believe that Nosenko may have genuinely forgotten some details of this learned story. I can also accept that, on his own, he may have embroidered on it and got caught when he forgot his own embroidery; this seems to fit the facts we have, including Mr. Hart's description of ^{MR.} Nosenko's memory. This could explain Nosenko's differing descriptions of the KGB file, and his accounts of whether there was or wasn't careful surveillance

of Oswald which would detect his relations with Marina, and his change of ~~the~~ name of the KGB officer who worked with him on the Oswald case -- that sort of detail. It would also explain why he told your Committee repeatedly that he didn't remember what he'd said previously. This wouldn't have mattered if he'd really lived through the experiences he described; his stories of them at different times should come out straight, all by themselves. When, in fact, they didn't, Nosenko resorted to this strange statement, which made his story appear more memorized than experienced.

Now, I recognize that this is an unpleasant and troubling supposition, a hot potato indeed. But please remember that before coming to it, we had dismissed all the other explanations possible. So we cannot simply slide over this as easily as CIA does. It is a serious possibility, not a sick fantasy. In fact, it is hard to avoid.

What is more, Nosenko's story of Oswald is only one of scores of things ^{that} Nosenko said which make him appear to be a KGB plant. If the Oswald story were alone, as Mr. Hart said it was, a strange aberration in an otherwise normal performance, perhaps one could just shrug and forget it. It is not. We got the same evasions, contradictions, excuses, whenever we pinned Nosenko down, the way you did ~~about~~ ^{on} the Oswald story. ~~The~~ ^{Those} other matters, while not of direct concern to this Committee, included Nosenko's accounts of his career, of his travels, of the way he

learned the various items of information he reported, and even ~~his~~ accounts of his private life. More important, there were things outside his own reporting and his own performance, which could not be explained away by any part of CIA's litany of excuses for Nosenko (which so strangely resemble Nosenko's own). All of these irregularities point to the same conclusion: that Nosenko was sent by the KGB to deceive us. That is, they point to the same conclusion as our sixth possible explanation of Nosenko's ^{story} about Oswald.

The CIA's manner of dealing with these points of doubt about Nosenko's good faith (at least since 1967) has been to take them one by one, each out of context of the others, and dismiss them with a variety of excuses, or rationalizations: confusion, drunkenness, language problems, denial that he ever said it, bad memory, exaggeration, boasting, and coincidence -- hundreds and hundreds of coincidences. With any other defector, a small fraction of this number of things would have caused and perpetuated the gravest doubts. For the KGB does send false defectors to the West, and has been doing so for sixty years. And the doubts about this one defector were persuasive to the CIA leadership of an earlier time.

Today, a later CIA leadership chooses to dismiss them. If they only pretended to do so, to justify the release and rehabilitation of Nosenko, ^{that} ~~this~~ would be understandable. But they must really believe in Nosenko, for they are using him in current counterintelligence work and exposing their

clandestine officers to him, and bringing him into their secret premises to help train their counterintelligence personnel.

They go much further to demonstrate the depth of their commitment to Nosenko. They vilify their earlier colleagues who disapproved of him. The intensity of Mr. Hart's attack on me, and the fact that it was done in public, must have surprised you, as it did others with whom I've spoken over the past weeks.) As Nosenko's principal opponent, I am made out in public as a miserable incompetent and given credit, falsely, for murderous thoughts, illegal designs, torture, and malfeasance.

The CIA had to go far out to invent these charges, which are not true. Mr. Hart had to bend some facts, invent others, and gloss over a lot more, in order to cover me with mud.

In fact, I have detected no less than thirty errors in his testimony, twenty other misleading statements, and ten major omissions. They seem aimed to destroy the opposition to Nosenko, and they have the effect of misleading your Committee on the significance of Nosenko's testimony about Oswald.

I will cite only a few of these points here. Others are to be found in my letter to this Committee dated October 11, 1978, which I introduce as an annex to my testimony. I can, of course, go into further detail if you wish. But I discuss below some of the points most relevant to your appraisal of Mr. Nosenko's credibility as concerns Lee Harvey Oswald.

First, Mr. Hart misled you badly on the question of Nosenko's general credibility. It was stunning to hear him say, after reviewing every detail of the case for six months with the aid of four assistants, (I quote) "I see no reason" -- here I repeat, "I see no reason"-- "to think that (Nosenko) has ever told an untruth, except because he didn't remember it or didn't know or during those times when he was under the influence of alcohol he exaggerated." (3352) Even ten years away from this case, I can remember at least twenty clear cases of Nosenko's untruths about KGB activity and about the career which gave him authority to tell of it, and a dozen examples of his ignorance of matters within his claimed area of responsibility, for which there is no innocent explanation. ③

The "influence of alcohol" cannot be much of a factor, for as Mr. Hart reminds us, Nosenko was questioned for 292 days while in detention - when he had no alcohol at all. But Mr. Hart jumbled together the conditions of the 1962 meetings (alleged drunkenness) with those of confinement, leading Congressman Dodd to lay importance on Nosenko's drinking. (3243-4) He even got over to Mr. Dodd, by a subtle turn of phrase (2870-3) the idea that hallucinations "probably" (3241) influenced Nosenko's performance under interrogation. Yet Mr. Hart must have known that hallucinations were never a factor in the question-and-answer sessions.

Then, too, Mr. Hart misstated the early roots of our suspicions of Nosenko. Mr. Hart said that they arose from the paranoid imaginings and jealousy of a previous defector, whom he calls "X." Mr. Hart told you, and I quote, that "Mr. X's views were immediately taken to be the definitive views of Nosenko and from that point on, the treatment of Mr. Nosenko was never,) until 1967, devoted to learning what Mr. Nosenko said." (~~2404-9~~, ~~2488-91~~) This is not true, as a document in the files, which I wrote in 1962, will make clear. It was not X's theories which caused my initial suspicion of Nosenko in 1962. It was the overlap of Nosenko's reports -- at first glance entirely convincing and important -- with those given six months earlier by "X." Alone, Nosenko looked good to me, as Mr. Hart said (~~2375-9~~, ~~2397~~); seen alongside "X," whose reporting I had not seen before coming to Headquarters after the 1962 meetings with Nosenko, Nosenko looked very odd indeed. The matters which overlapped were serious ones, including a specific lead to penetration of CIA -- not a general allegation, as Mr. Hart misleadingly suggested (~~2419-21~~). There were at least a dozen such points of overlap, of which I can still remember at least eight. Nosenko's information tended to negate or deflect leads from "X."

And this brings me to Mr. Hart's efforts to make you think that the suspicions of Nosenko were based on foolish fancies about "horrendous plots." Let me try to restore

the balance here. A KGB paper of this period described the need for disinformation (deception) in KGB counter-intelligence work. It stated that just catching American spies isn't enough, for the enemy can always start again with new ones. Therefore, said this KGB document, disinformation operations are essential. And among their purposes was "to negate and discredit authentic information which the enemy has obtained." There is ^{some} ~~sole~~ reason to believe that Nosenko was on just such a mission in 1962: to cover and protect KGB sources threatend by X's defection. Does this sound like a "horrendous plot" conjured up by paranoids? It is known counterespionage technique, perfectly understandable to laymen. But as I have said, Mr. Hart's purpose was not enlightenment, but ridicule.

To prove Mr. Nosenko's credibility, Mr. Hart made a breathtaking misstatement about the defector "X": "Quantitatively and qualitatively," said Mr. Hart, "the information given by Mr. "X" was much smaller than that given by Nosenko." (2470) Could Mr. Hart really have meant that? Mr. "X," paranoid or not, provided in the first months after his defection information which led to the final uncovering of Kim Philby; to the first detection of several important penetrations of Western European governments; proof (not general allegations) of penetration at the heart of French Intelligence; and pointers to serious penetrations of the ^{United States} ~~U.S.~~ Government. Before Nosenko uncovered the current "X"

organization and methods of the KGB, and very large numbers of its personnel active in its foreign operations.

And listen to this: It was Mr. X who first revealed both of the two KGB operations which Mr. Hart adduced as of Nosenko's good faith! They concerned microphones in the American Embassy in Moscow and a penetration of one of our NATO allies.

As for the microphones, Mr. Hart stated that "Mr. Nosenko was responsible for the discovery of a system of microphones within the U.S. Embassy in Moscow which had hitherto been suspected but nobody had enough information on it to actually detect it." (~~2328-32~~) But Mr. "X" had given approximate locations of some of the microphones six months earlier. Like Nosenko, he did not know the precise locations, but he knew the mikes were there and could indicate some specific offices where they could be found. The actual tearing out of walls, which Mr. Hart mentions^{ed}, would have been done, and the microphone "system" found, without Nosenko's information. Contrary to Mr. Hart's statement (~~2350-3~~) the KGB would "throw away" already-compromised information to build up a source of theirs. Mr. Hart simply hid from you the fact that this information was already compromised when Nosenko delivered it.

Mr. Hart's other proof of Nosenko's credibility was as follows. Mr. Hart said, "A very high level KGB penetration in a very sensitive position in a Western European government was, on the basis of Mr. Nosenko's lead, arrested, tried, and convicted of espionage. There is no reason to believe that

the Soviets would have given this information away." End of quote. Now, Mr. Hart was presumably referring to a man we can here call "Y" although his case is very well known to the public. Did Mr. Hart really not know, or did he choose to hide from you, the fact that "Y's" reports to the KGB were known to Mr. X, the earlier defector? The KGB, knowing this, cut off contact with "Y" immediately after "X's" defection. "Y's" uncovering was therefore inevitable, even though "X" had not known Y's name. Nosenko added one item of information which permitted "Y" to be caught sooner, ~~and~~ that is all. How, then, could Mr. Hart have said "There is no reason to believe that the Soviets would have given this information away?" The reason, that "Y" was already compromised, was perfectly clear in the files which Mr. Hart's team studied.

Mr. Hart also told you that Mr. "X" had confirmed Nosenko's claimed positions in the KGB. (-2431) This is not true. Mr. "X" said, on the contrary, that he had personally visited the American Embassy section of the KGB during the 1960-61 period when Nosenko ^{claims} ~~claimed~~ to have been its deputy chief, and knew definitely that Nosenko was not serving there.

So these are some of the matters affecting Nosenko's general credibility, which may be important to you when you assess the meaning of Nosenko's incredible testimony on Oswald.

Now, Mr. Hart also distorted the CIA's performance in getting the facts about Oswald from Nosenko. Your Committee Staff Report had it right, before Mr. Hart came forth. Referring to the Agency's questioning of Nosenko on July 3 and 27, 1964, the report says that the CIA's questions "were detailed and specific about Nosenko's knowledge of Oswald. The questions were chronological and an attempt was made to touch all aspects of Oswald's stay in the Soviet Union." ^{close} End of quote. Moreover, ~~the report noted,~~ ^{the} CIA gave Nosenko a transcript of his own remarks so he could add any more he knew, or correct any errors. ^{this is from your} (Staff Report, pp. 7-9.)

But then came Mr. Hart with his sweeping denunciations of CIA's "miserable" and "dismal" and "zero" performance, and stating flatly that "There was no effort being made to get at more information (Nosenko) might have." (2848-9) Mr. Hart thus led Congressman Fithian to suggest that the CIA had not even taken "the logical first step" of getting Nosenko's information (~~3622-8~~) and led the Chairman to conclude that no investigation of Oswald's activities as known to Nosenko had been made. (~~4095-8~~) In this Mr. Hart concurred. (~~4100-~~)

In truth, of course, there was nothing more to be got from Nosenko, unless it would be later changes of earlier details, as happened when your Committee questioned Nosenko. If there had been more, we would have gone doggedly after it, of course. We were not the incompetents Mr. Hart made us out

to be. Your Staff Report said that Nosenko "recited" the same story in each of his three sessions with the Committee. The word is apt: Nosenko had "recited" that story before, ^{th²} to CIA and FBI, each of which questioned him systematically about it. So why did Mr. Hart give his own Agency a "zero" on all phases of the handling of Nosenko? Surely he was seeking to fling mud, not to give serious answers to serious questions. His effect was confusion.

Mr. Hart also suggested to you that CIA just didn't investigate the validity of what Nosenko had said about Oswald. That is equally false. What else, for example, was the purpose of our subjecting Nosenko to hostile interrogation and subjecting his information to meticulous investigation wherever we could? Those forty file drawers are full of the results.

But of course we were not able to check inside the USSR, as the Warren Commission ~~report~~ noted. We didn't have other sources in the KGB who were connected with this Oswald case. But think how lucky we were to have even one inside source on Oswald ^{inside} in the KGB. Of the many thousands of KGB men around the world, CIA had secret relations with only one, and this one turned out to have participated directly in the Oswald case. Not only once, but on three separate occasions: when Oswald came to Russia in 1959, when he applied for a visa from Mexico to return to Russia, and again after the assassination when the Kremlin

leadership caused a definitive review of the whole KGB file on Oswald. How many KGB men could say as much? CIA was thus unbelievably lucky to be able to contribute to the Warren Report. In view of other suspicions of Nosenko, the key word in that last sentence is "unbelievably."

Gentlemen, I hesitated before replying publicly to Mr. Hart's false charges, for a number of reasons:

- For one thing, I found it hard to imagine myself in the position of defending myself against the CIA before the Congress. My record should have been ample protection against that.
- Then, too, I'm comfortable in the knowledge that my honor and integrity, although torn to shreds by the CIA before this Committee and the public, remain intact with those who know the truth.
- And of course, my embarrassment, my public dishonor, count for little compared with the reputation of a Government agency which must uphold an image of integrity. To call public attention to the way the CIA misinformed you might cause it embarrassment. I do not want to harm the CIA, which has enough real enemies.

For, without the CIA who would remain to oppose the relentless work of subversion and deception and penetration being directed abroad by the KGB against our country? Who would oppose that arrogant and brutal instrument of repression in the secret, dark places where it works?

Finally, it was this thought, of the KGB, which decided me to come before you. Some of the mud the CIA spattered on me might have clouded your view of the KGB's relations with Lee Harvey Oswald, as given ^{to} you by Yuri Nosenko of the KGB. The flying mud may have screened important aspects of the case. By wiping some of it away I thought I might help you to restore what seemed to me a clear presentation of the facts in your  Committee Staff Report -- written before Mr. Hart's testimony.

What I seek is to let the facts carry the day, to wipe them clean again for your inspection. You need not accept either the beseechings of Mr. Hart, or any counterargument from me. But my hope is that you will not let the facts get obscured by emotional distortions, or irrelevancies.

REMARKS CONCERNING DETENTION OF YURI NOSENKO

The detention of Nosenko has been described in sensationalist terms by Mr. Hart and, as he clearly intended, has caused some outrage on the part of the Committee. I want to deal with it because the Committee has been led to consider it, not because it is truly pertinent to your concerns. Mr. Hart and Mr. Nosenko use it, falsely, as an excuse for discrepancies in Nosenko's reporting. But this is a distraction, filling Mr. Hart's testimony in place of discussion of Lee Harvey Oswald.

Mr. Hart's bias must have been evident to all. He expressed his personal view that the treatment of Nosenko was "absolutely unacceptable" and he introduced terms like "bank vault" to imply inhuman treatment. He led Mr. Sawyer to talk of a "torture vault" and "partial starvation" and gave the idea that Nosenko was subjected to unbearable heat, or left shuddering in the wintry cold. He portrayed the conditions in terms leading Committee members to use words like "shocking" and "horrible." Yet at the same time Mr. Hart was describing himself as a "historian" bound by known fact. In fact, he misled you about almost every aspect of the detention.

Had he in fact bothered to collect facts from all concerned, ^{you} ~~he~~ would have gotten a quite different and more rational point of view, one which deserved at least some respect if for no other reasons than ^{that} it prevailed within Mr. Hart's own organization for three years.

In fact, one overriding flaw in Mr. Hart's version of these "horrible" matters is that the Agency leadership-- serious and responsible people-- had approved Nosenko's detention and at least the broad outlines of his treatment. Mr. Hart's way around this was to suggest that Mr. Helms was not aware of what was going on. Mr. Helms has belied that and indeed has called into question some of the impressions conveyed by Mr. Hart to the Committee concerning Nosenko's treatment.

I participated in most of the discussions about the detention and ^I remember the circumstances pretty well. Let ^{me} propose to you the explanation I would have given you had I been the Agency's representative. What I knew may be more valid than what Mr. Hart has selected from Agency records and colored in sensationalist hues.

In the first place, let me remind you of the reasons for the detention. Mr. Helms described a few of them, but Mr. Hart did not give you the picture at all. This is important, for if Mr. Hart succeeds in dismissing and deriding the case against Nosenko and all its implications, he robs the detention of its context and purpose and truly makes it, as Mr. Dodd put it, "outrageous." Here is why Nosenko was confined:

- First, during the initial period of freedom after his defection, when his handling was identical to that of any normal defector, Nosenko resisted any serious questioning. It

was not that he was "drunk around the clock" as Mr. Hart put it; he was usually sober when he deflected questions, changed the subject, and invented excuses not to talk.

- Second, his conduct and lack of discipline threatened embarrassment to the Agency during his parole in the United States. Remember, he had not been formally admitted to this country.

- Third, there was a documented body of evidence, not "supposed evidence," ⁵ beyond any explanations of bad memory or misunderstandings, which made it likely that Nosenko had been sent by the KGB to mislead us.) It was not juridicial proof, but it was taken very seriously by the Agency's professional leadership, who were neither fools nor paranoids.

- Fourth, the implications underlying this very real possibility were too serious to ignore. Among them were these two: that Lee Harvey Oswald may have been a KGB agent, and that there was KGB penetration of sensitive elements of the United States Government.

- Fifth, if we were to confront Nosenko with the contradictions and doubts while he was still free, he would be able to take steps to evade further questioning indefinitely.

- Sixth, there was a special urgency to get at the truth of Nosenko's reports about Lee Harvey Oswald because of the time limits imposed on the Warren Commission.

The legal basis for the detention has been explained to you by Mr. Helms. It had, as we understood clearly at

the time, the approval of the Department of Justice and other Government agencies. We did not think we were doing anything illegal, at least not until the time had stretched out beyond reasonable limits, at which time we began to prepare for his release. Nosenko himself didn't seem to consider it "illegal" at the time; it doubtless seemed a logical intensification of the severity of the screening process which he knew he had to go through. He did not complain of violation of any constitutional rights nor ask for a lawyer. An innocent man might have ~~protested~~ and resisted, but Nosenko was engaged in a contest, and knew that he was failing to convince us -- as indeed he freely admitted (he said he was "looking bad" even to himself, but had no way to explain the many contradictions, ignorances, and errors). He complained about cold ^{and} ~~or~~ heat, but not, as far as I remember, about the fact of detention and interrogation.

There were two basic requirements for the detention: that it be secure and that Nosenko not be able to communicate with the outside (with the KGB or with unwitting helpers). Therefore, we needed a separate, isolated house in a rural or thinly populated area, as far as possible from other houses, with discreet access for the comings and goings which an interrogation would require. The Office of Security found a place, but as I remember it was not easy and the rent was high.

The actual conditions of detention ^{within} ~~with~~ the house were not designed to cause him discomfort -- or, for that matter, comfort either. They were to be healthy and clean. He was never touched or threatened and he always knew he wouldn't be; he could always resist a line of questioning by simply clamming up, with a shrug; there was nothing we could do about it.

Nosenko complained about the heat in summer. His window was blocked, ~~not~~ to cause him discomfort but to avoid contact with the outside. A top-floor room was chosen in preference to a basement because it would be dry and healthy, while the basement would be damp. When it became stuffy, Nosenko rightly complained and as I remember, an effort was made to improve the situation; I think a blower was installed to keep the air moving, but perhaps this can be checked in the files.

I ~~do not~~ ^{don't} remember any complaint about cold in the winter. If there had been, I cannot imagine why he would not have been given extra blankets, and I do not believe the complaint is justified.

His diet was planned always in consultation with a medical doctor. To accuse the Agency of trying to subject him to "partial starvation" is unjust; to imply that Nosenko's handlers wanted to, but a medical doctor "intervened" (as Mr. Hart said) is to distort the facts. The doctor was consulted in advance, at every phase of the

detention, and checked Nosenko regularly. ⁶ The diet was made more or less austere depending on the situation at any given phase of the interrogation, but it was always a healthy one.

The time frame has been much distorted, ^{hex} We did not foresee a long detention -- as both Mr. Helms and Mr. Hart have said. The first step, and perhaps the only one which required detention, was to be the confrontation, the hostile interrogation. I do not remember how long we thought it would last; perhaps somewhere between two weeks and two months. From then on the detention became extended, phase by phase.

First, the hostile interrogation. The results surprised ² us. Before, we suspected Nosenko might be a plant; afterwards, we had come to think moreover that he might never have been a true KGB officer and that he surely had not held certain of the positions in the KGB which he claimed. (This view was reinforced in later questionings.)

At the conclusion of the hostile interrogation, in which Nosenko himself admitted that he 'looked bad' even to himself. Nosenko was entirely willing to submit to a systematic debriefing. He said that we had been right to separate him from drink and women and make him work seriously. He did not complain then of the conditions of detention.

So
~~And so~~ began the second phase, a systematic questioning of the sort which we would have done with any normal defector under conditions of freedom. Nosenko ate quite good food, got books to read, and cooperated without complaint (except when it got too hot).

The third phase was a second hostile interrogation using the new information derived from his questioning and from outside investigations in the meantime. It deepened our suspicions, gave us more insight into what might lie behind him, and produced some confessions of minor lies -- which did not remove the doubts, for the new version contradicted other things he had said. But he did not confess to Soviet control. During this period his diet was made more Spartan, and he was not given reading material.

Nothing was harmful to Nosenko, however. You have only to listen to his complaints (lack of reading material, *and* ~~or~~ other diversions, being about the worst) to realize that this was not "torture" whatever Nosenko's advantage in making it appear so.

After the second hostile ^①interrogation (I do not remember the dates) Nosenko was moved to the second holding area. This we can call the fourth phase.

Much has been made of CIA's constructing a house to hold Nosenko. But the true explanation is far less lurid

than Mr. Hart would make it seem. A new safehouse was needed because time erodes the security of any safe area; it was time to move. There was no thought about how much longer the detention had to last; Nosenko was still in the United States on parole to the CIA; we would not, under any circumstances, have certified to the immigration authorities that we considered him a bona fide immigrant. On the contrary, we had a mass of reasons to believe that he was a KGB agent sent to harm the interests of ~~the~~ ^{this} country. So what could we do about him? The first thing, in view of the serious implications underlying this suspicion, was to clarify the doubts to the best of our ability. And at that point we still thought there were ways to learn more, enough to justify continuing the effort.

Suitable rural houses near Washington were, of course, hard to find, expensive to rent, and involved leases for minimum ^{period}, security hazards, and the threat that breaches of security might make us move again and again. And such holding areas required a large guard force.

So the Office of Security considered it not only safer and better for our purposes, but also cheaper, to build a place on Government-owned land, than to lease a new house, pay the guards, make the alterations, etc. for a period we could not control.

As to the design of that house. Mr. Hart invented the term "bank vault" which is a catchy phrase but a purposeful

misrepresentation, a misrepresentation of his own Agency's motives. The facts were these. The house was to be separate, but to hold down costs it should be as small as possible. There were certain minimum requirements: an interview room, a room for Nosenko, and a room for the guard or guards. It should require as few guards as possible. It should have an open-air exercise area, but not such as to let him see where he was. And as in the earlier safehouse, he should not be able to communicate with the outside, hence no windows. To prevent tunneling, his room should be of stronger construction.^{Now,} To go from these last two criteria, as Mr. Hart did, and say that "in addition to the vault it consisted of a house which disguised the vault, which surrounded it," (~~line 3949-50~~) is to misstate the truth.

The house was designed by the Office of Security, which was responsible for all the physical aspects of holding Nosenko. At no time did any representative of the Office of Security express any dissatisfaction with the manner of Nosenko's handling, nor disagreement with the suspicions of Nosenko which underlay the detention.

It has been said that Nosenko was kept in "solitary confinement" and unoccupied, with a special view to influencing him to confess. In fact, there was no alternative to "solitary" ^{Confinement} ~~detention~~ (could we have found him a companion?) and it was physically impossible to arrange to question him constantly. One day of interrogation requires

at least a day and perhaps more of report writing, and a day or, ^{more} ~~so~~ of investigation, and later sessions take time to prepare. And for almost all the people involved, there were other responsibilities, other tasks; the work went on even outside the Nosenko case. How Mr. Hart could imagine that the Agency leadership (professionals with experience in interrogation) thought Nosenko was under constant questioning is incomprehensible to me. Mr. Hart says we interrogated Nosenko for 292 days out of 1277. That makes about one day in four, if you let us off for weekends, and that sounds about right and normal. If I once wrote that the time between questionings would make Nosenko "ponder," then I was rationalizing inevitable gaps, not planning an unbearable isolation for the man.

The detention had positive results. We got, as we never could have otherwise, the bulk of what Nosenko had to report, pure and free of any outside coaching. We were able to detect just how ignorant he was, and in just what areas. We could probe the limits of his knowledge, and they were rigid, even in connection with things he had claimed to have lived through. (Much like his recited story ^{of} ~~about~~ Lee Harvey Oswald). We were able to apply test questions to refine or test our hypotheses, in the absence of a confession. But, limited by morality and the law, we were not able to get a confession. In retrospect, with the benefit of hindsight, I suppose that we would have done just as well to give him

better food, more books, music, a big bed, games, and occasional informal conversations. But that was not clear at the time.

But we could hardly, in good conscience under our responsibility under the parole, sponsor him for U.S. immigration. It took a whitewash and pretended belief in his tales to accomplish that. 8

The question of "disposal"

Here the extent of CIA's irrational involvement with Nosenko becomes blatant. Mr. Hart read (with relish, according to my friends who watched on TV) selected items from some penciled jottings in my handwriting which left with you the impression that I had contemplated or considered (even "suggested" as more than one newspaperman understood him) such measures as liquidation, drugging, or confinement in mental institutions.

I state unequivocally, under oath, that:

- First: No such measures were ever seriously considered.
Second: No such measures were ever studied.

(What "loony bin"? How "make him nuts"? What drugs to induce forgetfulness? I know of none now and never did, nor did I ever try to find out if such exist. The whole subject of "liquidation" was taboo in the CIA for reasons with which I wholeheartedly agreed then and still do.)

Third
3)

No such measures were ever suggested as a course of action, even in intimate personal conversations.

Fourth
4)

No such measures were ever proposed at any level of the Agency. (9)

(10)

I do not remember making any such notes. However, I can imagine how I might have. Responsible as I was for this "abominable" case, I was called upon to help find the best way to release Nosenko -- without a confession but sure that he was an enemy agent. In an effort to find something meriting serious consideration, I suppose that I jotted down, one day, every theoretically conceivable action. Some of them might have been mentioned in one form or another by others; I doubt they all sprang from my mind. (I cannot even guess what "points one through four" might have been, the ones Mr. Hart declined to read because they were "unimportant." I guess that means they weren't damning to me.) But the fact that the notes were penciled reveals that they were intended to be transient; the fact that "liquidation" was included reveals that they were theoretical; and their loose, undignified language reveals that they were entirely personal, for my fleeting use only. In fact, none of these courses of action could have been morally acceptable to me nor conceivable as a practical suggestion to higher authority.

Mr. Hart admitted, or proudly claimed, that he himself discovered these notes in the files. (4276) Although he recognized their purely personal nature, that they were not

addressed nor intended for any other person, nor had any practical intent, he chose to bring them to show-and-tell to the Committee and the American public. Did he feel this a moral duty? Or was it simply part of his evident intent to deride and destroy any opposition to Nosenko? Could he have done it for reasons of personal spite? Whatever the answer, the cost seems too high: he was discrediting his own Agency for a matter without substance.

I cannot remember any concrete proposal for "disposal" being made during my tenure. You understand, of course, that "disposal" is merely professional jargon for ending a relationship which began with "acquisition." The course the Agency eventually adopted seems, in retrospect, the only practical one. I think the Agency did well to rehabilitate Nosenko and, as I thought, put him out to pasture.

However, I cannot understand why they then employed him as an advisor, as a teacher of their staff trainees in counterintelligence. The concrete suspicions of Nosenko have never been resolved, and because they are well founded, they never will "be cleared up and go away." Mr. Hart and Admiral Turner may frivolously dismiss them, as they have done before your Committee, but the doubts are still there and it is irresponsible to expose clandestine personnel to this individual.

Conclusion

Mr. Hart's testimony was a curious performance. One wonders what could drive a government agency into the position of:

- trying to discredit and bury under a pile of irrelevancies the reasons to suspect that the Soviet Union sent to America a provocateur to mislead us about the assassin of President Kennedy;
- pleading irrationally and misleadingly in favor of a KGB man about whom serious doubts persist;
- misrepresenting , invidiously, its own prior action;
- denigrating publicly the competence and performance of duty of its own officers;
- dredging up unsubstantial personal notes, left carelessly in a highly secret file folder, to falsely suggest in public the planning by its own people of the vilest forms of misconduct.

As the Congress is conspicuously aware, the veil of secrecy can hide irresponsibility and incompetence. But behind that veil the CIA used to maintain unusually high standards of honor and decency and responsibility, and did a pretty competent job, often in the face of impossible demands. The decline of these qualities is laid bare by Mr. Hart's testimony -- to the Agency's discredit, to my own dismay, and to the detriment of future recruitment of good men, who will not want to make careers in an environment without integrity.

The Agency need not have gone so far. After all, Nosenko's bona fides had been officially certified. Those who

disagreed were judged at its highest level to have "besmirched the Agency's escutcheon." Not only are they out of the way, but "everything possible" is being done to see that no one challenges Nosenko or his ilk, ever again. (4048) The Agency need only have said this much, and no more.

That Admiral Turner's personal emissary went so much further suggests that the Agency may not, after all, be quite so sure of its position. Perhaps it fears that ^{this} ~~the~~ Committee, wondering about this defector's strange reporting and unconstrained by CIA's official line, might innocently cry out, "But the emperor has no clothes!" This might explain the spray of mud, to cloud your view.

Mr. Chairman, I appreciate the opportunity to appear before this Committee. My only regret is that I have not had the opportunity to answer publicly charges that have been made in public. And I should also like to point out in closing that in making this presentation and in responding to your questions today I may be limited by the fact that the Agency has denied me access to certain documents which I requested be made available. With that in mind, I will be happy to address any questions you may have. (note)