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HEARINGS

BEFORE THE COMMITTEE

on

SELECT COMMITTEE ON ASSASSINATIONS

(Subcommittee on Assassination of President John F. Kennedy)

ASSASSINATION OF PRESIDENT JOHN F. KENNEDY

EXECUTIVE SESSION

Washington, D. C.

Thursday, November 16, 1978

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October 11, 1978

Mr. G. Robert Blakey
Chief Counsel and Director
Select Committee on Assassinations
House of Representatives
Washington, D. C.

Dear Mr. Blakey,

I have read the transcript of the testimony of the CIA's representative, Mr. John L. Hart, before your Committee on September 15, 1978.

As the former deputy chief of the CIA's Soviet Bloc Division, so prominently and so disparagingly featured in that testimony, I may be able to help the Committee to judge CIA's investigation of Lee Harvey Oswald's sojourn in the Soviet Union, as reported by Yuri Nosenko.

Specifically, I can correct certain misleading impressions left by Mr. Hart. I would call to your attention at least twenty errors, fifteen misleading statements, and ten important omissions in his testimony, many of them pertinent to your task and, together, distorting the entire picture.

Having been publicly dishonored by unfounded statements before your Committee, I ask for the courtesy of an opportunity to come before the Committee, publicly if you are to hold more public hearings, to answer not only for myself but also for the Central Intelligence Agency, which has misrepresented its own performance.

I mention below a few of the points of error and distortion, leaving many others to be discussed in person with the Committee. My comments refer to the line numbers in the draft transcript of Mr. Hart's testimony, and are keyed to the Committee's twofold purpose as you defined it: of evaluating the performance of the Agency and of weighing the credibility of Mr. Nosenko.

For clarity I have subdivided these as follows:

1) Effectiveness of CIA's performance:
   a) in getting the facts about Oswald from Nosenko,
   b) in investigating these facts.

2) Credibility:
   a) of Mr. Nosenko's statements about Oswald,
   b) of Mr. Nosenko as a source.

After discussing briefly each of these points, I will make, below, a few general comments on the CIA testimony, and will address myself to the matter of Nosenko's treatment.

CIA's performance in getting the facts from Nosenko

The Committee Staff Report describes accurately the CIA's performance in this particular aspect of its responsibility. Referring to the Agency's questioning of Nosenko on July 3 and July 27, 1964, it says on page 7 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." Moreover, CIA gave Nosenko a transcript of his own remarks so he could add anything more he knew or correct any errors. (Staff Report, pages 8-9)

Mr. Hart's confusing testimony had the effect of changing the Committee's appraisal. Not only giving the Agency a "zero" rating on all aspects of this case, he stated flatly that "There was no effort being made to get at more information he might have." (lines 2848-9) He thus led Mr. 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 fact, CIA got from Nosenko all he had to say about Oswald. CIA's reports contained no less than those of the FBI, who questioned Nosenko as long as they thought they needed to. Your Committee seems to have been satisfied that in its 21 to 24 hours with Nosenko it, too, had got everything he had to say. That added only one new fact, about the KGB's voluminous surveillance reports on Oswald, which contradicted Nosenko's earlier reports and, as the Staff Report notes, in turn contradicted another aspect of Nosenko's story: that the KGB didn't watch Oswald enough to learn of his courtship of Marina.

One wonders, therefore, whether Mr. Hart would give your Committee a similar "dismal" or "zero" rating.

In fact, of course, there was nothing more to be got from Nosenko. If there had been, CIA would have gone doggedly after it, just as the FBI and your Committee would have. 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, to CIA and FBI, each of whom questioned him carefully and systematically about it.

It is difficult, then, to accept the new judgment that CIA's performance on this aspect deserved a "zero." It could only be a result of confusion engendered by Mr. Hart.

CIA's performance in investigating Nosenko's reports on Oswald

By alleging general prejudice and misunderstanding on the part of CIA personnel handling this case, Mr. Hart confused the Committee on the specific question of CIA's investigation of Nosenko's information.

When Mr. Fithian asked specifically whether the CIA had made any attempt to verify Nosenko's information on Oswald's KGB contacts, Mr. Hart replied yes, but then interjected an irrelevant statement about a "climate" of "sick think"; his aim was presumably to leave the impression that even if another KGB man had confirmed Nosenko's statements on Oswald, these dismal CIA people wouldn't have believed him. (3666) Later Mr. Hart backed off even this degree of approbation, hinting that maybe, after all, CIA didn't investigate at all: "No such file (showing investigation via other defectors) came to my attention." (4177) But Mr. Hart knew very well that no other defectors knew about Oswald's connections with the KGB.[1]

The truth lies in the Warren Commission report, cited in lines 4146-9, that CIA just didn't have other sources in the KGB or elsewhere in the USSR in a position to check Nosenko's story. This is not quite the same thing as saying, as the Chairman did, that "we now know that the CIA did not investigate what Nosenko did tell them about Oswald in Russia." (4166) The confusion stems from Mr. Hart's testimony.

If CIA's failure to have on tap another spy in the KGB who knew about the Oswald case constitutes "dismal" performance, then that should be so stated. The record as it stands, at least in the transcript, casts an unjustified slur on CIA's performance in this particular aspect of its task.

By the way, the coincidence that the CIA had even one KGB source on Oswald in Russia is worth the Committee's notice. Of the many thousands of KGB

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[1] Defectors knowledgeable of internal USSR procedures and controls were queried by CIA concerning the whole story of Oswald in the USSR, and the results were reported.

people throughout 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 two separate occasions: when Oswald came to Russia in 1959 and again after the assassination when the Kremlin leadership caused a definitive review of the whole KGB file on Oswald.[1] How many KGB men could say as much? CIA was thus unbelievably lucky to be able to contribute to the Warren Commission at all. (In view of other suspicions of Nosenko, the key word in that last sentence is "unbelievably.")

Credibility of Nosenko's statements about Oswald

The Committee's Staff Report ably pointed out the contradictions between Nosenko's various statements. Mr. Hart admitted, under Mr. Dodd's insistent pressure, that Nosenko's testimony about Oswald was "implausible" and even "incredible." (3431,4353,4396) He went so far as to recommend that it be disregarded. (3426,3438,3467)

However, Mr. Hart exhorted you to believe in the rest of Nosenko's reporting and to believe in Mr. Nosenko's good faith. (2656,3252-78,3348-55) In other words, he assured you that Nosenko's incredible and unusable testimony about Oswald did not come as a message from the KGB but only from the confused mind of CIA's advisor. Therefore, Mr. Hart would have you disregard it rather than read it in reverse.

To support this recommendation Mr. Hart said: "I cannot offhand remember any statements which he has been proven to have made which were statements of real substance other than the contradictions which have been adduced today on the Lee Harvey Oswald matter, which have been proven to be incorrect." (3253-8)

But the Committee only spoke to Nosenko about this one matter. Even so, the Committee detected no less than four or five contradictions. Could this, by extraordinary coincidence, be the only such case?

When it confronted Nosenko with his contradictions, the Committee encountered the range of Nosenko's excuses and evasions -- even before the CIA sent Mr. Hart to make these same excuses for Nosenko. Nosenko told the

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[1] If memory serves, there was a third occasion, too. Did not Nosenko happen to be in the room in 1963 when a cable arrived in Moscow concerning Oswald's visa application in Mexico City?

Committee that he'd been misunderstood, that he didn't understand English, that he'd been under stress, drugged, or hallucinating. He would evade the question, saying you shouldn't ask him what he'd said before, but should ask about the conditions he'd been kept in. Mr. Hart's testimony must then have resounded like an echo in the Committee room.

Nosenko even told the Committee staff that he couldn't remember what he had said before. The oddity of this will not have escaped the Committee's notice. It shouldn't matter what he'd said before; he was supposedly talking of things he'd lived through: the KGB files he'd seen, the officers he'd worked with. If these were real experiences he need only recall them and his reports would, all by themselves, come out more or less the same way each time (within normal or abnormal limits of memory, and personality quirks, of which we are all almost as aware as Mr. Hart). As the Committee learned, Nosenko's reports did not come out straight, so Nosenko resorted to this bizarre excuse -- which makes the story appear more learned than experienced.

Nonetheless the CIA asks the Committee to take its word that this is the only time such things happened, the only such testimony by Nosenko that need be disregarded. But this is particularly difficult to accept on such an important matter. The Oswald affair, after all, was exciting worldwide interest, and at the time of the KGB's file review, Nosenko was already a willing secret collaborator of the CIA. One might expect his powers of retention to work unusually well here. Yet it is precisely on this matter that CIA tells you that Nosenko was uniquely fuzzy.

What the CIA did not tell the Committee, what was hidden behind Mr. Hart's "offhand" inability to remember other such bad performances by Nosenko-the-man-of-good-faith, was that this performance was in no way unusual. It was simply the way Nosenko reacted whenever he was interrogated in detail on important matters. Not only the contradictions, not only the changes in the story, but the excuses and evasions as well: all were standard Nosenko.

This brings us to the next subject.

Credibility of Nosenko as a source

This is clearly important to the Committee, which must decide whether Nosenko's contradictory testimony on Oswald was an aberration, as the CIA pleaded, or a message from the KGB.

Here are a few of the errors in the CIA testimony which might affect your decision:

1) Mr. Hart said, after having reviewed every detail of the case for six months with the aid of four assistants, "I see no reason to think that he has ever told an untruth, except because he didn't remember it or didn't know or during those times when he was under the influence of alcohol he exaggerated." (3352)

Comment: Ten years removed from this case, I can still remember at least twenty clear cases of Nosenko's lying 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.

Never, before this testimony by Mr. Hart, was drinking adduced as an excuse for Nosenko's false reporting. He had no alcohol in his detention, during which he was questioned, as Mr. Hart reminds us, for 292 days. And not by the wildest excess of faith or credulity can all of the contradictions and compromising circumstances of the Nosenko case (none of which, oddly enough, did Mr. Hart mention) be attributed to Nosenko's faulty memory, which Mr. Hart seemed at such pains to establish.

2) Mr. Hart said that the suspicions of Nosenko arose from the paranoid imaginings and jealousy of a previous defector, whom he calls "X". Mr. Hart told you that "Mr. X's views were immediately taken to be the definitive view of Nosenko and from that point on, the treatment of Mr. Nosenko was never, until 1967, devoted to learning what Mr. Nosenko said." (2404-29, 2488-91)

Comments:

a) 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 (as Mr. Hart said, 2375-9, 2397-8); seen alongside X, whose reporting I had not previously seen, 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 on lines 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

b) Later, our suspicions of Nosenko were deepened by concrete matters, not paranoid suppositions, and many of these lay outside Nosenko's own story and hence not explicable by his boasting, drinking, or whatnot.

c) Mr. Hart said that X "was masterminding the examinations in many ways." (2457) In fact X played no role at all in our "examinations" although he submitted a few questions and comments from time to time. The testimony of CIA on this point is inexplicable; its falsity must have been evident in the files Mr. Hart's team perused.

d) It is simply not true that "the treatment of Nosenko was not devoted to learning what Mr. Nosenko said." In the Oswald matter alone the Committee has the record of careful, systematic questionings in January and July 1964. Similar care was devoted to his other information. The results fill some of those forty file drawers to which Mr. Hart referred.

3) Mr. Hart stated, "Quantitatively and qualitatively, the information given by Mr. X was much smaller than that given by Nosenko." (2470)

Comments:

This breathtaking misstatement hides the fact 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 detection of several important penetrations of Western European governments, proof (not allegation) of penetration at the most sensitive level of French Intelligence, and pointers to serious penetrations of the U. S. Government.

Mr. X gave, before Nosenko, the current organization and methods of the KGB, and it was Mr. X who first revealed both of the two KGB operations which Mr. Hart adduced as proof of Nosenko's good faith. (See (4) and (5) below.)

To be charitable to Mr. Hart, he admitted to the Committee (2434) that he is "not an expert on Mr. X's case." His testimony, however, suggests that he has not read the references to X in the Nosenko files.

4) Mr. Hart stated, "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)

Comments:

a) Mr. X had given approximate locations of some of the microphones six months earlier. Neither he nor Nosenko knew precise locations, but both knew the mikes were there and both could indicate some specific offices where they could be found. The actual tearing out of walls, which Mr. Hart describes, would have been done, and the microphone "system" found, without Nosenko's information.

b) Contrary to Mr. Hart's statement (2350-3) the KGB would "throw away" already-compromised information to build up a source. Mr. Hart simply hid from you the fact that this information was already compromised when Nosenko delivered it.

c) These microphones were all in the "old wing" of the Embassy. Nosenko also said, and carefully explained why, no microphones were installed in the "new wing." Mr. Edward Jay Epstein, in his book Legend, says that 134 microphones were later found there. I think this can be checked, via the State Department. It would seem to have been CIA's responsibility to tell you about this, once they had raised the subject of microphones to support Nosenko's bona fides.

5) 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." (2354-62)

Comments: Mr. Hart was presumably referring to a man we can here call "Y", although I do not entirely understand his reticence, for this case is very well known to the public.

Mr. Hart has made two misstatements here:

a) Y's reports to the KGB were known to Mr. X, and the case had thus been exposed to the West six months before Nosenko reported to CIA. The KGB, recognizing this, cut off contact with Y immediately after X's defection. Y's eventual uncovering was inevitable, even though X had not known his name. Nosenko added one item of information which permitted Y to be caught sooner,

b) Therefore, contrary to the CIA testimony, there is a "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.

6) Mr. Hart told you that Mr. X had confirmed Nosenko's claimed positions in the KGB. (2431)

Comment: Mr. X said, on the contrary, that he had personally visited the American-Embassy section of the KGB during the period 1960-61 when Nosenko claimed to have been its deputy chief. X knew definitely that Nosenko was not serving there.

7) Mr. Hart said that DC/SB "had built up a picture which was based on a good deal of historical research about a plot against the West." (4809)

Comment: Like point (2) above, this is part of CIA's effort to belittle the case against Nosenko. My "picture" of Nosenko's role as a KGB provocateur was based on concrete factors, which as I have said above cannot be explained by Nosenko's personality flaws or memory. It was not based on "historical research," as Mr. Hart knew very well -- although it is, in fact, supported by a long history of Soviet actions of this sort.

At this point a word may be in order about Mr. Hart's contemptuous reference to "historical research." As I mentioned above, Nosenko's information in 1962 overlapped and deflected leads given shortly before by X, concerning spies in the U.S. Government. Now, a KGB paper of this period, perhaps what Mr. Hart would call a historical document, described the need for disinformation (deception) in KGB counterintelligence 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 the purposes of such operations, as I recall the words of the document, the first one mentioned is "to negate and discredit authentic information the enemy has obtained." I believe that Nosenko's mission in 1962 involved just that: covering and protecting KGB sources threatened by X's defection. Does this sound like a "horrendous plot" conjured up by paranoids? It is a straightforward counterespionage technique, perfectly understandable to laymen. But Mr. Hart's purpose was not enlightenment, but ridicule.

The last of the four or five purposes the secret KGB document listed (purposes of counterintelligence disinformation operations) was "to penetrate deeper into the enemy service." By taking on Mr. Nosenko as a counselor, the CIA may have helped the KGB achieve this goal, as well as the first one.

What conclusions can be drawn from these and similar errors in the CIA testimony?

I would submit that despite these efforts to deride and dismiss the arguments against Nosenko, there is, as Mr. Helms testified, a solid case against Nosenko, of which the implications are very serious. The country is not well served by Mr. Hart's superficial and offhand dismissal of that case.

For if Nosenko is a KGB plant, as I am convinced he is, there can be no doubt that Nosenko's recited story about Oswald in the USSR is a message from the KGB. That message says, in exaggerated and implausible form, that Oswald had nothing whatever to do with the KGB, not questioned for his military intelligence, not even screened as a possible CIA plant. Even Mr. Hart finds it incredible and recommends that you disregard it. But his reasons are flawed, and can you afford to disregard it? By sending out such a message, the KGB exposes the fact that it has something to hide. As Mr. Helms told you, that something may be the fact that Oswald was an agent of the KGB.

The form and tone of the CIA testimony

It is against this grave background that I will comment on the general tenor of the CIA testimony.

The Committee and the public must have been struck dumb by the spectacle of a government agency falling over itself to cast mud on its own performance of duty.

When Mr. Dodd asked Mr. Hart if CIA had "failed in its responsibility miserably," Mr. Hart replied, in a classic of government advocacy, "Congressman,... I would go further than that." (3188)

Mr. Hart's testimony -- one-sided, intemperate, distorted -- was carefully structured to influence rather than inform the Committee.

Mr. Hart went to special pains to force your thinking into a certain framework. He began his testimony defensively, citing all the factors which might have caused this defector to bear false witness: stresses, bad memory, drunkenness, the traumas of defection (shared, by the way, by all defectors), and even the "unreality of his situation." (2634) And then on to the revelations of mistreatment, which you are to accept as dismissing all evidence against Nosenko. "It is with (these mitigating factors) in mind that we have to approach everything that happened from 1962"(2498-9), plus of course the sheer bumbling incompetence of Nosenko's handling.

On the one hand CIA attacked with venom its own past performance, and on the other hand adopted an almost beseeching tone in defending a Soviet KGB person who, by CIA's own admission, had rendered invalid testimony about the assassin of an American president.

"You should believe these statements of Mr. Nosenko," Mr. Hart said. (3252) "Anything that he has said has been said in good faith." (3350) "I am only asking you to believe that he made (his statements) in good faith." (3275) "I am hoping that once these misunderstandings are explained, that many of the problems...which the staff has had with the questions and answers from Mr. Nosenko, and also allegations concerning him, will be cleared up and go away." (2124-31)

Confronted by Mr. Dodd with the specific contradictions which made Nosenko's story unacceptable, Mr. Hart fell back on declarations of faith. (3426,3349)

In the heat of his defense of Nosenko and his attack on Nosenko's questioners, Mr. Hart jumbled together the conditions of 1962 (alleged drunkenness) with those of the confinement, leading Mr. Dodd to lay importance on Nosenko's drinking. (3243-4) He got over to Mr. Dodd the idea that hallucinations "probably" (3241) influenced Nosenko's performance under interrogation (by a subtle turn of phrase, lines 2870-73) -- while knowing that hallucinations were never a factor in the question-and-answer sessions. Noting that the CIA medical officer concluded that Nosenko had feigned his hallucinations (in periods of isolation) Mr. Hart could not restrain a knee-jerk defense, "but that was simply one medical officer's opinion." (2864) And finally, by spending his testimony on the handling of Nosenko, and the mistreatment, he succeeded in skirting all the <u>facts</u> of the case which are, after all, your concern.

Mr. Hart's emotional closing message (4883) with its catchy word "abomination," epitomizes his whole testimony.

That testimony shows none of the detachment of a self-styled "historian" proud of his high standards of scholarship. (4106) It sounds more like a man pleading a flimsy cause, urgently trying to make a point.

He left with the Committee, and the public, a picture of a small group of irresponsible half-wits, carried away by wild fantasies about horrendous plots, failing even to ask questions, much less to check out the answers, while hiding their vile misconduct and illegal thoughts from a duped leadership.

Since these impressions provide the background for Mr. Hart's description of the handling of Nosenko, they may be worth a closer look.

He created at least three impressions about the handling of the Nosenko case:

1) <u>That it was the work of an isolated group of irresponsible people</u>

Specifically, Mr. Hart repeated that it was a "small group of people...a very limited group" (2509) handling the case on the basis of a "belief" held closely by "a very small trusted group." (2518) He gets over strongly the impression that Mr. Helms was not properly informed. (4619,3996-4019,4632)

Contrary to Mr. Hart's testimony, every step was discussed with all elements concerned; suggestions were solicited, decisions were worked out in consultation. The leadership did not lose control or confidence.

If, indeed, the group concerned with the suspicions of Nosenko remained "very small" it was because if Nosenko was a KGB plant, there was a KGB spy within CIA. This is not the sort of thing one wants to spread widely.

2) <u>That it was the work of incompetents</u>

Mr. Hart succeeded in getting over to the Committee and the public an image of gross incompetence on the part of Nosenko's handlers. He led Mr. Dodd, for example, to ask if any of "these characters" are "still kicking around the agency, or have they been fired?" (4282) and to suggest that even if there had been a KGB conspiracy, we would not have been competent to detect it. (4199)

Mr. Hart got over this impression of incompetence in three ways:

a) By repeating general, intemperately derogatory judgments and labels: He called the handling of "the entire case" (3189) -- including the competent parts noted above -- "zero", "miserable", "dismal," "counterproductive," and so forth, and hinted that the handlers were prone to wild fancies and illegal conduct.

b) By withholding facts: Certain information Mr. Hart knew and failed to mention might have caused the Committee to wonder whether, after all, there might be more to this than the simplistic picture Mr. Hart drew. For example, he did not tell Mr. Dodd the following about "these characters":

(1) That the people managing this complex case were senior officers with perhaps the most experience within the entire Agency in handling Soviet Bloc counterespionage matters.

(2) That neither C/SB nor DC/SB tended to see shadows where they weren't. In our many dealings with Soviet Bloc intelligence officers as defectors or agents-in-place, we had, before Nosenko, never judged any of them to be KGB plants. If anything, I have been reproached for trusting them too far, as more than one defector will probably be willing to testify.

(3) That in our service in positions of responsibility before, during, and after this affair, our performance was rated as superior, as CIA personnel records will confirm. If memory serves, even Mr. Hart judged my performance (and probably C/SB's) after this case as "outstanding." I was decorated for my service.

c) By giving you false and misleading information: Here are at least four examples:

(1) Mr. Hart told the Committee the outright untruth that the work of C/SB and DC/SB "on this case had been discredited and had caused them to be transferred out of Headquarters to foreign assignments." (2529) We can produce witnesses, if necessary, to prove that this is false. Any "discrediting" came later, by Mr. Hart and others. We had asked, long in advance, for our particular assignments and got them when the posts came open in the normal course of events, both of us after long headquarters

(2) Mr. Hart introduced a red herring about my Russian-language competence, which so misled Mr. Fithian that he spoke, without rebuttal by Hart, about an "English speaking person trying to take notes and writing down what this major potential defector was saying and then transcribing them and giving them to the Agency, right down through the interrogation." (3648-52) He led Mr. Dodd, too, to think there were "no verbatim accounts of some of the interrogations but rather notes taken by people who didn't have a very good knowledge of Russian." (3245-7) Hart could have saved a lot of time and confusion by reminding you of the simple truth that a Russian speaker was present at every meeting except the initial contact. In fact, there never was, after that initial contact, any problem of language, Russian or English. I concur with the FBI officer cited in the Committee's Staff Report, page 37: "There was no question about being misunderstood."

(3) Mr. Hart stated falsely that discrepancies in the transcripts were "very important in the history of this case, because (they) gave rise to charges within the Agency that Nosenko was not what he purported to be." (2296-2302) I know of no lasting misunderstandings and none at all that importantly affected our judgment of Nosenko's bona fides. And why would the transcripts be important after January 1964, when Nosenko himself was on hand to be questioned?

(4) By introducing the question of discrepancies in the transcripts Hart misled you in two other ways:

- He attributed them to my language deficiency when in fact the transcripts were made by a native Russian speaker who had participated in the meetings! How could I know there were errors in the transcripts?

- He told you that another defector found 150 discrepancies in the transcripts -- but did not mention that it was I who brought that defector into the case, and caused him to review the tapes and transcripts! Mr. Hart falsely hinted that I chose to ignore the defector's findings.

By way of footnote to this theme, the Committee might be interested to learn that the "very thorough, very conscientious" defector cited by Hart in connection with the transcripts, who is indeed thorough and of high professional integrity and unique expertise on Soviet intelligence matters, reviewed the whole Nosenko case and was convinced that Nosenko was a sent KGB provocateur and had not held the positions in the KGB which he claimed. Mr. Hart seems to have forgotten to mention this.

3) That the case against Nosenko is nothing more than a paranoid notion: This theme runs clearly through Mr. Hart's testimony. I have already discussed certain aspects of it.

Mr. Hart incorrectly attributed the whole "misunderstanding" to grandiose fantasies of Mr. X. In discrediting X he mixes, in the Committee's mind, a theory about the Sino-Soviet split, a "plot" masterminded "by something called the KGB disinformation directorate," and the role in this imaginary plot of "penetrations at high levels within intelligence services" of the West, a plot in the continuing process of "exaggeration and elaboration." (2410-27)

Taken one by one in a somewhat calmer frame of reference, these points may merit the Committee's attention.

The Disinformation Directorate exists. Every defector from the KGB, including Nosenko, has confirmed this, and it has been steadily increased in size and importance within the KGB over the past decades. It offers a framework for the centralization and exploitation of just such compromised and innocuous information as Nosenko has provided to Western intelligence. It is active and CIA knows it. So why does a CIA spokesman try to present it as part of a paranoid fantasy?

Penetration of American Intelligence was suggested by specific leads given by Mr. X, which were deflected by specific leads given shortly thereafter by Mr. Nosenko. Mr. Hart is quite right to say that penetration is part of the problem. He gives false testimony if he denies these leads and says that we are dealing only with a theory or with general allegations.

Mr. Hart implies that all the doubts about Mr. Nosenko can be dispelled by the factors Mr. Hart cited: bad memory, drunkenness, misunderstanding, bad handling, and the rest. In fact, the defense of Mr. Nosenko uses these factors one by one to cover and explain away each of hundreds of specific points of doubt such as had never arisen in any of the scores of defections of Soviet Bloc intelligence officers before Nosenko. I have tried repeatedly to build a coherent picture of the entirety of Mr. Nosenko's story, and the circumstances surrounding it, using these excuses. Not only do they fail to explain the most important points, but they tend to contradict each other. Perhaps Mr. Hart's people have never gone through this exercise.

Here, in short, is Mr. Hart's message. The whole case against Nosenko is a theory about a "so-called plot" and is "sheer nonsense." (3920-1) The evidence against Nosenko is "supposed evidence."

The CIA's handling of Nosenko

This leads to the subject of Nosenko's treatment, especially his confinement. 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." (3421)

At the risk of repetition I remind you that:

1) There is a carefully documented body of evidence, not "supposed evidence", against Nosenko, beyond any explanations of bad memory or misunderstandings. It is not juridical proof, but it was taken very seriously by the Agency's professional leadership, who were neither fools nor paranoids.

2) Among the implications underlying the very real possibility that Nosnko was planted on CIA by the KGB are these two:

   a) That Lee Harvey Oswald may have been a KGB agent.

   b) That there was KGB penetration of sensitive elements of the United States Government.

Here are certain facts that Mr. Hart has hidden or distorted by the manner of his testimony:

1) Nosenko's treatment for the first two months after his defection was precisely the same as that given any important defector.

2) During that period Nosenko had ample opportunity to produce information, or to act in a manner, which might reduce or dissolve doubts about him.

3) During this period Nosenko, unlike genuine defectors, 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, even about isolated points of detail. It became clear that if he were to be questioned at all, some discipline had to be applied.

4) Reasons to suspect Nosenko (not paranoid notions) were growing and the potential implications to American security were becoming clearer. It was our duty to clarify this matter. Anything less would have been, in truth, the sort of dereliction of duty of which Mr. Hart falsely accuses us today.

Please bear in mind that I find this case (not its handling) just as "abominable" as Mr. Hart does. Its implications are ugly. It imposed immense and unpleasant tasks upon us, and strains upon the Agency which are all too visible today in your Committee's hearings. The case has served me ill, professionally and personally. But it was there; it would not go away. The burden fell upon me and I did my duty.

In doing it I was not let down at any time by the Agency leadership. They understood what had to be done and why, and they took the necessary decisions to make it possible.

And so Nosenko was detained.

- If there were reasonable grounds to suspect that he was a KGB plant, his detention was 1) necessary, 2) effective, and 3) a partial success, for it got Nosenko's story and his ignorance pure and unsullied by outside coaching, and this told us much about what lay behind.

- If the case against Nosenko was "sheer nonsense," then the detention was not justified.

Here is how Mr. Hart described the decision: "The next step, since the interrogations conducted by the CIA, which as I say were designed not to ascertain information so much as they were to pin on Nosenko the label of a KGB agent acting to deceive us, since nothing had been proved in the friendly confinement, the people running the operation determined that the next step would be...a much more spartan confinement...

This misstates the case. Those early debriefing sessions were not designed to pin any label on Nosenko. (It is true that they did nothing to assuage our doubts and that during the same period we were learning things outside which tended rather to reinforce them.) If the results had been more promising we might have worked gradually around, in the questioning, to the points of doubt, and might thus have avoided any need of confinement.

The detention of Nosenko was designed initially to give us an opportunity to confront him with certain contradictions in his story. This would alert him to our suspicions and if he were still free he might, we thought, either redefect to the Soviet Union or "go public," either way removing our chances to get the data we needed to assess the truth behind his story of Lee Harvey Oswald and other serious matters.

Our aim was, as Mr. Hart said, to get a confession: either of KGB sponsorship, or of white lies which could, finally, form some believable pattern.

The results of this and subsequent hostile interrogations surprised us. Nosenko was unable to clarify any single point of doubt. Brought up against his own contradictions and our independent information, he admitted that there could be no innocent explanation (not even forgetfulness) or he would remain silent, or he would come up with a new story, only to change that, too, later. He did confess some lies, but they tended to contradict each other, not offer an innocent explanation for the oddities in his story. In fact, the hostile interrogation reinforced and intensified our suspicions.

After this series of confrontations, we had an opportunity, finally, to do something which would normally have been done first, with any cooperative defector: conduct a systematic debriefing, which he had resisted before his detention. We could, as Mr. Hart put it, "ascertain information."

Nosenko was cooperative. He even told his questioners that they were right to have thus removed him from the temptations of drink and women, and to have forced him to work seriously.

And so began months of systematic questioning under neutral, non-hostile, circumstances. Practically the full range of his knowledge was covered. An example

is the questioning on the subject of Lee Harvey Oswald in July, 1964, which the Committee's Staff Report called "detailed and specific." As the report states, "an attempt was made to touch all aspects." On each subject Nosenko was given an opportunity, as on the Oswald matter, to review the report and correct or amplify it. He was not drunk, not mistreated, not hallucinating, and there was never the slightest problem of understanding. (We should not confuse, as did Mr. Hart's testimony, the circumstances of one meeting in 1962 (language problem) with the whole operation, nor the conditions of 1962 (alleged drunkenness) with the conditions of confinement, nor hostile with non-hostile questioning.)

Simultaneously we were meticulously checking files and investigating outside, concerning every possible aspect of Nosenko's activities and reports. The results fill many of those file drawers of which Mr. Hart spoke.

What we learned suggested, uniformly, that Nosenko's stories about his career and personal activities in the KGB were not true. To deride these findings, to dismiss them as preconceptions, is to misrepresent facts clear from the files.

We found that the KGB operations Nosenko had reported, for example, were already known or had lost any value they had had to the KGB. This is not true of the reporting of any previous defector. That Mr. Hart, so eager to convince you of Nosenko's good faith, could cite as evidence only cases which had been uncovered by an earlier defector, gives you an idea. Two other KGB spies, an ex-U.S.Army NCO and the well-known case of Sergeant Robert Lee Johnson (the Orly courier-vault penetration), both of which Nosenko truly revealed for the first time, were useless: the NCO had never had access to secrets nor truly cooperated, Johnson had lost his access to the vault and was being publicly exposed by a neurotic wife. Such was the pattern, in addition to Nosenko's deflection of at least six specific leads given earlier by the KGB defector X.

Fact piled upon fact, creating a conviction on the part of every officer working on this operation that Nosenko was a KGB plant. Each had his own viewpoint; none was paranoid.

We conducted two more hostile interrogations, always increasing our knowledge, never relieving any suspicions, getting steadily closer to the truth, perhaps. But we got no confession.

All of this took time, and Nosenko stayed in confinement. As to the conditions of his detention, Mr. Hart has given many details. They do not seem directly relevant to the Committee's mission, for contrary to Mr. Hart's thesis, they did not materially influence Nosenko's reporting one way or the other, nor the question of Nosenko's bona fides. They cannot truthfully be adduced to dismiss the case against Nosenko. On the contrary these details, in Hart's testimony, tended to confuse the central problem before you: Nosenko's credibility and what lies behind his message to America concerning the KGB's relations with Lee Harvey Oswald.

However, if the detention could be dealt with as a separate and distinct topic, I am prepared to answer any questions I can on the subject.

The original justification for detaining Nosenko had been that he was in the United States under parole and it was the Agency's duty to prevent his harming the security of the United States. This could not last indefinitely. At the end of the efforts described above, we were still without the "proof" a confession would provide. We had only professional, not juridical, evidence.

Finally our time ran out and a decision had to be made about what to do about Nosenko.

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, and will do so under oath, on behalf of myself and anyone I ever knew in or out of the Central Intelligence Agency, that:

1) No such measures were ever seriously considered.

2) 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 tabu in the CIA for reasons with which I wholeheartedly agreed then and still do.)

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

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

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, much less conceivable as a practical suggestion to higher authority.

Mr. Hart admitted, or proudly claimed, that he himself discovered these notes in the files. (4270) 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 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.) 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 actions;

- 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 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 on!" This might explain the spray of mud, to cloud your view.

The above, I repeat, is but a preliminary statement, and is by no means all I have to say on these subjects.

You can reach me at the address and phone number on the first page. I presume, if I am permitted to appear before your Committee, that my travel expenses will be covered by the Committee.

Yours truly,

Tennent H. Bagley

C O N T E N T S

EXECUTIVE SESSION

ASSASSINATION OF JOHN F. KENNEDY

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THURSDAY, NOVEMBER 16, 1978

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House of Representatives,

Select Committee on Assassinations,

Subcommittee on Assassination of John F. Kennedy,

Washington, D.C.

The subcommittee met, pursuant to notice, at 10:20 a.m. in room 2359, Rayburn House Office Building, the Honorable Richardson Preyer (chairman of the subcommittee) presiding.

Present: Representatives Preyer, Dodd, Fithian, and Thone.

Mr. Preyer. A quorum being present, the committee will come to order. The clerk, Miss Berning, is asked to call the names of those authorized to sit on this committee.

Ms. Berning. You, Mr. Chairman; Mrs. Burke; Mr. Thone; Mr. Dodd; and Mr. Fithian will be substituting for Mr. Sawyer.

Mr. Preyer. Thank you.

At this time the Chair will entertain a motion to close the meeting.

Mr. Dodd. I would so move, Mr. Chairman.

Mr. Preyer. You have heard the motion. All those in favor will answer to the roll call.

Ms. Berning. Mr. Preyer.

Mr. Preyer. Aye.

Ms. Berning. Mr. Thone.

(No response.)

Ms. Berning. Mrs. Burke.

(No response.)

Ms. Berning. Mr. Dodd.

Mr. Dodd. Aye.

Ms. Berning. Mr. Fithian.

Mr. Fithian. Aye.

Ms. Berning. Three ayes, Mr. Chairman.

Mr. Preyer. Our witness today is Mr. Tennent H. Bagley. Mr. Bagley served as the deputy chief of the Soviet Bloc Division of the CIA in 1962, at the time of Mr. Nosenko's first

contact with the agency in Geneva, Switzerland, and since that time, has assisted in further interrogations of Mr. Nosenko.

I understand you have a prepared statement that you propose to read to the committee and that statement includes a letter dated October 11, 1978, to Mr. Blakey, the chief counsel of the committee. Is it correct that you would like that letter to be made a part of the record?

Mr. Bagley. If you would, please.

Mr. Preyer. But you propose to read the first part of your statement.

Mr. Bagley. Yes, sir.

Mr. Preyer. Without objection, the letter dated October 11, 1978, will be made a part of the record.

(Insert:)

Mr. Preyer. Mr. Bagley, after you are sworn, you will be recognized to read your statement. I might suggest, after you are sworn, Mr. Bagley, and before you read your statement, that you might, for the record, give us your present occupation and your present residence so that we have that basic information.

Will you stand at this time and be sworn.

Do you swear that the testimony you are about to give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Bagley. I do.

Mr. Preyer. Thank you, Mr. Bagley. I recognize you at this time.

TESTIMONY OF TENNENT H. BAGLEY, FORMER DEPUTY CHIEF, SOVIET BLOC DIVISION, CENTRAL INTELLIGENCE AGENCY

Mr. Bagley. Mr. Chairman and members of the committee, I would like to make a few introductory remarks to introduce myself as the chairman has requested.

I was born in Annapolis, Maryland, 1925; served in World War II for 3 years in the United States Marine Corps; attended Princeton University, University of California, and the University of Geneva, Switzerland, where I received a doctorate of political science. I served in the CIA from 1950 on and specialized there in Soviet and satellite operations. I had worked personally at one time or another with most of the important operations involving these areas over that generation.

In 1962, I became head of the section responsible for counterintelligence against the Soviet intelligence services; and in '65 or '66, I was deputy chief of the Soviet Russia Division.

When it was amalgamated with the satellite countries, in '66 -- I believe perhaps '65, I became deputy chief of that amalgamated division.

In '67 I went to Europe as a station chief in Brussels where I retired in 1972 on the Agency early retirement program, entirely, and I repeat entirely, on my own volition. I mention that because these matters of performance and separation of service have been raised in this committee.

I also would note for the record that my performance, which I wouldn't otherwise mention, was consistently rated as outstanding, and at the end of it I received an agency decoration. Since then I have been a private consultant based in Brussels where I represent American and European companies who don't have formal representation in Europe, in the field of avionics and chemicals, principally.

Now I proceed to my prepared statement, Mr. Chairman.

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 have to rely as did Mr. Hart on archeological digs into those 40 file drawers of information. Mr. Hart's 6-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 counterintelligence 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 60 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 -- "

Mr. Fithian. Mr. Chairman, may I interrupt long enough to suggest we turn off Dr. Bagley's microphone. I think we can hear him well enough.

Mr. Preyer. The fidelity of that is a little too high. It tends to muffle your voice. You may continue.

Mr. Bagley. But "this type of thing" is what the Nosenko case is all about.

Mr. Hart did not mention, and perhaps never studied, a number of 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 6 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 8-year-old dispatch I had written -- a phrase he later brought up with you,

the bit about "devastating consequences," in distorted form and out of context.

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 good will 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. And I ask you here to 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 into 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 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." 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 10 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." 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 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 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 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 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 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 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 good will 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 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 story.

So what is left to explain this incredible testimony? I can think of only two 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 11 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 was still 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 3 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 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 11 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 know 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 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 on the Oswald story. 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 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 those 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 60 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 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 30 errors in his testimony, 20 other misleading statements, and 10 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 6 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." Even 10 years away from this case, I

can remember at least 20 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.

Excuse me just a moment and off the record.

(Discussion off the record.)

Mr. Preyer. Back on the record.

Mr. Bagley. 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. He even got over to Mr. Dodd, by a subtle turn of phrase, the idea that hallucinations "probably" 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." 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 6 months earlier by "X." Alone, Nosenko looked good to me, as Mr. Hart said; 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. 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 counterintelligence 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 reason

to believe that Nosenko was on just such a mission in 1962: to cover and protect KGB sources threatened 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." 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 Government. Before Nosenko "X" uncovered the current 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." But Mr. "X" had given approximate locations of some of the microphones 6 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 mentioned, would have been done, and the microphone "system" found, without Nosenko's information. Contrary to Mr. Hart's statement 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; 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. 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 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 quote. Moreover, 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, pages 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." Mr. Hart thus led Congressman Fithian to suggest that the CIA had not even taken "the logical first step" of getting Nosenko's information and led the chairman to conclude that no investigation of Oswald's activities as known to Nosenko had been made. In this Mr. Hart concurred.

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, to the 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 40 file drawers are full of the results.

But of course we were not able to check inside the USSR, as the Warren Commission 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 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.

Mr. Chairman, my prepared statement continues now with a series of remarks on a series of issues of interest to the committee, which is the detention of Mr. Nosenko. I have already mentioned to you that I think it irrelevant to your concerns, but since it was a matter of considerable concern to you and of interest to the public, I have prepared a few pages here which I can either read or use in response to a few questions you may have.

Mr. Preyer. Let me suggest that you read them.

Mr. Bagley. Thank you, sir.

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 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 3 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 then 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" -- that's a quote from Mr. Hart -- 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 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 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 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. I can't remember the time period, but I think it was weekly. It might have been every 2 weeks. 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 here. 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 2 weeks and 2 months. From then on the detention became extended, phase by phase.

First, the hostile interrogation. The results surprised

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 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 other diversions, being about the worse) to realize that this was not "torture" whatever Nosenko's advantage in making it appear so.

After the second hostile interrogation -- I don't remember the date; I believe it was late 1965 -- excuse me, late 1964 -- 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 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, et cetera, 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, which surrounded it," 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" (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 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 1 day in 4, 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 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.

Now I want to address myself to 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, no such measures were ever suggested as a course of action, even in intimate personal conversations.
- Fourth, no such measures were ever proposed at any level of the Agency.

Of course, Mr. Helms, when he testified before you, hadn't heard of those penciled notes; neither had anyone else.

I do not remember making any such notes. And I have had much time to try to remember. 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 1 through 4" 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. 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 to 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." Those are two words that go together, being "acquisition" and "disposal." 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 counter-intelligence. 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.

In 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. 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 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.

Mr. Preyer. Thank you, Mr. Bagley.

Mr. Fithian, Mr. Klein will be recognized for questioning. Would you prefer to ask questions before Mr. Klein?

Mr. Fithian. No.

Mr. Preyer. I recognize Mr. Klein at this time.

Mr. Klein. Mr. Bagley, you referred in your testimony to the memo that was provided to this committee by Mr. Hart. The actual memo was not provided; a typewritten copy of that account was provided, JFK F-427. I will ask the clerk to show you a copy of that document.

Mr. Chairman, that has already been previously marked into evidence in previous hearings.

In looking at that document, do you recognize the words as being your own?

Mr. Bagley. No, as I said in my testimony, I can't

remember any such document. However, I wish to point out that I also said it is not at all inconceivable to me that such a document existed, and I did write it.

Mr. Klein. Some of the questions I will be directing to you refer to the letter; I believe that is also being put into the record. It is JFK Exhibit 136.

You have testified that you were directly responsible for the case of the KGB defector Yuri Nosenko from 1961 to 1962; is that correct?

Mr. Bagley. Yes.

Mr. Klein. Was learning what Nosenko knew of Lee Harvey Oswald a major objective of the CIA during those years?

Mr. Bagley. This question has arisen in some of the previous questions I have read. There may be some question about the word "major."

I would like to say the question of Lee Harvey Oswald was major indeed in our thoughts. We had in our custody the only witness to Oswald's life in the Soviet Union. So it was certainly important.

The information which Nosenko gave about Oswald was so circumscribed, so rigid that we took it, we questioned him, as you know, and got to what we thought were the limits of his knowledge. It was not expanded to anything he really lived through. It was there. We thought we had it. We questioned him in Geneva, I think twice. It is in the record. We talked

to him here about it. The Bureau had him then afterward. In the conditions of detention it was part of the systematic questioning to which I referred in my testimony. It was dealt with seriously. But I don't believe we had much hope of getting any deeper into it. We thought, Mr. Klein, that we had what Nosenko had to say about Oswald. Now whether that's giving it proper importance, it was -- well, of course it was important, but we didn't keep going back day after day for 1,000 days to keep asking him, can you think anything more about it?

The answer is yes, it's important; no, we didn't pound on it incessantly as perhaps a major or important subject might be pounded on. But I say even now, having read excerpts of your talks with him and having seen one or two things change, I would say, perhaps we would have made changes in his story.

ills
ls
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Mr. Klein. Was determining whether Nosenko was telling the truth about Oswald, was that a major objective?

Mr. Bagley. Yes, it was.

Mr. Klein. And did you believe at that time that if Nosenko was lying about Oswald, that that could have immense implications?

Mr. Bagley. Yes. But the lying about Oswald was, in this sense, parallel to the lying about several other things, a lot of other things.

As you saw, when I took this one case, the case of Lee Harvey Oswald, and took it through our or my thought processes, if you like, I couldn't find any logical or any illogical explanation for why he said what he said about Oswald.

So, of course, finding out why he was saying it or whether he was telling the truth was of immense importance. As you see, independent of all of the other aspects of Nosenko's bona fides, we could come to a point of extreme doubt of his bona fides solely on the basis of the Oswald case.

Mr. Klein. Now, you quoted from our own report about the detail and specificity of the July 3 and July 27 interrogations of Nosenko, when he was asked about Oswald in the Soviet Union.

Do you know of any other sessions when Nosenko was questioned specifically in detail about Oswald and Oswald's --

about Oswald in the Soviet Union?

Mr. Bagley. I don't know. I can't remember. I cannot remember. I do know that in our office we spent -- now, in my office at this time, Mr. Chairman, I would like to point out, as I mentioned in my opening remarks about my career, that during the period from 1962 to about 1965 I was in charge of counterintelligence within the Soviet bloc -- Soviet Russia division.

We were the operational element probably most closely involved with the Soviet intelligence aspects of what would come out in the Oswald case, along with the counterintelligence staff, as you know.

We did--because we had sources, defectors and experts at our behest--we did dig. We thought, well, what can we supply, how can we shed some light on this thing. This was on everybody's mind, and it was extremely important to us.

I remember, for example, the passing out of questions to certain defectors who were working with us from the KGB predecessor organization, and their information, their questions, their comments, were brought into us and to the best of my knowledge were made available to the Warren Commission.

This is not Nosenko, you remember. This is other sources about Oswald.

There were a number of questions which Mr. Epstein got and published in his book as an appendix, through the Freedom

of Information Act, which came from my section. He calls it 44 questions, but the way it is organized in the book it is a lot more than 44 questions because each one is a group of questions.

Now, we passed that to the CIA staff, which was our channel and liaison to the bureau, and it was passed to the bureau, and there was a big back and forth about whether they would or wouldn't service these questions in their dealings with Nosenko.

They were quite detailed questions, as they had to do with Soviet procedures primarily. Those questions were, I gather, never serviced by the bureau.

I can only say in retrospect -- and here my memory fails me slightly -- that by giving them in through channels to be put to Nosenko, somehow we dropped them because I don't believe that the conditions of detention, I don't think those so-called 44 questions were put to Nosenko.

When I look back on it, that is something that I would have to answer did we do absolutely everything, I think it would have been extremely interesting, and I don't quite understand if we didn't why we didn't.

Mr. Klein. I lost one point you were making. You said you gave them to the bureau, and the bureau did not ask the questions, bureau meaning --

Mr. Bagley. The FBI.

Mr. Klein. Didn't the CIA have custody of Nosenko at all times?

Mr. Bagley. No. As has been said, custody is not the word here. Responsibility for the questioning of Nosenko on Lee Harvey Oswald was very firmly in the hands of the FBI. Believe me, we were extremely conscious of this, and if my memory is right, I believe we were enjoined at the time not to question him.

Certainly there was no doubt that by giving him the body, the man, Nosenko, into the hands of the FBI for as long as they wanted -- I am talking now about conditions of liberty, of course, in this period, immediately after his defection -- that the United States -- the appropriate United States organization for the inquiry into Nosenko's knowledge of Lee Harvey Oswald was accomplished.

We had given him, and it was the bureau's job. They did their questioning.

You know, I don't know to this day exactly what they asked him. I learned more from your staff report than I had known before.

Mr. Klein. Is it your testimony that the agency was constrained from asking Nosenko questions about Oswald's activities in Russia because the FBI had primary jurisdiction in this?

Mr. Bagley. Yes, I think so.

Mr. Klein. Even Oswald's activities abroad?

Mr. Bagley. Oh, yes. That was the only thing that Nosenko could bring to the FBI. That was all Nosenko had, is Oswald in Russia.

Mr. Klein. That was the full extent of Nosenko's testimony?

Mr. Bagley. Yes, he was allegedly a KGB officer who had dealt with the case within the KGB. Of course, this was all he had to offer. The fact that this was handed -- the bureau had this authority, or this responsibility, it was perfectly clear to us at the time.

Mr. Klein. How was this matter made known to you, that the FBI would do all questioning -- would be responsible for questioning Nosenko about Oswald's activities in Russia? How was that made known to you?

Mr. Bagley. I don't remember. It must have been a result of normal interagency liaison, although nothing was really very normal about anything having to do with the President's assassination.

I would suggest that the best person to answer that question would be someone on the counterintelligence staff which controlled directly our liaison with the FBI.

Mr. Klein. Mr. Chairman, I would ask at this time to have --

Mr. Fithian. Mr. Klein, may I interrupt just a minute

here.

I would like to ask a question on this, and if I ask it later it will be as disjointed as can be.

If the FBI had responsibility for the questioning of Oswald, which I believe you just said --

Mr. Bagley. Yes.

Mr. Fithian. -- how then could you testify earlier, as I believe I understood you to testify, that the questions you asked and the answers you received from Oswald -- from Nosenko about Oswald, I think you said the Oswald case alone disproved Nosenko's bona fides.

Mr. Bagley. I didn't say disproved. I said it was a factor in testing of bona fides. I don't think I said disproved because the word "prove" is a tricky one in this case.

Mr. Fithian. That is not the burden of my question. The burden of my question is if there was this clear jurisdictional division, are you saying, or aren't you saying that the CIA did or did not question Oswald -- question Nosenko intensely or otherwise about Oswald.

Mr. Bagley. Oh, yes, I would be glad to review what I said about that.

During the period when we were dealing with Mr. Nosenko in Geneva, we -- this was an active hot operational matter, there was no question of FBI at all--we were face to face with a man who was in the jargon of the agency, was an agent

in place -- Nosenko before his defection, who was meeting us under clandestine circumstances in Geneva. He was telling us about Lee Harvey Oswald.

We, of course, took that and got it as straight and as thoroughly as we could under those circumstances.

After he defected and came to the United States, it was, through the channels that Mr. Klein is interested in -- it was made clear tha the FBI, as the primary investigative agency on the President's assassination, would manage the further and detailed questioning of Mr. Nosenko in the United States on his knowledge of Lee Harvey Oswald.

Later, after the detention -- as I mentioned, we tried to get some sort of admissions from Nosenko by the act of hostile interrogation. Those, as far as I remember -- there were no questions involved in there because there were no contradictions about Oswald, and I don't think that was part of our hostile interrogation.

But subsequent to the hostile interrogation, as I say, we were able for the first time because this man had resisted it earlier, we were able to ask him the kinds of questions we would have asked him had he been free, any normal defector.

We got to the questions and back to the questions of Lee Harvey Oswald in the course of that systematic debriefing. That, I think, will explain the dates, Mr. Klein, that are in your

report, which I didn't know, I don't remember. They were the 3rd and 27th of July.

Again, I learned from the report or I was reminded by the report that the detention and the hostile interrogation began in early April. As I remember it, the systematic questioning continued through the summer, and as a part of that questioning, not with any expectation that there was more to come, that we would have to contribute about Oswald, but because we wanted to do everything we could to get his full story before the Warren Commission closed its doors, we did ask him about these matters.

The result was --

Mr. Fithian. Even though at that time you did not have -- the FBI still had jurisdiction?

Mr. Bagley. The question wasn't -- in fact, Mr. Fithian, the question was no longer, I think -- we didn't feel any constraint during this period of detention. There was nothing preventing us from talking to Nosenko about Oswald.

The only thing that may have inhibited us was the conviction that he had no more to say about it. Certainly I think the comparison of what we got in Geneva, and the rather systematic questioning in July, there wasn't any more substance to it.

He was making certain statements, and those statements were either true or not true, But, they were certainly very

limited. I think we could list the number of facts he gave us about the Oswald case, and they would not be a very long list. They have to do with how he heard abou it and what he heard about Oswald's attempt at suicide, about Oswald's psychological assessment they did or did not do in the KGB, or in a Soviet hospital, on Oswald. These facts lined up have not changed and they have not increased by subsequent questionings. And I think by the time we were talking about, while Nosenko was in detention and we could have asked him as many questions as we wanted to, I think our feeling was that we had his story. And I think subsequent events have borne that out.

The only thing I regret, as I say, is that those forty-four questions which we had passed to the FBI, I don't think we should have felt any inhibition about asking Nosekno those at that time. I don't think anybody should have any inhibitions about asking Mr. Nosenko those questions today.

So I hope that answers your question.

Mr. Fithian. I was just unclear --

Mr. Bagley. While he was in detention, we didn't feel strongly constrained. There was not much thought -- the Bureau was always -- the FBI was always aware that if they wanted to talk to Mr. Nosenko again, that they could have him at any time they wanted. There was no question of keeping him away from the FBI. With the FBI's knowledge

of this case, the FBI's interest in this case, he was always there. If they wanted to come to the CIA and say, "Look, you are custodians of Mr. Nosekno. We would like to talk to him," they would have talked to him again.

Mr. Fithian. The reason I raised the question was I inferred from your response to Mr. Klein you somehow felt ruled out jurisdictionally, because that was the FBI's province.

Mr. Bagley. I would say prior to the detention, yes.

Mr. Fithian. Only for one time frame.

Mr. Bagley. Yes. I think from the time of his defection, or the time of his arrival in the United States until the detention. And as I say, the detention was designed to do a hostile interrogation, not to question him systematically. In fact, the hostile interrogation was a confused and confusing operation which didn't succeed, but it was strictly focused on contradictions in his story. And as I state, there were few enough, if any, contradictions visible within his story of Oswald that there was nothing there we could hook onto and use with any impact.

Mr. Fithian. Thank you.

Mr. Klein. Is it your testimony that whether it be very early or later on that the CIA did make every effort to get all the information from Mr. Nosenko that it could get and to find the truth -- all the information from Nosenko

about Oswald that it could get, and to determine whether that information was true or not?

Mr. Bagley. There are two questions, I think. I separated them in my letter. The question did we get all the information. And then you said --

Mr. Klein. You attempted to get all the information from Nosenko about Oswald. You can take that one first.

Mr. Bagley. Okay. It would be very easy, and I would in good conscience say yes. But over these past weeks I have had a lot of time to think about it, what did we know, what could we have done. And the only thing that sticks in my mind right now that would have been perhaps useful for the record was to ask him those questions which our experts, knowing internal Soviet procedures, had dredged up about -- which were not all to do with Oswald, and they had nothing to do with his knowledge of Oswald. They had to do with Oswald's own story, which has to do with his meeting with Marina, his permission to marry Marina, his exit of Marina from the Soviet Union, all of these things that have to do with Soviet internal procedures, where we consider ourselves particularly well informed, because we had access to some former KGB people who knew these procedures.

By the way, they have said, they said at that time -- well, their reaction to the story was quite violent. I understand that you have talked to some defectors on this subject.

But the reaction of the KGB men to the Oswald and Marina story, and most particularly to Nosenko's story about the failure to talk to him, and the ease with which he married this lady and so forth, they believed that this is not possible as given. Strongly they believe that.

Mr. Klein. I think my question sort of got lost. But is it your testimony that at some point the CIA did try to get all the information that they could from Nosenko that he knew about Oswald?

Mr. Bagley. About Nosenko's knowledge of Oswald, yes.

Mr. Klein. And at some point did the CIA try to do its best, do whatever was possible to determine whether the information Nosenko gave about Oswald was true?

Mr. Bagley. I would say our efforts in this respect would be on two planes. One is to check out the facts, and those facts, as I think Mr. Helms told you here, can only be found within the files of the KGB. And secondly, to find out whether Nosenko as such is telling a true story. In other words, is his story -- is all of his story true, and therefore is his story of Oswald potentially true. And in that latter respect, I would say we made a heroic but unsuccessful effort. I say unsuccessful, because we didn't prove it.

As I told you today -- I hope I got over to you the fact that I am convinced that the story cannot be true.

But that was the result of a long and strenuous effort.

So my answer to your second question is yes, indeed.

Mr. Klein. It is also your testimony that prior to the hostile interrogations, the CIA did not concentrate on the Oswald question because the FBI had primary responsibility for that issue, even though it dealt with Oswald's activities in Russia.

Mr. Bagley. Correct.

Mr. Klein. Mr. Chairman, I would ask that at this time I read into the record page 7 from a document received from the FBI which is responses to questions that this committee posed to the FBI. I cannot put the entire document into evidence because portions of it are secret. But the portion I propose to read is unclassified.

The question posed to the FBI by this committee was "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?"

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

Mr. Bagley. I find that absolutely incomprehensible,

because Nosenko could not conceivably have known anything about Oswald's activities in the United States. The FBI would have had nothing to talk to him about.

Mr. Klein. In effect, what this document would seem to say is that for everything that Nosenko knew about Lee Harvey Oswald, the CIA had primary responsibility of finding it out and investigating it.

Mr. Bagley. Absolutely, that is what that document says to me, yes. Because it couldn't possibly have been the agreement between the FBI and CIA at that time because, as I say, there is no use talking to a Moscow-based internal security officer of the KGB about a man, a former Marine of the United States, who came to the United States -- who had lived in the United States before he came to Russia, came back to the United States after he lived in Russia, and at some point along the way killed the President of the United States. How in the world would this man have had anything to say on the subject? In fact,he would have shrugged and said, "No, I don't know anything about it."

Mr. Klein. So we draw the conclusion from this that the CIA was of the opinion that the FBI had responsibility in this area and at the same time the FBI was of the opinion that the CIA had the primary responsibility in this area?

Mr. Bagley. Certainly not. The FBI talked to this man for days. They could have terminated their so-called

responsibility in five minutes had they thought that we were responsible, the CIA was responsible for talking to him about everything to do with Oswald in Russia.

Mr. Klein. Well, you are disputing that statement, is that right?

Mr. Bagley. Oh, yes. And I have a feeling that there is some misunderstanding there. I can't believe that anybody said that seriously.

I have no memory of any such thing being said at the time because -- perhaps they meant, you know -- it couldn't mean that they felt that the FBI had -- no, they were talking about Oswald, not about Nosenko. No, I cannot understand it.

Mr. Klein. So, you dispute that.

Mr. Bagley. Oh, of course.

Mr. Klein. Well --

Mr. Bagley. But I suspect it is a misunderstanding, rather than a misstatement.

Mr. Klein. You testified earlier that you did not recall any other sessions where Nosenko was asked detailed specific questions about Oswald in Russia, other than the July 3 and July 27 statements, which were mentioned in our report, is that correct?

Mr. Bagley. That is correct. One reason I think perhaps you have the whole picture is that there were pretty careful records kept. In response to your questions to the agency,

or -- I am sure you had got all of the pertinent files, and had there been anything else, it would have been clearly indicated.

Mr. Klein. I should state for the record we have read those files, and we know of no others.

Do you have any recollection of how long these two sessions were in time?

Mr. Bagley. You mean the July session?

Mr. Klein. July 3 and July 27.

Mr. Bagley. No. I take it that information came from a document. Did it give any indication of the time? Because --

Mr. Klein. I should state for the record the sessions are on tape.

Mr. Bagley. Well, then, there must be a way to know.

Mr. Klein. How many hours, as an experienced security officer, considering what you have told us was of importance to this question of Oswald -- how many hours do you think that the agency should have devoted to questioning Nosenko about Oswald?

Mr. Bagley. I would give you a practical answer to that question. When you are faced with a man who is telling you a limited number of facts, which have a very clear limit, you can ask him the questions, and you can write down the answers, and you can ask him the same questions or related questions all day long.

But I think that we felt that we had touched his limits, and we didn't just feel it, we experienced it, and that had we talked more and more and more we wouldn't have gotten anywhere. Therefore, I cannot guess how many hours one should spend asking the same questions.

I would add, by way of comment to your question, that had he lived through the experience as he said, we could have talked with him for days. Because you have a situation where a case officer named Rostrusin, or Krupnov, if this man walks up, and they talk about it, and then they go out and have a drink, or they live through these experiences, that Oswald had been in a hotel, and that there was this Soviet Intourist woman who was in touch with him, what exactly what is her relationships with both KGB and what did she think about this guy, and did you talk to her and when -- these are things which would go on and on and on had there been a genuine contact.

But the one thing I have noticed is that your complete information about Oswald and ourselves or the FBI's runs to a few pages, never more. You can't expand it. You reached the limit. Therefore, my answer to your question is I can't guess how long you can spend on this man, but I don't think it is any longer than we did spend.

Mr. Klein. Is it your testimony that five or six hours would be adequate for this issue?

Mr. Bagley. I am sorry. That is a very difficult question

to answer.

Mr. Klein. I should state for the record that the committee has heard the tapes of these two sessions and they lasted, combined, approximately five or six hours. That is where the figure comes from.

Mr. Bagley. I don't know. You are talking about a matter of hours -- was it six hours or 12 hours or even 30 hours. Perhaps there could have been more.

Mr. Klein. Now, are you familiar with the person who questioned Oswald on July 3 or July 27?

Mr. Bagley. No, I can't remember who it was. If you tell me his name, I am sure I would remember. But -- it was presumably a member of my division, or my section, I would say -- at that time the counterintelligence section of the Soviet division.

Mr. Klein. My only hesitation is --

Mr. Bagley. It doesn't matter.

Mr. Klein. -- is the security aspect.

Mr. Bagley. Unless you want to ask me about some document. Excuse me for my question.

Mr. Klein. What I do want to ask you is do you think if you have Nosenko, as he is speaking about Oswald, and you said it was an important issue, that the person who questioned Nosenko about Oswald should be somebody who is experienced in KGB -- questioning KGB defectors.

Mr. Bagley. I don't know. You have people available for questioning, and their manner of questioning is more or less detailed, and more or less competent, depending on their training, and depending on their personal inclinations or capacities.

Everybody has to get his experience somewhere. I think many officers I have known have done brilliant and complete interrogations without any prior experience.

No, I don't think it is necessarily relevant to be systematic about this. There was an implication in one of the reports I read that this man had not carefully studied the matter of Oswald before asking the questions of Nosenko. I think probably more could have been done there.

Mr. Klein. When you say that everyone has to get their experience somewhere, do you think that this situation would have been a proper place to give somebody experience in questioning a KGB defector, talking about Lee Harvey Oswald?

Mr. Bagley. Yes, I think it would -- in other words, it is not grotesque, it is not unheard of to have a competent person -- I am sure that the man who was sent -- as I say, I don't remember who it was -- I am sure he was not an incompetent.

When we are talking about questioning anybody about anything, we are talking about a personal capability, personal professional competence, rather than experience, let's say,

with a Soviet defector, or with anybody else. He could go down and question a businessman about his business.

Mr. Klein. Well, to question a businessman, say, about his business, do you think that he would have been very familiar in the facets of the business -- and my question is, would the person who questioned Nosenko about Oswald, would you expect that that person should be very familiar with the facts of Oswald's life and especially everything we knew about Oswald in Russia?

Mr. Bagley. Yes.

Mr. Klein. And this committee, as is stated in the report, questioned, took a deposition from the particular agent who was assigned to question Nosenko about Oswald, and was the only agent who performed that questioning on the 3rd of July and the 27th of July, and he stated that his knowledge of Oswald came from the media, what he had read as all of us look at the newspapers and hear on television.

Do you think that that is a satisfactory way to investigate what Nosenko knew about Oswald?

Mr. Bagley. The word "satisfactory" is a difficult one.

Mr. Klein. Adequate.

Mr. Bagley. Certainly not maximum. Certainly not desirable. No, I would be inclined to think that it was not -- it was certainly not maximum.

Mr. Klein. Do you think that had the person who questioned

Nosenko been very familiar with all aspects of Oswald, and experienced in KGB, and spent more than five or six hours questioning Nosenko about Oswald, and perhaps the CIA would have come up with more relevant information in determining whether Nosenko was telling the truth about Oswald?

Mr. Bagley. No.

Mr. Klein. You state in your report that the chairman of this committee, due to Mr. Hart's confusing testimony --

Mr. Fithian. Mr. Klein, are you departing that particular line of questioning now?

Mr. Klein. I am going to come back to it. But you certainly can ask a question now.

Mr. Fithian. I have had the feeling, subjective, today that perhaps, hearing your testimony and what else we have found out, that it would be fair to characterize your major interest in Nosenko as not being Oswald -- either because you touched the limits of his knowledge, information, or for whatever reason--and that it would be fair to say that your real interest in Nosenko, as an individual, was the potential penetration of American government, potential penetration of your own agency, determining whether he was sent here to mislead your agency, sent here to undermine Mr. X, whatever.

In other words, the intelligence operations that he might be able to lead you to were of a great deal more interest to you than Oswald. Isn't that fair to say?

Mr. Bagley. No, no, it isn't, Mr. Fithian.

I would like to correct some of the impressions given in this field by Mr. Hart, among others.

During the period of Nosenko's clandestine meetings with us before his defection, and during the period of his questioning under conditions of freedom in the United States, he was treated -- and his information was gone at -- precisely as would any other defector.

The most important information he had to offer was got at, priorities were established, he was questioned on everything he knew including Oswald. During the period of confinement, he was also questioned on Oswald.

Now, if the case as a whole seems to bear this counterintelligence flavor, I would like to say that is probably determined by the fact that Mr. Nosenko was an internal security officer of the KGB. He was questioned early on, both in Geneva and here, on his knowledge of anything to do with Soviet politics, Soviet personalities, on the economic or internal relationships with the leadership, any type of policy information that he could give from his knowledge, as a KGB officer.

These are things which some KGB officers have had knowledge of. In other words, we don't write them off. They are not nearly as valuable as sources of intelligence are; for example, officers of the Soviet army or the Soviet military

intelligence.

But nonetheless, they are not necessarily zero, especially having to do with political information. I would say we made every effort to get what this man had on other things, that we were not just slanting our questions in order to determine whether he was a plant.

However, during that questioning we continually found reason to suspect that he was a plant, but that was not our purpose as it has been stated to this committee.

Our purpose was to get what he knew. He didn't know much. That is a fact. That isn't our preconception, as Mr. Hart --

Mr. Fithian. You mean he didn't know much about any area?

Mr. Bagley. No, sir. Well, what do you mean by any area?

Mr. Fithian. The areas you questioned him on.

Mr. Bagley. The areas I mentioned, on Soviet politics, economics and so on, he knew effectively nothing. He had nothing that was of any intelligence value.

Mr. Fithian. Well, I had some other questions, but that would kind of lead us far astray.

Mr. Klein. I don't have a whole lot more.

You stated in your letter that the chairman of the committee, due to the confusing testimony of Mr. Hart, was led to state that no investigation of Oswald's activities

as known to Nosenko have been made.

Mr. Bagley. Yes.

Mr. Klein. And that that was incorrect?

Mr. Bagley. Oh, yes.

Mr. Klein. Would you tell us specifically what the CIA did to investigate what Nosenko said about Oswald in Russia?

Mr. Bagley. The context of that statement, by the way, as is put in my letter, has to do with the getting -- it is in the paragraph of that letter which talks about getting the information from, even though we are talking about investigation.

This is as I read the transcript. It may not be correct. It may have meant indeed the investigation of the information which had been gotten.

Mr. Klein. Right. Distinguishing taking a statement from investigation, using investigation in that way, would you tell us what specifically wad done to investigate this case.

Mr. Bagley. Yes, with pleasure.

First of all, the best way to investigate it is to check parallel sources of information. In this case, the only parallel source of information which could tell us, confirm or deny whether Lee Harvey Oswald had or had not been questioned by the KGB, or had or had not had any relations with the KGB, or some of the other things Nosenko said, could only come from the KGB, or Intourist, or from some of the personalities

in contact with Nosenko in Russia. We had no such sources.

Secondly, we would probably go into -- I am not sure what the technical term here is -- we would consult experts. We would take Nosenko's information and see whether it made sense in terms of the knowledge, our knowledge of the Soviet Union.

That would not be a reference merely to files. That would be the questioning of all available sources on this subject. That is the point I made, that we did go back to every one of our defectors, not only on Nosenko's story, but on Oswald's story, directly.

That would be about all -- except finally the attempt to determine how valid that information was in terms of the man's total credibility, which means investigation under interrogation.

Mr. Klein. Now, consulting of experts -- you told us that although you spoke to some defectors, that they never used the questions, is that right?

Mr. Bagley. No, no, no. They made reports. They made comments and reports about internal Soviet procedures which bore on the Oswald story. Oh, yes, they did that. They made reports.

Mr. Klein. So, since, as you say, you could not go to the KGB, the only investigation that the CIA did in this matter was to consult other defectors about procedures in the KGB?

Mr. Bagley. Other defectors, other knowledge available to the American intelligence community.

Mr. Klein. Well, what specifically?

Mr. Bagley. Excuse me?

Mr. Klein. I say other than defectors, who else did you specifically talk to, to investigate.

Mr. Bagley. Talk to? Oh, let me think. Talk to. May I ask you to be very precise in your question as to what aspects of the story you might be talking about? Is it Nosenko's story of Oswald? Because if it is, it has to do with the procedures of admission to the Soviet Union, the series of events that occurred to Oswald in the Soviet Union, the suicide, and things of that sort.

Mr. Klein. And you are saying that you investigated this--these statements by Nosenko how, by speaking to--

Mr. Bagley. Well, who would know about, let's say, procedures for the admission of people into the Soviet Union. Who would know about -- the main source, the most valued source we have ever had on things from this very closed society, where these regulations and these procedures are in no sense open to the public, the best source we have had, of course, is defectors and that is over a large number of years--many years.

The result has been we have accumulated this information, and have turned out general reports and kept them up-to-date

on what certain Soviet procedures are.

Those would be consulted. In other words, written reports, background information. Surely we checked that.

Mr. Klein. So in general you checked the reports that had been accumulated over the years, but not specifically written for this case.

Mr. Bagley. And then questioned people specifically about this case, those sources we had.

Mr. Klein. Who did you question, without saying a name -- if you questioned defectors, how many?

Mr. Bagley. Defectors.

Mr. Klein. How many did you question?

Mr. Bagley. Certainly a minimum of three, and as many perhaps as, I would guess -- my memory really isn't sure because I wasn't as closely aware of some of these other things -- I would imagine that we sou-ght or got reports from more than those three, the three that I know of. How many more, I don't remember.

Mr. Klein. And were their records and files of what these -- all the people that you questioned, are those records all made, of what they said when asked specifically to comment on this case?

Mr. Bagley. I don't know that, Mr. Klein. I don't know.

Mr. Klein. And other than the number of defectors, at least three, anybody else that you questioned, or did you do

anything else to investigate what Nosenko said about Oswald?

Mr. Bagley. The word investigation is bothering me a little. I don't know what you mean. If you mean to look into it, to verify it by whatever information we had about Russia, what other sources are avaialble? You have overt information, and you have information which has come from covert sources.

Mr. Klein. What I am saying is -- I am not stating at this time that there are other possibilities. I am just asking what -- is that the extent of what you did to investigate it?

Mr. Bagley. We are talkingabout Nosenko's story, which is Oswald in Russia.

Mr. Klein. Yes.

Mr. Bagley. What you do to investigate that in the United States is go down to the neighborhood and you go talk to people. But we had no such access to people inside the Soviet Union. THere was a tremendous limit to our ability to investigate this information.

Therefore, if these outsiders, talking about procedures, or what would or wouldn't be done normally, sounds like a somewhat inadequate means of investigation, it was the only one at our disposal.

Mr. Klein. As I say, your statement is that there was investigation. I am just trying to ascertain --

Mr. Bagley. I mentioned investigation on those three

grounds, the third of those grounds being the attempt by interrogation to get at the veracity of Nosenko in general, and Nosenko as a source on Oswald.

Mr. Klein. And we have already discussed the extent of the questioning of Nosenko on the Oswald matter. That was those two sessions.

Mr. Bagley. The questioning of Nosenko on the Oswald matter was limited to these two sessions, I believe, because you have told me so -- plus the session is in Geneva.

Mr. Klein. Do you recollect in Geneva that you spoke in details with Nosenko about Oswald?

Mr. Bagley. The words "in detail" are hard to say because the conditions of a clandestine meeting are never satisfactory. You cannot sit down and be systematic because you don't have that much time. There are other things we talked about.

Mr. Klein. Did you ever question Marina Oswald about what happened in Russia when she was with Oswald, and compare that to what Nosenko was giving you?

Mr. Bagley. To my knowledge the CIA had no access whatsoever to Marina Oswald, and I have no knowledge of any CIA contact with her at any time.

Mr. Klein. Did you ever ask the FBI to question her specifically about the issues you were interested in?

Mr. Bagley. Yes.

Mr. Klein. Is there a written request for that?

Mr. Bagley. I would suspect so, yes.

Mr. Klein. And did you get any answer back?

Mr. Bagley. No.

Mr. Klein. The FBI --

Mr. Bagley. No, I don't believe that we would have asked them to ask her something to tell us because this would have been a violation of what the FBI considered its charter in this case.

Mr. Klein. So you didn't ask them.

Mr. Bagley. We would give them questions to ask her. We would reuqest them or suggest to them that they ask Marina certain questions. That, yes, but not with the idea of reporting back to us because we wouldn't have any right to do that.

Mr. Klein. You wouldn't have any right to have the FBI give you their reports on Marina Oswald?

Mr. Bagley. Oh, yes, we would have a right to ask them to give the reports. But we didn't say why don't you ask this. This is essentially why we are doing it. We gave them a request for information and said will you go ask these questions.

That is the history of the famous 44 questions I spoke about a moment ago.

Mr. Klein. Weren't you interested in the answers to

compare it to what Nosenko was telling you?

Mr. Bagley. Yes, indeed. But -- the answers to --

Mr. Klein. That Marina gave the FBI, to compare it to what Nosenko told you what happened?

Mr. Bagley. We would have been very happy to have answers from Marina, and asked these questions. But we could not operate through the FBI to do this. I think this is a thing that has come up in previous testimony. I think we were constrained, that the bureau felt very strongly it was their responsibility.

Mr. Klein. Did you ever make any attempt to study files you had on other people who had defected, Americans who had defected to the Soviet Union, and check what happened to them, and compare them to Oswald's?

Mr. Bagley. Oh, yes, and the people whowere doing that -- by the way, I want to stress here that the agency component primarily responsible -- I told you about our wholehearted effort and tremendous interest in this. But the agency component handling the agency's requirements on Lee Harvey Oswald were in fact the counterintelligence staff. They indeed did look into the experience of other defectors.

Mr. Klein. Were their reports made on this?

Mr. Bagley. I don't know.

Mr. Klein. I should say for the record, Mr. Chairman, that our committee has seen these files, but has never seen

any reports indicating that any kind of study was made to compare these people to Oswald.

Were the results of these studies put in the final report that you people -- that the Soviet Russia division published in I believe February of 1977?

Mr. Bagley. No. The Soviet Russia -- may I speak about that report? The report, the so-called final Soviet Russia division report has also been misrepresented here. What was being done in the so-called thousand page report, or whatever one chooses to call it, was to make sense out of an incredible mass of material.

It had gotten to the point, there were so many inter-related cases, so much detail connected with Nosenko, that somebody new coming into the case could probably no longer master it. What I sought to do was to get each and every aspect of the case written up, what Nosenko had said, what investigations had been made of it, perhaps even comments on it, or further things to be done on it.

That I don't remember -- the exact format. But I do know the first two things were there, what Nosenko had said and what our investigation, independent knowledge showed.

This was put together with the idea of being a reference of easy access, not as a final report.

Now, exactly what was finally said in it when it got into its eventual form, the so-called 400 page report, I don't

know because I wasn't there, and I had certainly not originally intended that compilation had to be a final report.

It has certainly been treated as such, and has been described as such here. Perhaps there were passages in it which had the kind of conclusions which I saw quoted -- Nosenko was not this, and was not that, and was trying to deceive, and things of that sort.

Perhaps they appeared even in that thousand page report. But frankly, that wasn't its original intent, and I don't remember their being in there.

Mr. Klein. Do you specifically remember a report where there was a study of all American defectors to the Soviet Union and a comparison?

Mr. Bagley. No, but I can assure you that the person to ask on that would be the counterintelligence staff. That was their responsibility.

Mr. Klein. You don't recall a report?

Mr. Bagley. No.

Mr. Klein. Do you recall any kind of effort to get hold of documents, letters, diary written by Oswald, and compare that to what Nosenko was telling you about Oswald?

Mr. Bagley. No, no.

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Mr. Klein. When I asked you earlier about whether if you thought that a more experienced person questioned Nosenko, somebody who knew more about Oswald did the questioning, and whether there were longer sessions, whether that might have helped to get more information and get to the truth in this matter, you said that you didn't think it would help. And in your letter to us, you told us that you felt the Agency did an adequate job, and you compared what the Agency learned about Nosenko and what this committee learned and said that since we and the FBI didn't learn any more than the CIA, that that shows that the Agency did a good job.

Mr. Bagley. Did an adequate job. I didn't say did a good job.

Mr. Klein. An adequate job.

Mr. Bagley. Yes.

Mr. Klein. Did the FBI have the same access to Nosenko that the CIA had?

Mr. Bagley. Yes. As I remember, I think he was delivered to them. I think they probably questioned him -- I am not a hundred percent sure of this, but I seem to remember that they questioned him on their own premises. In other words, I think he was out of our custody in the period he was being talked to by the FBI. It is conceivable that I am wrong and that the FBI people came to the house in which Nosenko was living and talked to him there. But I have some --

Mr. Klein. I believe the record will reflect that was the case.

Mr. Bagley. I'm sorry. I didn't remember.

Mr. Klein. Do you recall the FBI having any access to Nosenko after April 4, 1964?

Mr. Bagley. No. Nor do I remember their asking for such access.

Mr. Klein. So they only were able to question Nosekno for approximately two months in 1964, is that right?

Mr. Bagley. Correct.

Mr. Klein. And you stated in your letter that they questioned him --

Mr. Bagley. Wait a minute. Excuse me. You said were able to interrogate him only during two months?

Mr. Klein. They had two months --

Mr. Bagley. You used the words "were able". They were able to talk to him more if they asked for it. I said that earlier today.

Mr. Klein. Well, you are saying they could have spoken to him after April 4, 1964.

Mr. Bagley. Of course. We would never have denied them access to him.

Mr. Klein. And your testimony is that they had questioned him all they wanted, and that is why they didn't question him any more after April 4, 1964.

Mr. Bagley. Yes. It is certainly my understanding.

Mr. Klein. Mr. Chairman, again I would like to read from the report given to us by the FBI, from page 5. This particular section was read into the record at our earlier hearings. I would like to read it again.

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

Does that indicate to you that the FBI felt that they could have interviewed him any time they wanted after April 4, 1964?

Mr. Bagley. Yes. The phrase in there was they had, as I understood it -- they had no access to him during that period. They didn't suggest, I think, by that phraseology that they were denied it. I know of no case in which the FBI asked for access to Nosenko or that anything was said to the Bureau that suggested to them that they could not have access to him during his period of detention.

Mr. Klein. And you also compared the findings of the CIA with the findings of this committee. Do you think the fact that this committee spoke to Nosenko fourteen years later

might have put the committee at a disadvantage versus the position the CIA was in in 1964?

Mr. Bagley. Normally I would say of course. In this case, I see no sign of it.

Mr. Klein. You don't think that the committee had any disadvantage --

Mr. Bagley. No. I say I don't see any sign of it in the result. On the contrary, I think you got everything and perhaps a bit more. As to whether the four years make a disadvantage in this case or not, I would say normally of course it would. Everybody's memory fades, especially of experienced events.

Mr. Klein. Do you think that the absence of the investigative and intelligence resources that the CIA had available in 1964, the absence of that for this committee might have also made it more difficult for this committee to conduct its investigation?

Mr. Bagley. The absence of what -- excuse me?

Mr. Klein. The investigative and intelligence resources that the CIA has available, and had available in 1964, that that might have --

Mr. Bagley. As I pointed out to you, there were no investigative resources that you would consider serious ones inside the Soviet Union.

Mr. Klein. You don't think that the CIA had any

advantage over this committee as far as sources available to them?

Mr. Bagley. I don't know what your limitations were, Mr. Klein. I would think that the type of sources that I have described would have been made available to your committee had you asked them. In other words, defectors, available background information on the Soviet Union and so forth. I don't think that -- well, I don't know what other assets you are talking about or what other capabilities.

Mr. Klein. You state in your letter that the committee came up with only one fact.

Mr. Bagley. Well, I was talking there about the --

Mr. Klein. Surveillance.

Mr. Bagley. The surveillance.

Mr. Klein. You are aware that the committee came up with numerous inconsistencies in Nosenko's statements?

Mr. Bagley. I certainly am. And I found them extremely well presented.

Mr. Klein. In the time that the CIA had to question Nosenko, can you specifically tell us any inconsistencies or untruths that the CIA pinned him to?

Mr. Bagley. In the details of the case?

Mr. Klein. Yes.

Mr. Bagley. The answer is probably no. I don't -- and the answer is certainly no, I do not remember any.

But as to whether there were or not, I don't remember.

Mr. Klein. In the files that I have read I can state that I have not found any. And my question to you is if the Agency did an adequate job, then how is it that fourteen years later this committee found inconsistencies, when the Agency never found any at the time?

Mr. Bagley. Well, some of those were changes in the story in the interim, aren't they?

Mr. Klein. That is correct. But they came about from questioning, from checking prior statements, questioning a number of times about the facts, twenty-five, thirty hours.

Mr. Bagley. Yes, prior statements.

Mr. Klein. My question basically is did the Agency put the time and resources into this so that if there were inconsistencies that could have been found in 1964 they would have been found.

Mr. Bagley. I am not sure that these inconsistencies did exist at that time. And certainly I am not sure that a questioning of him at that time would have produced these inconsistencies. I have no way of knowing that.

Mr. Klein. I am not necessarily referring to these particular inconsistencies. What I am suggesting is that if inconsistencies develop in questioning of somebody now, would it be a fair statement that adequate questioning in 1964, although maybe not developing these same inconsistencies,

would hae probably developed other inconsistencies which could have been investigated and could have been the basis for even further questioning.

Mr. Bagley. I think that is unknowable. I don't know.

Mr. Fithian. On that point, if I may add, Mr. Klein -- your own professional judgment is that Nosenko is lying about his knowledge of Oswald in Russia, or that he is intentionally misrepresanting what he knows to be factual about the KGB treatment of Oswald.

Mr. Bagley. Yes.

Mr. Fithian. I mean those are the only two possibilities.

Mr. Bagley. Yes, sir.

Mr. Fithian. And that was your conclusion at that time.

Mr. Bagley. The conclusion --

Mr. Fithian. Let me just ask you. You never would have put your stamp of approval on Nosenko's bona fides, is that correct?

Mr. Bagley. No one would put a stamp of approval on somebody's bona fides except as the result of a careful and considerable period of investigation; that is any defector.

Mr. Fithian. I understand that.

Mr. Bagley. And in his case it is suggested and has been suggested to this committee that conclusions were drawn prior to his -- first of all prior to his reappearance in 1964, in other words, after the 1962 meetings, and

subsequently during that period, before he was incarcerated, if that is the word. The fact is that at all times in our discussion, regardless of what might -- well, let me start again. That at all times we left the door open to him, for him to prove his bona fides. The key period in this, in my opinion, was in that period of freedom, after his defection, where he was treated like anyone else, and we tried to go down and talk to him and so forth. And there were points or questions in our minds which we tried to approach with him during that period.

I would say that we went to the meetings in 1964 with a doubt in the back of our minds. But in no way planning to handle the meetings in a different way than would have been.

Quite a lot was made by Mr. Hart about the duplicity with which we talked about the settlement arrangements that would be made with Mr. Nosenko when he came to the United States. This has been the subject of some controversy since.

My memory tells me that we were not and could not have been authorized to exercise duplicity as such. We were offering him the type of settlement which we would have offered to that man had he established his bona fides. It was not duplicity as such.

Now, if you say at the same time that fellow who is promising these things is also the author of this paper over here which says that we don't trust him, or that there are some

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odd things here which suggest he was a KGB plant, I would say absolutely yes. But is that duplicity? Because the door was always open for the establishment of his bona fides.

And as for the first hostile interrogation, when we confronted him with these contradictions, I would say to you that we probably suspected that he would not be able to clear up these things. But we didn't do it. And there might conceivably have been some innocent explanation of both contradictions in his own story or oddities, all the things that Mr. Hart or others have mentioned, that there was some -- he was perhaps a pathological liar or that he was boasting or he had a very strange memory, a whole lot of things could have come up.

But what we had done in the meantime is to do a lot of investigation on the side, not only about Oswald, and that we presented this outside information to him, asked him questions about it, and found that he was inexplicably unable to answer the questions.

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12:30

At what point has one concluded that this man -- in other words, dismissed him as a source? I don't think we ever did. I don't think we talked to him about Oswald until much later, during the period we are talking about here. I don't think any less effort was made than would have been made with a serious defector. There were certainly more troubles in getting details from him than from other defectors, but I think our posture, face-to-face to him, probably was not much different than it would have been had we not had the suspicions in the background. It's the word "conclusions" that bothers me. It's the conclusion what he might have said had we not had these preconceptions, as Mr. Hart put it.

Mr. Fithian. I was trying to get at a followup to Mr. Klein's questions. Mainly inconsistencies occurred because stories didn't match and so on, but I was trying to ascertain whether or not in your judgment, since you did not believe him, you had reason at that time either because of inconsistencies or lies or whatever you judged them to be, to disbelieve his rendition of the Oswald story in Russia.

Mr. Bagley. To the degree we had a suspicion of him at all, the answer is yes; we had that much reason to disbelieve what he said about Oswald in Russia. Plus the fact the story he was telling about Oswald in Russia was absolutely unacceptable to us alone as a story, for all the reasons we have already discussed. It was an incredible story and Mr. Hart and others

have stressed that and every Soviet defector has stressed this.

Mr. Preyer. I have to be at a meeting over at the Capitol at 12:45. If you want to continue some questioning, could you come back? I suggest if it's agreeable with everyone that we recess until 2 o'clock today in this room and we can post a notice on the door if we have to go to another room.

The committee stands in recess.

(Whereupon, at 11:40 a.m., the hearing was recessed, to resume at 2 p.m., this same day.)

AFTERNOON SESSION

(2:10 p.m.)

Mr. Preyer. The committee will resume its sitting.

The Chair recognizes Mr. Klein to complete his questions.

Mr. Klein. Thank you, Mr. Chairman. I will be exceedingly brief, with only one question.

Mr. Bagley, to your knowledge is there any documentation, reports, memos, that fully describe the efforts made by the CIA in 1964, '65, '66, '67, to investigate what Nosenko had to say about Oswald?

Mr. Bagley. No, and I would say as of 1966 or '67, when I cut off, my best guess is that such a document doesn't exist. I don't remember marking one and I am not quite certain what the reason for making one would be.

Mr. Klein. Is it normal procedure that during the course of the investigation you wouldn't document the course of the investigation?

Mr. Bagley. You would document everything you do, but you certainly need not go back and describe everything you did or everything you propose to do. I don't know who such a document would be directed to, for example. If one were reporting progress of an investigation there would be reports of what was done and what not. But this was one aspect of one larger investigation and I can't remember any document being made up on the subject.

Mr. Kline. Thank you. I have no further questions.

Mr. Preyer. Mr. Fithian.

Mr. Fithian. Thank you, Judge.

My first question is less specific. We'll have more specific ones later. But I have always been puzzled since Mr. Hart appeared before us as to why the Director would accept a man who would testify in such a way as to create smashing anti-CIA headlines out of that testimony and that goes beyond what you said this morning as to his own personal knowledge or credentials for making such testimony. Can you shed any light on that at all?

Mr. Bagley. It goes without saying, I have thought about this a lot. I think the dates of the Director's takeover of the agency may have something to do with it. He came in from outside, very much outside, and he was faced with what to him was probably repulsive or abominable state of affairs and he turns to what was then the recognized expert, the man who had just before his takeover of the agency conducted this study. I have not seen it; I understand it's bulky and have no doubt as to its conclusion. But I would say from the Director's point of view, this man might appear to be the expert even though he was already retired at the time he did the 1976 study.

Mr. Fithian. Going back to Mr. Hart's testimony on page 114 of our record, he says to this committee explaining how he would proceed, he says: "Therefore, what I have before me are a

series of notes which were finished about 8 o'clock last night based on guidance which I got at that time from Admiral Stansfield Turner, Director of the CIA."

Mr. Bagley. I am mystified and have been asked the question and have asked others the question and no one I know in the Agency during my time or since has come up with any sensible explanation.

Mr. Fithian. Your assessment or judgment as to why Mr. Hart was selected then stems from and concurs with what Mr. Hart is saying a little later in his testimony when he says since Admiral Turner has become Director of Central Intelligence he has been quite concerned about this case and he specifically requested I come back to the Agency from which I retired in '72 and give presentations to agents on the nature of the case.

Now my question is this, since the Nosenko case became a celebrated one long before this committee became interested or long before we even knew he existed, was Mr. Hart's operation such that he would be the logical person within the Agency or immediately retired from the Agency to make the kind of presentations to "senior officials or agents in the case" that we might have expected?

Mr. Bagley. No, sir, he was not.

Mr. Fithian. May I reiterate in the record at this point what Mr. Dodd so ably did during the questioning that day, and that is to say that kind of testimony didn't in any way square

with what this committee had requested of the Agency. We had submitted to the Agency a very detailed list of questions or concerns we had, Mr. Klein can amplify that, of all our concerns. Then they were sent over to the Agency for a representative to discuss these matters. I might state, in no way did the Department comply with the request. It's worse than I thought in this sense. We were very surprised that day that the subject of Oswald was not discussed after some 30 or 40 minutes of testimony and then all the questions and even the statement that he was not qualified to comment on Oswald, which happens to be the only thing this committee was primarily interested in. So I make that comment at this point in the record.

Now, let me turn to your specific testiomony, Mr. Bagley, and ask you to refer to page 10 of your testimony.

Prior to asking a question as to this particular page, let me ask a couple of background questions: as a professional in this field, I believe I read into your statement here that it is highly unlikely, perhaps totally impropable, that someone with Oswald's particular background would have been able to move in, do the things he did in the Soviet Union, and move out without being questioned by the KGB.

Mr. Bagley. That is absolutely my thought. I would say it's absolutely unthinkable and it's unthinkable for the Soviet defectors I know, it's unthinkable for anyone who knows the automatic procedures of the Soviet Union, there is no way he

could have evaded this action.

One described to me that the KGB, as it would face an American swimming into their sea, it would be like a pool of piranhas, insofar as one could make a statement as dogmatic and final as that. I would say it can't have happened as described.

Mr. Fithian. Well, then, when Mr. Nosenko told you, told the Agency that story, that would have been as early as Geneva?

Mr. Bagley. Yes.

Mr. Fithian. Just prima facie, doesn't this raise questions on the part of the Agency as to credibility of this man at all? I mean, even at the very outset, the first or second contact you had with him in Geneva?

Mr. Bagley. Yes.

Mr. Fithian. Now, staying with the Geneva scene for just a minute, this is a digression, but I was appalled at statements made to us somewhere along the way, Mr. Chairman, as to the techniques of questioning Nosenko in Geneva, that the CIA non-Russian-language person doing the recording and -- I have forgotten all the details. I would like some amplification, because I occasionally vote on budgets around here.

Mr. Bagley. Yes, sir. A slight correction of dates and the manner in which I entered into this case.

I was in fact stationed in Switzerland, not in headquarters in the Soviet Division at the time this case broke. Therefore, I came into it, if you like, as the Soviet operations expert in

that area.

While I had given myself in the course of my career a lot of home learning of Russian to the point where I occasionally served as a low-level translator for the Ambassador or interpreter in some of his contacts with the Soviet Embassy, I was most definitely never fluent or competent in the language. But on the other hand, this shouldn't keep one from operating against the Soviet Union.

The contact made by a member of a Soviet delegation to that area, in this instance a disarmament conference in Geneva, he says "I want a contact with American intelligence," so somebody had to do that. It was quite clear I was the person to contact and I did.

In the course of the first meeting with him, both English and Russian were spoken. I told the man from the outset that I would appreciate his speaking clearly and relatively slowly and I would like to break into English whenever possible, and we tried to reach a language of understanding. At times either from excitement, impatience or whatever, he expressed himself over a considerable number of sentences, fast, in Russian, where my understanding of it was imperfect.

Now, I think at this late date, I told you this at a much earlier date, but very early along our questioning of the man and of our writing reports on him, we were aware of those points where he had said something and I had failed to

understand simply because there were taped recordings of these meetings.

During the second meeting -- it possibly could have been the third but I think it was the second -- there was present in the room a native-speaking Russian officer to accompany me in my dealings with this man.

Although I came into it as a member of the Switzerland component of the Agency, I was already known as particularly competent and experienced in this field, so it was considered as I think Mr. Helms said in 1964, it was considered a good face for the Agency, a competent qualified face for this extremely valuable source.

But from the second meeting on -- even in the first meeting, there were few misunderstandings which consisted, I believe, of my taking notes on certain things he said about his background. The military school which he attended was cited in your testimony and there were one or two other minor things having to do with the manner of his father's death. I made a mistake, I heard it wrong. So, in my initial report to headquarters there were mistakes. But at least for most of that first meeting I had no doubt there was good understanding and for all subsequent meetings, there was a total understanding.

To take misunderstandings which may have appeared in the first cable and first meeting on insignificant matters and extend them into a judgment as to the manner in which this

source was handled from beginning to end is confusing, it misleads you and is unnecessary and has no relevancy at all.

I want to say the so-called drunkenness, the heartfelt statement of Mr. Nosenko to Mr. Hart, "No, I was snookered," he wasn't snookered, he probably had a lot of booze, but he was entirely lucid at all times. There was never a time when communications were broken because of the influence of alcohol.

Therefore, I suggest that element of language misunderstanding that you are speaking of and the element of drinking was artificially introduced as an explanation and excuse for other irregularities in Mr. Nosenko's reporting.

Mr. Fithian. Are you then saying that Nosenko used his drinking to make up or cover up or disguise the fact he did not know answers to certain questions or the account of that is erroneous?

Mr. Bagley. Later when confronted with that in Geneva in 1962, he simply said, "I was drunk" or "I did not say that," or "There was a misunderstanding."

In one case, Mr. Fithian, a very important case, he described in 1962, his participation in an operation involving an American of which we had a record. In 1964, he denied any knowledge of that operation at all. It wasn't a question of a transcript being ineptly made by some process I don't understand, was not the transcript at all which entered into this confrontation, we brought back a tape. This tape was loud and

clear. We said, "You don't remember this operation? Here is your voice." And he hears his voice loud and clear, giving details of the operation. And his explanation was that he was drunk; he had no knolwedge of having spoken to it a year and a half earlier. It's my premise that drunkenness doesn't give you second sight.

Mr. Fithian. I think Nosenko used the term as to Oswald being an "uninteresting target." Mr. Epstein in his book perhaps makes a little too much of Oswald's potential knowledge of the U-2. Am I off base on that?

Mr. Bagley. I think not so. It makes a good story. It's logical, but after all, this is something which escaped American attention. I have had an American friend who has come to me since then and said, "You can't expect me to believe the security review of Oswald failed to pick up the fact he knew about the U-2." I don't think it's even been proven he knew about the U-2, and I think it's the sort of thing that would have slipped by in any instance. He was at a Marine radar base 500 meters from where the U-2 took off, and his radar unit tracked it. Possibly certain things as to speed and altitude might have come to Oswald's attention.

For example, Mr. Oswald's defection to the Soviet Union would have been a part of naval intelligence to see what he knew or didn't know; and I have a hunch the most conscientious investigation you could make about that man might not bring up

the fact that his service in that radar shack was in any way related to a highly secret operation which was documented in totally different ways.

I do agree with you that it's unlikely that the U-2 was the special information that Nosenko -- excuse me, that Oswald told Snyder. There has been a lot of speculation as to the information of special interest he had. It may be he realized there was a special operation and this was the special thing he had to offer to the Soviets, but it's certainly not provable.

Mr. Fithian. One of the central questions which may go unanswered, but I would appreciate your best guess, I am not sure from your testimony whether you believe that Nosenko came to the United States, became available as a defector -- I conclude you believe him to be a plant. I am not sure as to what your real belief is as to why he might have become the plant. Some very wrapped-up in the assassination would have us believe this was of such tremendous potential disturbing nature for Soviet-American relations that even if Oswald didn't have that much of a role to play with the KGB, they would defuse anything that had to do with Oswald before they sent him over here. Therefore, it might be worthwhile to send someone of Nosenko's caliber.

The other possibility is the one I think you alluded to, that is, they believed the kind of information Agent "X" was giving was of such a potential damaging nature, that they should

muddy the water and send a plant calling attention to what he was testifying to.

You call it on page 14, a "crude message." I take it from that you have no definitive information. But I would like to know what your guess is.

Mr. Bagley. It would be a pleasure to say.

It seems to be difficult for Mr. Hart or for anybody coming into this case to make distinctions, and one of the big distinctions is between his contact in Geneva in '62 and his recontacts in coming out in '64 saying he was going to defect.

In 1962, he made it absolutely clear to us that he would never defect, under no circumstances. He had his family, he liked living in the Soviet Union, but he had certain undefined objections to the Soviet regime. I was reminded in Mr. Hart's testimony, I think that he needed some money urgently and therefore he was coming to us. He not only said he wouldn't defect but he wouldn't accept contact with us inside the Soviet Union. However he would see us whenever he came out on official duty on Soviet delegations abroad.

In January of '64 he came out and stupefied us with this statement that now he wants to defect. I can assure you my first question was, "Why? Didn't you tell us you never would?"

His answers were extremely vague. "Well, I think they may suspect me. I have decided to make a new life."

I asked, "How about your family?" He said well, he had

decided to start anew and they would be all right.

Now, I detect in that a tremendous change of course. Therefore, I would like to answer your question as to what he might have been about in '62 and '64.

In '62 I say in my letter and testimony he was deflecting information given 6 months before by Defector "X." This was clear.

There were such connections, there was an astonishing overlap. I have dealt with many Soviet-bloc intelligence officers and of course many would know two or three doing the same thing. But the degree his information coincided to certain information given to us by "X" was simply not unacceptable, but it was noteworthy.

I would guess on that basis, Mr. Fithian, that the purpose in 1962 was that this man was sent out to do a perfectly understandable counterespionage technique. The question has been asked why the tremendous change between 1962 and 1964. His reasons make no sense. They are not convincing. So what is it in the Soviet mind that would cause a man to physically send a man out when they said they never would?

By way of footnote, I would like to say I mentioned in my testimony the insight we got into this man is that he hadn't in fact held the positions he said he had held. Not only was he not a plant but he was not a real KGB officer. The reason we have what we have in this tremendous volume of information is

that we have that detention and we were able to take it. We had him sitting -- he tried to avoid him sitting down but once we had him sitting down, we could see he did not know about the operations of his colleagues, he did not know about his main target, he did not know those things.

But still in '62, had he come out to see us in Copenhagen, New York or Buenos Aires, he could have seen us only for an hour here or there under tense circumstances where there would be no chance to get into details under the controlled conditions I am speaking of.

Therefore I think the Soviets had a good thing going had they left the man where he was. But as a defector they were running a big risk. This is not going away from your question, because it involves the decision to do this, to change the course. This is all assuming under your category we are speculating that he is a KGB plant.

Something made them want us to have him in hand as a defector. One of the possibilities could be the event which happened in the interim, the assassination of President Kennedy, and therefore he was as you say, used for this message because he may have been the only valid, controlled and trusted secret contact to CIA.

The Soviets have shown a proclivity to use tricky methods like this to give us messages through clandestine means going directly to the President, escaping suspicious desk officers.

But it's possible they looked for a way to get a message of their innocence as to President Kennedy's assassination. If it was the best available channel, I can see the non-KGB or let us say a member of the Soviet leadership, like Mr. Khrushchev himself, may have said do it, and the professional might have said, yes, but the fellow might run into trouble, and the reply would be yes, but do it.

This is again in the realm of speculation.

I only know of one other -- by way of background -- I only know of one potential explanation of this man coming out to see us in short stretches or the man putting himself into our hands as a defector.

Mills
fls
2:45

That has to do with an unrelated matter. It is very difficult -- it is even more speculative than is related to the Kennedy assassination.

In other words, I am not at all sure that the other speculation is any more valid than what I have just said.

So, I would say that in groping for an explanation on the basis of the hypothesis that he is a sent KGB agent, one of the two things, one of the only two that I can think of, is that he was sent to give a message to the Warren Commission.

Mr. Fithian. In that 1962 interview, is there any reference made to Nosenko's alleged role in recruiting American tourists?

Mr. Bagley. Yes. He said that at that time he had made his career from 1955 until 19 -- until the end of 1959 in the tourist department, and he spoke about it at that time. In 1962 he had just gone back, after a two-year period in the section working against the American Embassy in Moscow, he had gone back to that section, working against tourists, with a promotion.

So, needless to say he did talk about operations against tourists.

Mr. Fithian. Was there in that interview, in 1962, anything which tends to support his later claims of his position within the KGB?

Mr. Bagley. Prior to his contact with us in 1962, he

claims to have made a brilliant career as an English-speaking case officer, an operations officer, a man who gets out in the field, a tough guy, as he used to call himself.

He told of certain things he had done. We checked them out. It goes without saying we were fairly meticulous about that. We found only two operations in which he physically appeared at all prior to 1962, that we could confirm.

In other words, we were getting from him the statement of where he was, and then we were going back to what we knew about those operations, or else going out and interviewing the people involved.

One was as a member of a team of about three, three people in the compromise of an American tourist on homosexual grounds in 1956.

The other was as a junior officer, a companion of an identified officer, senior officer, of the Tourist Department of the KGB in meeting with an agent of theirs whom the bureau had interviewed. That agent's testimony -- I will say he was an American -- this American's testimony showed that Nosenko appeared exclusively as a junior member of the team. He had never appeared alone.

The other man, who was an identified officer of the section, of the tourist directed section, did all the questioning and all the control of the meetings as testified by the agent.

Now, one of the interesting things about that particular case is those meetings with Nosenko playing a junior role continued well into 1960, at a time when Mr. Nosenko said later that he had shifted into the section working against the American Embassy in Moscow.

Mr. Fithian. And held an important position in it.

Mr. Bagley. The Deputy Chief of it.

Mr. Fithian. And you are saying that according to Soviet structure, that would be highly improbable?

Mr. Bagley. Very. I can't imagine why the Deputy Chief of a section busy working against the American Embassy should accompany a senior Tourist Department officer in meeting an agent who, while admittedly American, a resident -- from time to time a resident in Moscow -- but primarily directed to tourist-oriented operations, why he should continue in that capacity.

If we were the senior case officer and had a special relationship with the man he would be acceptable, quite, no reason why not.

They might feel no one else could do it as well, and maybe this man had some potential to talk about members of the American Embassy. I believe by the way that that is the way that Nosenko explained it when we asked him about this.

He knew people in the Embassy, but that doesn't really check with the story as given by the man himself when

interviewed by the FBI.

Mr. Fithian. Do you have any information on the treatment of Nosenko's family in Russia after his defection?

Mr. Bagley. There was a story, as unlikely as the story I mentioned in my testimony, of Mr. Epstein's being told by an official member of the Soviet Embassy in Washington that Nosenko is the best qualified man in the United States, the best qualified man in the world really to talk about Oswald in Russia.

That other story has to do -- let me see -- with the approach by a Soviet official to a large circulation magazine, in this case Paris Match, offering a story to them, illustrated by pictures, a story of the pathos of the family of Yuri Nosenko, Colonel Nosenko, I believe is one of the many people who referred to Nosenko as a Colonel, having left his family behind, and how this would turn into -- there would be a divorce, and these children were left behind.

He offered, by way of illustration of this heart-rendering article, apicture of two daughters, I think, as I remember -- I think we got a hold of them -- on a boat in a lake somewhere, I suppose in Moscow.

In other words, here was a Soviet official coming and saying here is the family. In other words, they were talking about the family. For the first time in our experience, after a defection, the wife and mother of the defector came

to the American Embassy to plead with the Embassy to, I don't know, give their son back or something, I don't know. There had been at that time no precedent. I believe since then there have been one or two similar cases where the family has done this, but I can assure you that no family of any defector is going to be free to go to the American Embassy in Moscow, unless the KGB wants it that way.

So, I find the whole family business, from what we know about the family after the defection, very strange.

As to their faith, I don't think we do know. At least not at the time I left the operation, I don't think we had any really firm information about whether they had suffered or whether they just had gone ahead with a divorce. I am told, by the way, by some sources, that if a man defects, he becomes automatically an enemy of the state and a divorce is granted automatically.

I was told unofficially somewhere in between, after I had left the case, that, if memory serves me, that a divorce had gone through in the Soviet Union.

Now, how that is known, I have no idea. Perhaps through Nosenko, perhaps he was notified in some way.

Mr. Fithian. I wanted to turn to what seems to me to be kind of a curious situation. I refer to the questions that you say you submitted to the FBI.

Just glancing over them, there seems to be several questions in which the CIA would have just been vitally

interested in -- how the KGB works against American tourists, for example, any techniques, any process, any procedure or whatever.

I don't know, Mr. Klein, I have not reviewed the interviews of the 23rd and the 27th -- I have not had them available to me, so I may just be covering ground that you have already covered.

If that is so, Judge, we could save this time.

But in the second question listed, the second set of questions that you gave to the FBI, among others in that section was "Describe the routine handling procedure of U.S. tourists to the Soviet Union. Was Oswald's trip handled any differently?".

You alluded earlier this morning to the fact that you were always trying to update your files on procedures. It seems to me that you had a potential, at least, a superb opportunity, a person who had worked in this sensitive area, right in the area of one of the important procedures as far as we would be concerned, and that is safeguarding American tourists from being somehow enticed away to become defectors and so on.

Am I to believe that you submitted these to the FBI, the FBI did or did not use them, you are not sure, and then subsequently you never really returned to this?

Mr. Bagley. No. I don't know how it got included in the

questions for the FBI for Nosenko because it involves the handling of tourists. We did a very, very systematic debriefing of Mr. Nosenko on the subject of the KGB's handling of American and other tourists in the Soviet Union. I must say that if I had to list the information which Nosenko has given, which is valuable, that would be at the top of the list.

He had that. He gave it well. We got it out, and we put it into forms which would serve the purposes that you just mentioned, Mr. Fithian.

We circulated widely not only to those elements of the United States Government, and even to the American public -- I think a version was put out into the public domain. But to foreign liaison services, to our allies who themselves could draw value from knowing the techniques of the KGB control and actions against foreign tourists in the USSR.

Yes, indeed, we did that. Why it appears there, I don't know.

Mr. Fithian. Another is a question which seems logical enough. If you worked so hard at trying to establish Nosenko's authenticity, it would be likely that they would work equally hard on establishing whether Oswald was bona fide or not.

Mr. Bagley. Much, much harder.

Mr. Fithian. Did you ever ask Nosenko?

Mr. Bagley. Of course.

Mr. Fithian. Those questions?

Mr. Bagley. I can only say the answer is of course. I don't know what the record shows, but there is no doubt that we at some point showed some -- perhaps it was in the house -- but we must have indicated to Mr. Nosenko our disbelief in this disinterest on the part of the KGB.

I don't know what the record shows on that, but it was blatant. We were aware of it at the time. It seems almost unthinkable to me that we didn't confront Nosenko with it and ask for an explanation.

By the way, I would think that this is one of the many times when he, I won't say clams up, but when he stubbornly opposes the line of questioning by simply repeating what he said before; that is, that it is uninteresting, uninteresting -- at which a standard -- I am not sure this happened, I am saying this is the way it would have gone -- we would have said, "Well, that doesn't answer the question."

This was an American young ex-Marine coming into your country. He would say, he is unstable. I am sure this was his line of defense against this type of question -- that this man was considered personally unstable, and uninteresting -- those words are used over and over again, I believe, in the reports.

I think Mr. Klein knows the reports better than I do at this point. But he emphasized that the act of suicide, or attempted suicide, in the first place, showed that the man

was unstable, and after that the psychiatric examinations which either were or were not done more or less confirmed this. To believe Mr. Nosenko, this suspended all their procedures.

But that the question was asked to him, how is this possible I have no doubt. It must have been.

Mr. Fithian. Do you happen to know, just from your own knowledge of Russian operations, whether a person judged unstable, an American who wanted to defect and so on, would have been permitted under Russian law or procedures to marry a Russian citizen?

Mr. Bagley. I don't know the answer to that question. I don't know.

Mr. Fithian. Do you have any information at all on Marina and any relationship that she had to the KGB in any way, shape or form?

Mr. Bagley. None whatsoever. On the contrary, he said she was an uninteresting girl with no character, nothing. I remember this response about Marina.

Mr. Fithian. You mean that is Nosenko's?

Mr. Bagley. Nosenko's response, as I remember. I am surely not having a failure of memory here, but I know that he must have addressed himself, and that we must have asked him about Marina.

His reaction, I know, I remember his statement that she

was of no interest. I think it may have been in connection with why did they let her go. Well, she was of no value, no interest, it didn't matter, dumb girl, something of that sort.

Mr. Fithian. Let me suspend at the moment. I may not have any more questions. I thought I had one or two more as I walked back over, Judge.

Mr. Preyer. Well, I will ask a few, and maybe it will refresh your recollection.

When you first brought Nosenko to this country, there was a free period, as you described it, in which he was treated like any other defector.

Some of the recent news stories, some of the treatment is quite free indeed, I notice.

But you indicated that he resisted normal questioning during the free period. That resistance was more in terms of simply evading your questions? He was not physically trying to evade you?

Mr. Bagley. No, no, no, no. It was in terms of evading the questions.

Mr. Preyer. But you felt he wasn't responding the way a normal defector during that free period might respond, in the openness with which he would answer questions?

Mr. Bagley. Absolutely.

Mr. Preyer. Then you went into a period of controlled questioning. He was first confined to a safe house, I

gather, somewhere in the general area here.

Mr. Bagley. Yes.

Mr. Preyer. When was he no longer allowed to use alcohol? Or was there ever any period in which he was never allowed to use alcohol?

Mr. Bagley. I would say the entier period of detention. There was never any question of his having any alcohol from the 4th of April onward.

Mr. Preyer. So as soon as he went from the free period of questioning to the safe house, controlled period, all alcohol was barred from that time on?

Mr. Bagley. Yes, sir.

Mr. Preyer. On the questionof hallucinations, I think you indicated that he did not suffer from any hallucinations from alcohol. Did he ever have any periods in which he hallucinated, to your knowledge?

Mr. Bagley. This is a debated question. You may remember--in the periods when he was alone, not being questioned, he sometimes spoke to himself, and he would tell his guards that, "I see something." That is as I remember the form the hallucinations took.

We were both concerned and interested in it. The doctor went to him. He maintained he was hallucinating. This was, I believe, a very limited period. It has been made out as if this took place during periods when he was in face-to-face

contact with someone in answering questions.

It isn't true. It was strictly noted by the guards and Nosenko himself saying this to them. The doctor, who is a trained psychiatrist, his opinion was that these hallucinations were feigned. I am certainly not qualified to say whether they were or not.

So, the answer to your question is I don't know whether he was actually hallucinating or not. I do know that it had nothing whatsoever at any time to do with the question sessions. It had no impact on his answers to any questions that he was ever asked.

Mr. Preyer. Well, once controlled questioning began, you have described it as somewhat spartan conditions. I think you have helped restore some balance to this nature of that questioning and confinement.

Now, you mentioned on the diet, your comments on that I gather was that there was a deliberate effort to put him on a lean diet, but that that was checked with a doctor.

Mr. Bagley. Yes, sir.

Mr. Preyer. At regular intervals?

Mr. Bagley. Yes, sir.

Mr. Preyer. How often did you see Nosenko yourself once he got into a controlled period of questioning?

Mr. Bagley. Frequently, during the first period of hostile interrogation. I believe that is all. I participated from the wings in subsequent questioning, but not directly face-to-

face with Nosenko.

Mr. Preyer. During the first period, the safe house period, would you see him once a week or once a month?

Mr. Bagley. Oh, no. I spoke about the hostile interrogation. That was daily. That was for the period it lasted. I actually can't remember whether that was a matter of a week or two weeks. It wasn't long. It was a very short period.

Then I saw him very frequently indeed at the other side of the table.

Mr. Preyer. Well, when he went into what has been described as the bank vault period of questioning, was that the period when you did not see him very often?

Mr. Bagley. Well, yes, I did not see him during the bank vault period at all. I did not see him after the first hostile interrogation. I did not see him face-to-face even in the first holding area.

In other words, during this summer questioning, the questioning that followed the hostile interrogation, and during the second hostile interrogation, I did not see him. I saw him no more after the month of April 1964.

Mr. Preyer. Well, under whose direct control was he at that time, afteryou no longer saw him face-to-face?

Mr. Bagley. Mine. Your question was whether I saw him face-to-face.

Mr. Preyer. Yes.

Mr. Bagley. But direct control, I would say, in the sense of responsibility for the interrogation and for the handling of the case --

Mr. Preyer. These are all people in your division who were seeing him and questioning him daily.

Mr. Bagley. Yes, sir.

Mr. Preyer. What relation is Mr. Angleton to your division?

Mr. Bagley. They are entirely separate. Mr. Angleton's counterintelligence staff has a staff role as against an operational or executive role. The Soviet division was the organization within the agency specifically operating against the USSR and the satellites.

We would run the cases, handle the defectors, plan and carry out, sometimes through people who were not members of the Soviet division, of course, in the stations abroad.

Mr. Preyer. Did Mr. Angleton ever see him face-to-face during this period?

Mr. Bagley. No, sir. Mr. Engleton's role was as the overall agency, the seat of agency expertise in counter-intelligence in general. He kept an eye on these things, and he would have an advisory role.

In this particular case, his role was conditioned by the fact that his staff was managing the earlier defector, X.

Mr. Preyer. Were you aware of the two lie detector tests

tests that were given to him?

Mr. Bagley. Yes, sir.

Mr. Preyer. Was it two or three?

Mr. Bagley. I think three.

Mr. Preyer. Three?

Mr. Bagley. Yes, sir. Indeed, I was aware of them.

Mr. Preyer. Is it accurate that they were given to him with the understanding that he would be told he failed the test whether he did or not?

Mr. Bagley. After the test, yes. That is true. The first test given, at the time of his confinement, but before he was told he was going to be confined, he was simply taken and given the test.

Now, Mr. Hart has said that here was already an extraneous element added, that somebody, instead of putting on the normal three controls of palm moisture and blood pressure and heart beat, that an additional thing, something to increase his tension, was put on him to allegedly be capable of measuring brain waves.

I don't remember that. It is possible. If he has the record that it was done, fine, but I thought that the first lie detector test was given straight, and there was indeed, sir, the intent to tell him that he had failed it, as the means of opening the hostile interrogation, which would confront him with all the collected contradictions in his

story and the data from outside his story which indicated that he wasn't what he said he was.

Mr. Preyer. You mentioned somewhere in your testimony about the word "disposal" being political jargon, CIA jargon. Disposal does not necessarily mean liquidation in the jargon, or does it?

Mr. Bagley. No, sir. I have never heard of the word disposal being used for liquidation. I would like to just add one -- as long as the subject comes up once more -- I would really like to say one more thing about liquidation.

I remember some years ago Mr. Helms saying that not only would there be no assassination, murder. liquidation, any kind of what this action which has been in the jargon called executive action, not only would there not be any, but there would not be any discussions or proposals, it would not be a subject fit for human ears within the agency.

I have lived my time in the agency under that belief. Like many other officers of the agency were surprised when the publicity came out about someone had contemplated, one or two or three of these political assassinations, they were counter to what I thought was the very specific, explicit policy of the agency.

It was unthinkable that anyone could therefore have thought of disposal in those terms.

Mr. Preyer. Well, the question of disposal in the sense

of resolving this issue in some way must have certainly occurred from -- at increasingly frequent intervals, I would think -- where you have a man in this controlled custody for some five years and where it became, was beginning to become clear that you were not going to get much one way or the other from him.

Which gets back to the question of what you referred to as the duped leadership, and the idea that a small handful of you were aware of this, were aware of his treatment, but that no one else was really very aware of what was going on.

Would you make periodic reports to somebody from time to time of the progress or lack of progress that was being made?

Mr. Bagley. Oh, yes, yes, indeed.

First of all, who knew about it is the first thing -- the small group we are talking about consisted of everyone on that particular case, that operation, everyone responsible. In other words, for the interrogation of Nosenko and the investigation of his leads, and the use of his information for whatever purpose within our agency, which meant primarily certain elements of the Soviet division, Soviet bloc division.

It involved the counterintelligence staff, as I mentioned, because of their advisory function in counterintelligence matters. In that case it meant the chief of staff and those members that he delegated to be aware of this, and there were

several.

It meant the Office of the Chief of the Clandestine Services, known then as the Deputy Director for Plans, and since changed to the Deputy Director for Operations, I believe, the DDO, his office and the assistant DDO office, DDP, at that time -- the assistant DDP's office, and those members of that office who needed to cope with the paper.

On upward to the office of the, I guess -- my dates may be a little fuzzy -- but I think the then Deputy Director of the agency, then Deputy Director of Central Intelligence, Mr. Helms.

It goes without saying if we are sending the doctor out to check him next week, or if we are planning to interrogate him on a certain subject, or if we are talking about making -- giving him or not giving him books to read, or things like that, that we would never go to Mr. Helms about that.

But if we were planning an interrogation session on a certain subject, or planning something that was substantive, or if a certain amount of time had passed, and it was just time to check in, Mr. Helms was always available, as I think he has testified.

He was always available. Surely, as I read what he said, I think what he said was a very accurate reflection of what was really going on. In other words, he got some of it, but by no means all of it.

He wouldn't have known that the man was hot or cold. If the man had been -- if that had been a matter of policy, to make the man hot or cold, he most surely would have known about it. But the various little aspects of this holding certainly would not have been brought to his attention routinely. They would have been brought to the attention of whoever was concerned.

There was a lot of consultation in advance. There was a lot of periodic consultation -- staff meetings, I suppose you would call it -- on the subject. As you say, sir, there was increasing concern as time went on because I felt that Mr. Helms was always aware, (a) that what we were dong was legal but, (b) that it became more and more sensitive as time went on and this couldn't go on indefinitely.

He was as interested as he could be because he understood the implications behind this operation, which were immense, and they went way beyond Mr. Nosenko. They went to several other operations, several other Soviet intelligence people who were in touch with us in one way or another.

The implication underlying it clearly pointed at serious matters. Not only that Mr. Oswald may have been a Soviet agent, but also that there would be penetration in the U.S. Government.

It followed logically as an implication of the fact that Nosenko could have been sent -- and by the way, could have

told us a false story about his career. I think that is a very menacing little piece of information because if he can lie to us about a key job during a key period, it would suggest to me that the KGB knows that we are unable to check on this, which I find disturbing.

Mr. Preyer. Well, you categorically deny, then, any implication that this was the treatment that Nosenko, and was known to only a handful, five or six people in the agency, and that they were deliberately -- I think this is at least an implication from the testimony -- deliberately hiding it from the upper echelon of the CIA for fear that the planted agent might get wind of it.

Mr. Bagley. I certainly do categorically deny that. There was -- it is fiction. Within the agency, it always works on the need to know, and some operations are kept tighter than others. But a defector in our hand, unfortunately by the very nature of things, can't be very tightly held.

The number of people who knew about the case and generally about what was going on were -- was appropriate. I would say there were in our division alone, there must have been five or six people directly talking to Nosenko. Plus those that were supporting them at the desk, and plus the leadership of the division, plus all these elements of the counterintelligence staff.

We are talking about a multiple of the five or six you are

speaking of. It was done as any such operation would be done in the agency.

In other words, all who had any responsibility would know about it. All who had any responsibility for that particular line of work.

Mr. Preyer. This question might be an invasion of privacy. If you don't want to answer it, don't answer it. I am just curious as to your general political views -- whether you are a liberal or conservative. I ask that because knowing some of your relatives, and knowing their views, they are hardly what would be known as hard line conservatives.

There has been some implication that this group controlling Nosenko was a very hard line group. I don't know whether you want to comment on what your political views are.

Mr. Bagley. Oh, yes, I would welcome that. Insofar as the tradition, family and otherwise, it certainly has been liberal indeed.

My line of work has kept me apart from active political life in the United States, so I haven't identified myself in any way. But, I would certainly consider myself very strongly middle of the road.

Then we come to the whole question of being anti-Soviet or not. To say that I am hard line anti-Soviet, anti-KGB, anti- -- well, that is enough -- Soviet and KGB I most assuredly am. I think -- I make remarks here which I think

even looking at them now seem fairly firm about what the KGB is up to in terms of deception and subversion.

I have been exposed to the people who are doing it for a very long time, and none of them has ever given any other view of what the KGB is up to. That is just as much 1978 as 1962 or 1958 or 1952, before the death of Stalin. Nothing has changed the basic thrust of the KGB's work against this country.

I found it tremendously rewarding as a career to be able to focus on what was very clearly the enemy of our country, outside enemy of our country, rather than some of these Third World things which have caused such, well, really confusion in the motivations of some of the men that have had to work with them.

I consider not that I would have been -- I might have shared some of these feelings, and I might have taken -- might have fallen on either side of the fence in those operations where we were supporting a government or a political party in certain Third World areas.

I don't know how I would have felt about it because I didn't have to. So, I consider myself more lucky than anything else to have avoided that. But certainly the group who were exposed to KGB officers day in and day out, whether as adversaries or as defectors, are extremely anti-Soviet.

I believe, by the way, that that permits me to be in

American political terms a liberal.

Mr. Preyer. Yes, I think Mr. Moynihan and Ben Wattenberg and a number of people of that sort would agree with you on that.

Did you ever talk to Mr. Epstein?

Mr. Bagley. Yes.

Mr. Preyer. About his book?

Mr. Bagley. Yes. Mr. Epstein has made that clear publicly and I think there are certain things in the book which make that clear, too.

Mr. Epstein got from others the basic outlines of the Nosenko story, and then made an approach to me, and I of course refused to talk to him.

Later he came back, a few months later, and with a long letter telling me someof the things he knew, which were things which I would never have thought could have gotten into the public domain. At which point I did accept to see him and he, without my saying a word, exposed exactly what he had and what he was doing and showed me what he was going to write, which was in its broad lines the general story of the Nosenko case and in its details full of confusion and inaccuracies.

So, the primary help that I gave to Mr. Epstein on that book was to insure that at least the errors were not in there, and that this book, which was going to be the first

time that the Nosenko story was going to become public, that at least there would not be egregious errors. There are some errors of emphasis which Mr. Fithian has pointed out, which I happen to agree with. But that is entirely Mr. Epstein's business, how he chooses to interpret what he hears.

Several of the things are wrong, and I gather they have even been accepted by the CIA. For example, Mr. Epstein insisted that there was some sort of a cleansing, of purposeful cleansing of the Soviet operations of the CIA, and people like myself and the chief of the Soviet division were got rid of.

I explained to him at the time, I said I didn't think that should get into his book because that was incorrect. I told him how I had gotten my assignment abroad, and how I justified my leaving my headquarters position.

I happen to know the way in which the chief of the division got his overseas assignment. It had nothing to do with any such plot.

I think in retrospect that we would have both done better to stay here and be purged, if purging was in the mill. In fact, it did, our assignments abroad did occur in the normal course of events. Mr. Epstein put it different.

There are two or three things like that, interpretaions which I most assuredly don't share. But the facts that Mr. Epstein has in the book are generally accurate.

Mr. Preyer. Thank you.

Mr. Fithian?

Mr. Fithian. Thank you, Mr. Chairman.

Mr. Bagley, do you think that the CIA did all it could to cooperate with the Warren Commission?

Mr. Bagley. Yes, I do, because -- my exposure to it was by the way a minor one. I think -- I know -- on one of these occasions -- it hasn't emerged in the record, and perhaps it will, but I thought I had actually gone over once with Mr. Helms to the commission.

It was at a time when Mr. Helms was making a statement -- when Mr. Helms was telling -- I think it is one of these things that has come out in all this testimony. My exposure to it was practically nil. I don't know, but the impression I get is that every effort within the agency, in every corner of the agency was to dig out everything we could that could possibly help the Warren Commission in its job.

I am absolutely convinced of that. But I do stress that I am not in a position to judge because it was the counter-intelligence staff that centralized the activity and all. But I know that our people dug and dug and dug.

For example, in my section at the time, an officer went -- we thought what can we do, how can we use the files of the CIA to contribute in any way. We decided to have a look at the photograph file of the agency, whichis a rather extensive thing, and see just what Minsk looked like, and what we could

see, the places that were in Oswald's life, in Oswald's background.

It was a member of my section who dredged up, out of files of the CIA, a tourist picture which showed Oswald in front of I believe the opera house. It was one of those columned buildings. There was a tourist group, and there was Oswald.

This fellow came up to me and said, look, I have been looking through pictures of Minsk and doesn't this look funny to you, and showed me this picture, and that was him.

That document, of course, is a part of the Warren Commission report. In other words, we were doing everything we could think of to do to help the Warren Commission. Absolutely good faith.

Mr. Fithian. I am curious. At the very outset Nosenko appears to be a fraud -- that is pretty harsh, but I will let it stand. Assuming that was your interpretation, assuming you didn't get anything to persuade you that you were wrong, isn't five years a long investment in somebody that you thought was a fraud?

Mr. Bagley. What do you mean by investment, Mr. Fithian?

Mr. Fithian. Time, money, resources, commitment.

Mr. Bagley. No, sir. For what that meant, that case is potentially the most important and the most interesting operation possible, because as I say the implications underlying it -- had we been able to prove, which we never were --

we were certainly able to give operational indications and enough to draw -- operational conclusions at least as a basis for further activity or investigations. But we were not able to prove that this man was a sent KGB agent.

Had we proved it, all of those implications would have come to the surface and would have been investigated, and I think the security of the United States would have been the better for it. So, I don't think this investment was too great.

By five years, you are presumably --

Mr. Fithian. Is that longer than you worked with any other defector?

Mr. Bagley. Well, it is absolutely unique in the sense that there was no other defector that we gave either that much attention to or that type of attention to.

Mr. Fithian. But you concluded, didn't you, that he really wasn't a very important person in the KGB?

Mr. Bagley. I conclude that he may never have served properly within the KGB. That he was sent by the KGB to pose as a KGB agent there is no doubt. He is not a fabricator, he is not somebody who pretends to be just on his own. He had detailed knowledge of KGB opeations, which he claimed to have been part of his knowledge as an officer.

Mr. Fithian. Is he the only person in your whole span that falls in that category?

Mr. Bagley. No, sir.

Mr. Fithian. That is, he was sent by the KGB?

Mr. Bagley. No, sir, he is not.

Mr. Fithian. Well, then, I kind of repeat, if that is your conclusion, and if you thought him designed to mislead you to start with, you still don't think that much investment of time and resources and so forth is --

Mr. Bagley. No, very much not so.

If you know the man or you can make the operational assumption that the man is being sent against you, as we just have for purposes of this discussion, you can read it in reverse and find out what really lies behind this mission of the KGB.

Those indications are very, very interesting. They are as good as a look inside the KGB files.

By the way, I won't digress here for very long, but I do want to give you an example to illustrate my answer.

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:35 p.m.

Mr. Bagley. In the invasion of Normandy, 1944, there was a large, tremendous investment in deception by which the Germans were led to believe the main thrust of the invasion would fall on the Pas de Calais region instead of Normandy. Under General Patton an invasion unit was set up. All the radio communications which would accompany an army group were set up in trying to fool the Germans in making them think there was a group there. There were landing craft much too far away to participate in the Normandy invasion. The result was the Germans were fooled and when the invasion struck in Normandy, I believe it was the 17 German Army groups were held at Pas de Calais because the Germans believed the Normandy invasion was a diversion. They held the force there and as you know, the landing was nip and tuck for 4 days. Had that German force in the north been able to be present at the landing beaches, it's possible the invasion would have failed.

The problem is, had the deception been known to the Germans as a deception, it would have told them that first of all, the First U.S. Army Group doesn't exist, and second, that the diversion was toward the Pas de Calais to the north, and there was only one other place for the invasion, and that was Normandy.

In other words, the perception of the allied deception would have been a spectacular piece of intelligence for the Germans. I don't necessarily want to put this thing on the same scale as Normandy, but it has all the same effect. If a

perception is perceived it can be turned against the deceiver, and that is, in my opinion, what we did so long as we made the operating assumption Nosenko was sent. In other words, I do believe it was a valuable expenditure of time.

Mr. Fithian. You think the mistake to depart from that interpretation was a serious one?

Mr. Bagley. Very. More important in terms of lost opportunities than the things I speak about in my prepared testimony about the exposure of personnel to him. I think it's bad enough to bring him onto the premises and let him talk to counterintelligence trainees. I think it a very bad mistake to let him talk to our foreign liaison agents without informing him there is a body of evidence suggesting he is no good. I don't know exactly what they are doing, but in Mr. Helms' testimony I found an indication, a statement that he was of value to current counterintelligence investigations. It suggests to me that current information, current activities are being exposed to him. I think that is a mistake.

Mr. Fithian. You say in your letter to the committee, in a paragraph you say if Nosenko is a KGB plant there can be no doubt that Nosenko's recited story about Oswald and the USSR is a message from the KGB. Then you say by sending out such a message, the KGB exposes the fact it has something to hide.

As Mr. Helms told you, that something may be the fact that Oswald may be an agent of the KGB.

Do you have an opinion, and if so, will you provide the basis for your opinion on two things: 1, the likelihood of that; and, 2, I am struck by the use of the word "fact" -- that conveys to me a very strong impression.

Mr. Bagley. That was probably not the very best word I could have chosen. It was meant to be softened by the verb, which was "may" -- one of these messages "may" have been the fact that. It was not meant it was a statement of fact. It just follows -- perhaps I can put that more felicitously ~~solicitously~~ by saying it would hide the possibility -- instead of saying the operation would hide the fact, say the message hides the possibility that this man is or could have been a Soviet agent. By a "Soviet agent" I don't mean a Soviet assassination agent. I mean something quite different.

Mr. Fithian. I was just asked by Congressman Dodd's staff to follow up on this, whether or not you would rule out the possibility that even though the KGB had nothing to do with the assassination that they would spend this kind of energy or effort personally to convince us they had nothing to do with it.

Mr. Bagley. I think it entirely conceivable. If you accept the hypothesis, the supposition, the speculation that in fact they had something to hide and that something might have been perhaps he had a code name, perhaps he was a sleeper agent, they obviously couldn't expect as much from him coming back to the United States with a Soviet wife, they couldn't expect him

to be elected President, but at the same time, they may have said, "We will get in touch with you in time of war," or they may have recruited him by saying, "We will get in touch with you by the following procedures." This is pure speculation.

But then if he is on their rolls as a sleeper agent or for wartime sabotage or something of that sort, they would be absolutely shocked to hear their man had taken it upon himself to kill the American President. I would think their reaction could very well be of the sort you suggest. They might indeed change the mission of another man of another operation in order to get this message over to us that they really had nothing to do with it.

The only thing I am quite sure of, I don't want to tell you what I think is behind us, because I really don't know, but I am quite sure of one thing, and that is that it's not true. That's all, it's not true, they didn't speak to him, that the KGB didn't speak to Oswald in the Soviet Union, that is not true, by all logic, by everything we know. I can't prove that, and I am not making that as a statement of hard fact, but certainly within the framework of my knowledge of the Soviet Union and the KGB it is not true.

Mr. Fithian. Mr. Chairman, you will be happy to know I only have two more questions.

Mr. Hart says rather flat out that there was a direct conflict between the two agencies as to interpretation of whether

or not Nosenko was bona fide. He indicates the FBI thought Nosenko was bona fide when he arrived and that the CIA assumed he was a plant when he arrived. Is that accurate?

Mr. Bagley. Again, I don't like the word "assumed," but changing that word "assumed" to "suspected" I would certainly say yes.

Now I don't know the FBI part of it, either. They had no basis to make such a judgment and they had no stake in it, as far as I can tell. They had a source coming here who had told them about a few Americans who had been recruited as tourists in the Soviet Union, he had a good knowledge as to how the Soviet Union recruited tourists who have been useful to the FBI. But they didn't get into as many fields as we did because Nosenko was a Moscow-based officer.

Mr. Fithian. One other question. Is it totally unreasonable to speculate that the Agency might be in the process of leading Nosenko on at this point, using him even now to pass false information along to the Soviets?

Mr. Bagley. May I ask your third word there, I think you said "totally" --

Mr. Fithian. "Totally unreasonable."

Mr. Bagley. Totally excluded, no, it's not totally excluded because I don't know. I have not been in the Agency and such people within the Agency who have talked with him make me believe it's not so.

Mr. Fithian. I was trying to look for other alternatives for the Agency to bristle so intensely as to send over Mr. Hart and sort of throw up the smokescreen and get the Agency in the worst possible light as far as the newspapers are concerned. The whole scenario is so totally unthinkable that I am puzzled.

Mr. Bagley. The only thing I can say is if they were working on the basis of a hypothesis or knowledge which is most concretely and specifically represented by myself, it would seem to me not terribly unreasonable to let me know that instead of doing what they did to me here.

Therefore, all my instincts tell me that isn't it at all.

Mr. Fithian. You might be expendable?

Mr. Bagley. Yes, but they must get some use out of me before they dispose of me.

Mr. Fithian. On page 39 of your testimony I would like for you to look at that again. This is my last point, Mr. Chairman.

Down at the last full paragraph, which starts with "However," skipping the first part and dropping down to "Mr. Hart and Admiral Turner may frivolously dismiss them as they have done before your committee but the doubts are still there and it's irresponsible to expose clandestine personnel to this invidivual."

The doubts you refer to are the doubts about Nosenko's authenticity.

I guess my question is, do you want to close out the record standing by that statement?

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Mr. Bagley. Well, I must admit your calling attention to that -- is it the word "frivolously"?

Mr. Fithian. Both the words"frivolously dismiss them" and the subordinate charge that they are acting frivolously.

Mr. Bagley. I would be happy because of the emotions involved in the word to retract the word "frivolously." Quite happy. But I suppose it has come through my testimony and what I have said in answer to your questions that I find the use of this man, the positive use of this man vis-a-vis innocents, such as trainees, terribly bothersome.

I know -- I don't think -- I know that the people who are exposed to Nosenko in counterintelligence training are not told -- they know there was doubt, but they are being specifically told, as Admiral Turner pointed out in a memo and as Mr. Hart has indicated here, was the work of halfwits. If this man is a Soviet agent and has a mission for the KGB in this country it's a poor way to have some young man begin his career, to be exposed to him.

Mr. Fithian. In an irresponsible way? I am getting to the tremendous charge involved in this paragraph.

Mr. Bagley. I appreciate your concern about that and of course to the contrary I think you are being -- Mr. Fithian, and may I ask you for a word, because I think you have offered me an opportunity to withdraw my word from the testimony and I'm certainly not going to say no. Knowing now exactly what I meant

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by that, can you think of -- perhaps "I think it wrong to expose" -- perhaps that should be the phraseology there.

Mr. Fithian. I hate to put words in your mouth, but Mr. Hart and Admiral Turner may dismiss them. To say "frivolously dismiss them" might do the Admiral injustice here. Maybe Mr. Hart's statement before the committee may well constitute, you know, frivolous treatment or something, I was pretty provoked by it myself.

Then the second, that it's irresponsible -- it's an error to expose.

Mr. Bagley. I very definitely will withdraw the word "irresponsible."

Mr. Fithian. That is in my reading such a terribly serious charge against the Director --

Mr. Bagley. I accept your comment with appreciation.

Mr. Fithian. Mr. Chairman, I have no further comments. I would like to say this: I enormously appreciate our witness' time and patience with us in this matter. I think it has been just to me, as an individual Member of the House, just tremendously helpful, perhaps one of the better days I have had on the committee.

Mr. Bagley. Thank you.

Mr. Preyer. I might just ask one more question which might be more a comment.

You raise the question of what the explanation of Mr. Hart's

testimony was, Mr. Fithian, that where we seem to get a minimum amount of information about Lee Harvey Oswald, which is what we were after, and a maximum amount as to Mr. Nosenko's bona fides in a wide intelligence sense, would one explanation be, could it be it was simply the CIA's answer to Mr. Epstein's book, which was current at the time, very much in the news, and in that book, you are left with the thought there is a mole in the CIA?

If you accept Mr. Epstein's thinking, they may have thought it worth a little bad publicity temporarily if it would kill the idea there was a possible mole in the CIA?

Mr. Bagley. I would say no one I have talked to has had that reaction to what Mr. Hart did. But on the contrary they are aghast and confused by it. I don't think it laid anything to rest. Now, it could very well have been the motive. I have even looked at the motive of their, in a sense, punishing me for having helped Mr. Epstein. I have used the analogy of somebody using a blow on the head, shoots himself in the foot. I don't believe they have helped their cause very much by this sort of reaction.

Mr. Preyer. Mr. Klein, do you have any further questions?

Mr. Klein. No, I don't, Mr. Chairman.

Mr. Preyer. Mr. Bagley, when a witness has concluded his testimony, under our rules, he is entitled to make a statement for 5 minutes on any subject that may have come up that he wishes to clarify or anything further he wishes to say, if there is

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anything further you wish to add at this point, we will recognize you for 5 minutes for that purpose.

Mr. Bagley. Well, Mr. Fithian has made a kind remark and I would like to reciprocate, not as a reciprocation but from the beginning of your work, I got hold of both Mr. Hart's testimony and the staff's work and was deeply impressed with the quality of the work of the committee. I have today been treated with immense courtesy and interest and knowing full well at your regular schedule, at a time when you are pressed with some other things, not the least being the King matter, I am awed, impressed, and deeply appreciative that you should have given me the time.

As you know, I wanted to come and answer those charges, but I also wanted to make some points which I felt important which I do think are pertinent to your mission.

Nevertheless, whether they are or not, you have received me with great courtesy and I appreciate it enormously.

Mr. Preyer. Your testimony has been helpful and your testimony can add to our knowledge in this area. We appreciate your being here.

If there is nothing further, the committee stands adjourned.

(Whereupon, at 4:55 p.m., the committee was adjourned, to reconvene upon the call of the Chair.)