

the Evidence Photographers International Council and who I should note, Mr. Chairman, has been extremely helpful to this committee in producing photographs in connection with these hearings.

Mr. McCamy received his B.S. degree in chemical engineering and an M.S. degree in physics from the University of Minnesota. He has taught mathematics at the University of Minnesota and physics at Clemson University. For 18 years he was with the National Bureau of Standards where he was chief of the image optics and photography section. He is the author of the National Bureau of Standards handbook on the examination of microfilm. Currently he is vice president for service and technology of the Macbeth division of Kollmorgen Corp.

Mr. McCamy is chairman of the photographic standards management board of the American National Standards Institute. That board is responsible for all photographic standardization activity in the United States, including such matters as ASA film speeds. He is also chairman of the standards committee of the American Society of Photogrammetry.

Mr. McCamy is a fellow of the Optical Society of America, the Society of Motion Picture and Television Engineers, and the Society of Photographic Scientists and Engineers. He has served on the editorial review boards of several technical journals and has authored numerous professional papers. He has, of course, already testified before the committee.

Mr. Chairman, it would be appropriate at this time to call Mr. McCamy and Sergeant Kirk.

Chairman STOKES. The committee calls both of these gentlemen at this time. I am going to ask you to raise your right hand and be sworn.

Do you solemnly swear the testimony you will give before this committee is the truth, the whole truth, and nothing but the truth, so help you God?

#### TESTIMONY OF CALVIN S. McCAMY AND SGT. CECIL W. KIRK

Mr. McCAMY. I do.

Sergeant KIRK. I do.

Chairman STOKES. Thank you, you may be seated. The Chair recognizes counsel, Mr. Genzman.

Mr. GOLDSMITH. Mr. Chairman, I believe that I am going to be handling the questioning this afternoon.

Chairman STOKES. I am sorry.

Mr. Goldsmith.

Mr. GOLDSMITH. Thank you. Sergeant Kirk, would you state for what purpose the committee's photographic evidence panel was asked to examine the backyard photographs showing Lee Harvey Oswald and a rifle?

Sergeant KIRK. To make a determination whether the photographs were authentic or fakes.

Mr. GOLDSMITH. I would like to refer your attention to what has been marked as committee exhibit 178 which is the flow chart on the right.

I would like to ask you how many different backyard pictures showing Oswald with the rifle was the panel given to examine?

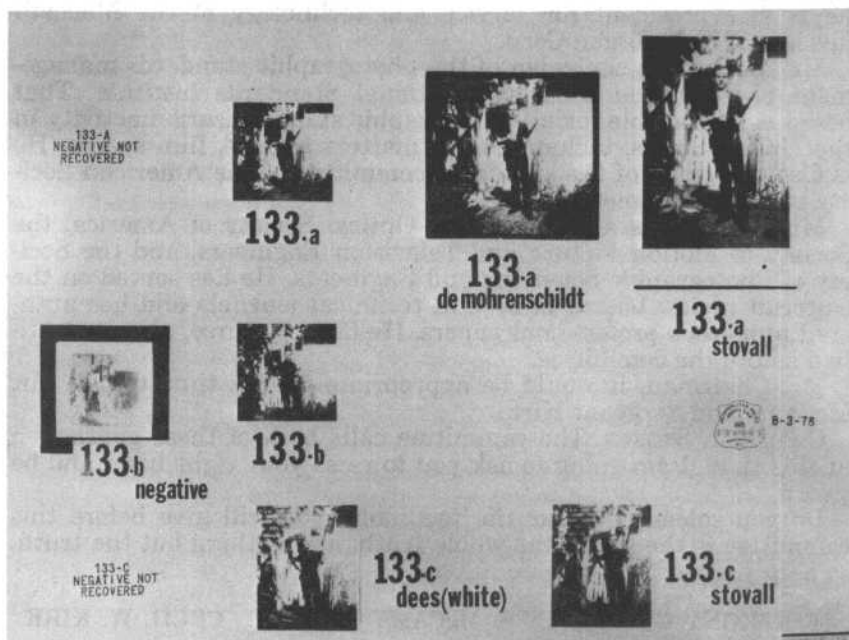
Sergeant KIRK. We examined the original 133-A and B and 133 negative which were examined by the Warren Commission. In addition, we examined four additional photographs that were recovered by investigators from this committee.

Mr. GOLDSMITH. Would you step to that chart and point to the other photographs that were investigated by the panel?

Mr. Chairman, I move for the admission of this item.

Chairman STOKES. Without objection it may be entered into the record.

[The information follows:]



JFK EXHIBIT F-178

Sergeant KIRK. These are the two photographs that were sent over to the Federal Bureau of Investigation by the Dallas Police Department as a result of the execution of a search warrant on the Paine residence. In addition, they also turned over to the FBI this photographic negative. These are the three elements that were examined by the Warren Commission.

In addition, the photographic panel also was asked to examine 133-A, De Mohrenschildt, which was recovered by the committee investigator from the deceased estate of Mr. De Mohrenschildt, and also requested to examine 133-C, Dees, which has been established to be from a deceased Dallas police officer, and also asked to be examined 133-A, Stovall, and 133-C, Stovall, which was turned over to the investigators by retired Officer Stovall who executed the search warrant at the Paine residence.

Mr. GOLDSMITH. Are all the materials represented on that flow chart either original negatives or first generation prints?

Sergeant KIRK. The camera panel established that the 133-B negative is the original camera negative material and all the other photographs on this chart are first generation prints.

Mr. GOLDSMITH. To what extent, if any, did the panel base its analysis upon materials that were not original negatives or first generation prints?

Sergeant KIRK. The panel agreed to only investigate first generation prints and original negative material.

Mr. GOLDSMITH. What was the reason for the panel taking this approach?

Sergeant KIRK. When you move away from first generation material, you lose in tonal quality. You are likely to pick up artifacts in the copying material and lose detail in the highlights and lose detail in the shadows.

Mr. GOLDSMITH. What do you mean by tonal quality, sir?

Sergeant KIRK. Tonal quality is the full scale that the photographic film is able to give you in a photograph. If you copy a photograph, you will lose some of that scale.

Mr. GOLDSMITH. Referring to that flow chart, can you explain why these pictures are not all the same size?

Sergeant KIRK. They were produced by different mechanical means.

Mr. GOLDSMITH. Is there anything unusual about the differences in size?

Sergeant KIRK. No.

Mr. GOLDSMITH. Thank you.

Would you resume your seat at this point. I would ask that Sergeant Kirk be given, to examine, the original negative to 133-B and Warren Commission exhibits 133-A and B.

Sergeant Kirk, would you please identify the items that have just been given to you?

Sergeant KIRK. These are from the National Archives. They are the original photographs that have been identified in the Warren Commission Report as 133-A and 133-B. This is the photographic negative from the Archives. It is identified as the negative that produced 133-B.

Mr. GOLDSMITH. To your knowledge are these materials available for anyone to examine?

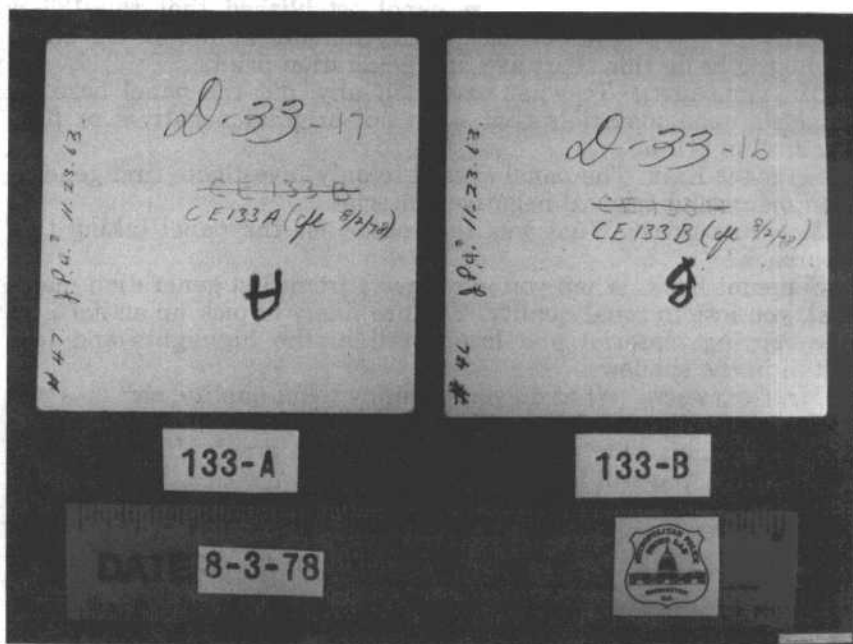
Sergeant KIRK. It is my understanding that anyone who wants to walk into the Archives and has the proper identification can examine them, yes.

Mr. GOLDSMITH. I would ask at this time that what has been marked as JFK F-179 and F-182 be shown to the witness.

Mr. Chairman, I move for the admission of F-182.

Mr. DODD [presiding]. Without objection it is so ordered.

[The information follows:]



JFK EXHIBIT F-182

Mr. GOLDSMITH. Thank you.

Would you identify these two exhibits?

Sergeant KIRK. Yes, sir. They are true and accurate reproductions of the front and reverse side of Commission exhibits 133-A and B.

Mr. GOLDSMITH. You indicated earlier that the differences in size in these photographs as they are depicted in the flow chart is attributable to the manner in which they were produced.

In your opinion, would you tell us now how Warren Commission exhibits 133-A and B were produced?

Sergeant KIRK. Yes, sir. These were referred to in the panel as the drugstore prints. It was determined that they most likely were produced on a commercial printer, the type which we would find in processing houses that do printing for camera stores and drugstores and so forth. The masking on the front, even though it looks square, is a 32d of an inch off.

In the top lefthand corner you can see where the convertible mask and the automatic printer has come together. On the reverse side of the photographs in the lefthand corner there is a little graphite mark almost obscured by someone who has written their initial and data on it.

Mr. GOLDSMITH. Mrs. Downey, would you take the pointer and refer to that mark?

Sergeant KIRK. That graphite mark is placed on the automatic printer. It is used as a signal for the automatic cutter. When the roll of paper is processed, the automatic cutter has an electric eye that picks up the signal and tells it to cut the roll of paper up into snapshots.

Mr. GOLDSMITH. Examining these two prints, are you able to state whether these two prints have been cropped in any way?

Sergeant KIRK. Yes, sir, I can.

Mr. GOLDSMITH. Have they been?

Sergeant KIRK. Yes, they have.

Mr. GOLDSMITH. Would you state your opinion as to in what way these prints have been cropped and for what purpose?

Sergeant KIRK. Well, at that time of day or time of year or that year, people prefer white borders on their photographs. The cropping or masking is done in the printing process at the processing house to create a white border around the photograph.

So the mask is somewhat smaller than the actual image size of the negative. Thusly, the cropping takes place for aesthetic purposes only.

Mr. GOLDSMITH. Now, you made reference to the negative in front of you. Is there any indication that that negative was improperly processed?

Sergeant KIRK. Yes, sir. The panel found that the negative had been abused in the process.

Mr. GOLDSMITH. It was not properly processed?

Sergeant KIRK. No, sir, it was not.

Mr. GOLDSMITH. Would you indicate to what extent it had been abused?

Sergeant KIRK. Originally there were emulsion tears. Emulsion is the substance of the photograph that contains the light sensitive grains of silver there suspended in the gelatin base. When the negative is becoming processed, it becomes wet, very sensitive to touch, very soft. We have on this negative torn emulsion.

Also, there are probably some other artifacts that were entered onto the negative as it was processed, probably by hand or at least in something that was not designed to process film of this size.

Also, there are indications that the negative has not been washed properly as there are water spots on the negative surface itself.

Mr. GOLDSMITH. Thank you, Sergeant Kirk.

Now, according to the record, are these materials before you all the materials that the Warren Commission evaluated when the authenticity of backyard pictures was examined?

Sergeant KIRK. Yes, it is.

Mr. GOLDSMITH. At this time I would ask that Sergeant Kirk be given JFK exhibits F-380 and F-390. For the record, those are the copies of 133-C, Dees and Stovall.

Sergeant KIRK. This is a first generation print of the photograph that was identified as 133-C which was recovered from Mrs. Geneva Dees who is the widow of the deceased Dallas police officer, Roscoe White.

Mr. GOLDSMITH. You are referring now to JFK F-380?

Sergeant KIRK. 380.

Mr. GOLDSMITH. Would you now examine JFK F-390.

Sergeant KIRK. This is identified as JFK F-390. It is also a first generation print from 133-C. This was recovered by committee investigators on April 14, 1978 from the retired Dallas police officer, Richard Stovall.

Mr. GOLDSMITH. You say both of these first generation prints were obtained by the committee from either Dallas police officers or a member of a family of a former Dallas police officer?

Sergeant KIRK. That is correct.

Mr. GOLDSMITH. Would the witness now be shown what has been marked as JFK F-180.

Sergeant Kirk, would you identify that exhibit?

Sergeant KIRK. Yes, sir. It is an enlargement from 133-C, Stovall, identified as JFK-180.

Mr. GOLDSMITH. Mr. Chairman, I move that JFK F-180, and JFK F-390 be admitted to the record.

Chairman STOKES. Without objection they are entered into the record.

[JFK exhibit F-180 was entered previously.]

Mr. GOLDSMITH. Sergeant Kirk, I would ask you to explain how these two 133-C prints were produced.

Sergeant KIRK. Through close analysis of the two photographs we were able to establish that they were first generation prints. The negative that produced these prints suffered the same abuse as 133-B negatives and that we have emulsion tears, artifacts on the film plane itself, rather than within the image. They are considerably sharp, sharper than the image itself.

Also, there are other artifacts within the photograph that the panel believes or suggests that they are first generation prints.

Mr. GOLDSMITH. Have these prints been cropped?

Sergeant KIRK. Yes, sir.

Mr. GOLDSMITH. Are you able to state in what way, for what purpose, these have been cropped?

Sergeant KIRK. The pictures are square and we have rectangular photographs. To make a full enlargement from a 2¼ negative, this should have been an 8 by 8 photograph. Since we have an 8 by 10, we did have cropping.

Mr. GOLDSMITH. Are you able to state whether the white border, which is an indication that the photograph has been cropped, was intended to serve an esthetic purpose?

Sergeant KIRK. It looks as though the print was put into a conventional 8 by 10 print easel. Since the easel is smaller than an 8 by 10 image, it esthetically would create a white border.

Mr. GOLDSMITH. According to the record, was either one of these prints ever provided to the Warren Commission?

Sergeant KIRK. No, they were not.

Mr. GOLDSMITH. What about the original negative, was that provided to the Warren Commission?

Sergeant KIRK. No, it was not.

Mr. GOLDSMITH. Has it been provided to this committee?

Sergeant KIRK. No, it has not.

Mr. GOLDSMITH. Do you know where the negative is today, Sergeant Kirk?

Sergeant KIRK. No, sir, I do not.

Mr. GOLDSMITH. Sergeant Kirk, it was your testimony that in your opinion these prints, which we have designated as 133-C, which were in the possession of former Dallas police department personnel, were made from the original negative?

Sergeant KIRK. Yes, sir.

Mr. GOLDSMITH. At this time I would ask that the witness be given JFK-183 and 184 to examine.

Sergeant Kirk, would you identify that item?

Sergeant KIRK. It is not identified by number but it is the original photograph identified as 133-A, De Mohrenschildt.

Mr. GOLDSMITH. I would ask that Sergeant Kirk be given a chance to see what has been marked as JFK F-382 and F-383. Would you identify these two items?

Sergeant KIRK. Yes, sir; they are a true and accurate representation of the original photograph which is identified as 133-A, De Mohrenschildt.

On the left is the front or image side and on the right is the reverse side of that photograph.

Mr. GOLDSMITH. In your opinion, Sergeant Kirk, how was that print produced?

Sergeant KIRK. This photograph is a contradiction. It is a contradiction in the fact that a good quality enlarger with good optics was used. The person who printed the photograph knew what they were doing when they exposed the paper, and made the enlargement.

The contradiction comes in because it has turned yellow. On the reverse side almost in the center of the photograph is a big blob that you see here, but on the original are yellow stains. This is indicative that probably the photograph was exposed or enlarged from the negative by someone who knew what they were doing.

But yet the person who was given the task of washing the print either didn't follow instructions or was never instructed on how to wash the print properly because the type of paper that was used back in those days had fibers in it and the chemistry and water minerals adhered to the fibers and it required an excessive long time of washing. If it was not washed properly, once it dried it had a tendency for the chemical residue that was left in the paper to turn yellow.

Mr. GOLDSMITH. Has this print been cropped in anyway?

Sergeant KIRK. No, sir; it was not.

Mr. GOLDSMITH. How are you able to make that determination?

Sergeant KIRK. I will have to walk over to the easel.

Mr. GOLDSMITH. Please do.

Sergeant KIRK. This committee heard testimony earlier today saying that this was probably a full negative print as indicated by the black border. The panel agrees with that testimony. Normal printing will give you the esthetic white border that you would have in normal enlarging.

A common negative carrier used for this type of printing would be used to hold the negative. This would do some of the cropping that we talked about.

Now if the photo laboratory that was handling this negative or the person who was using the photo laboratory to make a print did not normally use this size negative, they would have to seek out a negative carrier that would allow the negative to lay flat. This is the type of negative carrier that you would find in a graphics arts shop or printing shop that had to do with a lot of line negatives.

Since it is glass, it would allow you to lay a negative or a strip of negatives into the negative carrier to hold it flat which would

allow you, but would cause you, unless you cropped it by moving a mask around the paper. Again, this would probably indicate that the photo laboratory it was processed in did not have a paper easel small enough.

So when the photograph was printed, you had the complete negative area plus a black border that was created by the unexposed part of the negative.

Mr. GOLDSMITH. Is this an unusual way of producing a print?

Sergeant KIRK. It is not unusual when you are limited in equipment. This technique is used to do down and dirty prints where you want the picture editors to be able to see the full image area so they can determine what final cropping is going to be used. It is unusual; you would not find this technique in a commercial printing house, no, sir.

Mr. GOLDSMITH. Is the absence of cropping in and of itself unusual?

Sergeant KIRK. Yes.

Mr. GOLDSMITH. Why is that?

Sergeant KIRK. Because normally people like to have white borders as I said for esthetic purposes. Unless they were forced to use a larger negative carrier because they did not have another one, then you would have this, or if for some reason they wanted to be able to see the full image area, they would use a larger negative carrier.

Chairman STOKES. Counsel, will you identify for the record the exhibit the witness is testifying about?

Mr. GOLDSMITH. The witness was given F-183 and F-184 which was the original De Mohrenschildt print and he is now referring to an enlargement of it as well which is JFK F-382 and F-383.

Chairman STOKES. Thank you.

Mr. GOLDSMITH. Sergeant Kirk, if you will remain standing, we will give you the next exhibit to examine. Could Sergeant Kirk be given JFK F-398, and could an enlargement of it, marked JFK F-185, be displayed?

Sergeant, would you examine that item and identify it?

Sergeant KIRK. Yes, sir. This item marked as JFK F-185 is a photograph recovered from retired police officer Richard F. Stovall. It was recovered on April 14, 1978, by committee investigators. It is identified on the flow chart as 133-A, Stovall.

Mr. GOLDSMITH. This is the second Stovall photograph; is that correct?

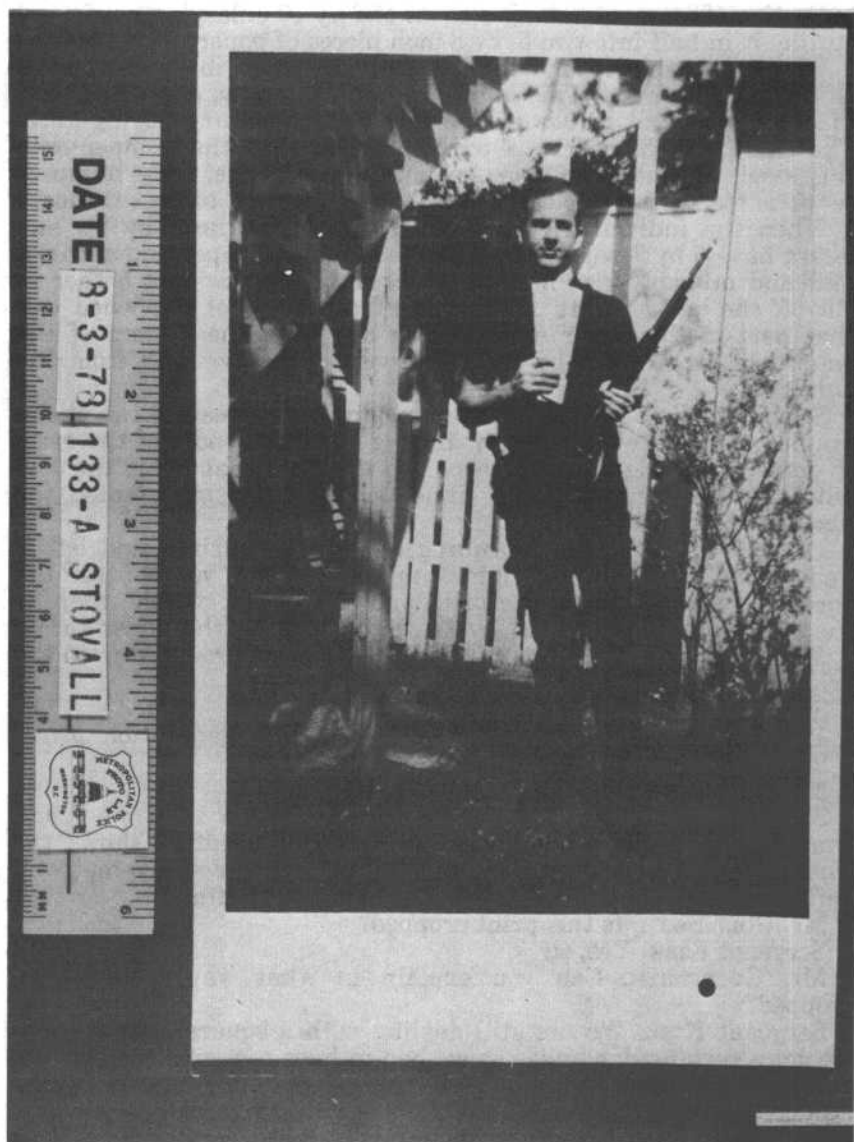
Sergeant KIRK. That is right.

Mr. GOLDSMITH. Mr. Chairman, I move for the admission of these exhibits.

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

[The information follows:]





JFK EXHIBIT F-185

Mr. GOLDSMITH. I would ask that Sergeant Kirk be given an opportunity to examine JFK F-185.

Sergeant, would you identify that exhibit?

Sergeant KIRK. Yes, sir. That is a photographic enlargement. It is an actual and accurate copy of 133-A, Stovall.

Mr. GOLDSMITH. Would you explain how the Stovall print was produced?

Sergeant KIRK. Yes, sir. This has some unusual artifacts on it as well to tell you it was made other than as a normal photograph would be. I would draw your attention to the black circle and the black border that exists on the bottom of the photograph. This is

indicative of someone taking a sheet of 8 by 10 enlarging paper and cutting it in half into two 5- by 8-inch pieces of paper.

We have established it was placed into a convertible easel known as a three-way easel. This is an air-quipt four-way, one which was in production and in use extensively in the country during 1963. The circle was caused by a popper which holds the bumper onto this easel, so that when it is used on the other side, these bumpers serve as feet and it is clear where light is allowed to pass through.

When the individual who wanted to make some 5 by 7's and didn't have 5 by 7 paper, he or she took 8 by 10 paper and cut it in half and probably was in a hurry because they did not bother to cut off the bottom part of the paper because what happened was that part of the paper was sticking out from the bottom of the easel. This is exposed by the negative, by the overspill from the enlarger.

So that the image area of the enlarging easel received the photograph and there was still light hitting the entire part of the easel so some of the light went down into the hole that holds the foot onto this easel creating the circle and the overspill created the black border across the bottom.

I inserted this at the beginning of today's hearings and left it under these photographic lights. As you can see, you can see the border on the bottom of the print and if you look closely, there is the circle that was created by the light striking the paper today.

Mr. GOLDSMITH. Sergeant Kirk, was that print produced from the original negative?

Sergeant KIRK. Yes, sir; it was.

Mr. GOLDSMITH. In other words, it is a first generation print?

Sergeant KIRK. Yes, sir; it is.

Mr. GOLDSMITH. How can you tell that?

Sergeant KIRK. We find the same information in it we found from the other first generation prints. The negative shows the same type of abuse, emulsion tears in it. They are sharp and well defined and so are the scratches sharp and well defined.

Mr. GOLDSMITH. Is this print cropped?

Sergeant KIRK. Yes, sir.

Mr. GOLDSMITH. Can you explain in what way it has been cropped?

Sergeant KIRK. We are still dealing with a square negative and we got a rectangular image so we had to have cropping somewhere.

Mr. GOLDSMITH. Can you tell the purpose for which it was cropped?

Sergeant KIRK. I suppose somebody wanted some 5 by 7's as opposed to two 5 by 5's or 7 by 7's.

Mr. GOLDSMITH. You testified this print was made from the original negative. Was that negative also used to produce the De Mohrenschildt print?

Sergeant KIRK. Yes, it was.

Mr. GOLDSMITH. Was that negative ever provided to the Warren Commission?

Sergeant KIRK. No, sir; it was not.

Mr. GOLDSMITH. Has it been made available to the committee?

Sergeant KIRK. No, sir; it has not.

Mr. GOLDSMITH. Do you know where it is today?

Sergeant KIRK. No, sir; I do not.

Mr. GOLDSMITH. Let me rephrase that. Your testimony then is that the print which was given to the committee by a former Dallas police officer was derived from an original negative?

Sergeant KIRK. Yes, sir; it was.

Mr. GOLDSMITH. Sergeant, have you summarized at this time the materials that were reviewed by the committee's photography panel?

Sergeant KIRK. We examined all the photographs that are depicted here on this flow chart and it is the opinion of the panel that these are all first generation photographs.

Mr. GOLDSMITH. And of the three first generation photographs that you examined, there were three negatives. Of those three original negatives, only one has been made available to the Warren Commission and to this committee; is that correct?

Sergeant KIRK. That is correct, sir.

Mr. GOLDSMITH. And the other two negatives were at some time, it appears, in the possession of Dallas Police Department personnel?

Sergeant KIRK. That could be a fair assumption, yes, sir.

Mr. GOLDSMITH. Sergeant, have any other first generation prints been discovered?

Sergeant KIRK. Yes, sir.

Mr. GOLDSMITH. What print are you referring to now?

Sergeant KIRK. It is identified in the Warren Commission report as Commission exhibit 134.

Mr. GOLDSMITH. I would ask that Sergeant Kirk be handed Warren Commission exhibit 134 which corresponds with JFK F-398. Would you identify that?

Sergeant KIRK. Yes, sir. This is a photograph that is presently in the custody of the National Archives. It was reproduced in the Warren Commission report and identified as Commission exhibit 134.

Mr. GOLDSMITH. Mr. Chairman, I move for the admission of this item.

Chairman STOKES. Without objection it may be entered into the record.

[See exhibit F-185.]

Mr. GOLDSMITH. I will also note for the record that Warren Commission exhibits 133-A and B as well as the negative will be introduced into the record at this time. To my knowledge they have not been assigned exhibit numbers, or at least I will ask you to admit them into the record.

[Warren Commission exhibits 133-A and B are on file on permanent possession at the National Archives.]

Sergeant Kirk, how was this particular print discovered?

Sergeant KIRK. This past weekend I was reading over some of the Warren Commission reports. I detected a sentence in there that as a police officer investigator did not correspond with what I thought would be proper investigative techniques.

In the report it quoted Captain Fritz as saying he showed Lee Harvey Oswald one enlargement and one small photograph. When I looked at the 134 as it was identified in the Warren Commission report I could see that it was an enlargement of 133-A. I thought

at first this might be a reason why Mr. Oswald said that is a fake picture, because as you copy photographs, it gives the illusion that they have been tampered with.

I thought, why would someone go to the trouble of copying a photograph if they had the original evidence to approach a suspect with. I thought this kind of strange. So I asked the committee if I could go over to the Archives on Monday and look at Commission exhibit 134.

Mr. GOLDSMITH. What did you discover when you examined that exhibit?

Sergeant KIRK. I looked at the photograph and formed an opinion. As has been the policy of the panel, we seek another opinion from another member of the panel and I withheld my conclusion until Mr. McCamy could go over them Tuesday and examine the photograph. After he did that, we both reached the same conclusion, that 134 is a first generation print.

Mr. GOLDSMITH. By first generation print you mean it came from the original negative?

Sergeant KIRK. It came from the original negative, yes, sir.

Mr. GOLDSMITH. In your opinion, how was this print produced?

Sergeant KIRK. The photographic paper was placed in an 8 x 10 easel and the print was produced and it creates the aesthetic-like border that you see here. So, there is some cropping.

Mr. GOLDSMITH. Sergeant, what notation, if any, appears on the back of this print?

Sergeant KIRK. There is an impression from a rubber stamp that identifies this as a Dallas Police Department photograph. It is dated 11-23-63.

Mr. GOLDSMITH. That print comes from the same original negative as De Mohrenschildt 133-A and 133-A, Stovall.

Sergeant KIRK. Yes, it does.

Mr. GOLDSMITH. Sergeant, if that print is a first generation print, which means it came from the original negative, are you able to state whether that original negative was ever in the possession of the Dallas Police Department personnel?

Sergeant KIRK. This photograph is stamped Dallas Police Department photograph and it is identified as the photograph that Captain Fritz showed to Lee Harvey Oswald.

Mr. GOLDSMITH. Does this photograph come from one of the negatives that has not been made available to the Warren Commission and to this committee?

Sergeant KIRK. Yes, sir, it does.

Mr. GOLDSMITH. After reviewing these materials, what was the next step in the panel's analysis of the backyard pictures?

Sergeant KIRK. The panel thought it best then to examine the camera that is purported to have been used to take the backyard photographs.

Mr. GOLDSMITH. At this point I would ask that Sergeant Kirk be given what has been marked as JFK F-381, it is a Warren Commission exhibit as well. I will ask him to identify it.

Before I do, Sergeant, would you prefer to remain standing or be seated?

Sergeant KIRK. Whatever is more convenient to the committee. I can work either way.

Mr. GOLDSMITH. Why don't you stand for now and let me know if you would like to sit down.

Why was it necessary for you to examine the camera?

Sergeant KIRK. First of all, Marina Oswald testified that she took the photographs with this camera. Second, it was important to the panel, if we could establish that this camera was used to take the photographs, it would establish the parameters as far as equipment-wise on how the photographs had to be taken, whether or not they were authentic or fake.

Mr. GOLDSMITH. When you were examining the camera, what was the specific purpose of examining it in terms of the materials that you were working with? In other words, did you want to see whether those materials had been originally exposed in the Oswald camera?

Sergeant KIRK. Yes, we had one negative and we also had the De Mohrenschildt which was a full frame negative print. We distinguished certain identifiers or the signature of the camera was found on the negative.

Mr. GOLDSMITH. Mr. Chairman, I move for the admission of JFK F-381.

Chairman STOKES. Without objection it may be entered into the record.

[JFK exhibit F-381 was entered previously.]

Mr. GOLDSMITH. Sergeant, was this the subject of your analysis?

Sergeant KIRK. Yes, sir, it is.

Mr. GOLDSMITH. How did the panel attempt to establish whether the negatives to the backyard pictures had originally been exposed in Oswald's Imperial Reflex camera?

Sergeant KIRK. There were two tests conducted, one by scientists at the Rochester Institute of Technology and an independent examination conducted by myself here at the Washington, D.C. Metropolitan Police Photographic Laboratory.

Mr. GOLDSMITH. What characteristics were you looking for?

Sergeant KIRK. We wanted to see if this photograph produced the identifiers or the signature that was detected on negatives 133-B and 133-A, De Mohrenschildt.

Mr. GOLDSMITH. You made reference to identifiers or signature. What do you mean when you use those terms?

Sergeant KIRK. Most cameras, particularly inexpensive cameras that have been manufactured by molded plastic, have certain imperfections in them. A lot of imperfections are found around the film plane aperture, as some call it, the part of the camera the film lays against to be exposed.

Now people who manufacture these types of cameras do not worry too much about the frame-edge markings because they know the type of person who would buy this camera would send the film to the corner drugstore and they know the frame is going to be cropped off anyway to create the white borders I referred to earlier.

Mr. GOLDSMITH. So are frame-edge markings one of the identifiers to which you referred?

Sergeant KIRK. We wanted to find out and we asked the Rochester Institute of Technology to obtain two replica cameras like this. They obtained two cameras from the International Museum of

Photography located at Eastman House in Rochester, New York and conducted tests with those cameras for us.

Mr. GOLDSMITH. My specific question was: What do you call these identifiers, these terms that you referred to as being the equivalent of a signature? One I take is frame edge marks.

Sergeant KIRK. That is correct, and scratches that were introduced into the image area itself by the fact that the film was dragging across its plastic.

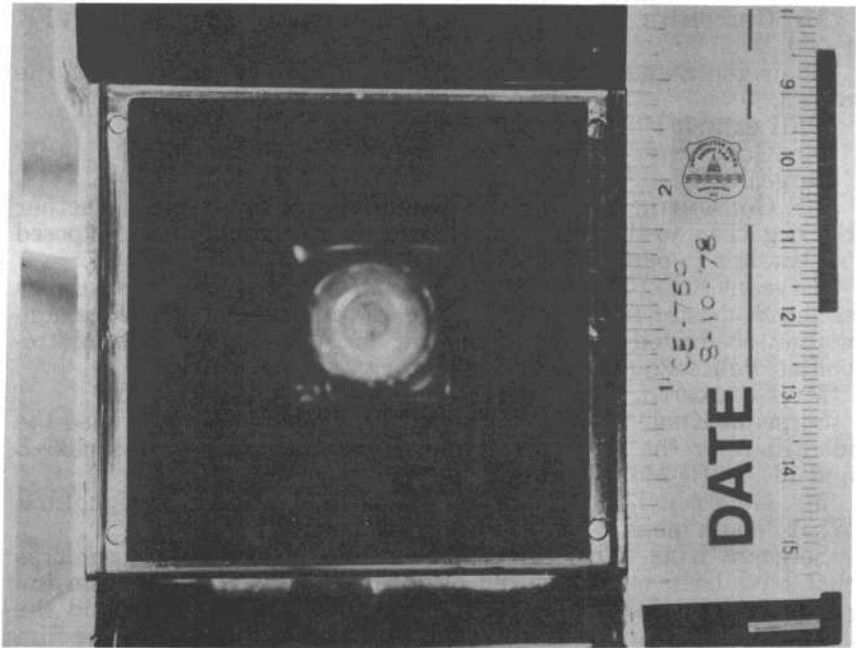
Mr. GOLDSMITH. Those would be camera scratch marks?

Sergeant KIRK. Yes.

Mr. GOLDSMITH. I would ask that you refer now to what has been marked for identification as JFK F-187. I move for the admission of this item, Mr. Chairman.

Chairman STOKES. Without objection it will be entered into the record.

[The information follows:]



JFK EXHIBIT F-187

Mr. GOLDSMITH. Mr. Chairman, may I have a moment? Sergeant, would you identify this exhibit?

Sergeant KIRK. Yes, sir. It is a photograph of the film plane of the Imperial Reflex camera identified as Commission Exhibit 750. To orientate you, this is the supply well where the fresh film is inserted. The film is drug across this plane to a take-up reel at the top of the camera.

Mr. GOLDSMITH. Are you able to explain from that exhibit how camera scratch marks frame edge marks are caused?

Sergeant KIRK. More expensive cameras would have a stainless steel roller to keep the film from actually dragging across the surface. Since that does not have a case, the film is forced to be drug across this film plane which would produce scratches. Also, you can see here, these are the points where the plastic mold was attached and when the mold was removed, it will bring certain fragments of the plastic away from it that will spill out of the mold. It makes an imperfect edge around the image area of the camera.

Mr. GOLDSMITH. At this time I would ask that Sergeant Kirk be shown what has been marked for identification as JFK F-190.

Sergeant Kirk, I would ask that you identify this exhibit and explain how the frame edge marks and camera scratch marks for Oswald's camera were established?

Sergeant KIRK. Yes, sir. This is a test exposure that we made off the roof of police headquarters on August 1 of this year.

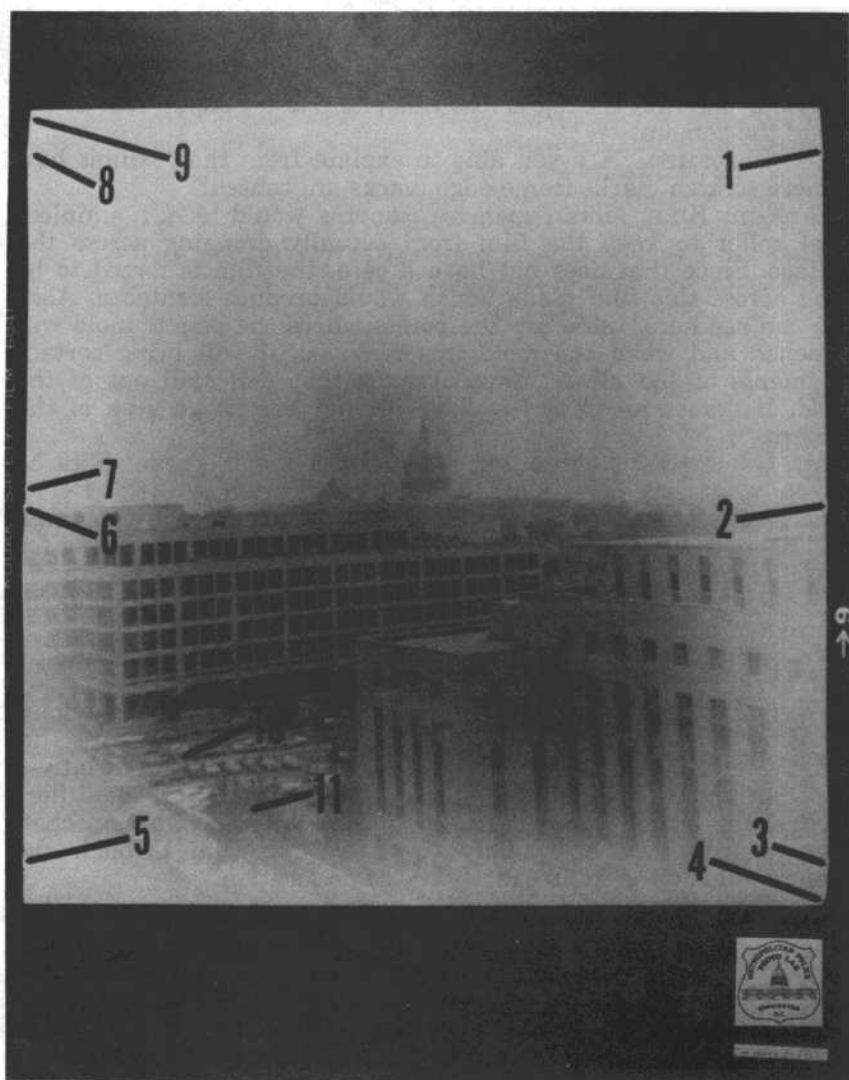
To orientate you, this is the new Labor Department Building and, of course, the Capitol Building is in the background.

We found after developing the negative and intentionally under-exposing it so that we could see the frame edges, because this camera tends to put more exposure on the center of the negatives than around the edges, we found the signature or identifiers around the frame edge markings and two distinctive scratches, that regardless of how many times we ran film through the camera, all showed up in exactly the same location.

Mr. GOLDSMITH. Mr. Chairman, I move for the admission of JFK F-190.

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

[The information follows:]



JFK EXHIBIT F-190



Mr. GOLDSMITH. Sergeant Kirk, why are frame edge marks and camera scratch marks useful in determining why a particular camera was used to take a particular picture?

Sergeant KIRK. Well, throughout the years it has been pretty common knowledge in the forensic sciences that cameras do leave their signatures, especially in inexpensive brands. Years ago during World War II when they were trying to identify what footage was shot by what cameras, laboratory technicians actually etched markings into the frame so they could identify one camera from another.

Mr. GOLDSMITH. What effort, if any, was made to verify whether the frame edge marks and camera scratch marks produced by Oswald's camera were really unique?

Sergeant KIRK. As I said, RIT scientists obtained two duplicate cameras from the International Museum of Photography located at the Eastman House in Rochester and exposed some test negatives.

Mr. GOLDSMITH. I would ask Sergeant Kirk be shown JFK F-191. Would you explain now, Sergeant Kirk, what type of comparison was made?

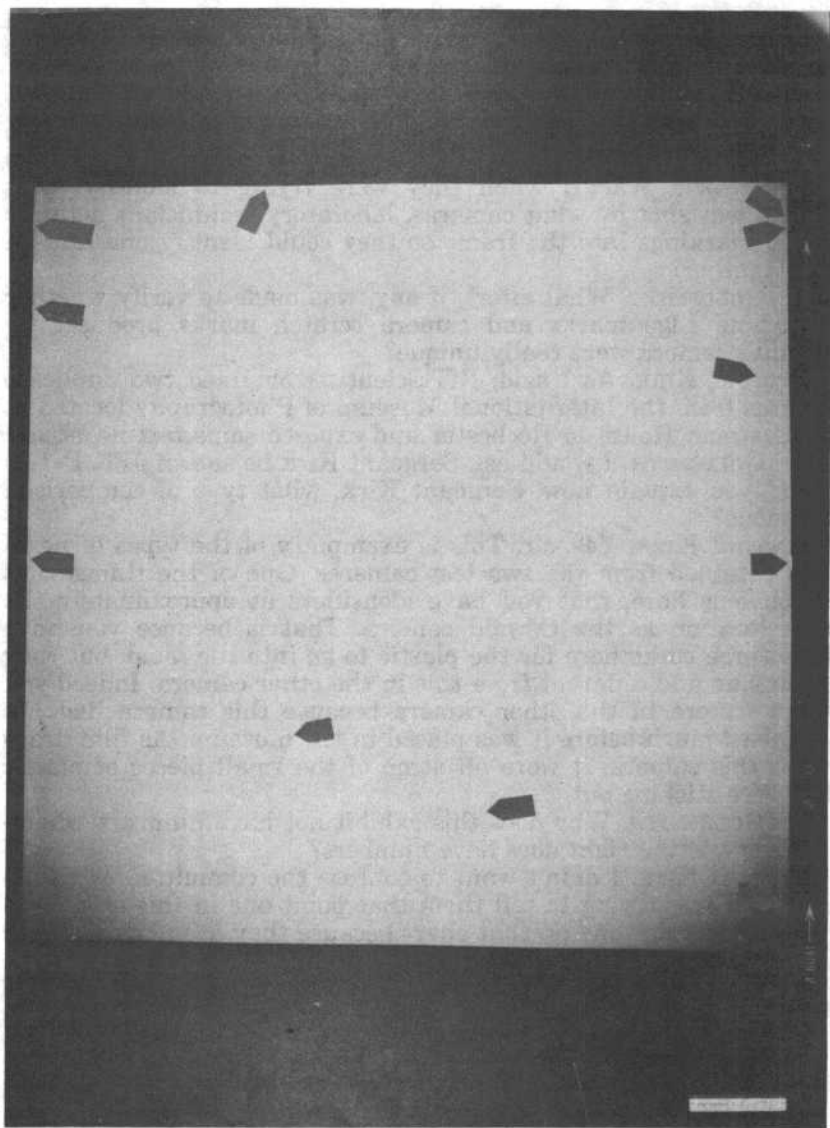
Sergeant KIRK. Yes, sir. This is exemplary of the types of negatives obtained from the two test cameras. One of the things that are obvious here, that you have identifiers at approximately the same location as the Oswald camera. That is because you have these three corks here for the plastic to go into the mold, but they are unique and different from this in the other camera. Indeed you will see more in the other camera because this camera had not been used much before it was placed in the museum. As film drags across this camera, it wore off some of the small pieces of plastic that were sticking out.

Mr. GOLDSMITH. Why does this exhibit not have numbers whereas the one to the right does have numbers?

Sergeant KIRK. I didn't want to confuse the committee by thinking that I was trying to tell them that point one in this chart was identical to point one on that chart because they are nowhere near similar. They are totally different and unique.

Mr. GOLDSMITH. Mr. Chairman, I move for the admission of JFK F-191.

Mr. FITHIAN [presiding]. Without objection it is so ordered.  
[The information follows:]



JFK EXHIBIT F-191

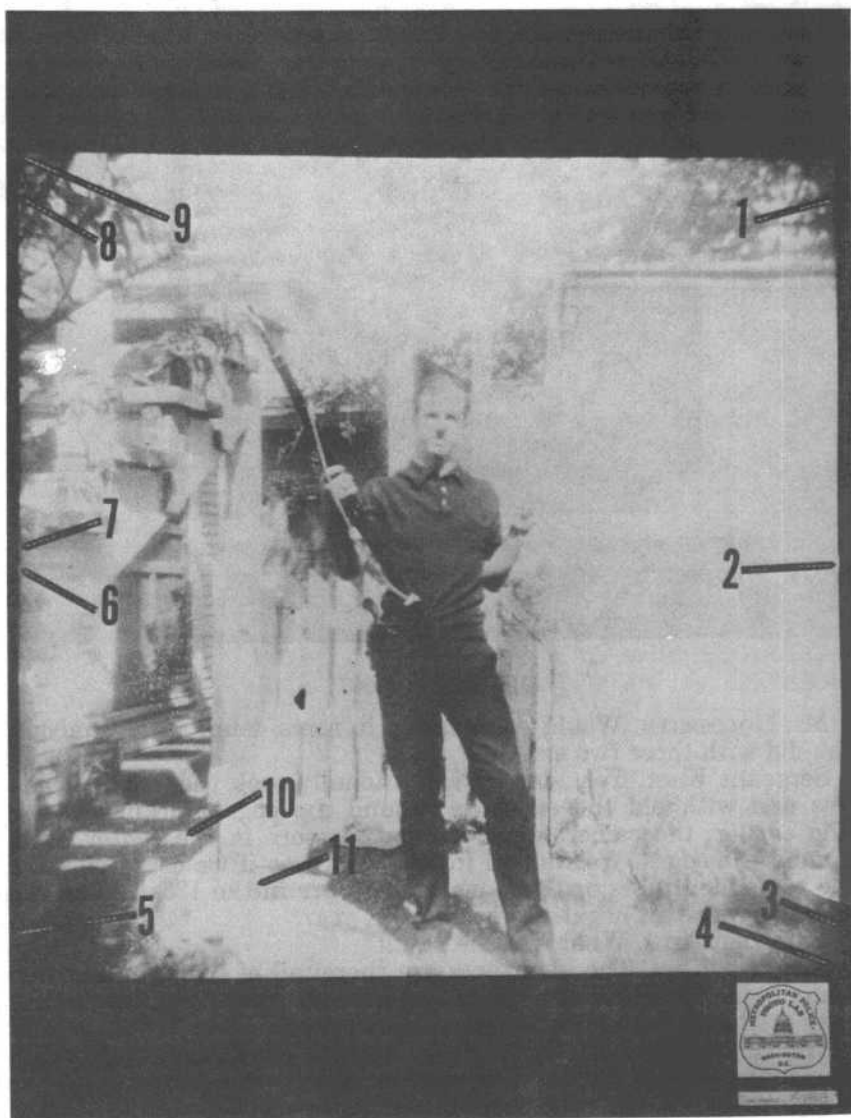
Mr. GOLDSMITH. At this time I would ask Sergeant Kirk be shown JFK F-188 and F-397. Would you identify these two exhibits?

Sergeant KIRK. Yes, sir. The enlargement on the top is a print made from the 133-B negative, the only negative that we had to work from. The photograph on the bottom is made from a copy photograph and enlarged from 133-A, DeMohrenschildt.

Mr. GOLDSMITH. Mr. Chairman, I move for the admission of these items.

Mr. FITHIAN. Without objection they may be entered into the record at this point.

[The information follows:]



JFK EXHIBIT F-188



JFK EXHIBIT F-397

Mr. GOLDSMITH. Would you explain in some detail what analysis you did with these two exhibits?

Sergeant KIRK. Yes, sir. We intentionally took the 133-B negative and withheld the exposure around the edge markings. As I said earlier, the camera tends to expose more in the center than around the edges. We wanted to be able to see if we could pick up the same identifiers or the camera signature in the 133-B negative as was in our test negative exposed this year.

Mr. GOLDSMITH. What was the result?

Sergeant KIRK. The identifiers are there, all of them, and in my opinion the same camera that produced the test photograph this year produced the 133-B backyard photograph.

Mr. GOLDSMITH. Of the backyard picture showing Oswald with the rifle, were only the DeMohrenschildt print and the 133-B negative studied for frame edge markings?

Sergeant KIRK. That is correct, sir.

Mr. GOLDSMITH. Why is that?

Sergeant KIRK. Because those were the only material we had to show the frame edge markings.

Mr. GOLDSMITH. Does the DeMohrenschildt print have fewer identifying frame marks on it than the 133-B negative?

Sergeant KIRK. It does if you look at it with this type of lighting under which it was photographed for the exhibit today. Items 2, 6, 7, 10 and 11 are visible if you look at the photograph under reflected light.

However, if you place the original print on a light box and look at it from light projected through the print, if you look at it using a

small power magnifier you would be able to pick up the other identifiers that I put in here with dashes.

Mr. GOLDSMITH. I understand the photography panel was able to study only the DeMohrenschildt print and the 133-B for edge marks. What materials were studied for the scratch mark analysis?

Sergeant KIRK. All of the prints.

Mr. GOLDSMITH. Why is that?

Sergeant KIRK. Because the scratches we were looking for were in the part of the photograph that would not be cropped out in any of these areas. We found the same scratch marks precisely the same distance apart in the same location in all the first generation prints.

Mr. GOLDSMITH. I am sorry. I missed the last part of your answer. Would you state the results of your scratch mark analysis?

Sergeant KIRK. We found the same scratch marks in the image area such as identifiers 10 and 11 in all the first generation prints on this flow chart.

Mr. GOLDSMITH. Sergeant, have you investigated the allegation that the Oswald Imperial Reflex camera was used only to take the backyard pictures of Oswald with the rifle?

Sergeant KIRK. Yes, sir, I have.

Mr. GOLDSMITH. When did you do that?

Sergeant KIRK. August 1 of this year.

Mr. GOLDSMITH. Exactly how did you go about examining this issue, Sergeant?

Sergeant KIRK. I went to the National Archives and requested to see all of the photographs and all of the photographic negatives that were turned over to the Warren Commission and listed as that material that was taken during the execution of search warrants from the personal effects of Lee and Marina Oswald.

Mr. GOLDSMITH. What did these photographs portray, Sergeant?

Sergeant KIRK. Most were family-type snapshots, scenes, an older child and a baby in a crib. They depicted Mrs. Oswald and a child playing with a hose pipe, spraying water on each other. It depicted Mr. Oswald holding an infant in his arms, family type photographs.

Mr. GOLDSMITH. I would ask that Sergeant Kirk be shown JFK F-189. Sergeant, would you identify that exhibit?

Sergeant KIRK. Yes, sir. It is a first generation print made from a negative obtained from the Archives. It is from one of approximately two dozen negatives that were on file at the Archives. It is a photograph of a young child. The child has been identified by Marina Oswald Porter as being one of the children of she and Lee Harvey Oswald.

Mr. GOLDSMITH. Mr. Chairman, I move for the admission of this exhibit.

Mr. FITHIAN. Without objection it may be entered into the record at this point.

[The information follows:]



JFK EXHIBIT F-189

Mr. GOLDSMITH. Was this exhibit compared with any other materials or photographs exposed in Oswald's camera?

Sergeant KIRK. Yes, sir, it was.

Mr. GOLDSMITH. What was the result of that comparison?

Sergeant KIRK. The comparison was made with the test negative, the 133-B backyard photograph, the 133-A DeMohrenschildt photograph, and they were found to contain the identical identifiers and scratch marks.

It is our opinion that the same camera produced the baby picture.

Mr. GOLDSMITH. What were the panel's overall conclusions regarding the frame edge marks and camera scratch marks that it evaluated?

Sergeant KIRK. That it is a reliable source of identification and it is our opinion that the camera did indeed produce these photographs.

Mr. GOLDSMITH. When you say these photographs, you are referring to the backyard pictures?

Sergeant KIRK. The backyard pictures and the baby picture.

Mr. GOLDSMITH. Thank you.

Sergeant Kirk, please resume your seat.

I might state, Mr. Chairman, that the agenda for today has been changed somewhat. We have a witness here to give testimony on the issue of handwriting analysis. For that reason I have been asked to request of Sergeant Kirk and Mr. McCamy that we defer the remainder of their testimony until tomorrow so that the handwriting expert can testify today. He informs us that he has to appear in court tomorrow and would not be available to be here tomorrow.

Sergeant Kirk, Mr. McCamy, would you be available tomorrow?

Sergeant KIRK. Yes, sir.

Mr. GOLDSMITH. Mr. Chairman, I would also like to request that JFK F-188 and F-397 be admitted into the record.

Mr. FITHIAN. Without objection it is so ordered.

[The exhibits referred to were previously admitted into the record.]

Mr. GOLDSMITH. Thank you.

Mr. BLAKEY. Thank you, Mr. Chairman. In the case of the photograph turned over to the committee, the backyard photograph by Mrs. DeMohrenschildt, exhibit 133-A, the committee decided to attempt to verify that the inscription on the back of the photographs was indeed written by Lee Harvey Oswald who had apparently signed it. To this end, 45 samples of Oswald's handwriting were selected and experts in the field of document identification were asked to examine them.

Today an expert will discuss the three samples. They are a signature from Oswald's fingerprint card when he was arrested in New Orleans in August 1963; his passport application dated June 24, 1963, and a list of handwritten questions found among his possessions.

A member of the committee's panel on handwriting experts is here today to discuss the findings with regard to the inscription. He is Joseph P. McNally.

Mr. McNally received his B.S. and an M.S. in police science from the John Jay College of Criminal Justice, University of the City of New York. He started in the field of questioned document identification in 1942 with the New York Police Laboratory. He has been supervisor of the Document Identification Section of the Police Laboratory, training officer in the Policy Academy, commanding officer of the Police Laboratory and handwriting expert in the District Attorney's office of New York County. He retired from the Police Department with the rank of captain in 1972 and entered private practice in the field of document identification. He serves as consultant to New York's Human Resources Administration.

Mr. McNally is a fellow of the American Academy of Forensic Sciences, a member of the American Society of Questioned Document Examiners, the International Association for Identification,

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

Mr. DODD. That is all right.

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

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

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

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

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

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

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

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

Chairman STOKES. It certainly may be done.

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

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

Mr. DODD. Sure.

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

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

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



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

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

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

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

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

[The information follows:]

AAW 217						
NO. NAME	GROUP	AGE	SEX	HL		

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INFO	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	WTS	
COMP																								
DS																								
ARITH																								
SIMIL																								
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PC																								
BD																								
OA																								
DSY																								

24 JUNE 1964

DS	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	WTS	
ARITH																								
INFO																								

BD	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	WTS	
SIMIL																								
COMP																								

PA	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	WTS	
PC																								
OA																								

DSY																								
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JFK EXHIBIT F-426

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

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

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

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

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

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

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

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

Thank you, Mr. Hart.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Michigan, Mr. Sawyer.

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

Mr. HART. Exactly.

Mr. SAWYER. All of which are quite high?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chairman STOKES. The time of the gentleman has expired.

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

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

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

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

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

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

It says:

Following acceptance of Nosenko's bona fides in late 1968, an arrangement was worked out whereby Nosenko was employed as an independent contractor for the CIA effective March 1, 1969.

His first contract called for him to be compensated at the rate of \$16,500 a year. As of 1978 he is receiving \$35,325 a year. In addition to regular yearly compensation in 1972, Nosenko was paid for the years 1964 through 1969 in the amount of \$25,000 a year less income tax. The total amount paid was \$87,052.

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

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

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

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

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

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

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

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

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

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

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

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

Chairman STOKES. Thank you.

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

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

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

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

[The document was handed to counsel.]

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

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

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

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

Mr. HART. Yes, sir.

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

Mr. HART. Yes, sir.

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

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

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

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

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

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

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

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

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

Mr. CORNWELL. I think we understand.

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

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

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

Thank you.

Mr. HART. Yes.

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

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

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

Mr. CORNWELL. Thank you.

I have no further questions.

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

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

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

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

Mr. CORNWELL. Thank you. It will be JFK F-427.

[JFK exhibit F-427 follows:]

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✓ Deputy Chief, SB

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

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

#### JFK EXHIBIT F-427

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

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

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

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

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

Chairman STOKES. All right, Mr. Hart.

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

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

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