

Assassination Records Review Board Final Determination Notification

AGENCY : HSCA
RECORD NUMBER : 180-10110-10014
RECORD SERIES : SECURITY CLASSIFIED TESTIMONY
AGENCY FILE NUMBER : 014725

March 26, 1997

Status of Document: Postponed in Part

Number of releases of previously postponed information: 0

Number of Postponements: 6

Postponement # 1 (Page 4):

Reason for Board Action: The text is redacted because it discusses sources and methods that properly may be withheld under Section 6(1)(B) of the JFK Act.

Substitute Language: Job Title and CIA Installation in East Asia/ Pacific 5

Release Date: 10/2017

Postponement # 2 (Page 4):

Reason for Board Action: The text is redacted because it discusses sources and methods that properly may be withheld under Section 6(1)(B) of the JFK Act.

Substitute Language: Job Title and CIA Installation in East Asia/ Pacific 7

Release Date: 10/2017

Postponement # 3 (Page 4):

Reason for Board Action: The text is redacted because it discusses sources and methods that properly may be withheld under Section 6(1)(B) of the JFK Act.

Substitute Language: Job Title and CIA Installation in East Asia/ Pacific 13

Release Date: 10/2017

Postponement # 4 (Page 4):

Reason for Board Action: The text is redacted because it discusses sources and methods that properly may be withheld under Section 6(1)(B) of the JFK Act.

Substitute Language: Locations

Release Date: 10/2017

Postponement # 5 (Page 5):

Reason for Board Action: The text is redacted because it discusses sources and methods that properly may be withheld under Section 6(1)(B) of the JFK Act.

Substitute Language: Locations

Release Date: 10/2017

Postponement # 6 (Page 5):

Reason for Board Action: The text is redacted because it reveals the identity of an intelligence agent that properly may be withheld under Section 6(1)(A) of the JFK Act. The Board is awaiting additional evidence from the CIA, at which time it will reconsider the postponement

Substitute Language: CIA Employee

Review Date: 05/1997

Board Review Completed: 11/14/96

JFK ASSASSINATION SYSTEM
IDENTIFICATION FORM

AGENCY INFORMATION

AGENCY : HSCA
RECORD NUMBER : 180-10110-10014
RECORDS SERIES : SECURITY CLASSIFIED TESTIMONY
AGENCY FILE NUMBER : 014725

DOCUMENT INFORMATION

ORIGINATOR : HSCA
FROM : TOVAR, BERNARD HUGH [R]
TO :
TITLE : DEPOSITION OF BERNARD HUGH TOVAR [R]
DATE : 06/29/78
PAGES : 48
SUBJECTS : TOVAR, BERNARD HUGH, TESTIMONY BEFORE THE COMMITTEE [R]

CIA, METHODOLOGY

OSWALD, LEE, RUSSIAN PERIOD, DEFECTION TO RUSSIAN

DOCUMENT TYPE : TRANSCRIPT
CLASSIFICATION : UNCLASSIFIED
RESTRICTIONS : 3
CURRENT STATUS : RELEASED WITH DELETIONS
DATE OF LAST REVIEW : 11/14/96
OPENING CRITERIA :
COMMENTS : Two duplicates and notes attached.

Box 5.

JFK ASSASSINATION COLLECTION
IDENTIFICATION FORM

CIA HAS NO OBJECTION TO
DECLASSIFICATION AND/OR
RELEASE OF THIS DOCUMENT
AS SANITIZED

Agency: HSCA
Record Number:

Record Series: SECURITY CLASSIFIED TESTIMONY

Agency File Number: 014725

Originator: HSCA

From: Tovar, Bernard Hugh R

To: R

Title: Deposition of Bernard Hugh Tovar R

Date: 06/29/78

Pages: 48

Subjects:

- 1. Tovar, Bernard Hugh, Testimony before the Committee R
- 2. CIA, methodology R
- 3. Oswald, Lee, Russian Period, Defection to Russia R
- 4. R
- 5. R
- 6. R

Document Type : transcript

Classification: U C S (T)

Restrictions: Open 1A 1B 1C 2 3 4 5 D

Current Status: 0 (P) X

Date of Last Review: / /93

Opening Criteria:

Comments: 2 duplicates and notes attached.

Box #: 5

Folder Title:

Tovar

Treat as
Secret

OK/CJ

Select Committee on Assassinations
U.S. House of Representatives
WASHINGTON, D.C. 20515

~~criteria for choosing H7 indivs. whose files were read.~~

~~criteria used in producing list of 1/27/78~~

~~→ discrepancy in # of persons listed~~

~~any procedures for debriefing defectors in Europe~~

~~referral of person to FBI for debrief.~~

~~4/20/78 opportunity & circumstances~~

~~Rebuttal: why would such a thorough debriefing be done~~

~~no S.O.P.?~~

~~9/25/78 Did CIA routinely req. FBI to interview contacts
w/ defps.?~~

~~Did CIA make a req. of FBI that they routinely
provide results of interviews of defps.~~

201 file

- define
- CI opening of
- agent - indicator?

CI/SIG

What is it?

What is function?

Would they be involved in opening 201's; under what circumstances
WH is 201 file opening sheet

Relationship between OS and CI Staff / Det. OS & CI/SIG in particular

Passing of info. between the 2

10/31/59 S.D. telegram

So whom would this info. be significant?

Should it warrant opening of 201 file?

If OS received doc., would they forward info. to CI (CI/SIG) or
would they assume they already had info.

Internal paper - CI staff

- where stored?

Worse

Deposition - re 201 + CIA procedure

1. Present Position - ISS

yr's
responsibility

2. 201 files

what is a 201 file?
what info goes into it?

How does a 201 file get est'd? - # of copies
criteria ^{today} 1968
Time span from receipt of msg. info. - case of defectors
Purob. v true name.

Agency relationship

- indication in 201 file? always? if not, where?

Covert security division
~~it will a 201 file always be opened?~~
Operational Info

- indication in 201 file

- If not, where?

- Hypo: assignment to determine all
operation tasks of a partic. agent.

Completeness missing doc's of 201
removal of doc's - under what circum's?

any indication in file
47 784

3. LHO

CI/S16

what is?

function?

Would CI/S16 be involved in opening

How would you ch to return
which you are missing?
How would you ch for location
of missing docs?

Security
will be
copy of
ops -
re: 201
intel

Insert B

Does the Agency have a method for obtain cross referencing 201, ^{true} name, place, crypt.

g. 26.7.
How does this work?

Centralized v. decentralized?

1st do O.S. doc. that should've had opening / 201
LHO 201 form - Have you ever reviewed this before
Some document

Henry - would officer requesting opening
of file be req'd to open a file under
the person's ~~correct~~ actual true name?

AG

- Other identification - AG
- Country of residence
- Action desk
- Country interest

Why crossed out?

Wouldn't SR want to know basis

for opening of file?

#1

Restricted - Why?

OI code

Would fact of opening be communicated to SR?

1. p. 23 # 1763

DOHB - what does this stand for?

2. Is this the most recent ^{CIA} regulation statement governing the criteria for opening, maintaining, controlling & closing 201 file?

3. p. 23 § 2(b) - Please read -

This suggests that as a matter of SOP, a 201 will contain a PRO & an indication of whether a person is an agent. Is that true?

4. p. 23 § 2(c) - What info is contained in the master 201 record?

Will this record provide a complete listing of every document ~~present~~ that the CIA has on the person? or the person's 201.

5. p. 27 # 1764 - Read # 9. - What is a name type indicator?

10 - What are OI codes?

DOES the OI code appear anywhere in a subject's 201 file? Where? ^{Where} ~~Where~~ OI codes in existence in 1954 + 60? I would have to be used

[Insert A]

1. ID Document.
2. What are the reqs
3. by whom adopted
4. Procedure for adoption
5. ^{S.O.P. re distri of reqs to staff}
~~Reqs followed who read them?~~
6. What staff is required to be familiar w/ reqs?
Are the reqs generally followed?
7. ~~procedure to ensure compliance~~

6. Contract employees - What type of file
for CIA maintain on contract employees?

7. p. 26 #1766 (G) - How long has this
more document rule been in effect?
- purpose of rule?

8. p. 26.1 #1767

1st para. - Upon opening of 201 files, will
all predecessor docs be included in the
file?

b) photographs - does SOP require
person opening file to make an effort
to obtain a photo?

What if obtaining a photo
simply reqs contacting another gov agency?

Q: Always
included
per SOP?

c) PRO I
II

d) Operational approval

e) Acknowledgement of proceedings?
- Who would get a " " ?

Would an agent? (Refer back to
p. 15)

201 personality assessments & evaluations

f) - What else?
included per SOP?

J) Agent Duty Status Report

K) Training + evaluation?

L) Software req.

9. ~~5.~~ - How are papers org'd in a 201 file?
i.e. what sequential order?
✓ [Refer to p. 26.2: last page]
Any exceptions?
What indexes, if any, can be
drawn if docs in a file are not in
sequential order?

10. ^{#1762} p. 26.2. Define "purging"?
How often? Purpose
Any indication in file?

9) What is a self-referenced doc?

11. Are 201's ever opened in pseudonym?
Refer [26.3 #1769 15]

12. ^{p. 26.3 #1769} Field + duplicate file (16)

14. Restricted licenses

- Under what circumstances?

- Are there regs governing this?

15. p. 26.7 #1777 § 7

Under what circumstances will a license be cancelled?

What does the term cancellation mean?

Does it happen to does that occur in the

Any record of cancellation?

What is the destruction unit?
get together

16. p. 26.7 # 1777 (110) Machine listing

- What is a " " ?

[note: alphabetical, numeric, & crypt listing]

| See p. 26.8 |

17. Copies of 201's

for review

Refer # 1779

ID

Are these regs the earlier version of the
1974 one we just reviewed?

Are they the as complete as the
regs we have just reviewed?

Why not?

How long prior to 1960 did the CIA
have IDW #'s?

Will a person entering on whom
DDO has info always have either a
DOI # or a IDW #?

∴ LHO - should have been assigned a
IDW # prior to DOI opening.

Return to specific Q's re LHO

~~missing~~ include listing - completions
- at or " of file

- 1) 1st indexing of a doc. on LHO
- 2) 1st name track on LHO
- 3) 201 opening

Ops. files - M.L.

CI/SIG: check files to see restricted, permanent

MSB reqs: ?

Is PERQ II ever in file? How would ref. to it be made?

M.L.: w/ps. was used in CI/OA

pseudo in w/ps?

CI/SIG at source doc.

10/31/59 S.D. telegram

Possible for "201" to be assigned?

W/ps assign.
W/ps. listing

W/ps - central listing or decentralized w/in areas - SE, etc.

True name index: centralized filing system using true name, pseudo,

W/ps, 201*

It's why you on Team,
responded to this?

Do we have a definition distin-
guishing between an agent & a staff
agent?

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HEARINGS

Before The

11/19/75

John F. Kennedy Subcommittee
of the

SELECT COMMITTEE ON ASSASSINATIONS

HOUSE OF REPRESENTATIVES

ASSASSINATION OF JOHN F. KENNEDY

DEPOSITION OF BERNARD HUGHES

Subcommittee on Assassinations

House of Representatives

Washington, D.C.

1975

C O N T E N T S

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TESTIMONY OF:

Bernard Hugh Tovar

PAGE

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ASSASSINATION OF JOHN F. KENNEDY

- - -

Thursday, June 29, 1978

- - -

U. S. House of Representatives,
John F. Kennedy Subcommittee of
Select Committee on Assassinations,
Washington, D. C.

Deposition of:

BERNARD HUGH TOVAR

called for examination by staff counsel for the subcommittee,
pursuant to notice, in the offices of House Annex II, Room 3370,
Second and D Streets, Southwest, Washington, D. C., beginning at
2:00 o'clock p.m., before Albert Joseph LaFrance, a Notary Public
in and for the District of Columbia, when were present on behalf
of the respective parties:

For the Subcommittee:

MICHAEL GOLDSMITH, ESQ. Staff Counsel

ELIZABETH WOLF

For the Deponent:

(There was representation by counsel)

TESTIMONY OF HUGH TOVAR

1
2 Mr. Goldsmith. State your name for the record.

3 Mr. Tovar. I sign my name B. Hugh. My full name is
4 Bernard Hugh Tovar.

5 Mr. Goldsmith. Mr. Tovar, my name is Michael Goldsmith,
6 Senator Staff Counsel of the Select Committee on Assassinations.
7 I have been designated by the Committee to take your deposition
8 today. You are here voluntarily today?

9 Mr. Tovar. Yes.

10 Mr. Goldsmith. You have the right to have counsel present.
11 Do you waive that right?

12 Mr. Tovar. Yes.

13 Mr. Goldsmith. Have you read a copy of the Committee's
14 supporting resolution?

15 Mr. Tovar. Yes.

16 Mr. Goldsmith. Have you had a chance to read Rule Number
17 4?

18 Mr. Tovar. I have.

19 Mr. Goldsmith. The Committee rules provide for the tran-
20 script of a deposition to be made available to a witness and
21 actually be delivered for retention by any witness that gives
22 the Committee a statement. However, by virtue of the arrange-
23 ment that the Committee has worked out with the CIA, the Agency
24 has asked us to request Agency employees testifying before us
25 to waive the right actually to receive a copy of the transcript.

1 The reason for that is because the transcript frequently
2 will contain classified information and the Agency prefers for
3 that information to be kept in our secure area here. So I
4 would like to ask you to waive your right to receive a copy of
5 your statement but in so doing, I want to assure you that you
6 will be given a right to review the transcript for accuracy,
7 o make comment upon it and if necessary, to give an additional
8 statement.

9 Mr. Tovar. I agree.

10 Mr. Goldsmith. I would like to inform you that the court
11 reporter will provide you with a transcript and the transcript
12 will be certified by the reporter as a complete, accurate and
13 true record of all the testimony that you give here today.

14 Now, you are employed by the CIA, is that correct?

15 Mr. Tovar. Yes.

16 Mr. Goldsmith. I had given you earlier a copy of a letter
17 dated 23 March 1978 from Mr. Carlucci to the Chairman of this
18 Committee. Have you had a chance to read that letter?

19 Mr. Tovar. I have.

20 Mr. Goldsmith. Do you understand it?

21 Mr. Tovar. I understand it.

22 Mr. Goldsmith. Then I think we are ready to proceed to
23 the substance of the questioning. What is your present position
24 with the CIA?

25 Mr. Tovar. I am the Chief of the Counterintelligence

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Staff of the Directorate of Operations.

Mr. Goldsmith. How long have you been working in that capacity?

Mr. Tovar. Ever since a year ago April.

Mr. Goldsmith. How long have you been working with the Agency?

Mr. Tovar. Thirty years.

Mr. Goldsmith. What was your assignment prior to becoming Chief of the CI Staff?

Mr. Tovar. I was recently returned from overseas where I was [] and three years before that, []

Mr. Goldsmith. Prior to assuming your position as Chief of the CI Staff had you had extensive experience in the area of counterintelligence?

Mr. Tovar. No, not particularly. We don't as a rule specialize. We are normally generalists. I do not consider myself a counterintelligence expert.

Mr. Goldsmith. During the years 1959 to '63 what position did you occupy with the Agency?

Mr. Tovar. In 1959 I was []

In 1920, I came back and I was originally Deputy Chief and then Chief of the Branch in Far East Division which controls operations in the []

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[] That was until 1964.

Mr. Goldsmith. Have you had a chance to review CIA document number 1817 and the pages that follow it?

Mr. Tovar. Yes, I have read these. I had not read these. They were released by one of my subordinates, Mr. Friedlander.

Mr. Goldsmith. Are you telling us that today is the first chance you had to read them?

Mr. Tovar. I did not read them this time. They went to you, to the Committee but I have since read them.

Mr. Goldsmith. They were prepared by whom?

Mr. Tovar. Jack Friedlander, Chief of Operations. They were signed by him, not prepared by him. They would have been originated probably by Mr. Kowalski or [] I am not sure which. I think Kowalski almost certainly.

Mr. Goldsmith. The memorandum which is labeled CIA No. 1817 was a response by the Agency to an inquiry by the Committee as to whether it was standard operating procedure for the Agency to debrief what in effect were repatriated defectors. I believe it is fair to say by way of summary that the memo says that it was not in fact standard operating procedure during the years 1959 to '63 to debrief such individuals. Is that correct?

Mr. Tovar. Insofar as I understand it. My knowledge is limited to what I see here before me in the paper. During this period in question I was not involved, so I didn't know what

1 the current policy was then.

2 What I have been told since by those who should know is
3 that there was no policy as set forth here.

4 Mr. Goldsmith. Do you know what the criteria were for
5 selecting the 117 individuals whose files were reviewed?

6 Mr. Tovar. No. I think someone mentioned the other day
7 that the names were incorporated in a memorandum I think ori-
8 ginationally by the FBI but I would not certify to that.

9 Mr. Goldsmith. Mr. Tovar, since you have no direct
10 knowledge as to the manner in which this memo was prepared and,
11 for example, you don't know the criteria that was used for
12 choosing these 117 people, I am not going to ask you questions
13 pertaining to that document. I would like to request that you
14 communicate with the Office of Legislative Counsel at the
15 Agency and tell them the individual who was involved in the
16 actual direct preparation of the document so that I could spend
17 some time with him.

18 Mr. Tovar. The document, of course, is over my signature,
19 so I stand behind the document. I am responsible for what
20 was said there. If it is incorrect then I am incorrect in
21 letting that document out. I have no personal first hand know-
22 ledge of the research he did to arrive at the conclusion here
23 which he presented to me and I endorsed. I am prepared to stand
24 behind it but I will give you his name.

25 Mr. Goldsmith. I want to ask you some questions about the

1 document. CIA no. 1818 indicates that CI Staff has completed a
2 review of the files of 117 US persons who had "defected" to
3 the USSR between 1959 and '63 and since returned to the United
4 States. Is that correct? '58 to '63?

5 Mr. Tovar. Yes.

6 Mr. Goldsmith. I would like you to review the statement
7 under the name Thomas Morridian M-O-R-R-I-D-I-A-N. While you
8 read that paragraph, I will state for the record thst the way
9 the memo is set forth it indicates that it was not standard
10 operating procedure to debrief such individuals, that of 117
11 people whose files were reviewed only ten were debriefed.
12 Then it proceeds to list the ten individuals who in fact were
13 debriefed.

14 I have now requested Mr. Tovar to read the first summary
15 which is right next to the name of the first person who was
16 debriefed.

17 Mr. Tovar. Yes sir.

18 Mr. Goldsmith. When did that individual defect?

19 Mr. Tovar. 1947 is the year he went to the USSR. I
20 assume that is the year he defected, if that is the term.

21 Mr. Goldsmith. So that in fact that individual was not
22 someone who defected between 1958 and 1963?

23 Mr. Tovar. That is correct.

24 Mr. Goldsmith. Let us look at the next individual under
25 B, Joseph Marshall.

1 Mr. Tovar. Yes sir.

2 Mr. Goldsmith. When did Mr. Marshall defect?

3 Mr. Tovar. It is not clear. He was born in the US in
4 1897. He said he was employed in Hawaii in 1921. There is no
5 indication whence he went to the USSR.

6 Mr. Goldsmith. There is no indication he defected between
7 '58 and '63?

8 Mr. Tovar. No. He was arrested by the Soviets in 1945.
9 Conceivably he might have defected after that.

10 Mr. Goldsmith. The letter "C", Tommaro S-G-O-V-I-O.
11 Would you please read that section and tell us when this indi-
12 vidual defected?

13 Mr. Tovar. Again, he went to the USSR with his parents
14 in the 1930s. No indication when he defected. He left the
15 USSR in 1960. No way of telling.

16 Mr. Goldsmith. This individual did not defect between
17 '58 and '63?

18 Mr. Tovar. At last we have no indication he did. One
19 would assume to the contrary.

20 Mr. Goldsmith. Letter "D", Mary Mackler, will you please
21 read the first summary and tell us when she defected?

22 Mr. Tovar. There is no indication when she defected.
23 She went to the USSR with her parents in 1931. Sometime after,
24 married a Soviet.

25 Mr. Goldsmith. Again, no indication she defected between

1 '58 and '63?

2 Mr. Tovar. No.

3 Mr. Goldsmith. Would you look at letter "E". Sonia and
4 Fred A-S-I-N-I-A-N. When did they defect?

5 Mr. Tovar. They renounced their US citizenship in 1948.
6 So I assume that is the operative year.

7 Mr. Goldsmith. Will you look at the letter "F" now?

8 Mr. Tovar. Jack Kuralski.

9 Mr. Goldsmith. When did he defect?

10 Mr. Tovar. He renounced his US citizenship in '34 and
11 departed USSR I assume in 1934.

12 Mr. Goldsmith. The point I am trying to make is that the
13 memo responding to the Committee's inquiry makes reference to
14 ten individuals who defected between the years '58 and '63.
15 It then proceed to provide us with ten names. But in fact,
16 if we continue to look through the list we will see that seven
17 of the ten individuals did not defect during that time period.
18 Some of them did return during that time period.

19 Mr. Tovar. And were debriefed.

20 Mr. Goldsmith. And were debriefed.

21 Mr. Tovar. Contacted.

22 Mr. Goldsmith. Of the ten, perhaps three or four returned
23 during the relevant time period. I asked those questions
24 mainly to draw your attention to the fact that the response
25 given was not really --

1 Mr. Tovar. -- precisely what you wanted?

2 Mr. Goldsmith. Yes.

3 Mr. Tovar. I don't know the answer to that. I would
4 assume that the criteria they applied here as best they could
5 was when did he defect, when did he return, was he debriefed
6 or contacted? In some cases they hit one out of three, in
7 other cases two out of three. I think they were giving the
8 best correlation with your criteria that they could.

9 Mr. Goldsmith. I understand that. My point might be then
10 that the introductory section should not have stated that these
11 were people in 1958 and '63 when in fact they were not.

12 Mr. Tovar. You are right. That is an incorrect statement.
13 Is your requesting memo here? That is not a very good state-
14 ment.

15 Mr. Goldsmith. Here is the letter dated April 6, 1978
16 which I show you just for your information to show you what the
17 Committee was requesting from the Agency. If you will look
18 under number two.

19 Mr. Tovar. Then this would appear to correlate with that.
20 You asked to indicate whether the Agency from '58 to '63
21 interviewed or debriefed former American defectors. So, the
22 time they defected is not the operative consideration.

23 Mr. Goldsmith. No, it was not.

24 Mr. Tovar. The time of the debriefing --

25 Mr. Goldsmith. Yes, that would be the focus.

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1 Mr. Tovar. So these would be at least consistent with that.

2 Mr. Goldsmith. Yes, that is true. I would like also for
3 purposes of further clarification, to have you read the letter
4 dated May 12, 1978 starting with the second full paragraph.
5 It is not numbered.

6 Mr. Tovar. Yes.

7 Mr. Goldsmith. I show you that only for your background
8 purposes, not to ask you any questions about it. In any event,
9 I would appreciate having the name of the individual who
10 prepared the memo passed along to the Office of the Legislative
11 Counsel.

12 Mr. Tovar. Yes sir.

13 Mr. Goldsmith. The response that was provided to the
14 Committee indicates that the CIA had no standard procedure for
15 debriefing returning US defectors. What was the basis for that
16 policy or actually for the absence of the policy?

17 Mr. Tovar. I don't know. I can speculate only -- not
18 having been there and not having any involvement -- I don't
19 know what mentality of those in charge was at that time.

20 Mr. Goldsmith. What would your speculation be?

21 Mr. Tovar. I would speculate that the contact with and
22 debriefing, in effect the supervision of Americans in that
23 category would be FBI's prerogative and the Agency as a rule
24 would not have had any basic interest or reason to be involved
25 unless there were a specific counterintelligence concern.

1 Mr. Goldsmith. Does the Agency today have a policy of,
2 as a matter of routine operating procedure, debriefing return-
3 ing defectors?

4 Mr. Tovar. None that I am aware of.

5 Mr. Goldsmith. Again, would you say you relied on the
6 FBI to conduct those interviews?

7 Mr. Tovar. Yes.

8 Mr. Goldsmith. Is there any coordination between the
9 Agency and the FBI so that the Bureau is informed when someone
10 in fact is returning?

11 Mr. Tovar. On American defectors, the type you are speak-
12 ing of here?

13 Mr. Goldsmith. An American defector who is repatriated.

14 Mr. Tovar. I know of no case where they would be
15 interested in the subject. I can't say there is a procedure
16 in being. Knowing the way we relate to the FBI, if we knew of
17 a case of returning Americans, say we learned it from an
18 overseas station and it seemed of interest, we would probably
19 refer it directly to the FBI by letter.

20 I am speculating here because I know of no case in point.

21 Mr. Goldsmith. There is no standard procedure for contact-
22 ing the Bureau and informing them of a returning defector?

23 Mr. Tovar. Not that I am aware of.

24 Mr. Goldsmith. You would be the person who would be aware
25 of such a procedure?

1 Mr. Tovar. Between the Soviet-East European Division and
2 CI Staff we should be aware of it. The two were most primarily
3 concerned with the USSR. I think one or the other of us would
4 inform the Bureau. This is not our primary concern. The
5 Americans, even when they have been naughty boys, having gone
6 to USSR and decided to return, we still don't have necessarily
7 a professional interest in that type of person.

8 Mr. Goldsmith. What is the responsibility of the CI Staff
9 within the CIA?

10 Mr. Tovar. In a couple of sentences it is a little
11 difficult. I will tell you what we do. The CI Staff has two
12 principal areas of activity. We are first of all a staff.
13 Are you familiar with the staff as opposed to the division?

14 Mr. Goldsmith. No, I am not.

15 Mr. Tovar. You have seen the table of organization of
16 DDO?

17 Mr. Goldsmith. Yes.

18 Mr. Tovar. You know generally how we are organized?

19 Mr. Goldsmith. Yes.

20 Mr. Tovar. The main set of components of the Directorate
21 is divisions and staffs. The divisions operate a function over-
22 seas. We are staff and that is in the military sense we support
23 the Directorat and we support the Director, we support one
24 another in an advisory capacity and in various ways. So, we
25 are not an operating component. We don't run spies. We have

1 a lot of activities which impact on operations but we are not in
2 the true sense of the term an operating element.

3 So, having said that, the primary field of activity for
4 the CI Staff is research and analysis, and then the other,
5 what we refer to as operations coordination. Now, that is sort
6 of the term which does not -- research and analysis is clear.
7 We examine and analyze cases, essentially cases. We are not
8 scrutinizing people. We are looking at intelligence operations,
9 old and current, primarily things that are not terribly
10 current. We don't tend to follow current operations in the
11 analytic sense. We take old cases and look them over to see
12 if mistakes were made, to see if we can derive lessons from
13 mistakes made in the past. We publish papers for the Agency's
14 community at large, all in the R&A field.

15 On the other side we function in the sense of a true staff.
16 We keep our fingers on the activity of the Directorate overseas.
17 We monitor what they are doing, not in the sense of being
18 spooky but we simply read the correspondence. We are given
19 normal distribution of most correspondence coming back from
20 overseas. We keep a hand on the pulse of counterintelligence
21 activities abroad.

22 To do this, we obviously have to have reasonable currency
23 on operational activity across the board. So, we are generally
24 aware of the operational patterns of activity that prevail in
25 various overseas stations. On that basis we are in a position

1 to advise the DDO or Directorate as to the level of performance,
2 the kind of activity conducted, the quality, the proper or
3 improper degree of emphasis. We maintain an overview on behalf
4 of DDO.

5 Mr. Goldsmith. Is your concentration oriented towards
6 counterintelligence threats of a foreign nature?

7 Mr. Tovar. Yes, totally.

8 Mr. Goldsmith. You would not be concerned at all with
9 counterintelligence threats domestically?

10 Mr. Tovar. None whatsoever.

11 Mr. Goldsmith. Is it correct to say that would be the
12 responsibility of the Bureau?

13 Mr. Tovar. Absolutely.

14 Mr. Goldsmith. Now, Lee Harvey Oswald returned from the
15 Soviet Union in 1962. While in the Soviet Union he worked
16 as a worker in a radio factory. Upon his return I imagine there
17 was someone concerned about his being a counterintelligence
18 threat. Is it fair to say, and I do not want to ask you leading
19 questions but would it be fair to say that would be more
20 the responsibility of the Bureau rather than the Agency upon
21 his actual return?

22 Mr. Tovar. Yes, the question whether or not he was, let
23 us say, a counterintelligence threat.

24 Mr. Goldsmith. KGB agent?

25 Mr. Tovar. That would be a Bureau concern, no question

1 about that.

2 Mr. Goldsmith. However, would the Agency make any effort
3 to interview Osald while Oswald was enroute from the Soviet
4 Union to the United States?

5 Mr. Tovar. You are speaking of what the Agency might have
6 done in '63 or '62?

7 Mr. Goldsmith. '62.

8 Mr. Tovar. Again, we are speculating concerning the
9 intelligence of the men who were in charge then. Today I
10 would like to think we would be interested in what he is doing.
11 At the time I don't know. I would think, why not. On the
12 other hand, I couldn't say they would or should be interested.
13 It was not their primary precise prerogative. I think if they
14 could, as I assume they did, the Bureau would discharge its
15 responsibilities vis-a-vis any American of questionable
16 propensity, I should think they would be deferring to the
17 Bureau.

18 Mr. Goldsmith. That would be the aspect of Oswald where
19 there was a concern taht he posed a counterintelligence threat.
20 What about the fact that Oswald may have had positive intelli-
21 gence information that would have been helpful to the Agency?
22 That would not be within the jurisdiction of the Bureau?

23 Mr. Tovar. I think in that context it might have been
24 appropriate for the Agency, if the assumed the point you made,
25 to seek an interview with him. I think the appropriate

1 vehicle for that would have been the Domestic Contact Division
2 which I think handled most of the contacts referred to in this
3 memorandum.

4 Mr. Goldsmith. What is the function of the Domestic
5 Contact Division?

6 Mr. Tovar. They are responsible for intelligence that
7 can be checked properly and legally in the United States
8 normally through American businessmen or American persons and
9 nonofficials who travel abroad and acquire intelligence of
10 interest. This is not just USSR. It could be any other
11 country. Their primary field of activity is to contact and
12 debrief on a voluntary basis, if they so choose to respond,
13 Americans who return from overseas.

14 Mr. Goldsmith. I notice that the Committee's inquiry
15 concerning the CI's policy as to returning American defectors
16 was routed to your staff, CI Staff. When the memo was prepared
17 by the CI Staff for the Committee, was it done with the thought
18 of representing the entire agency or just the CI Staff?

19 Mr. Tovar. It is difficult for us to presume to speak for
20 the entire Agency. I think on this matter we are speaking for
21 the Directorate of Operations, not for the entire Agency.

22 Mr. Goldsmith. Fine. That is really the area with which
23 I was concerned anyway, Directorate of Operations.

24 Mr. Tovar. The only other element of the Directorate of
25 Operations that would be of an interest in this type of thing,
which might be construed as having an interest in this type

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1
2 of activity, would be the SC Division. On this I think the
3 CI staff could be considered as speaking for the Directorate.

4 Mr. Goldsmith. Is the Domestic Contact Division part of
5 the CI Staff?

6 Mr. Tovar. No, part of the Directorate of Operations.

7 Mr. Goldsmith. The response of the Agency dated April
8 20, 1978, which appears in CIA Number 1818, indicates that
9 contact seems to be based on opportunity and circumstance.
10 Then it goes on to say only ten of the 117 persons have had
11 any contact with CIA. Would it be possible for you to go into
12 more detail on what is meant by opportunity and circumstance?

13 Mr. Tovar. In the absence of a policy, of a guideline, a
14 procedure, internal instruction which says you will debrief
15 Americans who return from having resided in the USSR, in the
16 absence of that, this thing is left to chance obviously. I
17 cannot explain to you how the names of these 11 passed the desk
18 of whoever was in charge at the time, but assuming they did,
19 my guess, and it is really only a guess, would be that the
20 person who read that, whatever document it was, would say,
21 "Humph! He looks like he might be interesting", and perhaps
22 would then get in contact with CCD and suggest if they get in
23 contact with a person, let us say he is known to be living in
24 New York, suggest that they might want to seek out his location
25 and if possible interview him.

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I think it would be a matter of chance in the sense that the analyst or whoever it was who reviewed that document, might react, and yet he or she might not, too, depending on how they woke up that morning. It is sheer whimsy.

Mr. Goldsmith. Let me explain to you why the question whether or not it was standard operating procedure to debrief returning defectors is important to the Committee. Since the assassination of the President, there has arisen a group of researchers who have reviewed the Warren Commission Report and have reviewed releases made under the Freedom of Information Act by the CIA and the FBI.

Having reviewed these materials the argument has been made that Oswald received unusual treatment at the hands of the CIA. One example of this unusual treatment is that there is no record of Oswald having been debriefed by the CIA upon his return. For that reason, we are focusing on this issue. Is there any way you can give us guidance on how to respond to that question?

Mr. Tovar. I can't because I am speculating every step along the way. I would hesitate to say more than Oswald simply didn't connect with whoever happened to be looking -- let us assume his name appeared. Was his name in the list?

Mr. Goldsmith. No. That is the list of people who were debriefed.

Mr. Tovar. One hundred seventeen?

1 Mr. Goldsmith. I haven't seen the list of 117 people.

2 Mr. Tovar. What is this?

3 Mr. Goldsmith. That is a list of 350 odd people I was
4 going to ask you about. However, since you don't have knowledge
5 of the 117, I am not going to ask -ou about them.

6 Mr. Tovar. If Oswald's name was on the list, I can't
7 explain why he might not have been contacted. Maybe he didn't
8 appear attractive or interesting enough. I don't know what
9 information might have been given with these names on the list,
10 such as a memo from the FBI or State Department, whoever had
11 originated it, what they said that would have titilated the
12 analyst who might have seen it that would have elicited a
13 response on the part of the analyst who would say "Ah, let us
14 look into this further."

15 Mr. Goldsmith. In particular, a lot of focus has been
16 given to Mr. Robert Edward Webster, who appears in CIA Number
17 1820 who defected approximately the same time that Oswald did
18 and returned at approximately the same time that Oswald did and
19 who was debriefed by the CIA for two weeks in Virginia.

20 Mr. Tovar. I didn't know that he was. It doesn't say so
21 here.

22 Mr. Goldsmith. That does not indicate the extend of the
23 debriefing. That information was obtained independently by
24 this Committee.

25 Mr. Tovar. The name means nothing to me so I can't

1 enlighten you on it.

2 Mr. Goldsmith. Does the CIA have any affiliation with
3 organizations in the United States who might be responsible for
4 debriefing someone?

5 Mr. Tovar. Not that I am aware of.

6 Mr. Goldsmith. In other words, if anyone is going to be
7 debriefed it would be by the Domestic Contact Division?

8 Mr. Tovar. In the intelligence sense. In the sense of
9 elucidation of intelligence, DCD would do it. A different type
10 of inquiry, personal investigation, the Office of Security, or
11 whoever it works through, would be the one.

12 The one we are talking about, DCD is the only organization
13 I know of. I can visualize a circumstance under which operating
14 components might seek out an individual or might have in times
15 past but I can't think of a case in point in my own recollec-
16 tion. I would say, given the strictures on our operating in
17 the United States, we would rely upon DCD to do it if they had
18 any positive intelligence connotation. If it were of an
19 operational nature today, the Foreign Resources Division might
20 pursue it.

21 Mr. Goldsmith. Yes.

22 Mr. Tovar. It is the division level of the Directorate.
23 It is the division which seeks in the United States to develop
24 potential intelligence assets for abroad. I think I had
25 better defer to the other people on that. That is roughly where

1 it stands. They certainly would not have interest in debrief-
2 ing defectors that I am aware of.

3 Mr. Goldsmith. In any event, for the purposes of summary,
4 there is today no standard operating procedure of interviewing
5 returning defectors?

6 Mr. Tovar. Right, insofar as I am aware, there is none.

7 Mr. Goldsmith. There is no standard operating procedure
8 between the Bureau and the CIA which would coordinate any effort
9 to contact returning defectors and share information?

10 Mr. Tovar. None that I am aware of.

11 Mr. Goldsmith. Turning to another area which I would like
12 to get into briefly, would you define what a 201 file is?

13 Mr. Tovar. A 201 file is a file or files -- it could be
14 several volumes to it -- which relates to an individual. It
15 might pose a dicotomy, a 201 file and project file. A project
16 file might deal with an activity, say collection operations in
17 Timbucktu, a broad scale of activity involving several numbers
18 of people, there might be several 201 files, A, B, C, who were
19 associates in that project. The 201 file would be on the
20 individual himself.

21 Mr. Goldsmith. It would contain primarily biographic
22 information?

23 Mr. Tovar. No. It would contain a much vaster -- some
24 of them might contain one sheet of paper with name, rank and
25 date of birth. But if the association with him developed and

1 became more extensive, it might contain a considerable amount
2 of information. If he became involved with this operation it
3 might include operational material, intelligence operations
4 as well, all part of the 201 complex.

5 The point I am making is that it is an individual file
6 as opposed to an activity file.

7 Mr. Goldsmith. If you wanted to learn about the operations
8 that an individual was involved in, would you go to his 201
9 file or to his operations file?

10 Mr. Tovar. I would go to the 201 file first. There might
11 not be an operations file. In fact, in the vast majority of
12 the 201 cases there are no operational files because there is
13 no hard and fast rule on when you open a 201 file or who opens
14 a 201 file.

15 If I, for example, am overseas and I become interested in
16 a person who looks to me to have considerable promise from the
17 operational standpoint, say a local foreign type, I might give
18 my own local checks, I might examine my own files to see if I
19 know anything about him. Then I say to headquarters "here is
20 Joe Doe. He is interesting to me for these reasons. Will you
21 please check against headquarters records and other agencies
22 and let me know if you have anything of interest on him."

23 I might not ask for a 201 file. Headquarters might then,
24 because they thought he was interesting, open a 201 file.
25 Conversely, I might likewise say this looks terribly interest-

1 ing Please open a 201 file and give me all of the information
2 you can collect on him."

3 Mr. Goldsmith. I understand that the fact that someone
4 has a 201 file does not mean at all that the individual was
5 involved in any operations of the Agency. If you wanted to get
6 information of an operational nature, would you go both to the
7 201 file and operations file?

8 Mr. Tovar. Assuming there was information of an opera-
9 tional nature?

10 Mr. Goldsmith. Yes.

11 Mr. Tovar. Yes, indeed we would.

12 Mr. Goldsmith. If someone is an agent of the CIA -- I
13 am not referring now to case officers or staff agents -- some-
14 one is a field agent for the Agency, would that fact be indi-
15 cated in the 201 file?

16 Mr. Tovar. Yes.

17 Mr. Goldsmith. In the Directorate of Operations someone
18 might open up a 201 file on an individual if the person was
19 of a potential positive intelligence significance?

20 Mr. Tovar. Or counterintelligence, either one.

21 Mr. Goldsmith. That was going to be my question. The
22 CI Staff in particular, when would you have occasion to open a
23 201 file?

24 Mr. Tovar. CI staff would not necessarily be the only one
25 to open a 201 file. In the case of a person of CI interest,

1 a field station might have a counter-person I described earlier
2 and become interested in him because he did have some CI
3 attraction or interest. The station itself or the division would
4 open the 201 file. It would not be us. The CI Staff as a rule
5 is not involved in that type of thing.

6 At this stage of the game since we are not operating and
7 we are not out soliciting new contacts, we are not working in
8 that sense of the term, we don't to my knowledge originate 201
9 files.

10 Mr. Goldsmith. The CI Staff does not open up 201 files?

11 Mr. Tovar. There is no reason that we couldn't.

12 Mr. Goldsmith. As a practical matter?

13 Mr. Tovar. As practical matter it does not work that way.

14 Our research is primarily focused upon established cases, cases
15 that may even be dead, terminated, or dormant, or even current
16 in certain cases, but as a rule not very many. 201 file is
17 opened by someone else. We may examine those files and review
18 them. We do review other activities. But the 201 file would
19 be in existence. They would not be created by ourselves.

20 In former days when CI Staff files were segregated from
21 therest of the Directorate it might have been different. I
22 don't know.

23 Mr. Goldsmith. When was that?

24 Mr. Tovar. Say prior to 1974, 1957. Today our files are
25 integrated in the files of the Directorate or it is in the

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1 process of being integrated. We have been working on this.
 2 This is one of our major final exercises in the past two or
 3 three years to make sure, when you go to the central files and
 4 research a name, if there is something in the CI Staff reposi-
 5 tory that will turn up when you are making a check of the
 6 index.

7 Mr. Goldsmith. Will most 201 files be open as a result of
 8 information coming into headquarters from the field, one of
 9 the field stations?

10 Mr. Tovar. Yes, the vast majority. In years before when
 11 they has such programs as MH Chaos, I assumed they opened 201
 12 files of their own.

13 Mr. Goldsmith. What is that?

14 Mr. Tovar. MH Chaos program?

15 Mr. Goldsmith. For the record, will you indicate what that
 16 program is?

17 Mr. Tovar. I frankly would rather not because I don't
 18 know the precise definition of the program. It was a program
 19 which has been described in the press as domestic surveillance.
 20 Whether that is the correct proper designation, I don't know.
 21 Our CI Staff does not normally open a 201 file. We don't have
 22 occasion to.

23 Mr. Goldsmith. Do you know what the term CI/SIG stands
 24 for?

25 Mr. Tovar. Counter Intelligence/Special Investigative

1 Group, I think it is. Investigative or investigations, I don't
2 know which.

3 Mr. Goldsmith. Is that group still in existence today?

4 Mr. Tovar. No.

5 Mr. Goldsmith. When did it go out of existence?

6 Mr. Tovar. I don't know exactly. Before my time. I
7 think it ended in '73, '74, '75. I am not sure.

8 Mr. Goldsmith. Do you know what the function of that
9 group was?

10 Mr. Tovar. Only in a very vague sort of way. I have heard
11 about it, it was the investigative group in the CI Staff that
12 investigated whatever the CI Staff did in those days. I can't
13 speak to that with any first hand knowledge. I know some things
14 they did but I would be hesitant to make a general definition
15 of their function.

16 Mr. Goldsmith. Do you know whether the function of that
17 group was to investigate Agency employees who were suspected
18 of having been penetrated?

19 Mr. Tovar. I think, because I have seen nothing in writing
20 on the subject, but I have been given to understand that was one
21 of their functions in the context of their responsibilities
22 that was included. But I am no authority on the subject.

23 Mr. Goldsmith. Do you know whether CI/SIG would have
24 occasion to open a 201 file?

25 Mr. Tovar. I don't know. I can speculate. I don't know.

1 Mr. Goldsmith. What would your speculation be?

2 Mr. Tovar. I would speculate in the days when they were
3 functioning they probably did. You have a very unauthoritative
4 witness on that subject.

5 Mr. Goldsmith. What is the relationship if any between
6 the Office of Security and the CI Staff?

7 Mr. Tovar. We have basically different functions. The
8 Office of Security is under the Directorate of Administration
9 and is responsible for the personnel and physical security of
10 the entire division. It focuses on personnel security and
11 physical security.

12 The CI staff as I described it, is an element of DDO
13 concerned with research and analysis and operation and coordi-
14 nation. The relation between us and the Office of Security is
15 simply that between us and another fraternal element of the
16 Agency which has responsibility which sometimes comes close
17 together.

18 Mr. Goldsmith. Does the Office of Security maintain
19 files which contain information of a derogatory nature on
20 individuals, not necessarily limited to Agency employees?

21 Mr. Tovar. To my knowledge they don't. My assumption is
22 if I have never seen what is in their files -- my assumption is
23 that they have files only on Agency personnel. I cannot
24 visualize circumstances under which they would maintain infor-
25 mation on people who are not in the Agency or who had not been

1 applicates for employment and then left.

2 Mr. Goldsmith. Is the Office of Security interested in
3 maintaining information so that if in the future an individual
4 was being considered for employment in some capacity with the
5 Agency the Security Office would have that information on
6 him?

7 Mr. Tovar. I cannot visualize that heppening today.

8 Mr. Goldsmith. I would like to ask you to read CIA 0786,
9 which is a document that this Committee obtained from the
10 Office of Security files on Lee Harvey Oswald.

11 Mr. Tovar. That sort of suggests they maintained such
12 information then. I still cannot visualize there doing it
13 today.

14 Mr. Goldsmith. Do you think the function of the Office of
15 Security may be different today from what it was in 1959 with
16 regard to maintaining such files?

17 Mr. Tovar. The function, I would use the term function,
18 I would say the policy of the Office as far as the way the
19 office operates today. I don't know what they do intrinsically.
20 I cannot visualize their maintaining that kind of current
21 records today. Maybe this is historic, it was in the files
22 since 1969. With the injunction against destroying files,
23 the files remained.

24 If it was John Q. Doe appearing today in a similar context
25 I would not visualize the Office of Security maintaining this

1 kind of document.

2 Mr. Goldsmith. To whom would this document go today?

3 Mr. Tovar. You mean from the State Department?

4 Mr. Goldsmith. Yes, a State Department document. Which
5 is indicating that an American citizen is giving information,
6 intelligence information to a foreign country, to whom in the
7 CIA would that document go?

8 Mr. Tovar. I am not sure it would come to the CIA at all
9 because the CIA does not have responsibility for that type of
10 person. I think it would go to the FBI.

11 Mr. Goldsmith. Even though the individual is overseas?

12 Mr. Tovar. Yes. He is an American. Again, this is
13 speculation. I don't know what moves the person who releases
14 cables to the Moscow Embassy today. He might decide or some-
15 body here in State Security might decide that CIA should see
16 this. In that event, it probably would go to the Office of
17 Security as a matter of information..

18 Mr. Goldsmith. Would information contained in this type
19 of telegram normally lead to the opening of a 201 file?

20 Mr. Tovar. I would think not.

21 Mr. Goldsmith. Why not?

22 Mr. Tovar. There is nothing that suggests here this
23 is going to be of continuing interest to the CIA. This is
24 1959. Let us say in 1962 the man came back and another message
25 came over and it indicated that he was available for discussion.

1 or was of interest and so on and maybe there are reasons for
2 debriefing, I can visualize a 201 being opened if the matter
3 were of apparent continuing interest. I can see no reason why
4 a 201 would be opened in this case.

5 Mr. Goldsmith. What if this telegram was followed by a
6 cable indicating that the individual had decided to defect?

7 Mr. Tovar. What do you mean? He is applying for Soviet
8 citizenship, so he is defecting here?

9 Mr. Goldsmith. You are correct. I withdraw the question.

10 Mr. Tovar. I think basically my point is that it is a
11 fact that a 201 need not be opened up on this type -- this is
12 a casual piece of information. If one could eliminate the
13 name Lee Harvey Oswald, which raises flages, it is John Doe
14 and there is nothing in this -- someone might say what an SOB
15 this is but there is nothing to indicate anything but an
16 unfortunate incidental event, I would say today, "why bother.
17 We have enought to do without opening 201 files on people of
18 that nature." The encyclopedic approach is not one that we
19 try to apply.

20 Bear in mind, I am doing a lot of speculating here. I
21 perhaps shouldn't.

22 Mr. Goldsmith. You really aren't aware of what the
23 procedure would be in 1959 for dealing with a telegram like
24 this?

25 Mr. Tovar. No. I would still say today I would not expect

1 that kind of document to be retained in Agency files anywhere.
2 You know, inter-departmental correspondence is firing paper in
3 all directions all the time on an informational basis. That
4 does not mean it is retained.

5 Mr. Goldsmith. With regard to this document, after 1959
6 your testimony is more or less speculation but you are saying
7 that today you don't think that this type of document would be
8 retained and have any special significance?

9 Mr. Tovar. I don't think so. I am scratching my head
10 trying to visualize circumstances under which it could be
11 retained. There is nothing of interest to the Agency. There
12 is nothing of immediate counterintelligence interest. I don't
13 know who would retain it or why.

14 Mr. Goldsmith. For the purpose of clarification, if the
15 CI asked that of the CIA, by that I mean the counterintelligence
16 aspect of the CIA concerned primarily with a foreign counter-
17 intelligence threat, in other words, foreign nationals, foreign
18 citizens?

19 Mr. Tovar. You are asking is it?

20 Mr. Goldsmith. Yes.

21 Mr. Tovar. Primarily yes, but not solely. We are
22 concerned with Americans of counterintelligence interest. If
23 an overseas station is informed by somebody that an American
24 is contacting the Soviets and is apparently engaged in what
25 looks like espionage, we would become interested. That is

1 espionage I am talking about.

2 Mr. Goldsmith. I understand.

3 Mr. Tovar. You realize of course with the sensitivity
4 of Americans investigations of Americans we have to be an we
5 are extremely careful in making the determination as to when a
6 person is of counterintelligence interest. We have very strict
7 rules and regulations on the consideration of investigations,
8 considerations retaining information, the rights of a person.
9 The criteria are very stringent. They are under executive
10 order and Attorney General guidelines. We don't approach this
11 casually at all. It is proscribed activity.

12 Mr. Goldsmith. Both as to Americans?

13 Mr. Tovar. Primarily Americans. The Attorney General
14 is not concerned essentially with non-US persons. Our focus of
15 sensitivity is on US persons who are US citizens or residents,
16 aliens or US entities, organizations, which are primarily
17 American in composition.

18 Mr. Goldsmith. Again, would you focus outside the-borders
19 of the United States?

20 Mr. Tovar. Yes. Inside US is FBI.

21 Mr. Goldsmith. Before when you made reference to a
22 station overseas, you became aware of an American who might
23 be involved in espionage for another country, you were refer-
24 ring to an American who was living abroad, is that correct?

25 Mr. Tovar. Yes, or traveling abroad.

1 Mr. Goldsmith. I would like to show you CIA Number 788
2 which is the field personality file request form that was used
3 to open Oswald's 201 file. In the middle of the page there is a
4 box which states the term "Other identification". If someone
5 wrote the number or letter "AG" down, what does that stand for?

6 Mr. Tovar. I have no idea. What are they referring
7 to here? I cannot think of anything.

8 Mr. Goldsmith. The form also indicates that Oswald's
9 file was restricted. Do you know of any reason why Oswald's
10 file would have been restricted?

11 Mr. Tovar. Where is that?

12 Mr. Goldsmith. Here.

13 Mr. Tovar. No, I don't know. I don't know what criteria
14 they would have used at that time or even today for that matter,
15 to open a restricted file. Bear in mind, there is a lot of
16 latitude given to the individual who opened these things. He
17 could be a very junior analyst who for reasons of his own
18 decided he would do it this way. Supervision would not neces-
19 sarily get down there very closely behind him.

20 Mr. Goldsmith. Do you know what the inter-agency source
21 register is?

22 Mr. Tovar. Yes.

23 Mr. Goldsmith. What is that?

24 Mr. Tovar. As I understand it, it is a register maintained
25 in which other agencies of the government register their

1 interest in a person. Let us take, for example, you are working
2 for the Army Intelligence and you are in Germany and you become
3 intersted in Mr. Smith. Let us say you check Mr. Smith with
4 the CIA and with the other agencies and in so doing you wish
5 to have him recorded under the ISR, Inter Agency Source
6 Registry, the entry of his name in the ISR will normally flag
7 prior interest on the part of somebody in the government, in
8 this case you are in the Army.

9 I don't know what this symbol is but they put two asterisks
10 which indicates to anybody else who checks that name later the
11 US Army has a prior interest in that person.

12 Mr. Goldsmith. What kind of interest would that be?

13 Mr. Tovar. Intelligence interest to me, potential
14 intelligence interest. Again, the ISR may have ramifications
15 that I am not aware of. In my experience the ISR has been the
16 place we go to check, say, a new or potentially new source to
17 see if there is ny other previously established government
18 interest in the person which means keep your hands off. The
19 military rely upon this very heavily because we coordinate their
20 clandestine intelligence operations.

21 Mr. Goldsmith. Would an ISR index be checked prior to
22 opening up a 201 file as a matter of routine?

23 Mr. Tovar. It has been so many years since I have done
24 this. The way we have become mechanized today I would assume
25 that a normal file check through the central files of the

1 Directorate would include or would turn up anything that was
2 in the ISR. I am just not sure how it works.

3 Mr. Goldsmith. If someone were an agent of another
4 intelligence organization would that be indicated in the 201
5 file?

6 Mr. Tovar. If it were an agent, agent of another service,
7 that would be in the ISR only if it had been of interest to
8 another agency which said "Put Joh Doe's name in the ISR and
9 indicate he is a US Army intelligence source," at the very
10 least a person of interest to the US Army Intelligence Agency.
11 It would not be there if the Army had not put it in. So you
12 might not know.

13 Again, I think almost any agent of the military would rely
14 upon the ISr, I would think almost certainly would be entered
15 in the ISr, because they want to maintain control of it, to
16 make sure nobody else gets in the way arnd interferes with their
17 operations.

18 Mr. Goldsmith. So if someone were an agent it would in
19 all likelihood be indicated in the ISR and assuming the ISR
20 is checked by a CI person prior to opening up the file, he would
21 take note of that fact?

22 Mr. Tovar. Say that again. Some of this is pretty fuzzy
23 to me. I don't want to mislead you by extrapolating from my
24 own ignorance.

25 Mr. Goldsmith. If someone is an agent of another

1 intelligence service, that fact would be noted in the ISR?

2 Mr. Tovar. Another US intelligence service?

3 Mr. Goldsmith. Yes.

4 Mr. Tovar. A US military intelligence service only, yes,
5 the military intelligence service would normally be registered
6 in the ISR. Other than the military, the FBI intelligence
7 assets would not be registered in the ISR to my knowledge.

8 Mr. Goldsmith. But the military tends to make that list-
9 ing?

10 Mr. Tovar. In my experience the military has been the
11 primary element involved in the use and the exploitation of the
12 ISR. Let me interpose another point here. I am not an expert
13 in these procedures and I am way out of touch. You live most
14 of your life overseas, you don't do these things back at
15 headquarters. These procedures may be quite different in
16 actuality. I am groping through my memory to see how they were
17 dealt with on an active basis.

18 A fellow like Bill Donnelly might enlighten you much more
19 than I could about the ISR.

20 Mr. Goldsmith. I understand that. I think you can tell
21 I am not pressing you for detail on it.

22 Mr. Tovar. I would like to help you. I am prepared to
23 speculate as I have been doing on things that are somewhat
24 beyond my direct experience and direct responsibility. There
25 is a limit.

Mr. Goldsmith. Now, if someone checking ISR notes that

1
2 an individual is a military intelligence agent would the fact
3 of that agency status be noted and a 201 file opened on that
4 individual?

5 Mr. Tovar. I am not sure. I would think it would be.
6 Again, I am speculating. I think almost certainly if I were
7 doing a file check on a person whose name came from one of the
8 field stations and it turned up the fact he was already
9 registered in the ISR, if a person is of interest let us say,
10 to the US Army Intelligence, that would automatically sort of
11 proscribe further attempts on my part to go in and get involved.
12 I think a notation would be made in the 201 file.

13 Mr. Goldsmith. As a practical matter that would be a good
14 reason for making the notation?

15 Mr. Tovar. Yes.

16 Mr. Goldsmith. Does the CIA regularly use the ISR?

17 Mr. Tovar. We maintain it as I understand it.

18 Mr. Goldsmith. So if someone is an agent of the CIA,
19 would that fact be noted in the ISR?

20 Mr. Tovar. No, I don't believe it would. Again, you
21 can check on that to make certain. Donnelly I think can help
22 much better on it. I cannot visualize all our sensitive sources
23 being registered there.

24 Mr. Goldsmith. Do you know how internal memoranda prepared
25 by James Angleton when he was head of the CI Staff, how internal

1 paperwork relating to the JFK assassination was prepared and
2 subsequently stored?

3 Mr. Tovar. No, I really don't. I have no idea. I have
4 seen no documents on that subject. I have seen nothing either
5 originated or approved or signed by him. You realize that any
6 files on this subject are dead files. I am just doing my
7 current job. Until you poeple became interested, we were not
8 dealing with them on a daily basis.

9 Mr. Goldsmith. What happens to the personal files of an
10 individual such as Angletons or even yourself after leaving the
11 CI Staff?

12 Mr. Tovar. After leaving the staff or leaving the Agency?

13 Mr. Goldsmith. Let us take the first after leaving the CI
14 Staff, what would happen to your personal papers?

15 Mr. Tovar. The personal file, official file on the person
16 in the Agency is retained by the Office of Personnel.

17 Mr. Goldsmith. That would givern your personal file,
18 your personal papers. What about internal memos, soft copy
19 type files, what would happen to them?

20 Mr. Tovar. Having been only one element of the organiza-
21 tion during my career, it is hard to say.

22 Mr. Goldsmith. I am not talking now about personnel file.
23 I am talking about soft copy, working files that an individual
24 may maintain.

25 Mr. Tovar. You mean the files he himself as an individual

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maintained?

Mr. Goldsmith. Yes.

Mr. Tovar. Most individuals don't maintain personal files, I don't think. I would say, for example, anything I write, I dictate a memorandum and I send it to anybody you want to name, in a sense that is my work, I have done it but I don't keep a personal file on that. That goes into my office file. It is part of the office chronological file which is maintained by my secretary. Let us say multiply that by 500,000 over a period of years the files grow. At the time I leave I am incidental in a sense. I just happen to be the person in the job at the time. The files will still be there.

There is a normal retirement and destruction under normal conditions, retirement and destruction program which eliminates the accumulation of excessive useless material.

Mr. Goldsmith. Most paperwork would go in this office chrono file?

Mr. Tovar. Yes, anything of significance would go in the office chrono file. Anything I write to the Directorate of Operations, DDO, CI, it is normally part of the chrono files. If I want it, it is there. It is my own file in the sense that when I am on the job I have total access to it. If I left the job and wanted to look at it six months later, it is still in the file and I would ask somebody who took my place could I see what I wrote. I would not take it with me.

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Mr. Goldsmith. If it is an office chrono file does that meant that everything is filed in a chronological order?

Mr. Tovar. Not necessarily. Here you ought to consult my secretary. There might be a subject breakdown. Ordinarily hte front office, we don't main-ain a lot of files. There is no point in it. Let us say something I signed off on, here is a case in point, memos that are signed on my behalf or that I might have signed, if I were there that day, I would not maintain that in my front office as a rule. That would probably be maintained by the office of origination. I think if I signed it my secretary would certainly maintain a log of things that had gone through me for signature. But I don't think, I could be wrong on this, I don't think as a rule she would maintain a routine memorandum just because I happened to sign it because I sign so many things on that staff. I sign off on a host of things which are not really my creation. I am representing the staff as a whole.

Mr. Goldsmith. Do you know when Mr. Angleton left the CI Staff?

Mr. Tovar. Yes. I am not certain of the precise date. I think it was either December '74 or January '75. That is the position of Chief, Counterintelligence?

Mr. Goldsmith. Yes.

Mr. Tovar. I believe he may have retmained in the office for several months after that before he finally retired.

1 Mr. Goldsmith. Do you know whether, after Mr. Angleton
2 left the CI Staff, any type of followup was done by that staff
3 on the Nosenko issue?

4 Mr. Tovar. Followup work?

5 Mr. Goldsmith. Yes. For example, one of the issues, the
6 key issue with regard to Mr. Nosenko was his bona fides.

7 Mr. Tovar. Yes, indeed.

8 Mr. Goldsmith. After Mr. Angleton left was any additional
9 analytical work done on that issue?

10 Mr. Tovar. A very detailed study was done by my predecessor
11 George Kalaris. A very thorough analysis was made of the whole
12 Nosenko question.

13 Mr. Goldsmith. Are you referring to the Hart Report?

14 Mr. Tovar. Yes.

15 Mr. Goldsmith. Other than the Hart report was any type of
16 followup work or analytical work done after Mr. Angleton's
17 departure?

18 Mr. Tovar. I don't know for certain. The Hart Report is
19 a thick piece of paper. In the preparation of that report
20 there were probably all kinds of drafts, scratchings and sort
21 of preliminary jobs. All that I know would be in the context
22 of that report. All I know would be some representations in
23 response to the Director's inquiry or your inquiry or someone
24 else's inquiry as to what happened, what did it say, what does
25 it mean, that type of thing, but really correlary efforts.

1 Mr. Goldsmith. Think for a moment on the Nosenko issue.
2 As Chief of the CI Staff, if it were demonstrated to you very
3 clearly that the story given by Mr. Nosenko on Lee Harvey
4 Oswald was full of contradictions and in addition to contra-
5 dictions, it was in many ways simply incredible, what impact
6 would that have on the Agency's assessment of Mr. Nosenko as
7 being a bona fide rather than a dispatched defector?

8 Mr. Tovar. Well, it is difficult to answer. You are
9 posing a question in a narrow sense. You are focusing on one
10 point, Nosenko vis-a-vis Oswald and contradictions that may
11 emerge there. I would answer by saying that again I am not an
12 expert on Nosenko. I don't profess to have a full grasp of
13 his bona fides or anything related to it.

14 I would say that question alone would not be enough to
15 satisfy me that the inquiry had been made carefully. There is
16 much more to it than what Nosenko had to say about Oswald.
17 There are more aspects about the bona fides issue, more than I
18 could give you today.

19 Mr. Goldsmith. I have read the Hart Report.

20 Mr. Tovar. He tried to deal with the whole consideration,
21 the whole Oswald, the handling, the methodology. He did not
22 go into every jot and tittle of the issue.

23 Mr. Goldsmith. In fact, the Hart Report did not mention
24 the word "Oswald" even one time. Even so, the question I have,
25 if it were demonstrated to you that Nosenko's story on the

1 Oswald issue is untrue, cannot be believed, would that have any
2 impact on the Agency's assessment of him as a bona fied?

3 Mr. Tovar. The first reaction would be I would be deeply
4 distressed and concerned, I would want to know more about it.
5 You have to exptrapolate from me to the Agency. Other people
6 have views on this other than myself. If you carried this thing
7 further and convinced everythody, the point you made is valid,
8 then you would have --

9 Mr. Goldsmith. We are talking hypothetically now. Let
10 us go beyond you. If it were demonstrated to the Director of
11 the Central intelligence Agency that the story given by Nosenko
12 on Oswald -- I am not talking about any of the other information
13 he gave, but on Oswald -- simply cannot be believed because,
14 A, part of it is incredible, B, it is full of contradictions,
15 what effect do you think that would have on the Agency's
16 assessment of him as a bona fide defector?

17 Mr. Tovar. I literally don't know. I am not sure what
18 the comparative weight of that point would be when considered
19 against the backdrop of the full Nosenko question.

20 Mr. Goldsmith. As Chief of the CI Staff, you would
21 personally be troubled by that?

22 Mr. Tovar. Yes, I think I would be troubled by it. I
23 would be troubled. I would be troubled that our current
24 assessment is wrong. That would trouble me.

25 Again, I would say, loo, if this is a serious proposition

1 you are making, let us say you adduced a number of analysts
2 who examined this thing thoroughly and were in a position of
3 making that kind of judgment, I would say, "I want to have
4 these analysts talk to my analysts because I am not in a posi-
5 tion to make that kind of judgment."

6 Mr. Goldsmith. First of all, I am not making the statement
7 that Nosenko's story on Oswald is inaccurate in any way.

8 Secondly, even if the story is inaccurate, I don't want
9 to suggest that because of that anyone on this Committee has
10 any feeling that that means Nosenko is not bona fide. My
11 question is really very limited. A, if it were demonstrated
12 that the story on Oswald is inaccurate, what impact would that
13 have on your overall assessment?

14 Mr. Tovar. You mean demonstrably inaccurate?

15 Mr. Goldsmith. Yes.

16 Mr. Tovar. It would have to be examined. It would have
17 to be examined the full panoply of the whole Oswald issue.
18 I would say we will get this team of analysts and we will
19 fight it out. We are talking about hypothesis.

20 Mr. Goldsmith. Yes. I would prefer to stay away from the
21 term "fighting it out" because there is no one here who is in
22 the posture of making a fighting issue out of it.

23 I no longer have any questions. I will have questions to
24 ask whoever on your staff participated in the preparation of
25 the memo that we discussed earlier.

1 Normally whenever a witness has an opportunity to testify
2 before the Committee at a hearing, the Committee gives him five
3 minutes at the end to make a statement. This is not a hearing.
4 However, if you would like to make a statement for the record,
5 feel free to do so. If not, you will be given a chance to
6 verify the record for accuracy.

7 Mr. Tovar. Since I have no position to present and no
8 point to make it is probably improper to make a statement.
9 The only think I would reiterate is that I have been sort of
10 speculating here in many respects. Bear in mind there is an
11 area here where I have a purview that is perhaps valid. We
12 are talking about a lot of things which are way beyond my
13 immediate experience and certainly my current responsibility.

14 I would say, take some of my speculation with a grain of
15 salt, because I don't mean to be dogmatic on these things.
16 The procedure for handling the 201 file, there are some GS-7
17 girls down the line who could tell you much more about the 201
18 files than I would ever be able to compile for you. They are
19 the ones you really should talk to.

20 Things like the ISR, I know the ISR in a limited framework
21 from the standpoint of a guy overseas who is dealing frequently
22 with the military and registers military sources in the ISR
23 and checks the ISR either on behalf of the military or to see
24 if they have already registered prior interest and so on. There
25 may be other aspects of the thing that you should ge more

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professional advice on.

I think your questions have been reasonable. I have found no objection to try to meet you more than halfway on it.

Mr. Goldsmith. Fine. Thank you very much.

(Whereupon, at 3:20 p.m., the deposition was concluded.)

CERTIFICATE OF NOTARY PUBLIC

1
2 I, Alfred Joseph LaFrance, the officer before whom the
3 foregoing deposition was taken, do hereby certify that the
4 witness whose testimony appears in the foregoing deposition
5 was duly sworn by me; that the testimony of said witness was
6 taken by me in stenotype to the best of my ability and there-
7 after reduced to typewriting under my direction, that said
8 deposition is a true record of the testimony given by said
9 witness; that I am neither counsel for, related to, nor employed
10 by any of the parties to the action in which this deposition
11 was taken; and further that I am not a relative or employee
12 of any attorney or counsel employed by the parties thereto,
13 nor financially or otherwise interested in the outcome of the
14 action.

15 _____
16 Notary Public in and for the
District of Columbia

17 My Commission expires November 14, 1980.
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