

CONFIDENTIAL OLC RECORD COPY

OLC # 78-2838

Nosenko

27 July 1978

MEMORANDUM FOR THE RECORD

SUBJECT : Handling of Tapes of Nosenko's Testimony

1. The testimony of Nosenko on 19 and 20 June, during the Executive Session of the HSCA at CIA, was recorded under special agreement. Nosenko would not agree to the recording unless the tapes were to be held at CIA by someone personally acceptable to him-- in this case, Vasia Gmirkin. When we realized that the testimony had not been transcribed and that Nosenko and Gmirkin were to be in an extended travel status, we arranged to have Gmirkin's supervisor, [redacted] approved by Nosenko to handle and protect these tapes. The HSCA finally provided this week a court reporter experienced in transcribing tapes. When it was learned that Mr. [redacted] would be out of town on Thursday and Friday of this week and Monday of next week it was realized by HSCA that the tapes would not be available for use on these days. Mr. Blakey phoned on Tuesday asking that arrangements be made.

2. I told Blakey that I was not in a position to unilaterally modify the agreement that he and I had with Nosenko. The testimony was recorded only because of the special personal arrangements that were acceptable to Nosenko. We had arranged for a substitute acceptable to Nosenko, but unfortunately he is going to be away for three of the days that the Committee had hoped to work on the transcript. I pointed out to Mr. Blakey that we had been surprised at the delay in preparing the transcript of the testimony, which was a contributing cause to the present problem. Blakey then produced some horror stories to build a case of our dereliction in this matter. One story was that when the reporter came to transcribe his notes, he was "denied" access to the tapes. I told Blakey that this was very unlikely but that I could not recall the story and certainly did not recall being asked about it; inquiry of Rodger Gabrielson confirmed this. It is possible that the transcriber came without

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announcing his intention and that the tapes were not available simply because Gmirkin was not available as no advance arrangements had been made; however, this is speculation. Blakey then said that the reporter had been put in a room with a typewriter but was told he could not use that typewriter because it belonged to someone who was on leave, and that a half day was lost while he waited. I characterized the story as "wild". I said it was difficult for me to believe that a grown man could not make his needs known in the modern age of telephones. Blakey asked if I wanted this in writing. I said that I was sure that anyone who would tell that story would be willing to put it in writing. He then said that some of his people thought that we "were hassling them again." I laughed at that and replied that the witness was the one who was being hassled and that it was a matter of great personal import to him, and that was the only thing I was concerned about. I could not break my word to Nosenko and would not, but I would explore what we might do. Blakey asked me to get word back to the HSCA chief clerk, Miss Elizabeth Berning.

3. I arranged through CI Staff and LA Division, after discussion with Mr. [redacted] to have a cable sent to Gmirkin. He and Nosenko were scheduled to arrive at their next stop Wednesday evening. The request was whether Nosenko would accept me in lieu of [redacted] for Thursday, Friday and Monday as guardian of the tapes. Unfortunately, the scheduled flight was reported as cancelled, and travel had to be by an indirect route, spending Wednesday night at a different location. The travel could not be completed until Thursday afternoon. I called Miss Berning this morning and reported to her that travel problems had delayed a response and that the transcriber could not have access to the tapes today. I arranged with her to call her at home this evening, based on arrangements I had made to be notified as soon as word is received in response to our earlier inquiry. Assuming that Nosenko accepts me as a substitute I will so advise Miss Berning and she will arrange for a transcriber to work at the Agency on Friday and Monday.

4. Finally, Nosenko authorized by cable my handling the tapes, while [redacted] is away. The HSCA has missed one day's transcription, but will get

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Friday and Monday in, which otherwise would have been missed. And we have kept our commitment with Nosenko.



S.D. Breckinridge

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