

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RECEIVED

JUN 6 1983

CLERK, U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

HAROLD WEISBERG, :
 :
 Plaintiff, :
 :
 v. :
 :
 WILLIAM H. WEBSTER, ET AL., :
 :
 Defendants :

Civil Action No. 78-0322

HAROLD WEISBERG, :
 :
 Plaintiff, :
 :
 v. :
 :
 FEDERAL BUREAU OF INVESTIGATION, :
 ET AL., :
 Defendants :

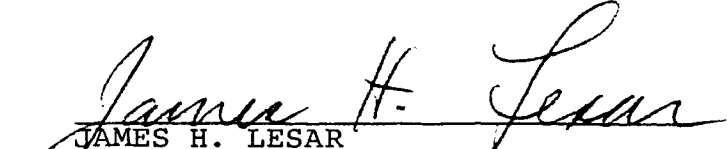
Civil Action No. 78-0420

(Consolidated)

NOTICE OF FILING OF MAY 5, 1983
AFFIDAVIT OF HAROLD WEISBERG

Comes now the plaintiff and gives notice of the filing of
the attached May 5, 1983 affidavit of Harold Weisberg.

Respectfully submitted,

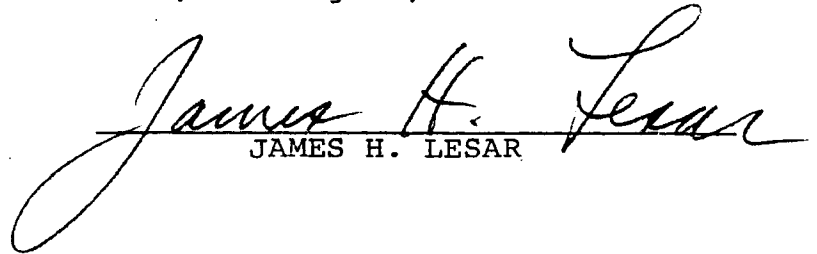


JAMES H. LESAR
1000 Wilson Blvd., Suite 900
Arlington, Va. 22209
Phone: 276-0404

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have this 6th day of June, 1983,
mailed a copy of the foregoing Notice of Filing of May 5, 1983
Affidavit of Harold Weisberg to Mr. Henry LaHaie, Civil Division,
Room 3338, U.S. Department of Justice, Washington, D.C. 20530.


JAMES H. LESAR

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

.....
HAROLD WEISBERG, :
 :
 : Plaintiff, :
 : Civil Actions Nos. 78-0322
 v. : and 78-0420
 : Consolidated
Federal Bureau of Investigation, :
 :
 : Defendant. :
 :
.....

AFFIDAVIT

My name is Harold Weisberg. I reside at 7627 Old Receiver Road, Frederick, Maryland. I am the plaintiff in these consolidated cases. My prior professional experiences, subject matter expertise and medical and physical conditions and limitations are stated in my prior affidavits.

1. As I have previously attested, I provided a considerable amount of information and extensive documentation to the defendant in my numerous appeals. Some of these appeals are not readily retrievable because they were parts of even larger appeals on the same subject matter and because several students who provided part-time assistance in some of my filing misfiled extensively. Once I discovered this, I discontinued student assistants. From time to time I come across misfield records and file them correctly.

2. Within the past week to ten days, most recently supper time Friday, May 6, I received copies of FBI records disclosed to other requesters. I examined them and found records pertinent in

this litigation. As I have alleged, the FBI has not stated that it requires discovery from me to conduct proper searches; it knows it has and has not searched for and processed pertinent records and for this it needs no additional information from me; it is withholding pertinent records that are not filed in the main assassination files it has processed; and doing what the FBI demands of me would be extraordinarily burdensome if not impossible. I do not recall any FBI attestation in attempted refutation of my sworn statements.

3. During the same period I located a misfiled appeal pertaining to now retired FBI SA James Patrick Hosty, Jr., former Dallas Oswald case agent, dated 3/15-16/79. I also found references to eight other Hosty appeals and amplifications of appeals. This copy of my 13-page appeal has attached to it a list (Exhibit 1) of the documents appended to the original copy of that appeal. There are 26 attachments to this one of many documented appeals. This reflects that, as I attested earlier, I provided extensive documentation, that all of this documentation exists in the FBI's own files, and that no assistance from me or anyone else is required for it to make the long overdue appropriate searches. The extraordinary volume of records, all of which and more I provided voluntarily and the FBI now demands over again, are simply beyond my capacity and that of my copying machine. (The use of my copier already exceeds its engineered life and I cannot pay for a new one from my monthly Social Security income of \$335 a month.)

4. As I attested earlier, Hosty was involved in and involved the FBI in several sensational scandals of enormous significance and he and other agents were disciplined for their alleged failures in

in the Oswald case. Page 1 of the above-cited appeal refers to what I provided, an FBI record pertaining to one of the investigations of the Hosty scandals. (Attached as Exhibit 2) While this record establishes the fact that the Hosty scandals and disciplining were public domain, it also addresses several other questions remaining in this litigation.

5. One is the fact that Oswald's murderer, Jack Ruby, was a probationary FBI informer. The Dallas Jack Ruby 137 ("criminal informants") file remains unsearched and withheld. I attested to its existence and identified it correctly. The FBI has not denied its existence. It certainly did not and does not require any discovery from me to locate and process an existing and correctly identified file.

6. Another of the still existing questions pertains to the alleged destruction of investigative information. According to this FBI record, Exhibit 2, it is the testimony of the FBI Director that it "does not destroy investigative information." The latter supports my identical earlier attestations, which include the requirement that there be a citation to where the same information can be retrieved if any record is to be destroyed.

7. Even when JFK assassination materials are duplicated at FBIHQ and even after the passing of more than a decade, according to other recently disclosed records, the FBI denies permission to destroy even duplicates located outside FBIHQ. On March 15, 1974, the Mexico City office asked for permission to destroy its 15 volumes of pertinent records or, in the alternative, for permission to destroy records of

10 years or older. (FBIHQ 105-82555-5704, MC 105-3702-1386) The response of FBIHQ (105-82555-5704, MC 105-3702-1387) was that "you should not destroy any serials maintained by you in same," meaning this case, because "of the importance of this case and the fact it is always under review." An internal note of the FBIHQ copy also refers to the "high past interest in this matter."

8. Indicative of the enormous amount of time that is required of me for such searches when I do not have the FBI's indices, which it does have, I state in this appeal that one small part of it required an entire day of searching to establish that a single pertinent Dallas Hosty record was both pertinent and withheld as "previously processed" when the Dallas copy is an entirely different copy and it, rather than the nonidentical FBIHQ copy, is the subject of the investigation. I provided copies of the pertinent FBIHQ and Dallas worksheets, the official testimony which establishes that marks on the Dallas and not the FBIHQ copy are the subject of the investigation, and informed the defendant that the disclosed (outside this litigation) FBIHQ copy "is not identical with the Dallas copy, which is the subject of the inquiry over Hosty's conduct in the JFK assassination investigation with regard to both Oswalds."

9. Bearing on the extraordinary burdensomeness of the totally unnecessary FBI discovery demands is ~~the fact~~ ^{the fact} that this search, which required a full day in 1979, before my three surgeries and their major and severely limiting complications, I could not begin to duplicate now except by expending, which really means wasting, much, much more time. Moreover, as is obvious, the FBI did not need

any information from me and the information I did provide voluntarily was both completely accurate and more than it can even pretend to need.

10. I also attached and explained the significance of FBIHQ main assassination file serial 7462X (of which pages 1 and 7 are attached as Exhibit 3). This record, a memorandum routed upward by the FBI's then assistant director and inspector general H. N. Barrett, pertains to the Hosty/JFK assassination investigation and to FBI testimony pertinent thereto before the House of Representatives Subcommittee on Civil and Constitutional Rights "by four current and former Dallas Office employees." Barrett also refers to the FBI's "detailed review" of this testimony, which belongs in both Dallas and FBIHQ files, is pertinent to the JFK assassination ^{investigation}, was and remains withheld from me, and I provided the FBI with all the information needed to retrieve and process it. It does not need discovery.

11. The FBI pretends to need from me all the records I have and all that I know about the existence and pertinence of the Dallas so-called personal and confidential files, of which no records of searches have been provided in this litigation. The FBI also pretends that all the relevant Hosty information in Dallas is in the Hosty personnel file. However, the FBI knows very well that this is not true and the fact that it is not true is reflected at the top of page 7 of Exhibit 3. This reflects that, although both memos pertain to the same subject, neither is in both the personnel and personal and confidential files but one is in each of them. No record of any search in either of these files is provided in this litigation. No

discovery from me is necessary for these searches to be made and the information I have already provided is more than adequate.

12. At this point in this appeal I also referred to the continued withholding of the pertinent inspector general's or "Gale" report of the time of the assassination investigation pertaining to Dallas shortcomings and failures in that investigation. I appealed this withholding. I followed immediately with appeals from the withholding of two identified reports that "were the subject of public testimony and are part of the FBI's disclosed internal investigation, copies of which should exist in Dallas." (No search for them has been attested to in this instant litigation and I received no response to this appeal.) I stated that "the means of withholding appears to be filing of JFK assassination investigation records in personnel files only and not including copies in the" assassination main files. I described this, without dispute, as a departure from FBI practice, which is to make duplicate filings in such matters.

13. I next stated that of those withheld records, which belong in Dallas files, one "is identified on page 6, last paragraph, as in 67-798 as 3048. It is described as a Dallas airtel of 12/8/63 in response to the questions of 12/5 and 12/6 'enclosing among other things an undated 24-page letterhead memorandum (LHM) captioned "Lee Harvey Oswald, aka" responding to 15 of Gale's questions.' This description (i.e., the FBI's description) places the record clearly within my requests. Denial appealed."

14. One of the pertinent records recently disclosed to another requester (referred to in Paragraph 2 above) establishes that even more than the pertinent Dallas records I identified correctly as

hidden at FBIHQ in the 67-798 file is hidden there and is withheld from me in this litigation. Although it is captioned "LEE HARVEY OSWALD INTERNAL SECURITY - R, Dallas, Texas," the title of the main Dallas file on Oswald and of the companion FBIHQ file, this record is not from that file. It is filed as 67-798-3050, as a personnel record only and not as an assassination investigation record, which it is and is captioned - its only caption (Exhibit 4).

15. If there had been any search at all after my appeals and several affidavits, because I did provide the correct file and serial identification, this additional and pertinent record just one number removed from it and possibly other pertinent and withheld records would have been located almost automatically. It is my recollection that ultimately I ^{may have been} provided with a copy of 3048, without any reference to 3050 or any other such records.

16. This illustrates the accuracy of what I provided in my appeal and that pertinent records are hidden by not filing them where they belong. With any search of its indices, such hidden records can be retrieved by the FBI, but an FOIA requester has no access to the indices and in this case the defendant claims - without any basis in fact - that records not filed as assassination records are irrelevant.

17. Bearing further on this is the fact that each of the two attachments is from two other and different files. The first is filed 67-494012, with what appears to be two serial numbers, 133 and 17. The second is from 62-99359. Both are pertinent in that they relate to the Dallas and New Orleans offices and their investigations.

18. The content of these records reflects their pertinence and the extreme gravity with which the FBI's top echelon viewed these matters. Director Hoover's notations and directives appear on all three parts of Exhibit 4.

19. Most of the withheld names have been disclosed by the FBI itself, including even Hosty's name (on the first page of the second record, where he is 1.). Even the withheld subject matter has been disclosed by the FBI, including on the first page of the Gale memorandum. These unnecessary and improper withholdings, which could and do protect no one and were put into the public domain by the FBI itself, are characteristic of the ignored appeals pertaining to such withholdings that I also filed in these consolidated cases.

20. All of these records are assassination records but, despite the quoted captioning and their assassination subject matter, not one is from any assassination main file. They are, nonetheless, pertinent. The FBI merely arranged it so that they would not be retrieved in a search limited to the main assassination files.

21 Also bearing on the seriousness of the investigation of the Hosty/JFK assassination investigation scandals is a Department of Justice record (Exhibit 5) I had with this Hosty appeal. (It is also an FBI record.) While it does not identify him by name, the potential perjury charge in this particular Hosty matter was against the former Dallas Special Agent in Charge, Gordon Shanklin. I attach Exhibit 5 because it confirms what I stated earlier. The identification of Shanklin is in another Department record disclosed to me in response to a King assassination request. It identifies him by name. I had no occasion to establish a Shanklin subject file so I cannot

attach it readily. The refusal to charge Shanklin was cited to justify declining to make a similar perjury charge against James Earl Ray's brother John. Shanklin was precedent for declining bootstrapping.

22. In the official as well as in private inquiries into the assassination and its investigation and in my special interest, the functioning of the official agencies, whether or not there was perjury or even consideration of perjury by the top FBI man in Dallas is very important. I believe that it also is important knowledge for the general public.

23. In earlier affidavits, as a subject-matter expert, I stated that embarrassment from these "shortcomings," to use Director Hoover's word (in Exhibit 4), is motive for withholding and refusing to make genuine searches. I referred to the sworn statement of Jack Revill, Dallas Criminal Intelligence lieutenant (who was assistant chief in early 1980), that Hosty told him the FBI "had information that this Subject (Oswald) was capable of committing the assassination." The entire FBI explanation of not having told anyone about Oswald before the assassination is that he was not known to have any predisposition toward violence. Revill's statement disputes the FBI's claim in its own defense. (It later became known that on Shanklin's direct order Hosty destroyed Oswald's letter threatening to bomb the FBI and/or Dallas police. Hosty received this letter a few weeks before the assassination.) These recently disclosed records and my review of the cited Hosty appeal reminded me that the Warren Commission had published Revill's affidavit. I attach it in support of my earlier attestations as Exhibit 6.

24. My cited appeal also quoted Hosty's Warren Commission testimony on the allegedly nonviolent Oswald. (The Commission was not aware of the Oswald bombing threat and Hosty did not inform the Commission of it.) "When asked ... 'did it occur to you that he was a potentially dangerous person?' Hosty testified, 'No, sir,' adding, 'there was no indication that he would commit a violent act' and 'no indication that he was capable of violence.'" My appeal included, as Exhibit 1 reflects, copies of this Hosty testimony. If Hosty's own official reports, that Oswald beat up his wife, do not constitute an "indication that he would commit a violent act" and is "no indication that he was capable of violence," it appears that a written threat to bomb the Dallas FBI and/or Dallas police headquarters, Oswald's threat the FBI suppressed for a dozen years until after it was leaked, does appear to be more than sufficient "indication that he was capable of violence" and "would commit a violent act." (I also attached to this appeal Hosty's own report that Oswald drank to excess and beat up his wife.)

25. The FBI pretends to need all I know and every record I had in mind in its pretense that my Hosty appeals are somehow inadequate and that it required additional information from me in order to make the searches it should have made more than five years ago. I believe that this one of many appeals provided all the information required - if any was required, as from my knowledge I know none was - for the FBI to make the searches not yet made and attested to. The just disclosed information I cite above is the FBI's own information, of which it was well aware. It was readily retrievable if the FBI followed the accurate information I provided in this cited

appeal. It is not often that an FOIA requester can provide the precise identification of the wrong file in which pertinent information is hidden, but Exhibit 4, recently provided to another requester by the FBI, confirms my accuracy.

26. Several of these just disclosed records reflect, as I had attested and stated in appeals, that the field offices use other files for JFK assassination information. One of these, a Hosty record (Exhibit 7), also pertains to the House investigation. But in Hosty's office it was not filed under personnel or in the assassination or House Committee files. It would not surface in any search limited to the main assassination files. The widely ^{quoted} "bombs" to which Hosty refers is his published accusation actually suggesting that the FBI was in a virtual conspiracy with the KGB in taking him off the Oswald case and in taking the Oswald records, which he had, away from him. Bearing on Hosty's truthfulness and on FBI motive in not making a proper search is his statement that "There is no information within my personal knowledge which I have not furnished" to official bodies, including the Warren Commission. While his language is carefully selected to evade, he did not provide the Commission with the "information within my personal knowledge" pertaining to Oswald's pre-assassination threat to bomb the Dallas FBI and/or police and to his personal destruction of Oswald's written threat.

27. Whether or not the FBI can retrieve information topically or files by names became an issue when I alleged that, knowing better, knowing that it had no files on "critics" as a topic but does have files on the "critics" by name (I even provided some of the file

numbers), the FBI deliberately misinterpreted the Department's directive to search for and disclose such information to me in these cases. The FBI has yet to deny my prior attestations in this regard or to make any response to its records I provided in which it states explicitly that it does not file by such topics as "critics" and cannot retrieve by searching under such topics as "critics." Several records just disclosed to others pertain to this. One of these records attached below (as Exhibit 13) disclosed the involvement of the FOIPA branch in this and its knowledge that retrieval is impossible by topic.

28. Exhibit 8 pertains to one of the more important items of JFK assassination evidence, the Dealey Plaza curbstone that was struck by a bullet or part of a bullet during the assassination, evidence the FBI omitted from its five-volume report to the President on the assassination. The FBI's Legal Counsel Division and its FOIPA branch have extensive knowledge of this because of their involvement in my C.A. 75-0226 in which it and records pertinent to it are central. All the information pertaining to it are in the FOIPA branch. Yet when the House assassinations committee made a "topical" request for curbstone information, the FBI replied that "regarding the piece of curb removed from Main Street," it "is a topical, research item and not retrievable from FBI files as set forth."

29. Also bearing on the FBI's resistance to disclosure, even to the Congress, to which I attested is its two records attached as Exhibit 9. In them it insists again that "topical information ... is not suitable for records retrieval." With regard to the well-known

information requested, the FBI could have located it immediately by merely consulting its indices under the name of the contributor, Dallas Police Lieutenant J. C. Day. But over and over again in this litigation the FBI states that it was directed to make only a topical search, which it and the Department knew is impossible.

30. Two of these newly disclosed records (Exhibit 10) pertain to more of this FBI withholding routine (even when the request is from a Congressional committee) and to the kinds of searches and assistance provided by New Orleans FBI FOIPA officer, Clifford Anderson, who has filed a sworn statement pertaining to his searches in these consolidated cases. The committee's request pertained to the Town and Country Motel. I doubt there is a New Orleans FBI agent who does not know that this motel is owned by the alleged Mafia chieftain, Carlos Marcello, or that it figures in its investigations pertaining to him. (One of the New Orleans FBI's recent cases led to Marcello's conviction on more serious charges than its earlier prosecution of him for striking an FBI agent who was posing as a news photographer.) Anderson allegedly reviewed the New Orleans indices and found "no retrievable references to Town and Country Restaurant (sic) which would assist in the search of New Orleans files." What files were searched is not stated. In addition to the certainly extensive Marcello files, in other litigation Anderson provided me with King assassination records that pertain to this Marcello motel. (The restaurant, as of my last knowledge, was part of the motel operation.)

31. I have attested that searches are not normally made by

FBI special agents, that those I deposed in several lawsuits testified that they are not permitted to make searches, and that searches are made by the FBI's clerical personnel. One of the matters still in dispute in this litigation pertains to records relating to statements made by former FBI clerk, William Walters. When the House committee desired records of his employment, as Exhibit 11 reflects, the search was not made by Anderson but by the New Orleans Office Services Manager.

32. My requests include records pertaining to the FBI's and New Orleans District Attorney Jim Garrison's investigations. I attested earlier to the existence of several lists of such pertinent persons prepared by the Department. The FBI has not disputed this. Exhibit 12 reflects that the FBI also had, prior to its providing of attestations in these cases, still another listing of 117 such persons and that it had done the searching and provided the committee with records pertaining to 23 of these persons. None of this has been provided to me and the fact of these completed searches is withheld.

33. In Paragraph 27 above I refer to another of these recently disclosed FBI records that reflects the involvement of the FOIPA branch in providing requested JFK assassination information to the House assassinations committee. This is stated in Exhibit 13, which also refers to matters still unresolved and not attested to as searched in these consolidated cases. This FBI document, not provided to me in either case, pertains to my JFK and Martin Luther King assassination lawsuits, but my identification is withheld from this other requester as outside the scope of his request. This 1978 record states that the FBI had by then segregated approximately 60 file

cabinets of information pertaining to both cases. Their contents are described as "The material, which includes sensitive ELSUR logs, highly classified security files, appropriate tickler files and a separate index system." Two of the unresolved and unsearched matters in these consolidated cases are ticklers and ELSURS. No search in these segregated files is attested to by Phillips or anyone else although, as this record states, these 60 cabinets hold "both Bureau and field office material." In this connection, I emphasize the artificial language to which SA FOIPA Supervisor John Phillips resorted and on which he based his secondhand attestations. What he attested to was keyed to records that at the time of his attestation were physically located in the field offices. Obviously, all that had been loaned to FBIHQ was not, physically, in the field offices. At least some was in these 60 file cabinets nobody has ever attested to searching. In this exhibit the Bresson memo of October 31, 1978, page 4, states, before the excision that identifies me, that "An issue concerning scope of our searches is still unsettled." The FBI never made any effort to resolve any such issue with me in these cases. What follows the excision on this page does not refer to these consolidated cases. It is limited entirely to my King assassination case, C.A. 75-1996, where my requests are not worded like and are not for the kinds of information requested in these consolidated cases. The statement that FBI records used by the committee were "made available to the FOIA litigant," unnamed me, is untrue as it pertains to JFK assassination records. In this other case I received no voluntary disclosures of such information and only slight and incomplete disclosures after successful appeals or

at the direction of the other court. (The FBI's deliberate rewriting of my actual requests in the King case also limited it to main files, initially to a single main file. From it alone compliance was impossible.)

34. I attested earlier that the FBI's stonewalling and withholding policies and practices are not limited to me but include Congressional committees, particularly the House assassinations committee. This is reflected bluntly in Exhibit 14, the FBI's communication to the Attorney General's liaison with that committee. What the FBI actually objected to providing the committee pertaining to the JFK assassination is the field office files within this litigation. What it provided to the committee pertaining to the King assassination is only part of what it had processed for me in C.A. 75-1996. The FBIHQ records it let the committee have are only those it was compelled to disclose to me and others in the previous December and January.

35. If the committee could not be turned off and restricted, then the FBI proposed as a compromise limiting it to only a fraction of the records disclosed to me in this litigation, to only some of the "documents in the Dallas Field Office post-assassination files for a very narrow time frame." (Emphasis on "very narrow" in original.) What it disclosed to me, from New Orleans as well as Dallas files, is their pre-assassination records as well as all of their post-assassination records, with no "very narrow" time frame limitation.

36. The FBI even refused to permit its former Oswald special agent in New Orleans "to review certain old investigative reports written by me which directly and indirectly concern Lee Harvey Oswald,"

about which this agent was to testify before that committee. (Exhibit 15).

37. Earlier I attested that a Dallas record disclosed to me in these consolidated cases (and not disclosed to that committee) caused serious embarrassment to the FBI and led to an official House request for a further investigation by the FBI, to which the Attorney General agreed. I stated also that both the FBI, including its Dallas office, and the Department have since then stonewalled and not done what the House was promised, now after more than four years. Exhibit 16 is two FBI memos pertaining to this matter. In the first the request of the House is dated as of January 8, 1979, and in the second the FBI Lab begs off and recommends that the work be farmed out. To the best of my knowledge, this still has not been done. The FBI does admit that one of the possibilities of computer enhancement of this Charles Bronson film, about which my prior affidavits provide full details that are entirely uncontradicted, is what it refers to as "substantiating the conspiracy theory" of the JFK assassination. (The Dallas FBI, after viewing this film, stated that it was valueless because, although it included the assassination, it did not include the building from which the FBI claims all shots in the assassination were fired from a single window. In fact, the movie film alone includes almost 100 individual pictures of that very window with no Oswald in it and back inside what appears to be two objects in motion.

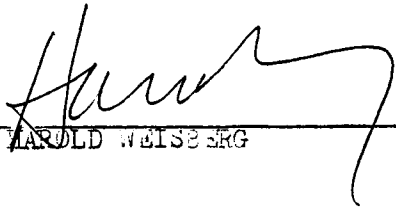
38. These recently disclosed FBI records that it did not provide to me, although they do pertain to the JFK assassination investigations that are the subject of my requests for FBIHQ and field office records, confirm my prior allegations of its general

practice of stonewalling, which includes refusal to search in compliance with my actual requests; that it did not and does not need any discovery or other assistance of any kind from me in making searches now; that in the past I voluntarily provided detailed and exhaustively documented information that is what the FBI now pretends it needs, that I have not provided it and must under Order of the Court. The FBI actually withheld from the duly constituted Congressional committee what it processed for me. What the committee requested is what the FBI should have processed for me in this litigation, all of the Dallas and New Orleans pertinent records. However, if the FBI had complied with the Congressional request, it would have processed many pertinent records it withheld and withholds from me in these consolidated cases. It would have had more difficulty in withholding them from me after processing them for the committee.

39. While these newly disclosed records, which are not complete because more remains to be processed and disclosed to other requesters, do not directly address all the matters in dispute in these consolidated cases, they leave it without doubt that the FBI had and has not searched for much of this information it knows it has and that it needs no help from me in now making these searches still not made after six years of stonewalling. They also reflect the accuracy of

HW

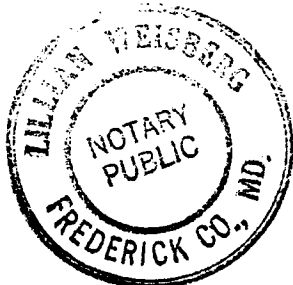
the extensive information I provided voluntarily, at the request of the Department, and they pinpoint my accuracy in identifying the tricky filing for some of the embarrassing and still withheld pertinent information.



HAROLD WEISBERG

FREDERICK COUNTY, MARYLAND

Before me this 5th day of May 1983 Deponent Harold Weisberg has appeared and signed this affidavit, first having sworn that the statements made therein are true.

My commission expires July 1, 1986




NOTARY PUBLIC IN AND FOR
FREDERICK COUNTY, MARYLAND

62-109060 - 180
7582
7396
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Pg. 1
Pg. 1
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Pg. 2,5

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105-82555 - 78+ worksheet

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- section 1, search slip
- worksheet
- 43 in, out

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- section 1, 9/10/63

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Pg. 9

- 35

Pg. 9

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Pg. 9

- 47

Pg. 9

100-¹⁶⁶⁰¹~~10461~~ - worksheets, 23-45

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62-109060, worksheets, ser. 7437

Pg. 9

89-69-1425

Pg. 10

Testimony, p. 473, 475

Pg. 10

Typescript, p. 6021

Pg. 8

Pg. 9

Memorandum

CONSOLIDATED
EXHIBIT 2

- Mr. Tolson _____
- Mr. DeLoach _____
- Mr. Mohr _____
- Mr. Bishop _____
- Mr. Casper _____
- Mr. Callahan _____
- Mr. Conrad _____
- Mr. Felt _____
- Mr. Gale _____
- Mr. Rosen _____
- Mr. Sullivan _____
- Mr. Tavel _____
- Mr. Trotter _____
- Tele. Room _____
- Director Sec'y _____

DATE: 9-17-75

TO : Mr. J. B. Adams

FROM : Legal Counsel *[Signature]*

SUBJECT: HOUSE SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS OF THE COMMITTEE ON THE JUDICIARY

[Handwritten initials]

On 9-16-75 Alan Parker, Chief Counsel for the House Subcommittee on Civil and Constitutional Rights, advised Inspector Hotis that the Subcommittee will hold hearings at the earliest opportunity on matters relating to the assassination of President Kennedy.

Parker said that Chairman Edwards does not want to reopen the assassination inquiry, but he feels that the Committee must address certain questions that have been raised concerning the alleged destruction of a threatening note received by the Dallas Office from Lee Harvey Oswald in November, 1963, and the Bureau's relationship with Jack Ruby. Among the matters to be examined by the Committee are allegations that the Bureau's Office in Dallas was alerted to the possibility of an assassination attempt at least five to ten days prior to the assassination. In addition, the Bureau reportedly told the Warren Commission that we had no knowledge of Jack Ruby prior to the assassination, nor did we have any information indicating that he was connected with organized crime. And yet, it is alleged that the Bureau had contacted Ruby on nine different occasions in an attempt to recruit him as an informant. Parker said it was his understanding that these contacts were discontinued when Ruby failed to provide any useful information to the Bureau. It is also claimed that Ruby, who was then known as Jack Rubenstein, was involved in a union killing in 1939. Parker said that these charges raise serious questions about Ruby's relationship with the Bureau and with elements in organized crime. Finally, Parker said that if a threatening note was, in fact, received from Oswald, the Committee wants to know what the note contained and why it was destroyed. He said this seems to contradict the testimony by Mr. Kelley before the Subcommittee earlier this year in which he stated that the Bureau does not destroy investigative information.

100-116435-77

Enclosure

- 1 - Mr. Adams - Enclosure
- 1 - Mr. Bassett - Enclosure
- 1 - Mr. Gallagher - Enclosure
- 1 - Mr. Wannall - Enclosure

- 1 - Mr. Miniz - Enclosure
- 1 - Mr. Cregar - Enclosure
- 1 - Mr. Daly - Enclosure
- 1 - Mr. Hotis - Enclosure

JBH:dkg (10)

CONTINUED - OVER

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan



(7-14)

Memorandum

EXHIBIT 3

CONSOLIDATED

Asst. Dir.:	
Adm. Serv.	
Ident.	
Comp. Syst.	
Ext. Affairs	
Files & Com.	
Gen. Inv.	
Inspection	
Intell.	
Laboratory	
Legal Coun.	
Plan. & Eval.	
Spec. Inv.	
Training	
Telephone Rm.	
Director's Sec'y	

TO : MR. CALLAHAN

DATE: 12/31/75

FROM : H. N. BASSETT *HNB*

SUBJECT: ASSASSINATION OF PRESIDENT JOHN F. KENNEDY
(LEE HARVEY OSWALD NOTE TO FBI)

The purpose of this memorandum is to advise that a detailed review has been made of the testimony of four current and former Dallas Office employees before the House of Representatives Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary (Edwards Committee), conducted on December 11 and 12, 1975. These employees, namely, Nannie Lee Fenner (clerical employee); J. Gordon Shanklin (former SAC, retired); SA James P. Hosty (now assigned Kansas City Office); and SA Kenneth C. Howe (now assigned San Diego Office) were called to testify concerning the visit of Lee Harvey Oswald to the FBI Office on an unknown date prior to the assassination of President Kennedy on 11/22/63, at which time Oswald left a note with Mrs. Fenner for SA Hosty.

This matter of Oswald's visit and note was investigated by the Inspection Division and the results of this inquiry were furnished to the Attorney General. Mr. J. B. Adams testified before the Edwards Committee concerning this inquiry on 10/21/75 and the testimony of the four cited individuals was a follow-up to this earlier testimony.

Fenner's Testimony

A review of Fenner's testimony on 12/11/75 generally followed that of her affidavits furnished under oath with the only major new information being that she testified that Oswald was still in the office when she took the note to then ASAC Kyle Clark. She testified that she immediately took the note to the ASAC in the event the contents were of sufficient importance that he would want to have Oswald detained. On her interview by the Inspection Staff she never mentioned this development to us.

SI 109 REC-87 68-1111-7462X

When asked as to whether she had ever discussed the Oswald note and visit with anyone else in the FBI (other than Helen May, ASAC Clark, and

13 NOV 18 1976

1 - Messrs. Adams, Mintz, Walsh (Woodward), Wannall

JAC:bhg (7)

CONTINUED - OVER

PER. REC. UNIT

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

TELE
3/4



1976

Memorandum to Mr. Callahan
Re: Assassination of President John F. Kennedy

a block stamp date of 12/8/63. The ASAC, Dallas Office, made a search of the Dallas personal and confidential file (maintained by the SAC) and contained therein is Shanklin's undated 24-page LHM in response to Gale's questions; however, this file does not contain Hosty's memorandum of 12/6/63. The LHM does have a notation that copies were filed in personnel files of Hosty, Howe and two other Agents.

When Hosty brought this matter to Mr. Kelley's attention by letter dated 10/24/73, he furnished to Mr. Kelley two copies of his 12/6/63, four-page, single-spaced memorandum, both copies bearing differing handwritten notations and/or corrections. Hosty also furnished to Mr. Kelley an undated routing slip directed to Hosty with the notation "Jim - for your disposition," initialed "H," presumed to be Supervisor Howe. A review of these two documents fails to detect any wording by Hosty, either direct or implied, that he "should have notified the Bureau earlier," or as set forth in Shanklin's memorandum, "Although it possibly would have been better to do so prior to 8/23/63." These items turned over to Mr. Kelley are now filed in Hosty's Bureau personnel file [REDACTED]. In his letter to Mr. Kelley and with reference to his 12/6/63 memorandum of explanations, Hosty acknowledged he was aware that Supervisor Howe did make alterations to his answers "without my advice or consent but with my knowledge." Hosty wrote that the answers appearing in Shanklin's overall memorandum of 12/8/63 are not "these answers either." Hosty continued that it appears his answers were changed a second time, probably on 12/8/63, without his knowledge and reiterated the most obvious change is the false answers to questions 5 and 6 in which he is falsely quoted as saying, "Perhaps I should have notified the Bureau earlier." Hosty contended this wording constituted an admission of guilt which he did not make at any time.

(It is noted the wording Hosty claims was changed is set forth in Shanklin's undated 24-page LHM, under question 5. A review of question 6 contains no similar wording but does state the "reason for not reporting to the Bureau the various investigative steps being taken are covered hereinbefore." It is assumed Hosty feels this phrase, particularly "are covered hereinbefore" encompasses the questioned wording referred to above in the response to question 5.)

It would appear that after Shanklin got Gale's telephone call to answer the 16 questions he had Hosty and Howe prepare their responses and furnish a memorandum to him, which he then incorporated into one overall response

CA 78-0322-0762
CONSOLIDATED
EXHIBIT 7

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE.

Tolson	
Belmont	
Mohr	
DeLoach	
Evans	
Malone	
Rosen	
Sullivan	
Tavel	
Trotter	
Tele. Room	
Holmes	
Gandy	

Evans

TO : MR. TOLSON

DATE: December 10, 1963

Secret

FROM : J. H. GALE *JHG*

Classified by *309 csl/m*
Declassify on: OADR *4-12-83*
Dalks FO

SUBJECT: LEE HARVEY OSWALD
INTERNAL SECURITY - R
Dallas - TEXAS

Classified by *1090*
Exempt from GDS, Category *2*
Date of Declassification Indefinite

Morgan
Benigan
Walt

Director instructed that complete analysis be made of any investigative deficiencies in Oswald case and analysis made concerning any necessary changes in our procedures re handling cases of this type -- analysis re procedure changes and dissemination policies handled separately.

RESULTS OF FINDINGS RE INVESTIGATIVE DEFICIENCIES:

It is definitely felt subject Oswald should have been on the Security Index (SI) based on following facts: (This is based solely on information in our files at time of and prior to assassination and does not take into consideration information subsequently developed.) (1) Subject's defection to Russia and statement that he never would return to United States for any reason. (2) Stated he was Marxist and advised Department of State he would furnish Soviets any information he had acquired as Marine Aviation Electronics Expert. Also affirmed in writing allegiance to Soviet Union and said service in Marine Corps gave him chance to observe American imperialism. According to State Department Oswald displayed air of new "Sophomore" Party liner at that time. (3) Upon returning to the United States Oswald displayed cold, arrogant, general uncooperative attitude and refused to take Bureau Polygraph test to determine if he had cooperated with the Soviets or had current intelligence assignment. (4) On 9/28/62 it was learned Oswald was subscribing to "The Worker," east coast Communist newspaper. (5) In April, 1963, learned he had been in contact with Fair Play for Cuba Committee, New York, and passed out pamphlets and had placard around neck reading "Hands Off Cuba - Viva Fidel." (6) Wrote letter June 10, 1963, to "The Worker" asking for literature saying he was forming Fair Play for Cuba Committee in New Orleans and he sent honorary membership to "those fighters for peace" Mr. Gus Hall and Mr. B. Davis (Ben Davis). (7) Arrested August 9, 1963, New Orleans, passing out Fair Play for Cuba pamphlets on street. Shortly thereafter interviewed on radio and said Russia had gone soft on Communism and Cuba only real revolutionary country in world today. (8) ~~_____~~

Field and Seat of Government employees who handled instant case do not maintain subject did not come within SI criteria. Inspector does not agree, believing that Oswald came within following category: "Investigation has developed information that an individual though not a member of or participant in the activities of subversive organization, has anarchist or revolutionary beliefs and is likely to seize

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Memo randum for Mr. Tolson
Re: Lee Harvey Oswald

upon the opportunity presented by the national emergency to endanger the public safety as shown by overt acts or statements within the last three years, established through reliable sources, informants or individuals."

Upon subject's return from Russia to Texas on 6/14/62, he was interviewed and displayed a recalcitrant attitude. The only investigation conducted was to interview a number of Government officials, three relatives and check with two Communist Party informants. The case was then closed after a second interview with subject by Dallas report dated 8/30/62. No neighborhood or employment sources developed, wife not interviewed, mail covers or other techniques not used to determine whom Oswald in contact with or whether he had intelligence assignment. Inspector feels this limited investigation inadequate. Dallas Agent responsible for delinquencies until 3/26/63 was [redacted] who is now retired, and no explanations obtained from him.

Dallas reopened case 3/26/63 assigned to Special Agent [redacted] Jr., and supervised by Field Supervisor [redacted]. After sending Bureau a letter on 3/25/63 setting out leads to determine Oswald's employment and consider interviewing Oswald's wife, the Bureau was not furnished any information until 8/23/63 and then only after the Bureau had made inquiry of Dallas. It was not until 9/10/63 that Dallas reported subject Oswald subscribed to "The Worker" on 9/28/62 and on April 21, 1963, had been in contact with New York Fair Play for Cuba Committee, advising then that he passed out Fair Play for Cuba pamphlets and had placard around neck reading "Hands Off Cuba - Viva Fidel." Relief Supervisor [redacted] advised he received information from New York concerning subject's subscription to "The Worker" and took no action except to route it to former Agent [redacted]. He advised he did not feel this information warranted reopening case. Inspector does not agree, but feels in light of subject's defection, case should have been reopened at first indication of communist sympathy or activity.

Special Agent [redacted] advised that New York did not report Oswald's 4/21/63 Fair Play for Cuba contact to Dallas until letter sent 6/27/63 and Dallas did not feel it necessary to report it to Bureau until 9/10/63. [redacted] admits it "possibly" would have been better to have reported on this matter earlier.

Special Agent [redacted] New York, handled this matter and states information was received from anonymous source and that because of heavy volume of such material he handled urgent matters first and finished entire processing at approximately the end of June, 1963.

Supervisor [redacted] New York, makes similar explanation. Inspector feels 66-day delay from 4/21/63 to 6/27/63 entirely too long to process such material, particularly inasmuch as New York in no position to determine value of some of this material to other offices who have active cases opened on individuals concerned.

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Memo for Mr. Tolson
Re: Lee Harvey Oswald

 advised Dallas considered the most important aspect of this case the interview of Oswald's wife and did not deem it advisable to interview her in March, 1963, because they developed information that Oswald drinking to excess and beat up wife on several occasions. stated that they allowed a 60-day "cooling-off period" and then couldn't locate Oswald or his wife until New Orleans located them in New Orleans and advised Dallas on 7/17/63. No instructions given New Orleans to interview Mrs. Oswald.

entirely an assumed excuse

 advised that after Oswald's return to Dallas was verified on 11/1/63 no interview was conducted of Mrs. Oswald because Dallas awaiting information from New Orleans. advised investigation was designed to avoid having Oswald's wife "gain the impression she was being harassed or hounded because of her immigrant status in order that the interview when conducted might be as productive as possible."

just don't understand such solicitude

 Inspector feels this entire facet of investigation mishandled. Mrs. Oswald definitely should have been interviewed and Inspector feels best time to get information from her would be after she was beaten up by her husband as it is felt she would be far more likely to cooperate when angry at Oswald than otherwise.

This certainly makes sense.

On 11/1/63 Dallas determined from Mrs. Ruth Paine that Oswald working at the Texas School Book Depository (place from which assassination shot fired by Oswald). Mrs. Paine unaware of Oswald's residence but stated Oswald's wife living with her. states he made pretext telephone call to Oswald's place of employment and was told Oswald residing with Mrs. Paine. Not recorded in file. On 11/5/63 Mrs. Paine recontacted and unable to furnish information as to Oswald's residence address, but stated Oswald had visited his wife at Paine's house on 11/2 and 3/63. At this point Dallas held investigation in abeyance and no further investigation made until assassination.

 explained that he held investigation in abeyance to be certain he was in possession of all information from New Orleans so he could possibly interview Mrs. Oswald and conduct further investigation. He was aware as of 10/8/63 that Oswald had been in contact with the Soviet Embassy in Mexico City but felt because Oswald was employed in nonstrategic position where he would not have access to information important to national defense that he was justified in holding investigation in abeyance. Inspector definitely does not agree. New Orleans submitted 16-page report 10/31/63 and only leads outstanding in New Orleans were to ascertain Oswald's whereabouts. No indication New Orleans had any further data and New Orleans RUC'd case by form 11/19/63. Even if New Orleans had not reported all information in their possession, Dallas should have intensified investigation in light of Oswald's contact with Soviet Embassy and not held investigation in abeyance. Supervisor advised he

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Memo to Mr. Tolson
Re: Lee Harvey Oswald

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discussed above investigative steps with [redacted] and concurred with the manner in which handled. Both [redacted] and [redacted] could not feel Oswald made Security Index criteria.

b6

[redacted]

b1
ref

Lead set out by Dallas in March 25, 1963, letter for Dallas to determine present employment of Oswald and, thereafter, determine whether wife should be interviewed. This was not followed by Bureau for approximately five months until 8/21/63 when Dallas was asked about this lead after subject arrested in New Orleans for distributing Fair Play for Cuba pamphlets. Seat of Government Supervisor [redacted] states additional investigation not conducted until subject arrested for Fair Play for Cuba activity inasmuch as he reviewed investigation and evaluated that subject was not engaged in activities inimical to the United States. [redacted] states did not feel interview of subject's wife warranted and did not feel case should be reopened at Bureau on 3/25/63 merely to follow Dallas re consideration of interviewing wife. [redacted] advised he did not feel subject's activities came within purview of SI criteria.

b6

It will also be noted that stop placed against subject in Identification Division which was removed by [redacted] on 10/9/63 after subject arrested in New Orleans for Fair Play for Cuba Committee on 8/9/63. [redacted] advised stop was placed in event subject returned from Russia under an assumed name and was inadvertently not removed by him on 9/7/62 when case closed. Inspector feels [redacted] in error in removing stop on subject in Ident on 10/9/63, particularly after arrest on 8/9/63 for Fair Play for Cuba Committee activity in New Orleans. We might have missed further arrests without stop in Ident. Inspector also feels Gheesling erred in not having additional investigation conducted when subject returned to United States and Gheesling wrong in not having subject placed on SI.

ref

Instant case supervised at Seat of Government by Nationalities Intelligence Section regarding Fair Play for Cuba aspects and the Espionage Section regarding defection aspects [redacted] supervised the Fair Play for Cuba aspects of this case from 8/16 until 10/31/63. He failed to have Oswald put on the SI in spite of considerable Fair Play for Cuba activity coupled with soviet defection background. In explanation he claims he did not feel Oswald met criteria for inclusion on SI.

b6

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~~SECRET~~

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Memo for Mr. Tolson
Re: Lee Harvey Oswald

Ref.

[REDACTED]

Ref.

[REDACTED]

[REDACTED] also failed to put subject on SI, stating he did not feel Oswald met criteria. [REDACTED] advised that although case assigned to him since 10/10/63 he did not review file until after assassination stating he had general idea of background of case. He explained that his preoccupation with Dunlap Espionage Case precluded his reviewing complete file. Section Chief [REDACTED] advised [REDACTED] not over-assigned. During October, [REDACTED] supervising 104 cases with voluntary overtime 2'34". Instant case would have required approximately one to two hours to completely review.

b6

[REDACTED] handled case in New Orleans from 7/18/63. No report submitted until 10/31/63. Bureau not advised until report of 10/31/63 that Oswald wrote to "The Worker" on June 10, 1963, requesting literature to assist him in establishing Fair Play for Cuba Committee in New Orleans, and sent honorary membership cards for Ben Davis and Gus Hall. Kaack advised that although investigative period extended from 7/23 through 10/25/63, continuous attention was afforded this case.

[REDACTED] supervised case and shares responsibility for delay in advising Bureau; also failed to put on Security Index, saying they did not feel subj met criteria.

~~SECRET~~

~~SECRET~~

Memo for Mr. Tolson
Re: Lee Harvey Oswald

OBSERVATIONS:

As indicated above, there were a number of investigative and reporting delinquencies in the handling of the Oswald case. Oswald should have been on the Security Index; his wife should have been interviewed before the assassination, and investigation intensified - not held in abeyance - [redacted] It was handled by two different sections in the Domestic Intelligence Division, i.e., Nationalities Intelligence and Espionage. While Section Chiefs [redacted] did not see instant file or participate in the supervision of this case, it is felt that they have certain over-all responsibility for properly indoctrinating and training subordinate supervisory personnel and should be censured. This also applied to Inspector [redacted], who heads the Espionage Research Branch, and Assistant Director [redacted]

Likewise, [redacted] assigned Dallas until 4/24/63 and [redacted] assigned Dallas since 4/22/63, did not have an opportunity to review instant file. However, it is felt that they have over-all responsibility for properly training and indoctrinating subordinate personnel and should be censured.

Concerning the administrative action recommended hereinafter, there is the possibility that the Presidential Commission investigating instant matter will subpoena the investigating Agents. If this occurs, the possibility then exists that the Agents may be questioned concerning whether administrative action had been taken against them. However, it is felt these possibilities are sufficiently remote that the recommended action should go forward at this time. It appears unlikely at this time that the Commission's subpoenas would go down to the Agent level.

draw attention to such [redacted] in many [redacted] overlooked [redacted]
RECOMMENDATIONS: *minimization action preferred.*

1. [redacted] (Veteran), Dallas - Censure and probation for inadequate investigation including earlier interview of Oswald's wife, delayed reporting, failure to put subject on Security Index, and for holding investigation in abeyance after being in receipt of information that subject had been in contact with Soviet Embassy, Mexico City. If approved, to be handled by the Administrative Division.

JH

V. [redacted]

yes.
K

SP/10
2/10

~~SECRET~~

Memo for Mr. Tolson
Re: Lee Harvey Oswald

~~SECRET~~

2. Field Supervisor [redacted] (Nonveteran), Dallas - Censure and probation for failing to insure that case more fully investigated and reported, for not placing subject on the Security Index and for concurring in decision to hold investigation in abeyance. If approved, to be handled by the Administrative Division.

JH
V. Kerpel
Yes. 5/11/62

3. [redacted] (Veteran), Dallas - Censure for failing to have Oswald case reopened after Dallas informed that he subscribed to "The Worker," east coast Communist newspaper, 9/28/62. If approved, to be handled by the Administrative Division.

JH
V. Kerpel
Yes. 5/11/62

4. [redacted] (Veteran), New York - Censure for failing to promptly disseminate Fair Play for Cuba information to Dallas concerning subject Oswald. If approved, to be handled by the Administrative Division.

JH
V. Kerpel
Yes. 5/11/62

5. [redacted] (Veteran), New York - Censure for failure to insure that Fair Play for Cuba information concerning Oswald more promptly disseminated to Dallas. If approved, to be handled by the Administrative Division.

JH
V. Kerpel
Yes. 5/11/62

~~SECRET~~

Memorandum for Mr. Tolson
Re: Lee Harvey Oswald

6. [redacted] (Nonveteran), New Orleans - Censure for delayed reporting and failure to put on Security Index. If approved, to be handled by the Administrative Division.

JH

V. K. R. C.

Yes. [initials]

7. [redacted] (both Nonveteran) [redacted] in San Francisco - [redacted] in Dallas) - Censure for over-all responsibility in this matter. If approved, Administrative Division to handle.

JH

V. K. R. C.

Yes. [initials]

b6

8. [redacted] (Nonveteran), New Orleans - Censure for failing to insure that there was no delay in reporting this matter and for failing to put subject on the Security Index.

JH

V. K. R. C.

Yes. [initials]

9. Seat of Government [redacted] (Veteran) - Censure and probation for failing to instruct the field to conduct background investigation concerning Oswald, upon Oswald's return from Russia; failing to have Oswald's wife interviewed; also for removing stop on Oswald in Ident on 10/9/63; failing to put Oswald on Security Index and for not reopening Bureau file to follow on Dallas after Dallas sent out letter on 3/25/63 to consider interview of Oswald's wife. If approved, to be handled by the Administrative Division.

JH

V. K. R. C.

Yes. [initials]

[initials]

~~SECRET~~

Memo for Mr. Tolson
Re: Lee Harvey Oswald

b6
Ref

10. Seat of Government Supervisor [redacted] (nonveteran) -
Censure and probation for failing to take action [redacted] failing to
completely review file until after assassination; failing to instruct field to press
more vigorously after [redacted] and
failure to have subject placed on Security Index. If approved, to be handled by the
Administrative Division.

JH
✓ KERR
Yes
✓
JPC
11/10

11. Seat of Government Supervisor [redacted] (Veteran) -
Censure for failing to place Oswald on Security Index, in spite of considerable Fair
Play for Cuba Committee activity coupled with previous Soviet defection background.

JH
✓ KERR
Yes
✓
JPC
11/10

b6

12. Seat of Government Supervisor [redacted] (Veteran) -
Censure for delay in handling incoming 10/18/63 cablegram from Mexico City and
for not putting subject on Security Index.

JH
✓ KERR
Yes
✓
disagree as to
Linton
JPC
11/10

13. [redacted] (all Nonveterans)
Censure for over-all responsibility in this matter

JH
✓ KERR
Yes
✓
They are over-
seen
trying to obviously
protect & supervising
their [redacted]

~~SECRET~~

SECRET

Memo for Mr. Tolson
Re: Lee Harvey Oswald

With respect to the individuals listed above who are veterans, they have had more than a year of Bureau service. Accordingly, they should be entitled to 30 days' written notice in the event they should be involuntarily separated, reduced in grade or salary or suspended for more than 30 days. They would also have a right of appeal to the Civil Service Commission for any of these actions.

*Retrieved
and handled
separately*

Statements of the following individuals are attached: [REDACTED]

b6 [REDACTED] as well as statements of the personnel involved who are assigned to the Dallas Office. In addition, copies of explanations of Lundquist and Hoeg are attached.

b6 PERSONNEL BRIEFS OF [REDACTED]

ATTACHED

SECRET

over

SECRET

Secret

Memorandum Mr. Gale to Mr. Tolson
Re: LEE HARVEY OSWALD
INTERNAL SECURITY - R

ADDENDUM: C. D. DeLoach:hif 12/10/63

I recommend that the suggested disciplinary action be held in abeyance until the findings of the Presidential Commission have been made public. This action is recommended inasmuch as any "leak" to the general public, or particularly to the communications media, concerning the FBI taking disciplinary action against its personnel with respect to captioned matter would be assumed as a direct admission that we are responsible for negligence which might have resulted in the assassination of the President. At the present time there are so many wild rumors, gossip, and speculation that even the slightest hint to outsiders concerning disciplinary action of this nature would result in considerable adverse reaction against the FBI. I do not believe that any of our personnel will be subpoenaed. Chief Justice Warren has indicated he plans to issue no subpoenas. There is, however, the possibility that the public will learn of disciplinary action being taken against our personnel and, therefore, start a bad, unjustifiable reaction.

*I do not
concur. H* *P. 1/10* *12/10*

ADDENDUM (AHB:csh), 12/10/63:

It is significant to note that all of the supervisors and officials who came into contact with this case at the seat of government, as well as agents in the field, are unanimous in the opinion that Oswald did not meet the criteria for the Security Index. If this is so, it would appear that the criteria are not sufficiently specific to include a case such as Oswald's and, rather than take the position that all of these employees were mistaken in their judgment, the criteria should be changed. This has now been recommended by Assistant Director Gale.

They were wrong then mistaken

Aside from the above, I agree with Mr. DeLoach's observations.

A. E. Belmont

*With this I do not agree.
not quite at bottom of
Page 1 of this memo, but
talking to one in full possession
of all his documents
can claim Oswald didn't
fall within this criteria*

*I do not agree as
delaying administrative
action*

Secret

*I know I am wrong
how avoided this piece
of new is...
what new since...*

Set message the "new" criteria

00-7

FROM

OFFICE OF DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

TO

OFFICIAL INDICATED BELOW BY CHECK MARK

- MR. TOLSON _____
- MR. BELMONT _____
- MR. MOHR _____
- MR. CASPER _____
- MR. CALLAHAN _____
- MR. CONRAD _____
- MR. DELOACH _____
- MR. EVANS _____
- MR. GALE _____
- MR. ROSEN _____
- MR. SULLIVAN _____
- MR. TAVEL _____
- MR. TROTTER _____
- MISS HOLMES _____
- MISS GANDY _____

- SEE ME _____
- NOTE AND RETURN _____
- PREPARE REPLY _____
- SEND MEMO TO ATTORNEY GENERAL _____
- FOR YOUR RECOMMENDATION _____
- WHAT ARE THE FACTS? _____
- HOLD _____

REMARKS:

*is that in deliberate
 occurred in fact read the letters
 of P1 & top of P2 & if the English
 dimensions and think
 certainly included at least
 like Oswald.*

*It was of the
 certain that*

[Redacted]

*read
 attached to
 particularly my
 comment
 What a waste
 me is all in-
 volved in this
 shameful mess*

66

UNITED STATES GOVERNMENT

Memorandum

TO : MR. TOLSON

DATE: September 30, 1964

FROM : J. H. GALE *JHG*

Tolson	_____
Belmont	_____
Mohr	_____
DeLoach	_____
Casper	_____
Callahan	_____
Conrad	_____
Felt	_____
Gale	_____
Rosen	_____
Sullivan	_____
Tavel	_____
Trotter	_____
Tele. Room	_____
Holmes	_____
Gandy	_____

SUBJECT: SHORTCOMINGS IN HANDLING LEE HARVEY OSWALD
MATTER BY FBI PERSONNEL

With regard to Warren Commission report Director noted, "I want this carefully reviewed as pertains to FBI shortcomings by Gale. Chapter 8 tears us to pieces. Also I want memo of what we have done to plug our gaps. I also want to make certain we check and make certain proper disciplinary action has been taken against those responsible for derelictions charged to us."

Memo randum dated December 10, 1963, Mr. Gale to Mr. Tolson, recommended the following administrative action, which was approved, as a result of a review of Oswald's file by Inspector which reflected serious shortcomings:

DALLAS

1. [REDACTED] (Veteran) - Censure and probation for inadequate investigation including failure to interview Oswald's wife until after assassination, delay reporting, failure to put subject on Security Index, and for holding investigation in abeyance after being in receipt of information that subject [REDACTED]

2. Field Supervisor [REDACTED] (Nonveteran) - Censure and probation for failing to insure that case more fully investigated and reported, for not placing subject on the Security Index and for concurring in decision to hold investigation in abeyance.

3. [REDACTED] (Veteran) - Censure for failing to have Oswald case reopened after Dallas informed that he subscribed to "The Worker," east coast Communist newspaper, 9/28/62.

4. [REDACTED] (Nonveteran) - Censure for over-all responsibility in this matter.

5. [REDACTED] (now in San Francisco) (Nonveteran) - Censure for over-all responsibility in this matter.

1. [REDACTED] (Veteran) - Censure for failing to promptly disseminate Fair Play for Cuba information to Dallas concerning subject Oswald.

2. [REDACTED] (Veteran) - Censure for failure to insure that Fair Play for Cuba information concerning Oswald more promptly disseminated to Dallas.

JHG:wmj (4) REMOVED BY SRD

1 - Mr. Callahan

Enclosures

OCT 15 1964

NOV 20 1963

49-612-733

NEW YORK

Carver

RECEIVED

11

20

46

Memo for Mr. Tolson
Re: Lee Harvey Oswald

NEW ORLEANS

1. [REDACTED] (Nonveteran) - Censure for delayed reporting and failure to put on Security Index. [REDACTED] is now retired.
2. [REDACTED] (Nonveteran) - Censure for failing to insure that there was no delay in reporting this matter and for failing to put subject on the Security Index.

SEAT OF GOVERNMENT

1. [REDACTED] (Veteran) - Censure and probation for failing to instruct the field to conduct background investigation concerning Oswald, upon Oswald's return from Russia; failing to have Oswald's wife interviewed; also for removing stop on Oswald in Ident on 10/9/63; failing to put Oswald on Security Index and for not reopening Bureau file to follow on Dallas after Dallas sent out letter on 3/25/63 to consider interview of Oswald's wife.
2. [REDACTED] (Nonveteran) - Censure and probation for failing to take action [REDACTED] failing to completely review file until after assassination; failing to instruct field to press more vigorously after [REDACTED] and failure to have subject placed on Security Index.
3. [REDACTED] (Veteran) - Censure for failing to place Oswald on Security Index, in spite of considerable Fair Play for Cuba Committee activity coupled with previous Soviet defection background.
4. [REDACTED] (Veteran) - Censure for delay in handling incoming 10/18/63 cablegram from Mexico City and for not putting subject on Security Index.
5. [REDACTED] (all Nonveterans) - Censure for over-all responsibility in this matter.

The Commission has now set forth in a very damning manner some of the same glaring weaknesses for which we previously disciplined our personnel such as lack of vigorous investigation after we had established that [REDACTED]. The Commission specifically criticizes [REDACTED] for not making more vigorous efforts to locate and interview Oswald regarding unresolved matters and Inspector feels this criticism certainly is valid. [REDACTED] testified that certain information furnished by New York on Oswald's contact with the Fair Play for Cuba Committee was "stale" when he received it and this statement is set forth in the Commission's report. As indicated above, a New York Agent and Supervisor were censured for this delay. [REDACTED] certainly should not have testified that information from New York was "stale." [REDACTED] testified concerning his failure to conduct investigation from November 5, 1963,

Memo for Mr. Tolson
Re: Lee Harvey Oswald

until after the assassination. [redacted] stated that on November 1, 1963, he received a copy of the New Orleans report which reflected that Oswald had given false biographic information and [redacted] stated he knew he would eventually have to investigate this and was "quite interested in determining the nature of his contact with the Soviet Embassy in Mexico City." When asked what his next step would have been [redacted] replied:

"Well, as I had previously stated, I have between 25 and 40 cases assigned to me at any one time. I had other matters to take care of. I had now established that Lee Oswald was not employed in a sensitive industry. I can now afford to wait until New Orleans forwarded the necessary papers to me to show me I now had all the information. It was then my plan to interview Marina Oswald in detail concerning both herself and her husband's background.

"Q. Had you planned any steps beyond that point?

"A. No. I would have to wait until I had talked to Marina to see what I could determine, and from there I could make my plans.

"Q. Did you take any action on this case between November 5 and November 22?

"A. No, sir."

When questioned by Commission concerning why he did not disseminate the information on Oswald to Secret Service, [redacted] testified he interpreted his instructions as requiring some indication that the person planned to take some action against the safety of the President or Vice President before making such dissemination. He testified he participated in transmitting two pieces of information to Secret Service pertaining to President's visit. He further stated he did not realize the motorcade would pass the Texas School Book Depository Building. He testified he did not read the newspaper article describing the motorcade route in detail since he was interested only in the fact that the motorcade was coming up main street "where maybe I could watch it if I had a chance." Inspector feels that [redacted] testimony as quoted in the Commission report makes the FBI look ridiculous and definitely taints our public image for efficiency. If we had made a proper investigation of Oswald we would not have been so vulnerable.

Memo for Mr. Tolson
Re: Lee Harvey Oswald

In connection with interview of Mrs. Ruth Paine on November 1 and 5, 1963, the Commission indicates that Mrs. Paine advised a Bureau Agent that she did not know Oswald's address. She was not asked nor did she volunteer Oswald's telephone number, which she did know. The Commission intimates that Agent should have asked her specifically re phone number so Oswald's current residence could be located. This interview was conducted by [redacted] [redacted] advised he did not ask Mrs. Paine re Oswald's telephone number inasmuch as Mrs. Paine informed [redacted] she did not know Oswald's address or how he could be located. Inspector feels [redacted] should have been more specific in his interrogation and asked Mrs. Paine if she had Oswald's telephone number.

[redacted] also testified that conditions in the Dallas police station at time of detention and interrogation of Oswald were "not too much unlike Grand Central Station at rush hour, maybe like the Yankee Stadium during the World Series games." It is questionable whether [redacted] should have described conditions in such an editorializing and flamboyant manner but rather should have indicated conditions were crowded and if called upon to give an estimate of how many people were located therein, to give said estimate.

The Commission's report reflects that after the assassination a number of boxes which appeared to be used as a gun rest by Oswald in the Texas School Book Depository Building were processed for fingerprints by both the Dallas Police Department and the FBI. Some of Oswald's prints were found thereon, but the Commission noted that "most of the prints were found to have been placed on the carton by an FBI Clerk and a Dallas Police Officer after the carton had been processed with powder by the Dallas police." Special Agent [redacted] advised he instructed [redacted] that the cardboard boxes were evidence, had to be processed for fingerprints, and under no circumstances was he to touch them with his bare hands in wrapping same so [redacted] could personally carry them to the Bureau. [redacted] denies [redacted] told him to wear gloves or any covering on his fingers. He is an experienced Clerk and states he is well aware that his hands are not to come in contact with evidence to be examined for fingerprints. [redacted] advised he has never previously wrapped original evidence but only evidence packages

Memo for Mr. Tolson
Re: Lee Harvey Oswald

b6
which had been prepared with evidence sticker by Agents. He states instant package did not have any label indicating it was going to the Latent Fingerprint Section and only information he had was that it was to be handcarried to Bureau headquarters. Inspector feels Special Agent [redacted] culpable for not more closely handling and supervising this matter to insure that the Clerk's fingerprints were not placed on the evidence, particularly in view of the importance of this case.

b6
The Commission report indicates that we did not have a stop on Oswald's passport with the Department of State and did not know Oswald applied for a passport in June, 1963, to travel to Western European countries, Soviet Union, Finland and Poland. This is another specific example of how this case was improperly investigated. The same personnel are responsible for this example as were previously criticized for not using appropriate techniques and making a more vigorous and thorough investigation, to determine with whom Oswald in contact or whether he had intelligence assignment [redacted]

The Bureau by letter to the Commission indicated that the facts did not warrant placing a stop on the passport as our investigation disclosed no evidence that Oswald was acting under the instructions or on behalf of any foreign Government or instrumentality thereof. Inspector feels it was proper at that time to take this "public" position. However, it is felt that with Oswald's background we should have had a stop on his passport, particularly since we did not know definitely whether or not he had any intelligence assignments at that time.

The Commission has criticized the FBI for taking too restrictive a view of its responsibilities in preventive intelligence work and that even though there were no Secret Service criteria which specifically requested the referral of Oswald's case nor was there any requirement to report the names of defectors, there was much material in the hands of the FBI about Oswald, the knowledge of his defection, his arrogance and hostility to the United States, his pro-Castro tendencies, his lies when interrogated by the FBI, his trip to Mexico, and his presence in the school book depository job and its location on the route of the motorcade which should have been enough to induce an alert agency, such as the FBI, to list Oswald as a potential threat to the safety of the President.

OBSERVATIONS:

b6
We previously took administrative action against those responsible for the investigative shortcomings in this case some of which were brought out by the Commission. It is felt that it is appropriate at this time to consider further administrative action against those primarily culpable for the derelictions in this case which have now had the effect of publicly embarrassing the Bureau. It is felt that SA Hosty had the primary investigative responsibility in this case, [redacted] the primary field supervisory responsibility, and Special Agents [redacted] the primary Bureau supervisory responsibility.

Memo for Mr. Tolson
Re: Lee Harvey Oswald

It is also felt that the information on Oswald should have been disseminated to the Secret Service. Oswald should have been on the Security Index but was not. In this regard it appears that prior to the assassination we were unduly restrictive in not making available the names of Security Index subjects to Secret Service. It is felt that Inspector [redacted] who has over-all charge of the Security Index in the Domestic Intelligence Division, should be censured for not having sufficient imagination and foresight to initiate action to have such material disseminated to Secret Service. It is likewise felt Assistant to the Director [redacted] should be censured for the same reason as [redacted] as well as for his over-all responsibility in the entire matter.

In regard to [redacted] the Director said, "I want [redacted] case shown the Civil Service Board since he is a veteran and ascertain whether they will sustain a dismissal since his derelictions have now publicly disgraced the Bureau." The Administrative Division has thoroughly explored this case with its Civil Service Commission (CSC) contact, E. H. Bechtold, head of the Veterans Service Staff. Bechtold feels in all probability we would not be sustained. In his view, [redacted] main offense is his mis-handling of the Oswald investigation, and that this is the only possible basis for a successful adverse action against [redacted]. However, [redacted] was censured and placed on probation 12/13/63 for his grossly inadequate investigation of the case. Bechtold said to take action against [redacted] again for such offense would place [redacted] in double jeopardy. He said CSC has always ruled that after administrative action has once been taken, the same offense cannot serve over again as the basis for further action. He considers it very unlikely that the after-acquired bad publicity would persuade CSC to depart from this precedent.

RECOMMENDATIONS:

1. SA [redacted] (Veteran), Dallas, be censured, placed on probation and suspended for 30 days for his derelictions in this matter. (As noted above, he was censured and put on probation in December, 1963, and removed 3/25/64. He was order transferred from Dallas 9/28/64.) If approved, to be handled by the Administrative Division.

2. SA [redacted] (Nonveteran), Dallas - Censure, Probation and transfer from his office of preference for failing to insure that case more fully investigated and reported, for not placing subject on the Security Index and for concurring in decision to hold investigation in abeyance. (It will be noted that [redacted] was removed from supervisory duties on 4/9/64 as a result of his derelictions in the Oswald case.) If approved, to be handled by the Administrative Division.

JH

Yes.
JK

JH

Yes.
JK

- 6 Transferred to Seattle
Spec
10/2



only

Memo for Mr. Tolson
Re: Lee Harvey Oswald

3. [redacted] (Veteran), Dallas - Censure and probation for failing to have Oswald case reopened after Dallas informed that he subscribed to "The Worker," east coast Communist newspaper, 9/28/62. If approved, to be handled by the Administrative Division. ✓

JH

Yes
↓

4. [redacted] (Veteran), Domestic Intelligence Division - Censure, probation, and transfer to the field for failing to instruct the field to conduct background investigation concerning Oswald, upon Oswald's return from Russia; failing to have Oswald's wife interviewed; also for removing stop on Oswald in Ident on 10/9/63; failing to put Oswald on Security Index and for not reopening Bureau file to follow on Dallas after Dallas sent out letter on 3/25/63 to consider interview of Oswald's wife. It will be noted that on 4/8/64 [redacted] was ordered transferred, because of his derelictions in the Oswald case, to Indianapolis, which transfer and prospective demotion from GS-14 to GS-13 were subsequently cancelled in view of the opinion of CSC that the demotion would not be sustained if he appealed. The CSC opinion was based on its "double jeopardy" policy above-mentioned in the Hosty case. It is, therefore, recommended [redacted] transfer not be accompanied by demotion. This kind of action was recently taken with respect to former [redacted], and [redacted] of San Francisco. If approved, to be handled by the Administrative Division. (Field should be advised not to use as Supervisor.) ✓

JH

Yes
↓

Transfer to Detroit
Jaw
ent
10/2

5. [redacted] (Veteran), Domestic Intelligence Division - Censure and probation for failing to place Oswald on Security Index, in spite of consideration of Fair Play for Cuba Committee activity coupled with previous Soviet defection background. ✓

JH

Yes
↓

↓

over
↓

Memo to Mr. Tolson
Re: Lee Harvey Oswald

6. [REDACTED] (Veteran), Domestic Intelligence Division - Censure and probation for delay in handling incoming 10-18-63 cablegram from Mexico City and for not putting subject on Security Index. If approved to be handled by the Administrative Division. ✓

JH

Yes
[Signature]

7. [REDACTED] (Nonveteran), New Orleans - Censure and continued on probation for failing to insure that there was no delay in reporting this matter and for failing to put subject on the Security Index, it being noted he was put on probation as result of the inspection letter dated 6-22-64 for shortcomings detected during the inspection of the office. If approved, to be handled by the Administrative Division. ✓

JH

Yes
[Signature]

8. [REDACTED] (Nonveteran), Dallas - Censure and placed on probation for failing to properly handle and supervise this matter to insure that the Clerk's fingerprints were not placed on the evidence. If approved, to be handled by the Administrative Division. ✓

JH

Yes
[Signature]

9. [REDACTED] (Nonveteran), Domestic Intelligence Division - Censure for not exercising sufficient imagination and foresight to initiate action to have Security Index material disseminated to Secret Service. If approved, to be handled by the Administrative Division. ✓

JH

Yes
[Signature]

10. [REDACTED] (Nonveteran) - Censure for his over-all responsibility in this entire matter. If approved, to be handled by the Administrative Division.

JH

Yes
[Signature]

over
↓

Memo for Mr. Tolson
Re Lee Harvey Oswald

11. [redacted] (Nonveteran), Domestic Intelligence Division - Censure, probation, removal from supervisory duty, demoted from GS-14 to GS-13, and transfer to the field for failing to take action [redacted] failing to completely review file until after assassination; failing to instruct field to press more vigorously [redacted] and failure to have subject placed on Security Index. If approved, to be handled by the Administrative Division.

JLS suggest no demotion. since we are not demoting veteran. Am.

Transfer [redacted] [redacted] [redacted]

12. No action is being recommended against [redacted] because he retired as of 5/1/63 which retirement was brought about by his transfer to Springfield as a result of this case. (Transferred 4/10/64).

JLS

OK H

13. No further action being recommended concerning [redacted]

who were in charge of the Dallas Office during the pertinent period as they have previously been censured for their over-all responsibility and did not personally see or handle the investigation as it developed prior to assassination. The primary responsibility for the investigative delinquencies rests with the investigating Agents as well as field and Seat of Government supervisors. Also, no action be taken against [redacted] Dallas, for having his fingerprints on the cartons as it is felt this was primary fault of the Agent for not properly overseeing this important assignment.

JLS

OK

14. Action with respect to determining if changes Director ordered in disseminating material concerning Security Index subjects and defectors to Secret Service were put into effect and are being handled separately as is inquiry re status of new criteria of Secret Service concerning information to be furnished them. Also being handled separately is determining whether Security Index sufficiently liberal so as to insure Secret Service receiving names of all individuals who may present a danger to Pres

JLS

OK

over

Memo for Mr. Tolson
Re: Lee Harvey Oswald

15. No further action is being recommended concerning Special Agents [redacted] in New York inasmuch as they were previously censured concerning this matter and they were merely disseminating information from a "bag job," where they obtained and photographed approximately 200 pieces of information. Oswald's name had no significance to processing Agent and he processed patently urgent material first. This information obtained by New York on 4/21/63 sent to Dallas 6/27/63 and Hosty did not report same to Bureau until 9/10/63. Hosty previously admitted "possibly" would have been better to have reported earlier. The New York delay did not affect the merits of the investigation.

JH

OK

b6 It is noted that SAs Hosty, [redacted] are veterans with more than a year of Bureau service. Accordingly, they should be entitled to 30 days' written notice in the event they should be involuntarily separated, reduced in grade or salary or suspended for more than 30 days. They would also have a right of appeal to the Civil Service Commission for any of these actions.

JH

Enclosures: Attached hereto is memorandum J. H. Gale to Mr. Tolson dated December 10, 1963 re Lee Harvey Oswald reflecting previous inquiry and action taken.

Memoranda to SAC, Dallas, dated September 29, 1964, from [redacted]

[redacted]

PERSONNEL BRIEFS OF HOSTY, [redacted]

OK

JH
aw
10/11

10/11

September 24, 1964

U.S. ...

Pursuant to Mr. Tolson's request, my views are as follows:

We should keep in mind that regardless of our cooperation or participation that this motion picture will be released and, therefore, it would be to the Bureau's advantage to insure that our position and the outstanding work the Bureau performed in connection with the President's assassination are presented in the most favorable light and this can be accomplished only by our participating in this project.

It would seem clear, however, that prior to committing ourselves further we should review the entire script and the report to be issued this weekend prepared by the Warren Commission.

Mr. Belmont states in his note that it would be advisable to get across the message that the FBI worked closely with the Warren Commission and performed the authoritative investigation upon which the "findings" are based. I agree with this with the exception that if the "findings" are critical of the Bureau, I doubt that we should be in the position of supporting the Commission's findings.

Handwritten: We know well that they are critical of the FBI.

Handwritten: W.C. Sullivan

Mr. Tolson	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. DeLoach	_____
Mr. Evans	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

REC-3

62-99359-290

216 54 OCT 13 1964

OCT 13 1964

release

Memorandum

TO : Clarence M. Kelley
Director, Federal Bureau of Investigation

DATE: October 20, 1975

FROM : Harold R. Tyler, Jr.
Deputy Attorney General

[Handwritten signature]

SUBJECT: Lee Harvey Oswald Note to FBI

57-16-1113

My staff and I have reviewed the Criminal Division's investigation in this case and the recommendation of Assistant Attorney General Thornburgh. I agree with his conclusion that this is not an appropriate case for criminal prosecution at this time. There are no substantive offenses committed by any of the possible subjects that are within the Statute of Limitations. The only possible theory of prosecution would be by way of a perjury indictment for colorable false testimony relating to events that took place some 12 years ago. Mr. Thornburgh's decision not to go forward and bootstrap a criminal prosecution on such facts is an imminently fair and wise exercise of prosecutorial discretion. The Bureau should, of course, take whatever administrative action that appears necessary.

5772

[Handwritten mark]

EXHIBIT 6

Commission Exhibit No. 709

November 22, 1963

Captain W.P. Canaway
Special Service Bureau

SUBJECT: Lee Harvey Oswald
605 Elsbeth Street

Sir:

On November 22, 1963, at approximately 2:50PM, the undersigned officer met Special Agent James Hosty of the Federal Bureau of Investigation in the basement of the City Hall.

At that time Special Agent Hosty related to this officer that the Subject was a member of the Communist Party, and that he was residing in Dallas.

The Subject was arrested for the murder of Officer J.D. Tippit and is a prime suspect in the assassination of President Kennedy.

The information regarding the Subject's affiliation with the Communist Party is the first information this officer has received from the Federal Bureau of Investigation regarding same.

Agent Hosty further stated that the Federal Bureau of Investigation was aware of the Subject and that they had information that this Subject was capable of committing the assassination of President Kennedy.

Respectfully submitted,

Jack Nevill
Jack Nevill, Lieutenant
Criminal Intelligence Section

Seen to and subscribed before me, this the 7th day of April, 1964.

Frances Bock
FRANCES BOCK
Notary, Dallas County, Dallas, Texas

COMMISSION EXHIBIT 709

FBI

CONSOLIDATED EXHIBIT 7

TRANSMIT VIA:

- Teletype
- Facsimile
- Airtel

PRECEDENCE:

- Immediate
- Priority
- Routine

CLASSIFICATION:

- TOP SECRET
- SECRET
- CONFIDENTIAL
- E F T O
- CLEAR

Date 9/13/78

Assoc. Dir.	
Dep. AD Adm.	
Dep. AD Inv.	
Dep. AD Leg.	
Dep. AD Plan. & Insp.	
Dep. AD Rec. Mgmt.	
Dep. AD Tech. Serv.	
Dep. AD Training	
Dep. AD Public Aff.	
Dep. AD Int. Aff.	
Dep. AD Cong. & Public Aff.	
Dep. AD Ident.	
Dep. AD Lab.	
Dep. AD Legal Coun.	
Dep. AD Liaison & Int. Aff.	
Dep. AD Off. of Cong. & Public Aff.	
Dep. AD Records Mgmt.	
Dep. AD Tech. Serv.	
Dep. AD Training	
Director's Sec'y	

[Handwritten signature]

TO: DIRECTOR, FBI (62-117290)
Attention: Supervisor DREW CLARK,
Congressional Inquiry Unit

FROM: SAC, KANSAS CITY (175-64) P

HOUSE SELECT COMMITTEE ON ASSASSINATIONS.

Re Kansas City teletype, 9/13/78.

Enclosed is signed statement of SA JAMES P. HOSTY, JR., pertaining to his contact with [REDACTED]

(b)(7)(c)

REC-70

62

11:15 1229

OCT 3 1978

EX-124

2-Bureau (Enc.)
2-Kansas City
JCL:lib
(4)

REC. COMM. REV.

62 OCT 23 1978

Transmitted _____ (Number) _____ (Time)

Per _____

Kansas City, Missouri
September 13, 1978

I, James P. Hosty, Jr., hereby make the following free and voluntary statement:

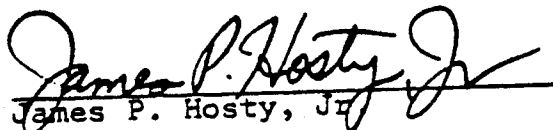
On August 30, 1978, a person identifying himself as [REDACTED] contacted me by telephone at the Kansas City Office. [REDACTED] questioned me concerning certain allegations that took place on November 17, 1963. [REDACTED] stated the incident implied I might be a "friend" of a person who was now known to have been involved in anti- (b)(7)(C) Castro activities in Dallas before November 22, 1963. I told [REDACTED] these allegations were false and unfounded. This information was furnished to FBIHQ by teletype dated August 30, 1978 captioned "House Select Committee on Assassinations (HSCA)".

[REDACTED] again called me at my residence on September 8, 1978, but I did not talk to him at that time.

All knowledge that I have concerning the assassination of President John F. Kennedy is available to HSCA. There is no information within my personal knowledge which I have not furnished to either the Warren Commission, Senate Select Committee on Intelligence, House Judiciary Committee Sub Committee on Civil and Constitutional Rights, or the HSCA.

I have no recollection of stating or implying to [REDACTED] that I had any "bombs" to report to the HSCA. (b)(7)(C)

I have read this statement consisting of one and one-half pages and it is true and correct to the best of my knowledge.


James P. Hosty, Jr.

Witness :



John C. Lawn
Assistant Special Agent in Charge
Federal Bureau of Investigation
Kansas City, Missouri

- 1 - Legal Counsel Division
Attn: Mr. Heller
- 1 - Mr. Bailey
- 1 - Mr. Foster
- 1 - Mr. Giaquinto

August 11, 1978

HOUSE SELECT COMMITTEE ON ASSASSINATIONS
U. S. HOUSE OF REPRESENTATIVES (HSCA)

Reference is made to letter to the Attorney General from G. Robert Blakey, Chief Counsel and Director, HSCA, dated July 28, 1978, requesting delivery of two items pertinent to the John F. Kennedy assassination investigation.

This confirms a conversation of August 2, 1978, between Ms. Jacqueline Hess, HSCA, and Special Agent John S. Giaquinto, FBI Headquarters, where Ms. Hess was apprised of the status of the two enumerated items set forth in the referenced request.

Specifically, Item number one, regarding piece of curb removed from Main Street, is a topical, research item and not retrievable from FBI files as set forth. Ms. Hess concurred and no further action is being taken by this Bureau.

Regarding Item number two, Ms. Hess was advised of the fact that there is no additional, retrievable information concerning James T. Tague not already provided to the HSCA within the John F. Kennedy assassination file.

JRG
JRG:pjm (7)
62-117290

ORIGINAL AND ONE SENT TO ASSISTANT ATTORNEY GENERAL,
CRIMINAL DIVISION, ATTENTION: MR. ROBERT L. KEUCH.

NOTE: See Director, FBI, letter to Assistant Attorney General, Criminal Division, Attention: Mr. Robert L. Keuch, dated August 11, 1978, captioned as above.

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Servs. _____
- Crim. Inv. _____
- Ident. _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgnt. _____
- Tech. Servs. _____
- Training _____
- Public Affs. Off. _____
- Telephone Rm. _____
- Director's Sec'y _____

MAIL ROOM

62-117290-1074

ENCLOSURE

FEDERAL GOVERNMENT July 31, 1978

Assistant Attorney General
Criminal Division
Attention: Mr. Robert L. Keuch
Director, FBI

- 1 - Mr. Mintz
Attn: Mr. Heller
- 1 - Mr. Bailey
- 1 - Mr. Kent
Attn: Mr. Payne
- 1 - Mr. Foster

HOUSE SELECT COMMITTEE ON ASSASSINATIONS
U. S. HOUSE OF REPRESENTATIVES (HSCA)

Enclosed are the original and two copies of a memorandum responding in full to a July 25, 1978, HSCA letter of request, which asked for [REDACTED]

The information requested is not such that it is retrievable through the FBI's normal, records retrieval method. However, a reasonable effort has been made to search logical areas of the voluminous files on the assassination of President John F. Kennedy in order to assist the Committee.

You are requested to furnish the Committee a copy of the enclosed memorandum setting forth the results of our search.

Enclosures (3)

MAILED 7
AUG 1 1978

62-117290

REC-126
62-117290-11184

NOTE: This matter has been coordinated with the Latent Fingerprint Section, Identification Division. The HSCA has been advised repeatedly that topical information such as is sought in this request, is not suitable for records retrieval through our normal method. Prior to receipt of this request, in response to a telephonic inquiry, HSCA was specifically advised that retrieval of information pertaining to the "latent palmprint" lift, a topical matter, would require a research effort by the HSCA as it is not a proper subject for the normal, FBI retrieval method. The HSCA was invited to review the assassination files already in its possession or which were available to it at FBI Headquarters (FBIHQ) since it is believed that all information sought is contained therein. For reasons known to itself, the HSCA persists in requesting information from the FBI which it could retrieve through its own research effort if it chose to do so. In addition to approximately 50 man-hours of research effort through FBIHQ files, a representative

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Servs. _____
- Crim. Inv. _____
- Ident. _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgnt. _____
- Tech. Servs. _____
- Training _____
- Public Affs. Off. _____
- Telephone Rm. _____
- Director's Sec'y _____

SEE NOTE PAGE TWO. . .

MAIL ROOM

HOUSE SELECT COMMITTEE ON ASSASSINATIONS
U. S. HOUSE OF REPRESENTATIVES (HSCA)

of Latent Fingerprint Section contacted the original latent fingerprint examiner, Mr. Latona, to no avail, regarding the disposition of the "latent palmprint" lift. Contact was also made with Mr. Marion Johnson, National Archives and Records Services (NARS), who advised that the "latent palmprint" lift was not at NARS and that the HSCA had contacted him already in that regard. Mr. Latona testified before the Warren Commission on 4/2/64, at which time the latent lift was left in its possession (Bufile 105-82555-3025). Bufile 105-82555-4900 reflects the FBI transmitted the latent lift from C 14 (the rifle) to the Warren Commission on 9/16/64, indicating the Warren Commission may have returned the lift after 4/2/64, and prior to 9/16/64. Since SA Drain originally obtained the lift from the Dallas Police Department on 11/26/63, it would have been procedurally correct for FBIHQ to have eventually returned the lift to the Dallas Police Department through the Dallas Office. Dallas Division was also asked to check its special indices for the identification of a document that might show the final disposition of the "latent palmprint" lift. This effort was unsuccessful.

- 1 - Mr. Mintz
Attn: Mr. Heller
- 1 - Mr. Bailey
- 1 - Mr. Kent
Attn: Mr. Payne
- 1 - Mr. Foster

July 31, 1978

HOUSE SELECT COMMITTEE ON ASSASSINATIONS
U. S. HOUSE OF REPRESENTATIVES (HSCA)

This responds in full to the July 25, 1978, letter of request to the Attorney General signed by G. Robert Blakey, Chief Counsel and Staff Director, HSCA, which asked for



HSCA

As the Committee has been advised previously in response to a telephonic inquiry, the "latent palmprint" lift constitutes a topical matter that precludes retrieval of records through the normal methods available at FBI Headquarters (FBIHQ). The Committee was also advised previously that documents pertaining to the disposition of the "latent palmprint" lift could be found if the Committee searched the Freedom of Information Act release of assassination files already in its possession or documents available to it at FBIHQ. However, in an effort to assist the Committee and only because some research work in this area had been done previously on another matter, the FBI undertook limited research which has located a pertinent latent fingerprint worksheet. This worksheet, which was among material previously reviewed by the Committee, will be delivered to an HSCA representative at FBIHQ.

For reports made to the FBI by a representative of the Dallas Police Department about the "latent palmprint", the Committee may refer to documents 105-82555-456 pages 378-379 and 105-82555-5061 pages 25-34, which should be in its possession already.

ORIGINAL AND TWO SENT TO THE ASSISTANT ATTORNEY GENERAL,
CRIMINAL DIVISION, ATTENTION: MR. ROBERT L. KEUCH.

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Servs. _____
- Crim. Inv. _____
- Ident. _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgnt. _____
- Tech. Servs. _____
- Training _____
- Public Affs. Off. _____
- Telephone Rm. _____
- Director's Sec'y _____

NOTE: See Director, FBI, letter to the Assistant Attorney General, Criminal Division, Attention: Mr. Robert L. Keuch, dated July 31, 1978, captioned "House Select Committee on Assassinations, U. S. House of Representatives (HSCA)."

DJC:pfm (7)

HBJR
AD

ENCLOSURE 62-119220-1121

MAIL ROOM

Return to (M) Rm 9989

Heller Rm 362

HOUSE SELECT COMMITTEE ON ASSASSINATIONS
U. S. HOUSE OF REPRESENTATIVES (HSCA)

Although documents revealing the final disposition of the original "latent palmprint" lift are not retrievable through limited research, it has been ascertained that the original "latent palmprint" lift was received by the FBI from the Dallas Police Department on November 26, 1963, and may have been returned to the Warren Commission for its further review as late as September 16, 1964.

Where information or documents are not provided, they are either not retrievable from FBIHQ files or are not provided pursuant to the Memorandum of Understanding.

December 20, 1978

Director, FBI

- 1 - Mr. Mintz
(Attn: Mr. Heller)
- 1 - Mr. Bassett
- 1 - Mr. Foster
- 1 - Mr. Giacinto

HOUSE SELECT COMMITTEE ON ASSASSINATIONS
U. S. HOUSE OF REPRESENTATIVES (HSCA)

Assistant Attorney General
Criminal Division
Attention: Mr. Robert L. Kauch

FEDERAL GOVERNMENT

Reference is made to letters to the Attorney General from G. Robert Blakey, Chief Counsel and Director, HSCA, dated November 22, 1978, and December 14, 1978, requesting

[REDACTED]

HSCA

Enclosed are an original and one copy of a memorandum which responds to the above requests and advises that the requested material has been delivered to the HSCA.

Enclosures (2)

[Handwritten initials]
158-cfr (7)

NOTE: A review of New Orleans Field Office files entitled, "Jack Leon Ruby" (NO 44-2064) indicates that the New Orleans Division covered the lead re the Town and Country Motel as set forth in the attached HSCA request dated November 22, 1978. On December 11, 1978, Michael Ewing advised that delivery of this material satisfies the November 22, 1978, request. Additionally, delivery was made to Mr. Ewing re the Edward Partin material.

3- ENCLOSURE

REC-2 67-11771-1383

MAILED 1
DEC 20 1978
FBI

EX-113

2 DEC 22 1978

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Crim. Inv. _____
- Ident. _____
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- Telephone Rm. _____
- Director's Sec'y _____

32 JAN 12 1979

[Handwritten initials]

MAIL ROOM TELETYPE UNIT

[Handwritten signature]
MR. HELLER

MC

NO0001 3401644

PP HQ

DE NO 0001

P 061641Z DEC 78

FM NEW ORLEANS (68-2878) (P)

TO DIRECTOR (62-117290) PRIORITY

BT

UNCLAS

HOUSE SELECT COMMITTEE ON ASSASSINATIONS, US HOUSE OF REPRESENTATIVES (HSCA), BUDED: DEC. 15, 1978.

RE BU AIRTEL TO NEW ORLEANS, DEC. 1, 1978.

NEW ORLEANS TRANSSHIPPED THE ENTIRE MAIN AND INCIDENTAL PRESIDENT KENNEDY ASSASSINATION FILES TO FBIHQ, FOIPA BRANCH IN SEPT. 1978, FOR SPECIAL PROCESSING OF A MASSIVE FOIPA REQUEST. A REVIEW OF NEW ORLEANS INDICES ON DEC. 4, 1978 BY SA CLIFFORD H. ANDERSON SHOWS NO RETRIEVABLE REFERENCES TO TOWN AND COUNTRY RESTAURANT WHICH WOULD ASSIST IN THE SEARCH OF NEW ORLEANS FILES.

REQUEST OF FBIHQ. IN ROOM 6986, FBIHQ, LOCATE AND REVIEW NEW ORLEANS FILE 44-2064 ENTITLED, "JACK LEON RUBY, LEE HARVEY OSWALD VICTIM, CR. BUFILE 44-24016, AND IF NECESSARY REVIEW MAIN

REC-69 62-117290-1388

ST 109

01 JAN 11 1979

16 DEC 27 1978

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Director's Sec'y	_____

6 DEC 78 16 46
FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

Noted
See memo
12/28

PAGE TWO NO 66-2878 UNCLAS

ASSASSINATION FILE, NO 89-69, FOR INFORMATION REQUESTED IN RE BU
AIRTEL.

BT

NO0001 3401644

PP HQ

DE NO 0001

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FM NEW ORLEANS (66-2878) (P)

TO DIRECTOR (62-117290) PRIORITY

BT

UNCLAS

HOUSE SELECT COMMITTEE ON ASSASSINATIONS, US HOUSE OF REPRESENTATIVES (HSCA), BUDED: DEC. 15, 1978.

RE BU AIRTEL TO NEW ORLEANS, DEC. 1, 1978.

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REQUEST OF FBIHQ. IN ROOM 6986, FBIHQ, LOCATE AND REVIEW NEW ORLEANS FILE 44-2064 ENTITLED, "JACK LEON RUBY, LEE HARVEY OSWALD VICTIM, CR, BUFILE 44-24016, AND IF NECESSARY REVIEW MAIN

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RECEIVED
FEDERAL BUREAU
OF INVESTIGATION
COMMUNICATIONS SECTION

REC-69 62-117290-1388

ST 109

16 DEC 27 1978

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[Handwritten signature]

[Handwritten notes: "See memo", "HSCA", "12/29/78"]

[Handwritten signature]

PAGE TWO NO 66-2878 UNCLAS

ASSASSINATION FILE, NO 89-69, FOR INFORMATION REQUESTED IN RE BU
AIRTEL.

BT

FD-36 (Rev. 7-27-70)

FBI

TRANSMIT VIA:

- Teletype
- Facsimile
- Airtel

PRECEDENCE:

- Immediate
- Priority
- Routine

CLASSIFICATION:

- TOP SECRET
- SECRET
- CONFIDENTIAL
- E F T O
- CLEAR

Date 1/2/79

TO : DIRECTOR, FBI - ATTN.: CONGRESSIONAL INQUIRY UNIT, RM 8988

FROM: SAC, NEW ORLEANS (66-2878) (RUC)

House

SELECT COMMITTEE ON
ASSASSINATIONS, U. S.
HOUSE OF REPRESENTATIVES,
(HSCA)

ReBucal to NO, 12/29/78 and NOcal to Bureau, 12/29/78.

On December 29, 1978, Mr. LEO W. HEBERT, Office Services Manager, NO Division, FBI, advised there are no records existing from which information could be retrieved to substantiate attendance of duty of former Security Patrol Clerk WILLIAM S. WALTER in the NO Office on August 10, 1963.

(Handwritten initials)

EX-113

REC-60

62-117290-1410

18
16 JAN 5 1979

(Handwritten signature)
CLASS. REV.

*to to Que' 19
of HSCA
1/17/79 WUC/CLB*

1 BUREAU
2 NEW ORLEANS
AJM:CM
(5)

Approved: _____

(Handwritten signature)

Transmitted _____

(Number)

(Time)

Per _____

- 1 - Mr. Mintz
 - Attn: Mr. Heller
 - 1 - Mr. Bassett
 - 1 - Mr. Foster
 - 1 - Mr. Ciaquinto
- December 7, 1978

Assistant Attorney General
 Criminal Division
 Attention: Mr. Robert L. Kouch

FEDERAL GOVERNMENT

Director, FBI

HOUSE SELECT COMMITTEE ON ASSASSINATIONS
H. J. BURNS OF REPRESENTATIVES (HSCA)

JW

Reference is made to letter to the Attorney General from G. Robert Blakely, Chief Counsel and Director, HSCA, undated, requesting specific information about 117 individuals described as being pertinent to the John F. Kennedy assassination investigation.

Enclosed are an original and one copy of a memorandum which responds to the above request. Additionally, one copy of referenced undated request is attached.

Enclosures (3)

(K)

NOTE: The attached undated request was hand-carried to the Congressional Inquiry Unit on 12/4/78, subsequent to call from Miss Jacqueline Hess, HSCA, inquiry as to the status of said request and her being advised that the request was never received at FBIHQ. It is additionally noted that upon review of the 117 names enumerated therein, material regarding 23 of the individuals had been prepared in response to an HSCA request dated 5/12/78. Miss Hess was so advised.

SI-157-24 62-117290-135

3-100-100:bjr:amo

MAILED
 DEC 7 1978
 FBI

DEC 12 1978

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- Dep. AD Inv. _____
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- Crim. Inv. _____
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- Telephone Rm. _____
- Director's Sec'y _____

HARRIS
ALL
 2-1878

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Memorandum

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Servs. _____
- Crim. Inv. _____
- Ident. _____
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- Tech. Servs. _____
- Training _____
- Public Affs. Off. _____
- Telephone Rm. _____
- Director's Sec'y _____

TO : Mr. Bassett *HNB/JP*

DATE: 10-12-78

- 1 - Mr. Adams
- 1 - Mr. McDermott
- 1 - Mr. Bassett
- 1 - Mr. Awe
- 1 - Mr. Bresson
- 1 - Mr. Ryan
- 1 - Mr. Foster
- 1 - Mr. Giaquinto *JP*

FROM : D. Ryan *R*

SUBJECT: HOUSE SELECT COMMITTEE ON ASSASSINATIONS
U. S. HOUSE OF REPRESENTATIVES (HSCA)

PURPOSE: To advise that captioned Committee is expected to conclude its work regarding the John F. Kennedy-Martin Luther King, Jr., assassinations probe and cease operations on or about December 31, 1978. Additionally, this memorandum is being submitted in order to solicit responses from the Disclosure Section, Freedom of Information-Privacy Act (FOIPA) Branch, and Records Systems Section, Records Branch, regarding their respective positions as to the disposition of the voluminous material prepared for the HSCA.

DETAILS: The HSCA was formed in September, 1976, by the Ninety-fourth Congress to "study the circumstances surrounding the details of John F. Kennedy and Martin Luther King, Jr., and any others the Select Committee shall determine." Subsequent to the formation of the HSCA, the Congressional Inquiry Unit (CIU) was formed at FBI Headquarters to process requests submitted by the Committee for pertinent FBI material.

To date, the CIU has processed two hundred eighty-three (283) requests from the Committee providing them with both Bureau and field office material pertinent to these assassination probes. The material, which includes sensitive ELSUR logs, highly classified security files, appropriate tickler files and a separate index system, is currently stored in approximately sixty (60) file cabinets located within the CIU's secure but temporary office space in Room 8988.

Mr. G. Robert Blakey, Chief Counsel and Director, HSCA, has advised the Committee will conclude its public hearings this November, issue its report soon thereafter, and, as mandated by Congress, will conclude its business on or about December 31, 1978. With the dissolution of the HSCA and the expected dissolution of the CIU, the subject of the proper disposition of the voluminous material prepared for the Committee needs to be addressed. Therefore, the CIU is setting forth the following recommendation.

JSG:pm
(9)

EX-122

REC-80 *62-117210-127783*

CONTINUED - OVER

ADDENDUM OF THE RECORDS MANAGEMENT DIVISION PAGE 3

DEC 15 1978 U.S. Savings Bonds Regularly on the Payroll Savings Plan

14 NOV 8 1978
JP
RECORDED
INDEXED
7/17/80



HOUSE SELECT COMMITTEE ON ASSASSINATIONS
U. S. HOUSE OF REPRESENTATIVES (HSCA)

RECOMMENDATION: That the Disclosure Section, FOIPA Branch, and the Records System Section, Records Branch, make a preliminary survey of the material which has been prepared for the HSCA. Additionally, that upon the review of said material, these Sections furnish their addenda to this memorandum setting forth their recommendations as to the disposition and, if appropriate, subsequent storage of said material.

19

APPROVED:	Adm. Serv. _____	Legal Coun. _____
Director _____	Crim. Inv. _____	Plan. & Insp. _____
Assoc. Dir. _____	Ident. _____	Rec. Mgmt. _____
Dep. AD Adm. _____	Intell. _____	Tech. Servs. _____
Dep. AD Inv. _____	Laboratory _____	Training _____
		PLANS Adm. Off. _____

Re: Memo Ryan to Bassett, 10/12/78
HOUSE SELECT COMMITTEE ON ASSASSINATIONS
U. S. HOUSE OF REPRESENTATIVES (HSCA)

ADDENDUM OF THE RECORDS MANAGEMENT DIVISION (RMD) (CMG:ssj 10/24/78)

The Records Research Staff has reviewed the material which was processed for the House Select Committee on Assassinations by the Congressional Inquiry Unit. Approximately 60 cabinets of processed documents, tickler files, and an index system will remain after original files are returned to respective HQ and field office storage.

RMD will accept the 60 remaining cabinets of material for storage and maintenance. Due to the sensitive nature of the contents, the cabinets should be locked to restrict access and keys should be affixed to a separate key ring for maintenance in the Tele-key cabinet in the Filing Unit. Cabinets should be numbered in a fashion that will permit cabinet arrangement for retrievability.

This memorandum should be referred to the Printing and Space Management Section, Personnel and Space Management Branch, Administrative Services Division, for information in view of the critical space problem with which RMD is confronted.

*copy furnished
11/21/78*

APPROVED:

Jm

Director _____
Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____

Adm. Serv. _____
Crim. Inv. _____
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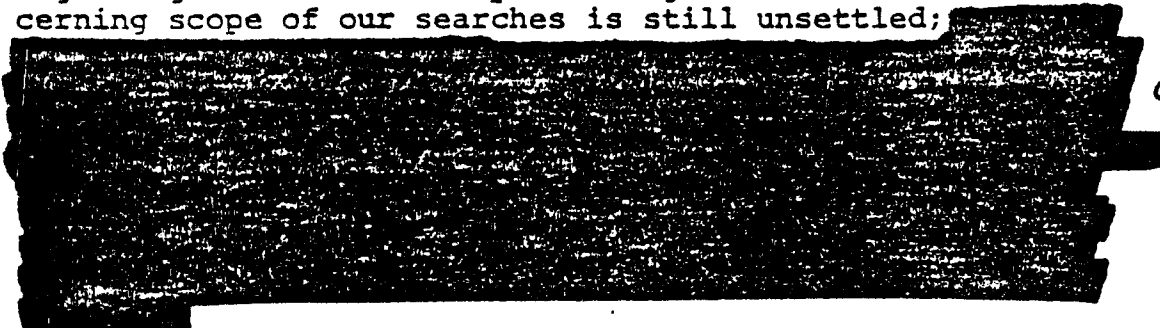
Memorandum D. Ryan to Mr. Bassett
Re: HOUSE SELECT COMMITTEE ON ASSASSINATIONS
U.S. HOUSE OF REPRESENTATIVES (HSCA)

ADDENDUM: FOIPA BRANCH
RECORDS MANAGEMENT DIVISION

THB
THB:tdp 10/31/78

An informal survey of the material prepared for the House Select Committee on Assassinations (HSCA) by the Congressional Inquiry Unit was conducted on 10/27/78 by Section Chief Bresson of Disclosure Section, FOIPA Branch, along with SAs John A. Hartingh and John C. Hall, Legal Counsel Division. It was observed the material includes voluminous records which are not pertinent to the Kennedy-King assassinations, i.e., extensive ELSUR logs and other file material concerning organized crime figures, as well as certain extremist organization files.

FOIPA Branch is currently involved in litigation regarding both the Kennedy and King cases. An issue concerning scope of our searches is still unsettled;



On 10/27/78 the matter of our retention of copies of the material furnished HSCA was discussed with Shea. He is aware that a significant portion of record material furnished the Committee in response to specific inquiries has not been considered by us to be within the scope of the FOIA request. In this regard we have, in the past, made available to the FOIA litigant in this matter documents which were publicized by the Committee, and which would not have been included in the FOIA processed material. Shea concurs that production of records for the Committee does not, in itself however, bring those records within the scope confines of the FOIA litigation, and is prepared to uphold our FOIA searches which utilized the indices to retrieve the main case files regarding the assassinations and closely related main files both at FBIHQ and selected field divisions.

Memorandum D. Ryan to Mr. Bassett
Re: HOUSE SELECT COMMITTEE ON ASSASSINATIONS
U.S. HOUSE OF REPRESENTATIVES (HSCA)

Of course, the Court, which is presumably aware of the fact the FBI provided records to the HSCA, may not accept Shea's conclusion regarding the extent of our searches, and may rule that any records sought by and provided to the Committee would be within the scope of any FOIA request.

It can be anticipated that the published HSCA report will generate additional FOIA requests. Retention of the record material furnished HSCA will greatly assist us in locating documents responsive to these requests since they are maintained in a manner which will enable their retrieval by subject matter of the Committee's 283 requests referred to in this memorandum.

JRB
Attn

APPROVED:	Adm. Serv. _____	Legal Coun. _____
Director _____	Crim. Inv. _____	Plan. & Insp. _____
Assoc. Dir. _____	Ident. _____	Rec. Mgnt. <u>HAD</u>
Dep. AD Adm. _____	Intell. _____	Tech. Servs. _____
Dep. AD Inv. _____	Laboratory _____	Training _____
		Public Affs. Off. _____

Memorandum D. Ryan to Mr. Bassett
Dated: 10/12/78
Re: House Select Committee on Assassinations
U. S. House of Representatives (HSCA)

ADDENDUM OF SECURITY AND SPACE MANAGEMENT UNIT (SSMU),
ADMINISTRATIVE SERVICES DIVISION *AF:crw* 11/9/78

SSMU is aware of the critical space problems with which the Records Management Division (RMD) is confronted, as well as many other similar space needs by other divisions. Unfortunately, we have reached the point where there is no longer any available space in the building. SSMU personnel recently surveyed the space occupied by the RMD and believe that suitable arrangements can be made for secure storage of the 60 cabinets of material. SSMU will be in contact with RMD personnel in the very near future to discuss proposals regarding this storage.

APPROVED: *Ray*
Director _____ Adm. Serv. _____ Legal Coun. _____
Assoc. Dir. _____ Crim. Inv. _____ Plan. & Insp. _____
Dep. AD Adm. _____ Ident. _____ Rec. Mgmt. _____
Dep. AD Inv. _____ Intell. _____ Tech. Servs. _____
Laboratory _____ Training _____
Public Affs. Off. _____

FEDERAL GOVERNMENT

Assistant Attorney General
Criminal Division
Attention: Mr. Robert L. Kauch
Director, FBI

June 7, 1978

- 1 - Mr. Mintz
(Attn: Mr. Coulson)
- 2 - Mr. Bailey
1 - Mr. McCreight
- 1 - Mr. Foster

HOUSE SELECT COMMITTEE ON ASSASSINATIONS
U. S. HOUSE OF REPRESENTATIVES (HSCA)

Enclosed are the original and two copies of a memorandum responding in full to an HSCA request of May 11, 1978, which asks for delivery of [REDACTED]

HSCA
(Handwritten initials)

The Committee is making this request at the FBI's suggestion in lieu of a request for all President John F. Kennedy assassination files in both Field Offices.

Several weeks ago, HSCA Staff Member Robert Genzman informally inquired regarding the feasibility of obtaining all assassination files from the FBI's Dallas and New Orleans Field Offices. He was then advised that the sheer volume of such files (approximately 4136 volumes or 170,000 pages) would create a severe burden on the FBI to obtain, reproduce and process them for HSCA access or delivery.

REC-5 62-117290-958

It was pointed out that such an undertaking should be approached with judicious consideration since, as the Department is aware, in a case such as the assassination of President Kennedy, all substantive information being reported and recorded by intra and interoffice communications was ultimately included in reports or communications furnished to FBI Headquarters (FBIHQ). The HSCA has already had access to or delivery of all such reporting from the FBIHQ files on the President John F. Kennedy and Reverend Martin Luther King, Jr., assassinations. Furthermore, the HSCA has also received delivery of the Memphis Field Office files in the King assassination and these should amply demonstrate FBI reporting procedures. If the Committee has found anything to the contrary during a review of these files, it should, perhaps, be requested to identify such a specific instance in order to show cause why it requires review of the voluminous Field Office files pertaining to the assassination of President Kennedy.

JUL 7 1978

- Assoc. Dir. _____
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- Director's Sec'y _____

Delivered 6-7-78
DJC:mel (7)

SEE NOTE PAGE 3. . .

5726 ENCLOSURE

Return to Mark Rm 8988

Assistant Attorney General
Criminal Division
Attention: Mr. Robert L. Kauch

In order to assist the Committee, it has been suggested to Mr. Ganzman that the Committee make this present request so that upon delivery of the preassassination documents, it might thoroughly analyze and compare the Field Office documents to the FBIHQ documents already furnished. By so doing, it should become apparent to the Committee that no substantive information bearing on the course or outcome of the Lee Harvey Oswald investigation was omitted from reports or communications ultimately directed to FBIHQ.

In addition, it has been suggested to Mr. Ganzman that, once the HSCA has had ample opportunity to thoroughly digest the contents of the preassassination Field documents as compared to the FBIHQ documents, should it have further reservations about the type of information residing in Field Office files and not sent to FBIHQ, it might then consider requesting documents from the Dallas Field Office post-assassination files for a very narrow time frame. If this fails to satisfy Committee requirements and if you concur, the Committee would then be offered a copy of the Freedom of Information Act release on the Dallas Field Office President John F. Kennedy assassination files, which will be produced in response to a pending request from Mr. Harold Weisberg. However, it is estimated that at least 90 days will be required to process the Dallas Field Office files requested by Mr. Weisberg.

In short, an existing court order requires production of the Dallas and New Orleans Field Office files for Mr. Weisberg. Absent a compelling reason not presently in evidence, it is felt that a Committee request for a separate production of all Dallas and New Orleans Field Office files would create an undue burden on the FBI's already strained resources in this area and should be resisted strenuously.

You are requested to furnish a copy of the memorandum to the HSCA.

Enclosures (3)

Assistant Attorney General
Criminal Division
Attention: Mr. Robert L. Keuch

NOTE: This response had been coordinated with the Freedom of Information - Privacy Act Branch and Legal Liaison and Congressional Affairs Unit, Legal Counsel Division. It is felt that this response should be used as a vehicle to acquaint Mr. Keuch with the HSCA's overtures toward obtaining the massive Dallas and New Orleans Field Office files. Upon review at FBIHQ, it was noted that no Serial 4 exists in the New Orleans file on Oswald. New Orleans airtel to FBIHQ, dated 5/12/78, captioned "Lee Harvey Oswald," advised that "there was a mistake in the original serialization of this file, and there is no serial numbered four."

*2 vols.
delivered to
HSCA on 6/7/78
JHC*

August 7, 1978

OUTSIDE SOURCE

James B. Adams, Associate Director
✓ Harold N. Bassett, Assistant Director,
Records Management Division
Federal Bureau of Investigation
Washington, D.C. 20535

*John Select Committee -
Assassinations*

Dear Jim and Hal:

Please accept my thanks for your considered, albeit negative, response to my request for permission to review certain old investigative reports written by me which directly and indirectly concern Lee Harvey Oswald. After reading both letters, I can confess some consolation in having a better understanding of the reasons for the Bureau's declination of my request.

I can only hope that the current confusion in the public's mind concerning the assassination of John F. Kennedy, born of fantasy woven by irresponsible writers on that subject, is not, in fact, compounded through political expediency that cries for a scapegoat rather than enlightenment based on fact.

If I can be of any help in clarifying misconceptions that evolve concerning the Bureau's investigations involving the John F. Kennedy assassination, I shall be happy to be of service to the Bureau or to the HSCA.

Sincerely,

Warren
EX-136 Warren C. de Brueys
4827 Michoud Boulevard
New Orleans, Louisiana 70129

WCdeB|bec

REC-66

65 117290-1093

20 AUG 15 1978

CONFIDENTIAL

75 SEP 12 1978

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Memorandum

Assoc. Dir.	_____
Dep. AD Adm.	_____
Dep. AD Inv.	_____
Asst. Dir.:	
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Public Affs. Off.	_____
Telephone Rm.	_____
Director's Sec'y	_____

TO : Director

DATE: 1/12/79

FROM : Legal Counsel *JM*

SUBJECT: HOUSE SELECT COMMITTEE ON ASSASSINATIONS (HSCA)

PURPOSE: The purpose of this memorandum is to advise of a recommendation from Chairman, HSCA, to the Attorney General that additional processing work and analysis be done on a film taken just before the Kennedy assassination.

DETAILS: By letter dated 1/8/79 (attached) to the Attorney General, HSCA Chairman Stokes recommends that the Department of Justice conduct digital image processing work to enhance the quality of a segment of movie film taken by Charles Bronson a few minutes before the assassination of President Kennedy. It is also suggested that the Department of Justice retain experts from HSCA "Photographic Evidence Panel". A list of members was attached to the Chairman's letter.

SI 114 REC-47 62-117270-142

On 1/10/79 Robert L. Keuch, Deputy Assistant Attorney General, Criminal Division, Department of Justice advised no decision has been made on Chairman Stokes recommendation and he would advise the FBI as soon as a decision is made.

9 FEB 1 1979

RECOMMENDATION:

It is requested that the Laboratory Division advise the Director as to the feasibility of such an examination. *handled by Wilmington to McDermott 1/16/79*

5 ENCLOSURE
Enclosures
RH:sr *gk*
(9)

APPROVED:

Director	_____
Assoc. Dir.	_____
Dep. AD Adm.	_____
Dep. AD Inv.	_____

Adm. Serv.	_____
Crim. Inv.	_____
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Laboratory	_____

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Training	_____
Public Affs. Off.	_____

- 1 - Mr. Adams
- 1 - Mr. Herndon
- 1 - Mr. Foster
- 2 - Mr. Coulson

- 1 - Mr. McDermott
- 1 - Mr. Cochran
- 1 - Mr. Heller



2 MAR 2 1979

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Jan 16 1979

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Adm. Servs.	_____
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Telephone Rm.	_____
Director's Sec'y	_____

Memorandum

1 - Mr. Herndon

TO : Mr. McDermott

DATE: 1/16/79

FROM : B. P. Herndon - *BPH/CR*

1 - Mr. Kelly
1 - Mr. Richards

SUBJECT: HOUSE SELECT COMMITTEE ON ASSASSINATIONS
(HSCA)

Reference Legal Counsel to Director memorandum dated 1/12/79.

PURPOSE

To advise the Director regarding the Laboratory's capability in the field of digital image enhancement, and relate feasibility and costs concerning the analysis of the Charles L. Bronson film utilizing non-Bureau facilities and consultants.

DETAILS

REC-111 62-117270-1429

The Laboratory has a video digitizer for use with the Digital Equipment Corporation (DEC) computers utilized by the Laboratory. This system was obtained for preliminary research and study into the applications of image processing on forensic evidence. It is anticipated the system hardware will be fully functional by late February, 1979, with at least two years scheduled for initial software conversion, experimentation and application studies. However, the Laboratory is capable of conducting limited rudimentary digital experiments with the equipment that is presently operational and can perform a number of photographic studies. It must be noted that the Laboratory's digital system is experimental and designed for low-resolution real-time operation, as opposed to the high-resolution examinations conducted in the earlier assassination studies.

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For the Laboratory to adequately conduct high-resolution studies on the Bronson film, which consists of approximately 90 frames of color 8-millimeter film, it is estimated that 2 or 3 outside facilities and at least 3 consultants, as suggested by the HSCA would be necessary. Outside facilities are required for quality film reproduction, high-resolution digitizing and computer analysis. In addition, the services of at least one full-time and one part-time Special Agent would be required. Based on limited unofficial inquiries, it is estimated the cost of this study would be approximately \$50,000.

- Enc. 1 - *ENCLOSURE*
- 1 - Mr. Adams
 - 1 - Mr. McDermott
 - 1 - Mr. Mintz
 - 1 - Mr. Cochran

CONTINUED - OVER

BPH/CBR:hm (8)

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Memorandum from B. P. Herndon to Mr. McDermott
Re: HOUSE SELECT COMMITTEE ON ASSASSINATIONS
(HSCA)

The results of the study could range from a no conclusion (high probability) to a definite conclusion that 2 individuals appear in the questioned book depository window (low probability), substantiating the conspiracy theory.

The only obvious benefit to the FBI as perceived by the Laboratory is the experience and analytical knowledge gained that can be directly applied to the Bureau's own image processing efforts. Enclosed for background information is a report entitled "JOHN F. KENNEDY ASSASSINATION FILM ANALYSIS," conducted by Francis Corbett, Itek Corporation, Lexington, Massachusetts. It should be noted that the photographs of this enclosure are reproductions and, therefore, are of limited quality.

RECOMMENDATIONS

(1) In view of our limited capability in the field of digital image enhancement and the fact that FBI conclusions could be considered self-serving by many assassination buffs, it is recommended that should the Department agree to examine the Bronco film, it should be contracted to outside experts by the Department.

APPROVED: *[Signature]*
Special Agent in Charge
Director

Adm. Serv. _____	Legal Coun. _____
Crim. Inv. _____	Plan. & Insp. _____
Ident. _____	Rec. Mgmt. _____
Intell. _____	Tech. Servs. _____
Laboratory _____	Training _____
	Public Affs. _____

(2) If the Department agrees to such an examination, that an FBI Laboratory expert be permitted to serve as an observer on behalf of the Department and Bureau to further enhance the Laboratory's capability in digital image enhancement.

APPROVED: *[Signature]*
Special Agent in Charge
Director

Adm. Serv. _____	Legal Coun. _____
Crim. Inv. _____	Plan. & Insp. _____
Ident. _____	Rec. Mgmt. _____
Intell. _____	Tech. Servs. _____
Laboratory _____	Training _____
	Public Affs. _____