

PETITION FOR PERMISSION TO PROCEED OUT OF ORDER  
AND ADD TO PETITION FILED JANUARY 9, 1985

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UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA

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Nos. 84-5058 and 84-5201

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HAROLD WEISBERG,

Plaintiff-Appellant,

JAMES H. LESAR,

Appellant,

v.

WILLIAM H. WEBSTER, et al.,

Defendants-Appellees.

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Nos. 84-5054 and 84-5202

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HAROLD WEISBERG,

Plaintiff-Appellant,

JAMES H. LESAR,

Appellant,

v.

FEDERAL BUREAU OF INVESTIGATION, et al.,

Defendants-Appellees.

Harold Weisberg  
7627 Old Receiver Road  
Frederick, MD 21701

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA

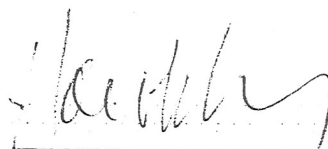
HAROLD WEISBERG, :  
 :  
 Plaintiff-Appellant, :  
 :  
 JAMES H. LESAR, :  
 :  
 Appellant, : Case Nos. 84-5058 and 84-5201  
 :  
 v. :  
 :  
 WILLIAM H. WEBSTER, et al., :  
 :  
 Defendants-Appellees. :

HAROLD WEISBERG, :  
 :  
 Plaintiff-Appellant, :  
 :  
 JAMES H. LESAR, :  
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 Appellant, : Case Nos. 84-5054 and 84-5202  
 :  
 v. :  
 :  
 FEDERAL BUREAU OF INVESTIGATION, et al., :  
 :  
 Defendants-Appellees. :

CERTIFICATE OF SERVICE

Plaintiff-appellant Harold Weisberg files pro se because Mark Lynch, Esq., had agreed to represent him for the appeal only when a conflict of interest with James H. Lesar, Esq., developed.

I hereby certify that I have caused a copy of the Petition for Permission to Proceed Out of Order and Add to Petition Filed January 9, 1985, of Plaintiff-Appellant Weisberg and Appellant Lesar to be mailed this 19<sup>th</sup> day of January 1985 to Ms. Christine Whittaker, Attorney, Civil Division, U.S. Department of Justice, Washington, D.C. 20530.

  
\_\_\_\_\_  
HAROLD WEISBERG

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PETITION FOR PERMISSION TO PROCEED OUT OF ORDER  
AND ADD TO PETITION FILED JANUARY 9, 1985

Harold Weisberg, Plaintiff-Appellant, petitions for permission to proceed out of order and add to petition filed January 9, 1985.

CONCISE STATEMENT OF REASONS FOR THIS ADDITION TO  
PETITION FILED JANUARY 9, 1985

Plaintiff-appellant Weisberg is without counsel for the reasons stated earlier. He is aware that this court frowns upon requests for extension of time or more than 15 pages, but he believes that the information not available to him until after he filed his petition of January 9, 1985, is of such exceptional importance to the nation and to this court, involves the integrity of this court and the judicial system, as he specifies below, *that* he therefore petitions this

court to accept this addendum to his petition.

#### BACKGROUND

Although he is not a lawyer, Weisberg was aware of the limitation to 15 pages and to 45 days under the rules of this court. In addition to his serious illnesses, which are documented in the case record and of which the panel was aware, as the case record also reflects this time of the year he is subject to bronchial infections that have had numerous, painful, debilitating and lingering complications. He had such an infection when he drafted his petition and he feared that if he did not file it immediately he might not be able to file it at all, so he filed the retyped rough draft.

Then he received and was able to examine records pertinent in this litigation and withheld from him that were provided to another litigant, Mark Allen, by the FBI.<sup>1/</sup>

This particular batch of FBI JFK assassination records disclosed to Allen relates to FBI SA James P. Hosty, Jr., who, as without contradiction Weisberg attested, was involved in several major public scandals. Yet the supposed Dallas search slip was and throughout the litigation remained blank. Without refutation Weisberg attested to the great volume of Dallas Hosty records that had to be identified in any honest search; that the FBI withheld them because of their embarrassing content (and because it always stonewalls Weisberg); that the FBI had hidden assassination investigation information, among other places, in the Hosty personnel file, which is duplicated at FBIHQ (Weisberg provided the correct file number for it); and that the FBI's attestations were knowingly and deliberately false, which also was not refuted.

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<sup>1/</sup> Allen's suit is for records made available to the House Select Committee on Assassinations. It duplicates an earlier request made by Weisberg, whose request, as is the FBI's practice, was ignored when Weisberg was not able to file suit.

After a leak there was partial disclosure of records related to one of the incredible Hosty scandals, his destruction after the assassination of a pre- assassination note from Lee Harvey Oswald that Dallas FBI employees who saw it state was a threat to blow up the Dallas FBI office and the police headquarters. Those disclosed records left in doubt whether or not FBIHQ was aware of the Oswald threat and of Hosty's destruction of that note. What was disclosed to Allen and is required to be recorded in the Dallas files and was withheld from Weisberg removes any doubt. The records withheld from Weisberg after attestation to a search for them and of providing everything confirm that withheld relevant information was indeed hidden in Hosty's personnel file, and it, too, is scandalous in nature.

One of the few Weisberg appeals that was acted upon relates to the two field offices' records relating to so-called "critics" of the official solution to the assassination. The FBI was directed to make such a search and process any relevant records. (Weisberg had even provided the correct title and file number of some.) SA John N. Phillips, who had been held not to be competent because he lacked personal knowledge of the investigation by the same panel only two days before it issued its decision in this litigation in which he provided virtually all of the FBI's attestation, attested, as without refutation Weisberg stated, misleadingly, deceptively and falsely to represent that the FBI had no such records. The records disclosed to Allen are shockingly specific in describing the nature of the "critics" records the FBI, and in particular Phillips' own division, knew it had and had at the time of its attestations:

Weisberg alleged that one of the reasons the FBI stonewalls him and refused to make the required searches in this litigation is because it knew that it had never investigated the crime itself and instead had sought only, from the very outset, to make it appear that Oswald was the lone assassin and that there had been no conspiracy. He also alleged that it was less than cooperative with

the Presidential Commission headed by Chief Justice Warren and resented its existence. Records withheld from Weisberg and disclosed to Allen confirm this graphically.

Perhaps most sensational of all is the information withheld from Weisberg but on file in Dallas, just disclosed to Allen, that Oswald, before the assassination, allegedly told the Dallas FBI two times that he had been contacted by the USSR's "MVD!" Also sensational is the statement by a Dallas FBI agent that the alleged Presidential assassin was its informant or source - as Oswald's assassin was.

#### THE NEW INFORMATION

The character of this relevant and withheld FBI information is such that Weisberg minces no words. He attested repeatedly that SA Phillips lied repeatedly about the alleged nonexistence of relevant ticklers and in particular that it is his and a stock FBI lie in this and in other litigation that ticklers are "routinely destroyed" in a matter of days. The information disclosed to Allen, referred to herein and attached, is from old FBI ticklers that still exist. And these very copies were in Phillips' own division. It thus is apparent that the FBI has lied to the courts "routinely" with regard to the ticklers it does have, that can embarrass it and that it hides them from disclosure when they are not exempt under FOIA.

Attachment A is of Dallas information. The SAs identified were all assigned to the Oswald investigation. (When Fain retired Hosty became the Oswald "case agent.") This states that Oswald "said he had been contacted by the MVD." This information is not included in any Dallas record disclosed to Weisberg and the FBI also withheld it from the Warren Commission. Whether true or not (and as a subject expert Weisberg believes it is not true) it should not have been withheld from the Warren Commission and ought not have been withheld from him in this litigation.

The FBI's outline of its information in Attachment B confirms Weisberg's

attestation to withholding from him and FBI motive for it. (Weisberg attached the copied paperclips for his own information.)

That FBIHQ knew all about the Oswald preassassination threat to bomb the Dallas office and police headquarters and withheld this information and the fact of its own destruction of that threat is explicit at 1 B 3 (marked by paperclip), which states that FBIHQ "handled" that problem the very day Oswald himself was killed, two days after the assassination. That very same day, long before any real investigation was possible, Director Hoover informed the White House (1 A 3) that "Oswald alone did it. Bureau must 'convince the public Oswald is the real assassin.'" The very next item quotes Hoover as considering the investigation not yet made entirely completed, from his memo: "wrap up investigation; seems to me we have the basic facts now."

That Hoover (or anyone in the FBI) was in any way suspicious about how Jack Ruby, its own former informer (1 C 4), was able to kill Oswald is not reflected in any record disclosed to Weisberg or the Commission. This previously withheld tickler record also reflects suspicion of a conspiracy involving Ruby at 1 C 2, "Hoover suspicious of (Ruby's) basement entry and assistance." Any factual basis for these suspicions had to originate with the Dallas office but nothing at all of this nature was disclosed to Weisberg.

Assistant Director Alex Rosen, who then headed the Investigative Division, provided a picturesque confirmation of Weisberg's attestation that the FBI did not investigate the crime itself (1 B 4): "Rosen characterization of FBI's 'standing around with pockets open waiting for evidence to drop in.'"

The FBI's "adversary relationship" with the Warren Commission is the subject of Item 3. Hoover opposed the Commission (1) and this "adversary relationship" (3) led even to "Hoover's blocking Warren's choice for general counsel," (4) the man who ran the Commission and who is ordinarily the selectee of the chairman. There are two references to the FBI's preparation of dossiers on both



the "staff and members" of the Commission. (Emphasis added) The second mention leaves the FBI's improper purposes and intentions without doubt: "Preparation of dossiers on WC staff after the Report was out." (3 C 1, emphasis in original)

That Hoover himself did the leaking he denied, condemned and attributed to others is explicit. (3 C 2) So also is it that the FBI and CIA got together to "prearrange" what they would tell the Warren Commission.

At 3 C 7 the FBI gives the lie to Phillips, its own affiant in this litigation: "Subsequent preparation of sex dossiers on critics of probe."

Attachment C is from the FBIHQ Hosty personnel file that Weisberg correctly identified to the district court and on (ignored) appeal. (Hosty wrote Director Kelley after a personal meeting.) In the third paragraph he states precisely what Weisberg had attested about his Dallas personnel file, that it held his alleged version of assassination investigation information and that "Serial 157" of "this file contains answers" to questions he had been asked "which are not the same answers I submitted." He objected strongly and enclosed a copy of what also is relevant in this litigation, his "memo to the Dallas SAC ... different from the one appearing in my personnel file." None of this is on the entirely blank Dallas Hosty search slip attested as genuine by the FBI in this litigation. Hosty then proceeds to identify still other relevant records and still other FBI alterations in what he actually reported.

No record disclosed to Weisberg includes what Hosty reports (page 2, paragraph 2) that Hoover "personally advised me on 5/6/64, and SAC Gordon Shanklin of the Dallas office in June 1964 that my testimony before the Warren Commission was excellent." Also disclosed to Allen are the identical pages of Hosty's testimony that Weisberg provided to the district court and in which Hosty, who had received and destroyed Oswald's threat to bomb the FBI and police, swore to the Commission that he and the FBI had no reason to believe that Oswald would be in any way violent. (The case record also holds Hosty's report that Oswald

beat his wife, hardly a record of nonviolence.) Hosty thus was praised for deceiving, misleading and lying to the Commission with all records withheld and omitted from the search slip.

That a large number of FBI Dallas employees knew about Oswald's pre-assassination threat and its post-assassination destruction and were entirely silent about it throughout the period of the Warren Commission and for more than a decade afterward is explicit in Attachment D. This high-level FBIHQ record reflects that FBIHQ knows its Dallas SA did lie in its reference to "not disciplining others who are not being truthful." (Paragraph 2)

The FBI's general lack of forthrightness and reluctance to provide copies even to the committees of the Congress is reflected in Attachment E. (The records it required the Senate committee to examine at FBIHQ were disclosed to Weisberg under the compulsion of litigation.)

The second Hosty disciplining referred to also is required to be in the Dallas files and index, yet that search slip is as void on this as it is on 100 percent of the many other known Dallas records relating to Hosty. It happens, perhaps by the most remarkable of coincidences, that this disciplining after Director Hoover's personal praise of Hosty was on the first day after page proofs of the Warren Report were disclosed officially.

At least one Dallas FBI SA stated that "Oswald was an informant or source of SA Hosty," yet no such information was disclosed to Weisberg. The FBI here passes this off with a rather large exaggeration, the untruthful claim that this "was looked into by the President's Commission, and there was no substance whatsoever to this particular claim."<sup>2/</sup>

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<sup>2/</sup> The fact is that the Commission did not and recognized that it could not make any such investigation and that its only source was the FBI's self-serving testimony, of Director Hoover and Assistant Director Belmont. Former CIA Director Dulles, in an executive session transcript Weisberg obtained via FOIA and published in facsimile, told his fellow Commission members that lying about this kind of report is right and proper.

Selected pages of a longer report of the Senate Intelligence Committee's interview of SA Robert M. Barrett, who had been assigned to Dallas; are Attachment F. He confirms (page 5) Weisberg's unrefuted and ignored attestations and appeals, that pertinent and withheld Ruby records are in Dallas files and are withheld: "... opened a PCI case on Ruby." Weisberg correctly identified even the FBI printed form the agents are required to fill out after each contact with any kind of informer. None has been disclosed, Barrett confirms the existence of such a file, known normal FBI practice, and the Barrett confirmation was in Phillips' own Division.

That even FBI SAs knew and admitted that it never intended to investigate the assassination itself, FBI motive for withholding that Weisberg attested to without refutation, is reported on page 13. Barrett denied knowing this but the committee informed him "explicit directions that the investigation was to establish that Oswald acted alone" were reported to it by "other FBI agents." (page 13)

This and other disclosed FBI records, including Attachment B, hold specific reference to an organized crime aspect of official assassination investigations. Yet, as with all else where it is equally false, the FBI represented to the District Court that it required "discovery" from Weisberg - so it could prove "compliance" - so that in some manner neither the district court nor this court's panel was troubled about, "discovery" from Weisberg would permit the FBI to "prove" that it had provided the records it had not searched for, processed or disclosed and knew it had not.

Whether or not true, existing Dallas FBI records reporting that Oswald, the only officially alleged Presidential assassin, had been contacted by the USSR's MVD and at the same time was an FBI informant or source, without doubt exist, without doubt are relevant, without doubt do not appear on the Dallas search slips attested to be all of them and genuine, and without doubt remain withheld from Weisberg. No "discovery" from him is or was necessary for the FBI

to know of the existence of these records and indeed, the very Division that handled them for both the Congress and Allen provided the false attestations by which the defendant-appellant prevailed before the district court and this court.

Without doubt Jack Ruby, who murdered Oswald and thereby eliminated the possibility of any trial, had been an FBI informer and it without doubt had the usual records relating to that association. It without doubt did not require "discovery" from Weisberg to be aware of this. But, as with all other alleged "discovery" matters, he had, in fact, provided this information in detail and with documentation. Yet no search for any of this existing information has ever been made and Weisberg's appeals, falsely represented as acted upon, remain ignored.

The FBI and in particular the very FBI Division that provided uniformly false attestations to the district court knew very well that it had and deliberately withheld by subterfuge and false representation records relating to the so-called "critics" it had been directed to process by the appeals office. The attachment to this petition relating to the "critics" also was in that very Division at the very time it provided sworn misrepresentation and untruth. An obvious reason for the FBI's knowing and deliberate untruthfulness to the courts is found in its own words, that among the dossiers it prepared on these "critics" is what it described as sexual dossiers. This is not a known law-enforcement purpose, not a proper function of any agency of government and is a form of abhorrent police-statism. Even the respected and eminent members of the Warren Commission were not immune in the FBI's quest for the defamatory after it had been mildly criticized.

Certainly the FBI, at either Dallas or FBIHQ, required no "discovery" to be aware of the existing and withheld records relating to the ordered destruction after the assassination of Oswald's threat to bomb delivered to Hosty before the assassination. That the FBI received such a note, destroyed it and then kept this

entirely secret from the Commission and the world - and that Director Hoover praised Hosty for what was known to be perjurious, his false Commission testimony, that Oswald, the self-proclaimed bomber, was a flower boy - may appear to be incredible, but it is confirmed, as is the existence of relevant information withheld in this case; yet without hearing, without finding of fact, in opposition to all of the evidence in the case record, Weisberg and his former counsel in this litigation are to be punished because of the FBI's knowing and deliberate untruthful representations to the district court and to this court.

Only a few days before this panel issued its decision, which ignores all Weisberg's unrefuted attestations to FBI falsification, a member of that panel wrote a decision (Liberty Lobby v Anderson) stating that "It is shameful that Benedict Arnold was a traitor; but he was not a shoplifter to boot; and one should not have been able to make that charge while knowing its falsity with impunity." Benedict Arnold is long dead but the FBI agents who swore falsely not only did so with "impunity" but with acceptance and rewarding by the district court and the panel. Indeed, it is the very same panel which only two days earlier, in the previously cited Shaw case (No. 84-5084), held the very same SA Phillips not competent to provide first-person attestations because he "did not claim any personal participation in the investigation," the identical JFK assassination investigation involved in Weisberg's litigation, yet accepted all of his attestations in Weisberg's litigation even after, without refutation, Weisberg under oath described them as in varying degrees unfactual and possibly perjurious.

The panel thus is inconsistent with itself in the Shaw case and with Liberty Lobby, which was written by a member of the panel.


The FBI records withheld from Weisberg in this litigation and only now are disclosed to Allen are of historical importance that cannot be exaggerated. This is true of their content and in what they reveal about the FBI in that time of great crisis and thereafter; of the FBI in its investigation of that most

subversive of crimes, the assassination of a President; of the FBI's instant preconception and what it did and was willing to do to have its preconception accepted as the official solution; of its domination of even a Presidential Commission and its ability to control who would - and who would not - run the Commission's investigation; of the FBI's policy of defaming those who did not agree with its instant preconception, its "sex dossiers" on the critics and even its preparation of dossiers, after the Commission's Report was published, on the eminent members and on its staff. What the attached records, the FBI's own reveal about the FBI completely supports what Weisberg attested to based upon other records which likewise provide it with motive for stonewalling, noncompliance, any and every false pretense necessary to suppress what is embarrassing to it, up to and including perjury.

This previously secret FBI information is so utterly destructive of all its representations under oath and by its counsel that officially withholding it and representing the opposite of what it says and means undermines the constitutional independence of the judiciary. This new information is pungent confirmation of what Weisberg had alleged under oath and under penalty of perjury. It was not refuted yet was not credited by the panel, which depended instead upon what the case record disclosed is untrue. In the panel's acceptance of and dependence upon what Weisberg characterized as deliberate lies, the integrity of this court itself is involved even more by this new information.

For these additional reasons and proofs in this new information that was improperly withheld from him and was not available earlier, Weisberg prays that his petition be granted and that it lead to a full and impartial judicial inquiry into the abuses documented with the FBI's own to now secret records.

Respectfully submitted,

  
\_\_\_\_\_  
Harold Weisberg, pro se  
7627 Old Receiver Road  
Frederick, MD 21701

Attachment  
A

(3) Why didn't Dallas conduct additional investigation concerning OSWALD after he returned from the USSR? Why did the only investigation conducted re that time consist of interviewing OSWALD, interviews with Government officials, friends of his relatives and two Communist Party informants?

(4) During the course of investigation by SA's JOHN W. FAIR and B. TOM CARTER, why did Dallas not ask OSWALD why he was contacted by MVD? Report indicates he was asked whether or not he had any telephone assignment and he said "No". He was asked whether or not he had furnished Russia information and he said "No". He said he had been contacted by the MVD but he never said why. Why was it Dallas never questioned him as to whether he furnished a signed statement with the Department of State, indicating that he had affirmed his allegiance to the USSR?

(3) SA Fain (re)

(4) SA Carter

SA Arnold J. Brown

(3) This phase of the investigation was handled solely by SA JOHN W. FAIR.

(4) This phase of the investigation was handled solely by SA JOHN W. FAIR.

~~SECRET~~

Attackinout  
B

The Federal Bureau Of Investigation

1. Early Bureau Response To The President's Assassination

A. November 22-25, 1963

1. Early teletypes; instructions to field; Hoover, Sullivan, Belmont memos; 80 agents to Dallas
2. Jenkins memo of Nov 24: Hoover says Oswald alone did it, Bureau must "convince the public Oswald is the real assassin."
3. Hoover memo on Nov 26: "wrap up investigation; seem to me we have the basic facts now" 62-109060-1490
4. Hoover memo on Nov 29: "hope to have investigation wrapped up by next week"

Classified by SP5 HJ/GCL  
Date 7/5/84  
Multiple sources  
Classify on: OADR

B. Lee Harvey Oswald

1. Establishing chain of evidence, bullet to gun, etc.

Refer

REFERRAL DOCUMENT

FOI/PA # 211,326

APPEAL #

CIVIL ACT. #

E.O. # 12356

DATE 7/5/84

2. Hosty note destruction: handling by Bureau on Nov 24 and effect in subsequent days
3. Interviews of Oswald associates, Marina wiretap M-MARINES, ETC.

C. Jack Ruby

1. Basic facts, early memos
2. Hoover suspicion of basement entry and assistance
3. extensive teletypes and reports on organized crime connections, also Hoover's own memos
4. contacts in 1959 as P.C.I - for use as informer on criminal element in Dallas

Referred

~~SECRET~~

Doc # 1



~~SECRET~~

## 2. Structure and Methods of the Bureau Investigation

### A. Basic Organization and Jurisdiction

1. Legal basis of FBI involvement in probe, statutes,
2. Hoover and Belmont memos
3. Organization chart

### B. General Investigative Division G.I.D.

1. Rosen testimony on "ancillary nature" of probe;  
Lack of meetings; assignment to bank robbery desk
2. Supervisors Senate testimony on physical evidence chain
3. Sullivan on lack of communication with Domestic  
Intelligence - the Division running the probe of LEO  
LACK OF COORDINATION BETWEEN DIV 5 & 6.
4. Rosen characterization of FBI "standing with pockets open  
waiting for evidence to drop in"
5. Supervisors testimony on LEO not being included in  
G.I.D. probe other than in relation to physical evidence
6. Rosen didn't know of "Cale Report" which found  
deficiencies in Bureau coverage of Oswald  
OEO HC INITIAL IT.

### C. Domestic Intelligence Division D.I.D. DIV. 5

1. LEO background established, prior coverage
2. Sullivan testimony on chaotic process, lack of input
3. Soviet experts handled Oswald investigation
4. Secret disciplining of DID officials who handled  
pre-assassination investigation of Oswald
5. Incident of Sullivan's people copying CID files
6. Hosty note destruction: Sullivan lack of knowledge
7. Assignment of Ruby probe to Civil Rights Division  
- outside of DID jurisdiction, thus not a part  
of general Oswald investigation.

~~SECRET~~

~~SECRET~~

**D. Investigation of Potential Cuban Aspects**

1. Cancellation of orders to contact Cuban sources on Nov 23

*Referred*  
2. Deletion of [redacted] from memo provided to Commission (S-1)(S)

4. Cuban experts and supervisors excluded from investigation (S-2)(S) b1

5. Church Committee findings on narrow Cuban focus

6. [redacted] (S-1)(S)

**E. Investigation of Potential Organized Crime Aspects**

1. Hoover memos and teletypes on Ruby connections

2. Ruby phone records

3. Justice Dept. interest in probing O.C. aspects

4. Chicago interviews with Ruby associates

5. Evans and Staffeld (and Denaby and Stanley) statements on not being consulted

6. Use of Ruby as informant on Dallas criminal element

7. LCH sources available at time

**3. Bureau Relationship With Warren Commission**

**A. Formation of Warren Commission**

1. Hoover opposition: memo and Jenkins memo

2. Katzenbach testimony and Sullivan statement

3. Early memos - adversary relationship

4. Hoover blocking Warren's choice for general counsel

5. Preparation of dossiers on staff and members.

~~SECRET~~

~~SECRET~~

**B. Assistance To Warren Commission**

1. Basic scope of official relationship
2. Early friction over informant allegation (LHO)
3. Withholding of Hosty name from Oswald notebook
4. Hoover instructions to agents not to volunteer info. to WC
5. Destruction of Hosty notes: implications
6. Withholding of secret "Case Report" on Bureau mistakes in earlier Oswald probe; disciplining of officials
7. Hoover instructions ordering that no Bureau official attend earliest WC session, despite Katzenbach request
8. Delay in sending information to Commission regarding Bureau's past nine contacts with Ruby
9. Apparent withholding of "Oswald imposter" memos of 1960-1961

Referred

**11. Handling of Ruby polygraph**

**C. Related Bureau Actions and Activities**

1. Preparation of dossiers on WC staff after the Report was out
2. Hoover's leaking of early FBI report (Sullivan statement)
3. Hoover views on Communism and Oswald (Kronheim letter)
4. Sullivan relationship with Angleton: pre-arranging of answers to Commission questions.
5. Secret plan to distribute Oswald-Marxist posters in Bureau plan to discredit Communist Party; prejudicial aspects
6. Hoover reaction to Warren Report
7. Subsequent preparation of sex dossiers on critics of probe
8. Questions regarding FBI's continual pledge that "case will remain open for all time;" actual designation of it as "closed" in internal Bureau files.

SEPT. 24, 1964

~~SECRET~~

Attachment  
C

OPTIONAL FORM NO. 10  
MAY 1962 EDITION  
GSA FPMR (41 CFR) 101-11.6  
UNITED STATES GOVERNMENT

# Memorandum

Assoc. Dir.	<input checked="" type="checkbox"/>
Asst. Dir.:	
Adm. Serv.	<input checked="" type="checkbox"/>
Comp. Syst.	<input type="checkbox"/>
Ext. Affairs	<input type="checkbox"/>
Files & Com.	<input type="checkbox"/>
Gen. Inv.	<input type="checkbox"/>
Ident.	<input type="checkbox"/>
Inspection	<input type="checkbox"/>
Intell.	<input type="checkbox"/>
Laboratory	<input type="checkbox"/>
Plan. & Eval.	<input type="checkbox"/>
Spec. Inv.	<input type="checkbox"/>
Training	<input type="checkbox"/>
Legal Coun.	<input type="checkbox"/>
Telephone Rm.	<input type="checkbox"/>
Director Sec'y	<input checked="" type="checkbox"/>

TO : Director, FBI (PERSONAL & CONFIDENTIAL) DATE: 10/24/73

FROM : SA JAMES P. HOSTY, JR.  
KANSAS CITY OFFICE

SUBJECT: PERSONNEL MATTER

In compliance with your instructions following our conversation in Kansas City on 10/19/73, I am setting forth the basic facts that we discussed. I am convinced that the administrative action taken against me in December, 1963, and again in October, 1964, was unjustified for the following reasons:

(1) The letter of censure in December, 1963, and the suspension in October, 1964, were based upon answers to questions telephonically furnished by former Assistant Director James Gale on 12/5/63. I answered these questions by memo to the SAC in Dallas dated 12/6/63.

About four years ago I had an opportunity to review my field personnel file in the Kansas City Office and noted that Serial 157 of the Dallas section of this file contains answers dated 12/8/63, which are not the same answers I submitted on 12/6/63. Most particularly I object to the answers to Questions 5 and 6 that appear in my personnel file. I am enclosing a copy of my memo to the SAC, Dallas, dated 12/6/63, which you will note is different from the one appearing in my personnel file.

I am aware, however, that former Supervisor Kenneth Howe did make alterations to my answers without my advice or consent, but with my knowledge. I am enclosing a copy of my memo to the SAC, Dallas, dated 12/6/63, with his corrections, and a copy of a routing slip from Howe to me furnishing me with the corrections. However, the answers appearing in my personnel file are not these answers either. It appears my answers were changed a second time, probably on 12/8/63, without my knowledge. The most obvious change is the false answer to Questions 5 and 6, in which I am falsely quoted as saying, "Perhaps I should have notified the Bureau earlier." This constitutes an admission of guilt, which I did not make at any time.

JPH:mfd (enc. ENCLOSURE)



MOVED BY SA [Signature] 12/27/73  
DO NOT REMOVE SEPARATELY

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

3/m

Doc #34

As to the motive for the above and the persons responsible, I believe the third paragraph of [REDACTED] letter dated [REDACTED] pretty well pinpoints the responsibility. I am enclosing a copy of this letter. b6

(2) The letter of censure and suspension dated October, 1964, constitutes double jeopardy based upon the letter of censure dated December, 1963. The only thing added to the letter of October, 1964, was the statement that I made inappropriate remarks before a Hearing Board. Yet former Director Hoover personally advised me on 5/6/64, and SAC Gordon Shanklin of the Dallas Office in June, 1964, that my testimony before the Warren Commission was excellent. The Bureau had a summary of my testimony on 5/6/64, and the full text of my testimony one week later, five months before my letter of censure in October, 1964, and no mention was made at any time concerning my inappropriate remarks until October, 1964. Mr. Hoover also assured me on 5/6/64, that the Warren Commission would completely clear the FBI. The unexpected failure of the Warren Commission to do this, I believe, was the principal reason for my second letter of censure and suspension in October, 1964.

(3) The matters covered in both letters of censure had no bearing whatsoever on the outcome of the case; namely, the prevention of the assassination of President Kennedy.

In accordance with your specific request on 10/19/73, the following should be noted regarding the failure to place Lee Harvey Oswald on the Security Index:

Oswald was not on the Security Index because he did not fit the criteria in existence as of 11/22/63. The criteria was later changed to include Oswald. It should be noted, however, even if he had been on the Security Index, no specific action would have been taken regarding him or any other Security Index subject at the time of President Kennedy's visit to Dallas.

The FBI as of 11/22/63, had only one responsibility regarding presidential protection, at the insistence of the U. S. Secret

Service. The responsibility was to furnish the Secret Service any information on persons making direct threats against the President, in possible violation of Title 18, USC, Section 871. I personally participated in two such referrals immediately prior to 11/22/63.

In conclusion, [REDACTED] in his letter dated [REDACTED] sums up my attitude in this matter that because of the action taken by the Bureau in October, 1964, the Bureau in effect told the world I was the person responsible for President Kennedy's death. b6

On 10/19/73, you asked me what I think should be done. I believe that it first must be determined if I was derelict in my duty in any manner, and was responsible for President Kennedy's death. After that it should be determined what damages I suffered, and then we can discuss the third point - what action should be taken.

I can state with a perfectly clear conscience that I in no way failed to do what was required of me prior to 11/22/63, and based upon information available to me, which was not all the information available to the U. S. Government on 11/22/63. I had absolutely no reason to believe that Oswald was a potential assassin or dangerous in any way.

I have no desire to blame anyone else or to seek an alternate scapegoat. I am firmly convinced, despite the totally unjustified conclusion of the Warren Commission, that the FBI was not in any way at fault.

In accordance with your instructions, I will not discuss the contents of this letter with anyone. In the event you want further clarification on any point, I will gladly furnish additional information to you.

Attachment  
D

OPTIONAL FORM NO. 10  
MAY 1962 EDITION  
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

# Memorandum

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<input checked="" type="checkbox"/>	Training
<input checked="" type="checkbox"/>	Telephone Rm.
<input checked="" type="checkbox"/>	Director Sec'y

TO : MR. HELD

DATE: 8/17/76

FROM : H. N. BASSETT *HNB*

SUBJECT: ASSASSINATION OF PRESIDENT JOHN F. KENNEDY

PURPOSE:

[REDACTED]

*Mr. Burns*  
*AVC*  
*get carless*  
*b6*

*CLARIFIED*  
*8/21/76*

On 10/21/75 Mr. Adams testified before a Congressional Committee relative to Lee Harvey Oswald's visit to the Dallas Office prior to the assassination of President Kennedy, his leaving of a note and its subsequent destruction. A question was raised at that time and subsequently by the press as to what disciplinary action the Bureau planned on taking. The Bureau's official stance was that since the matter was still pending before Congressional Committees, no action would be taken until conclusion of their inquiries. This matter has been followed since that time. Mr. Mintz has advised that since the Congressional inquiries are now concluded, he sees no reason to delay further administrative action. The purpose of this memorandum, therefore, is to analyze this situation and to submit appropriate recommendations.

SYNOPSIS:

[REDACTED]

7 SEP 10 1976

During Mr. Adams' testimony when the issue of possible disciplinary action was raised, he pointed out that this was a grave responsibility and a grave matter to consider since we must recognize the possibility that in the passage of time recollections may be hazy. Further, consideration had to be given to possibly disciplining some who have been as candid as they can within the bounds of their recollections and yet not disciplining others who are not being truthful.

As a result of the inquiry, it was positively established that there were four principals involved, namely, Nannie Lee Fenner, SA ~~Remond C. Howe~~, SA James P. Hosty, Jr., and retired SAC Gordon Shanklin. Since the inquiry Fenner and Howe have retired.

Excluding Hosty, there are 16 current employees who, during the inquiry, admitted to varying degrees some knowledge of Oswald's visit, the note and the destruction. Some of the information they furnished was

1 - Messrs. Adams, Jenkins, Mintz, Walsh

HNB-jmb  
(6) SEP 21 1976

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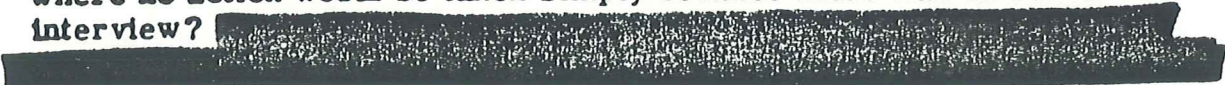
*Letter of Censure*  
*JVC:CSW*  
*9/7/76*

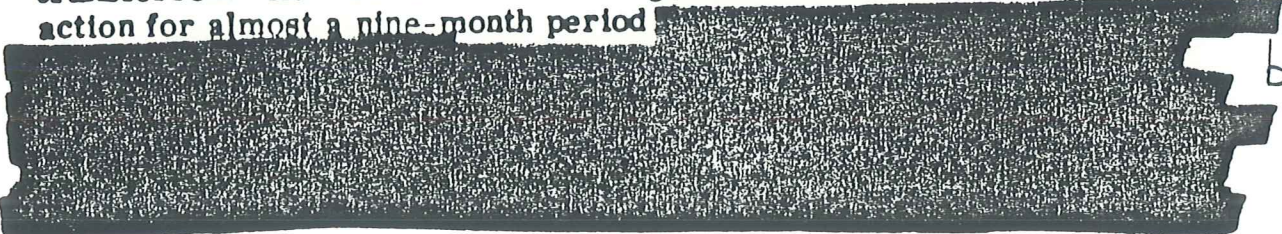


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**Memorandum to Mr. Held**  
**Re: Assassination of President John F. Kennedy**

at variance with information furnished by others, but there was no way to establish whether they were being untruthful or the passage of time had simply made it impossible to recall the events. The main fact, however, was that none of these individuals played any role in the handling or destruction of the note. Moreover, without exception, when asked why they had not brought the matter to the attention of their superiors, they advised that they assumed a matter of such gravity would have been brought to the attention of the SAC.

There are eight current employees who disclaim any knowledge of the matter whatsoever. There is no reason to question the veracity of these denials yet the inquiry certainly established a large number of individuals had some knowledge but were not directly connected with the incident. Furthermore, not everyone assigned to Dallas at the time of the assassination was interviewed simply because there was no logical reason to do so. It is possible that they too may have known of the situation and would truthfully inform us of it, thus raising the question: Is it fair to take action against those who were candid with us when there are others where no action would be taken simply because there was no reason to interview?  b6

It is possible that we will never know what really happened. We know that the Congressional Committees did not establish anything that our inquiry did not. If Hosty is telling the truth and he destroyed the note on the instructions of the SAC, this must be taken into consideration even though former SAC Shanklin denies any knowledge of the matter whatsoever. Also, it must be considered that Hosty has already paid a heavy price. He was in effect placed in position of double jeopardy when censured and placed on probation in 1963 and, with no really new information developed, later was censured, placed on probation, suspended for 30 days, and transferred. He was denied a within-grade increase because of this latter action for almost a nine-month period  b6



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

RECOMMENDATIONS:

1. That no action be taken against those employees listed in the details of this memorandum who admit some knowledge of the matter but are not directly related to the incident.



b6

*tw* *SRB*

*OK*

APPROVED: *RHH*  
Asst. Dir. *John*  
Inv. *John*  
Asst. Dir. *John*  
Adm. Serv. \_\_\_\_\_  
Inspection *John*  
Intell. \_\_\_\_\_  
Lab. \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Files & Com. \_\_\_\_\_  
Rec. Mgmt. \_\_\_\_\_  
Spec. Inv. \_\_\_\_\_  
Training \_\_\_\_\_

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

DETAILS:

On 10/21/75 Mr. Adams testified before the Subcommittee on Civil and Constitutional Rights of the House Committee on the Judiciary. On that occasion Mr. Adams discussed in detail the inquiry conducted by the Bureau relative to Lee Harvey Oswald's visit to the Dallas Office prior to the assassination of President Kennedy and the note left by Oswald and its subsequent destruction. During that testimony the issue of possible disciplinary action was raised and Mr. Adams, in essence, pointed out that this was a grave responsibility and a grave matter to consider since we must recognize the possibility that in view of the passage of time, recollections may be hazy. Further, consideration had to be given to possibly disciplining some who have been as candid as they can within the bounds of their recollection and yet not disciplining others who are not being truthful.

Shortly after Mr. Adams' testimony press inquiries were received as to what action the Bureau planned on taking, and the official Bureau stance was that since the matter was still pending before Congressional Committees, no action would be taken at that time.

This matter has been followed on a 30-day basis with Mr. Mintz. On 8/13/76 Mr. Mintz advised that he had been informed by [REDACTED] that testimony taken by the Edwards Committee has not yet been printed and it is unlikely that the hearings will be printed. Further, Congressman Edwards has no plan at this time to issue a report stating any conclusion regarding this matter. His intention was to await the outcome of the Church Committee inquiry to determine whether the Church Committee developed any facts at variance with the testimony offered before the Edwards Committee. According to [REDACTED] apparently no inconsistent facts were developed by the Church Committee. Mr. Mintz also advised that it was recommended by the Church Committee that the Inouye Committee continue the inquiry regarding President Kennedy's assassination, but the Inouye Committee has not acted to authorize a continuation of that inquiry as yet. William Miller, Staff Director of the Inouye Committee, advised [REDACTED] on 8/12/76 that the Inouye Committee will adopt the recommendation to continue the inquiry; however, it is not believed that their inquiry would be directed at the Oswald visit, the note and destruction of same. Mr. Mintz advised, therefore, that the Congressional inquiries are now concluded and sees no reason to delay further administrative action in this matter.

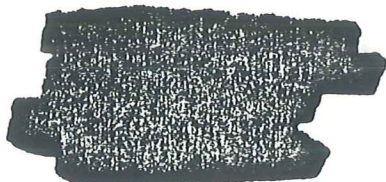
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Memorandum to Mr. Held  
Re: Assassination of President John F. Kennedy

As may be recalled, the Bureau was able to determine that there were four principals involved in the matter at hand, namely, Nannie Lee Fenner, SA Kenneth C. Howe, SA James P. Hosty, Jr., and SAC Gordon Shanklin. At the time of our inquiry Shanklin was the only one of the four in a retired status. Since that time, however, Fenner retired 3/12/76 and Howe retired 6/18/76.

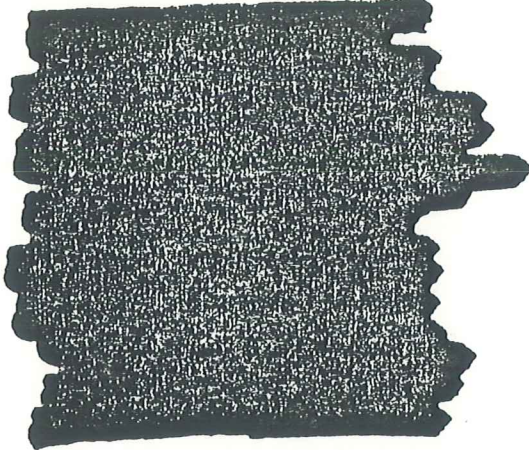
Briefly, the facts developed were that Oswald did indeed visit our Dallas Office sometime prior to the assassination of President Kennedy. He delivered a note to Mrs. Fenner. She claimed the note was threatening in nature and said something to the effect, "Let this be a warning. I'll blow up the FBI and the Dallas Police Department if you don't stop bothering my wife." The note was addressed to SA Hosty. She claimed she showed the note to the then ASAC Kyle Clark (now retired) who instructed her to give it to Hosty. Howe, then the supervisor of Hosty, could not remember the contents of the note but seemed to recall it contained some type of threat. Howe seemed to recall that he found the note in Hosty's workbox probably about the day of the assassination and brought the note to SAC Shanklin. Hosty admits the existence of the note, claims it was not threatening in nature, and that he destroyed the note upon the instructions of SAC Shanklin. Shanklin disclaimed any knowledge whatsoever of the matter.

In conducting our inquiry we learned that several people were aware to some degree that Oswald had visited the office and left a note for Hosty. In talking to these people, without exception, when asked why they had not brought the matter to the attention of their superiors, they advised they simply assumed that a matter of such gravity would have been reported to the SAC. They advised generally that they acquired the information through conversations with other people well after the incident had occurred. Some of these people furnished information at variance with that furnished by others, leading one to raise the question as to whether they were being untruthful or whether the passage of time had simply made it impossible to recall the events. The main fact, however, with regard to all of these individuals is that none of them played any part whatsoever in the handling of the note as outlined previously. Those people who are still employed who had some knowledge of this matter in varying degrees are as follows:



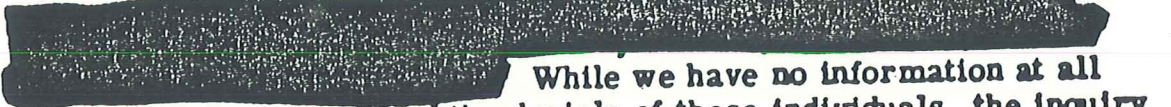
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Memorandum to Mr. Held  
Re: Assassination of President John F. Kennedy



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On the other hand, there were people in the Dallas Office who disclaimed any knowledge whatsoever of the matter, they being



While we have no information at all questioning the veracity of the denials of these individuals, the inquiry covering interviews with both current and former employees certainly established a large number of them had some knowledge of the matter but were not directly connected with the incident. Therefore, to take action against those employees who admit some knowledge but were not directly connected with the incident and at the same time take no action against those denying knowledge could be an injustice to all concerned.

Another thing to take into consideration is the fact that everyone who was assigned to Dallas at the time of the assassination was not interviewed. Many of them are current employees assigned to various offices. They were not interviewed simply because there was no logical reason to do so. It is possible that they too may have known of the matter and would truthfully inform us of it, but here again we are placed in the same position as we are now with regard to those people we did interview. All things considered, it is not felt that any action should be taken against the aforementioned individuals who are currently on our rolls.

b6

With regard to Hosty, he claims he was instructed by the SAC to destroy the note. We probably will never know the facts as to whether this actually occurred. It is our understanding that the Congressional Committees never learned of anything other than what we developed in our inquiry. If Hosty indeed destroyed the note on the instructions of the SAC, he was following the instructions of his superior and this must be taken into

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

consideration. Also taken into consideration is the fact that Hosty suffered considerably many years ago. In fact, Hosty in effect was placed in double jeopardy. On 12/13/63 he was censured and placed on probation for inadequate investigation. With really no new information developed concerning Hosty, later he was censured, placed on probation, suspended for 30 days, and transferred to Kansas City. This action occurred in October, 1964. He was eligible for within-grade increase beginning 9/27/64 but was not given same and, in fact, was finally granted a within-grade increase 6/20/65. As can be seen, Hosty has already paid a heavy penalty.

[REDACTED]

[REDACTED]

b6

Attachment

E

Oswald +

- 1 - Mr. J. B. Adams
  - 1 - Mr. H. N. Bassett
  - 2 - Mr. J. A. Mintz  
(1 - Mr. J. B. Hotis)
- December 31, 1975

The Attorney General

Director, FBI

U. S. SENATE SELECT COMMITTEE  
ON INTELLIGENCE ACTIVITIES (SSC)

- 1 - Mr. W. R. Wannall
- 1 - Mr. W. O. Cregar
- 1 - Mr. F. Woodworth
- 1 - Mr. J. P. Thomas
- 1 - Mr. T. J. McNiff

Reference is made to SSC letter dated December 11, 1975, requesting access to various materials contained in Bureau files relating to this Bureau's investigation of Lee Harvey Oswald and/or the assassination of President John F. Kennedy.

Enclosed for your approval and forwarding to the SSC is the original of a memorandum which constitutes a partial response to the requests contained in referenced SSC letter.

A copy of the above memorandum is being furnished for your records.

Enclosures (2)

62-116395

1 - The Deputy Attorney General  
Attention: Michael E. Sheheen, Jr.  
Special Counsel for  
Intelligence Coordination

TJM:adn/lhb  
(13)

1 - Mr. J. B. Adams  
1 - Mr. H. N. Bassett  
2 - Mr. J. A. Mintz  
(1 - Mr. J. B. Hotis)  
1 - Mr. W. R. Wannall  
1 - Mr. W. O. Cregar

62-116395

December 31, 1975

1 - Mr. F. Woodworth  
1 - Mr. J. P. Thomas  
1 - Mr. T. J. McNiff

U. S. SENATE SELECT COMMITTEE TO  
STUDY GOVERNMENTAL OPERATIONS WITH  
RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

Reference is made to SSC letter dated December 11, 1975, requesting access to various materials contained in Bureau files relating to this Bureau's investigation of Lee Harvey Oswald and/or the assassination of President John F. Kennedy. Set forth below is this Bureau's response to indicated items mentioned in referenced letter. Responses to the remaining items are being prepared and you will be advised when such preparations have been completed.

Item 1 references the July 6, 1964, memorandum from C. R. Davidson to Mr. Callahan, which was provided by this Bureau in response to SSC inquiry dated November 18, 1975, and requests materials pertaining to the December 13, 1963, censuring and probation of Special Agent (SA) James P. Hosty, Jr. No memorandum dated July 6, 1964, could be located as having been furnished the SSC as stipulated above. It is believed the above request refers to the April 6, 1964, memorandum from C. R. Davidson which was made available to the SSC in response to the latter's request of November 18, 1975. Materials responsive to all sections of Item 1 are available at FBI Headquarters for review by appropriate SSC personnel. This material, for reasons of privacy, has been excised to delete names of individuals, other than SA Hosty, against whom administrative action was taken.

Item 2 requests materials similar to that requested in Item 1, as such materials pertain to the censuring of SA Hosty on or about September 25, 1964.

TJM:lhb  
(12)

ORIGINAL AND ONE COPY TO AG

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

Materials responsive to Item 2, excised for reasons stated above, are available at FBI Headquarters for review by appropriate SSC personnel.

Item 15 requests all materials pertaining to the meeting subsequent to November 24, 1963, and prior to the submission of the Bureau's initial report to the White House, which meeting is more fully referenced in the September 23, 1975, affidavit of former SA Henry A. Schutz, in response to Item 5 of the SSC's request dated October 31, 1975. The Inspection Division of this Bureau made no further inquiry concerning information in former SA Schutz's affidavit other than it should be noted all Bureau officials and supervisory personnel were interviewed by the Inspection Division concerning Oswald's visit to the Dallas Office prior to the assassination and his leaving of a note for SA Hosty. No additional information was developed concerning the meeting at the office of former Bureau official Mr. Alan Belmont, and, in fact, the only Bureau official who claimed to have any knowledge of such a visit and note was W. C. Sullivan. The SSC has previously been furnished the results of all interviews conducted of Bureau officials and supervisory Agents concerning this matter.

Item 16 requests all materials, reports, analysis or inquiries conducted as a result of the statement by SA Joe A. Pearce that "Oswald was an informant or source of SA Hosty and it was not uncommon for sources to occasionally come to the office for the purpose of delivering some note to the contacting Agent." The above quoted statement is contained in an affidavit furnished by SA Pearce to the Inspection Division during the latter's inquiry concerning the Oswald visit to the Dallas Office and his leaving a note for SA Hosty. However, in reporting the results of this interview to the Attorney General earlier this year, attention was directed to the fact that this allegation concerning Oswald's being a source or informant of SA Hosty was looked into by the President's Commission, and there was no substance whatsoever to this particular claim.

1 - The Attorney General





In Reply, Please Refer to  
File No.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION  
Birmingham, Alabama  
December 24, 1975

Attachment  
F

SENATE SELECT COMMITTEE ON  
INTELLIGENCE ACTIVITIES  
INTERVIEW OF SPECIAL AGENT  
ROBERT M. BARRETT,  
DECEMBER 17, 1975

I, Special Agent Robert M. Barrett, was interviewed by Committee Staff member Paul Wallach, in Room 608, Carroll Arms, Washington, D.C. The interview began at 2:02 PM and was recorded by Mr. Alfred H. Ward.

At the outset, Mr. Wallach advised that the Committee was attempting to determine whether or not there was any basis for reopening of the case of the assassination of President John F. Kennedy. He further stated the Committee was reviewing the activities of the Federal Bureau of Investigation (FBI) before and after the assassination.

Mr. Wallach asked when I arrived in Washington, D.C., and how I received notice to come to Washington, D.C., for this interview. He was told I arrived about 5:45 PM on December 16, 1975, and that on Friday, December 12, 1975, I had received notice of a teletype from FBI Headquarters to my office in Birmingham, Alabama, instructing me to report to Washington, D.C., on December 17, 1975, for this interview.

Mr. Wallach asked if I had conferred with any Bureau officials prior to this interview. I informed him that I had met with Inspector John Hotis of the Legal Counsel Division. Mr. Wallach asked for the contents of this discussion and I advised him that I had asked Mr. Hotis if he knew the reason why I was being interviewed by the Committee, and that Mr. Hotis had stated he did not know the reason or purpose other than it concerned my role in the assassination investigation.

This document contains  
neither recommendations  
nor conclusions of the  
FBI. It is the property  
of the FBI and is loaned  
to your agency; it and  
its contents are not to  
be distributed outside  
your agency.

81

SENATE SELECT COMMITTEE ON  
INTELLIGENCE ACTIVITIES  
INTERVIEW OF SPECIAL AGENT  
ROBERT M. BARRETT,  
DECEMBER 17, 1975

I told Mr. Wallach that Mr. Hostis had further informed me that I should decline to answer any questions as to sensitive sources, sensitive techniques, on-going investigations, and any information received from a third agency.

Mr. Wallach asked if I had talked to Mr. Paul Daly, and he was informed Mr. Daly was in and out of the office frequently and that I had had very little conversation with him. Mr. Wallach asked how long I had talked with Mr. Hostis, and I told him the above conversation was very brief, that I was originally informed the interview was to take place at 10:00 AM, that this was subsequently changed to 2:00 PM and that I had spent the time in Mr. Hostis' office waiting and occasionally discussing other unrelated matters.

I also told Mr. Wallach that I had been interviewed earlier on December 17, 1975, by Assistant Director Harold N. Bassett, and Deputy Assistant Director J. Allison Conicy. Mr. Wallach asked what this interview was about, and I told him I was questioned as to any knowledge I had of Lee Harvey Oswald coming to the FBI Office in Dallas prior to the assassination and leaving a note for Special Agent James Hosty. I told Mr. Wallach what I had previously told Mr. Bassett, that some four or five months after the assassination I was asked by someone in the Dallas Office, whose identity I can't recall, (because what this unrecalled person asked me was a rumor and insignificant) if I had heard the rumor that Oswald had come to the Dallas Office where he asked Nan Fenner, the Receptionist, to see Hosty. I recall there being no mention of any note left by Oswald, nor did Hosty, or anyone else in Dallas ever talk to me about the incident, the note or the contents of the note. Mr. Wallach asked if I had reported to anyone in Dallas at the time the above incident and Mr. Wallach was advised I did not report a rumor and that I treated it as a rumor, in that I promptly forgot about it as I was very busy at the time conducting investigations of other matters having to do with the assassination.

SENATE SELECT COMMITTEE ON  
INTELLIGENCE ACTIVITIES  
INTERVIEW OF SPECIAL AGENT  
ROBERT M. BARRETT,  
DECEMBER 17, 1975

Mr. Wallach asked if Mr. Hotis had informed me of my right to counsel and I stated this had been done. Mr. Wallach then advised me of my right to counsel and my right to refuse to answer any questions. I advised Mr. Wallach I was aware of my rights.

Mr. Wallach advised me that recorded results of this interview would later be available to me, in Washington, D.C. I asked if I would be furnished a copy and if a copy would be furnished the Bureau. I was informed that the Bureau would not be furnished a copy nor would anyone, other than myself, from the Bureau, have access to this report. I was also told that I would be advised by mail when I could have access to the report. Mr. Wallach did not say if I would be furnished a copy. He also said I could request the presence of a Senator during the interview, which request I did not make.

Mr. Wallach then asked about my Bureau career and assignments prior to November 22, 1963. He was advised of my assignments in Phoenix from 1952 to 1954, in Amarillo, Texas, from 1954 to 1956, and in Dallas from 1956 to 1966. Mr. Wallach inquired as to what kind of investigative work I was doing as of November 21, 1963, and I told him that primarily I was assigned to investigations having to do with organized crime, gambling, and criminal intelligence, and occasionally some involved civil rights cases, and some extortion cases. Mr. Wallach asked how long I had been doing such work and who else in the Dallas Office was either working with me or doing similar work. I told him I had been working these type cases since November, 1957, and that I was assisted by SA Ivan D. Lee from about 1960, or so, until the assassination, at which time Lee and I were both assigned to the assassination investigation, primarily, for about a year.

Mr. Wallach then asked me to define a "hip pocket informant" and after I gave him my definition, he asked if I had any in Dallas. I defined a "hip pocket informant" as a source of information whose identity was never made known nor was there ever any record made that such a person was being used as an informant. I told Mr. Wallach I have never employed "hip pocket informants" in Dallas or elsewhere.

SENATE SELECT COMMITTEE ON  
INTELLIGENCE ACTIVITIES  
INTERVIEW OF SPECIAL AGENT  
ROBERT M. BARNETT,  
DECEMBER 17, 1975

Mr. Wallach asked if I knew of, or had heard of "Carlos" Trafficante of Tampa, and Carlos Marcello of New Orleans, Louisiana. I said that in investigations of organized crime matters, I had become acquainted with these names, but I believed the correct name was Santos Trafficante, to which Mr. Wallach agreed. Mr. Wallach asked if I knew of a man named McWillie (Phonetic) and I said I could not recall ever having heard of this name.

Mr. Wallach asked if I knew of Jack Ruby. I said I had known Ruby as the owner or operator of two Dallas night clubs, that were frequented by pimps, prostitutes and persons involved in criminal activities. I was asked if I had ever talked to Ruby and I said I had on maybe two occasions prior to November 21, 1963, but I could not recall the contents of these conversations, other than it most likely had to do with persons who frequented Ruby's night clubs.

Mr. Wallach asked if I was aware of a connection of Ruby with Trafficante, with Marcello, and with McWillie (Phonetic). I said I was not aware of any connection by Ruby with any of these persons and repeated that I did not recall the name McWillie.

Mr. Wallach asked if I was acquainted with the term "PCI" - "potential criminal informant", if I knew Jack Ruby was a PCI of the Dallas Office, and if I knew the identity of the FBI Agent in Dallas, a "red headed fellow" who had had Ruby assigned to him, and which Agent was later disciplined or transferred. I had just begun to answer Mr. Wallach, when U. S. Senator Richard D. Schweiker, of Pennsylvania, entered the room at 2:33 PM and thereafter took part jointly in the interrogation of me with Mr. Wallach, after introducing himself. Mr. Wallach briefly reviewed with Senator Schweiker what had previously transpired in the interview. Senator Schweiker asked if I knew Ruby was a PCI and if I was not aware of Ruby's connections with organized crime.

SENATE SELECT COMMITTEE ON  
INTELLIGENCE ACTIVITIES  
INTERVIEW OF SPECIAL AGENT  
ROBERT M. BARRETT  
DECEMBER 17, 1975

I stated that my investigation of organized crime and criminal intelligence matters in Dallas were primarily concerned with the activities of Joseph Francis Civello and his associates and the activities of a roving band of criminals, not connected with Civello, who used Dallas as a base for their activities. I stated that in these investigations neither I nor SA Lee had become aware of any involvement by Ruby in organized crime matters or any association with the persons who were the subjects of our investigations.

At this point, 2:37 PM, Senator Schweicker asked Mr. Wallach if I had been sworn, and when told that I had not, Senator Schweicker placed me under oath, making reference to all the answers I had given prior to being sworn, as well as those I would give after being sworn.

I pointed out that if Ruby had been involved in organized crime matters, such as association with Trafficante or Maricello, and this had become known to the FBI, I was sure I, as an Agent assigned to organized crime investigations in Dallas where Ruby resided, would have been so advised and that this was not the case.

In answer to the questions about Ruby being a PCI, I stated I had heard something after November 24, 1963, that an Agent in Dallas had at one time opened a PCI case on Ruby, but I did not know any details such as when this occurred, the name of the Agent, and I was not aware that this Agent, whoever he was, had been disciplined because of any dealings with Ruby or for having Ruby as a PCI.

Senator Schweicker then asked if when a person is designated a PCI, the Agent makes such a recommendation to his superior and that Ruby had been made a PCI because of his connections with organized crime. I explained that a person can be designated a PCI by the Agent because of his association with the criminal element, his residence, his employment, or for any of a number of reasons, and that this person may never furnish any pertinent or useful information or be of any value. Senator Schweicker then asked if PCIs were not paid and I said they were only paid when they furnished pertinent or good useful information only on a C.O.D. basis. I was asked if Ruby had ever been paid and I said I had no knowledge of any such payment.

SENATE SELECT COMMITTEE ON  
INTELLIGENCE ACTIVITIES  
INTERVIEW OF SPECIAL AGENT  
ROBERT M. BARRETT  
DECEMBER 17, 1975

I was asked if I had any opportunity to see Oswald in the police department at that time or any other subsequent time and I stated to the best of my knowledge Oswald had been taken to the office of Captain "Will" Fritz, that I never did go to Captain Fritz's office at any time on November 22, 23, or 24, 1963, and that I had never personally observed Oswald subsequent to his arrest in the theater in Oak Cliff.

At this point in the interrogation, Mr. Wallach asked me if I knew that disciplinary action by the Bureau had been taken against SA (James) Hosty. I advised them that I was aware of this through my association with Hosty in Dallas. I was then asked if I knew that some Assistant Directors of the FBI had been disciplined because of their handling of certain matters in the assassination investigation. I stated I was not aware of this and had no knowledge of any such disciplinary action.

Mr. Wallach then asked me if I had attended a "going away" party held, not in the Dallas Office, for Hosty by his friends in Dallas. I stated I did not recall any such party and further felt that if there had been such a party I would have been invited and would have attended because Hosty and I were in the same car pool, we attended the same church, we belonged to the same clubs, and I had coached his son on the school football team, and further, that many of Hosty's friends were also my friends.

I was asked if I recalled a conference being held by SAC J. Gordon Shanklin on the early morning of November 23, 1963, in which Agents of the Dallas Office were given instructions on investigation to be conducted that day. I stated that I recalled reporting to work on Saturday, November 23, at about 6:00 AM after having worked to about 3:00 AM that same morning from the Friday before, and I did not recall any such conference held by Mr. Shanklin.

I was asked if there had not been a conference on the morning of November 24, 1963, in which Mr. Shanklin instructed the Dallas Agents not to go near the area at the city jail where Oswald was being removed that day and I

SENATE SELECT COMMITTEE ON  
INTELLIGENCE ACTIVITIES  
INTERVIEW OF SPECIAL AGENT  
ROBERT M. BARRETT  
DECEMBER 17, 1975

stated I did recall these instructions, and further, I had been instructed, along with SA Ivan D. Lee, to go to KRLD-TV Station to obtain any pertinent photographs that that station might have and further, that while there I had observed, on closed circuit television, the Oswald shooting in the basement of the police department. I was asked if I had any knowledge of a telephone call received by the FBI during the night of November 23-24, 1963, containing a threat against Oswald. I said that to the best of my knowledge, I did recall something to the effect that SA Milton Newson had been on duty during the early morning hours of November 24 at the Dallas FBI Office and had received such a call. I could not recall at this time who was the source of this information nor did I recall any details as to the contents of the call.

Mr. Wallach then asked if there had not been some occasions when Agents of the Dallas Office had been discussing the assassination and discussing whether or not it was their opinions that it was the act of one man acting alone or was a conspiracy. I stated I was sure that there had been such discussions on an informal basis but that I could not recall any details or anything as to when such discussions were held or who was present and, further, that I was sure that everyone connected with the investigation would have made some personal conclusions.

At this point, Mr. Wallach asked if it was not true that Mr. Shanklin or some other Bureau official had given explicit directions that the investigation was to establish that Oswald acted alone in connection with the assassination. Before I could answer this question, Mr. Wallach stated that such information had been received from other FBI Agents. I stated that this was not so, that I did not believe any other Agents had made such statements, and further, that we had, to the contrary, been given instructions to conduct our investigation in an effort to establish all the facts to identify all persons involved.

At this point, which was about 4:23 PM, Senator Schweicker left the room and did not take any further part in the interrogation.