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Mr. Bassett

D. Ryan

- 1 - Mr. Bassett
- 1 - Mr. Hosty
- 1 - Mr. Ryan
- 1 - Mr. Mintz
- Attn: Mr. Heller
- 1 - Mr. Foster
- 1 - Mr. Clark

ASSASSINATION OF PRESIDENT
JOHN F. KENNEDY
NOVEMBER 22, 1963

PURPOSE: To provide facts pertinent to matters raised by Francis X. Lilly, Attorney for Special Agent James P. Hosty, Jr., and to recommend acknowledgement of Lilly's letter to the Director. (U)

SYNOPSIS: In a letter to the Director, SA Hosty's Attorney advises that Hosty, prior to the assassination of President John F. Kennedy, was not aware of Oswald's visit to Mexico City nor of the persons Oswald saw there, that classified information pertaining to this visit was withheld from Hosty and that Bureau regulations would have precluded Hosty's interview of Oswald prior to President Kennedy's assassination. Details set forth rebut, in whole or in part, these contentions of Lilly. (U)

RECOMMENDATION: That attached letter be sent to Attorney Lilly. (U)

SEE REVERSE
SIDE FOR
CLASSIFICATION
ACTION

Referred
Classified by SP8 BTJ/gcl
Declassify on: OADR

DETAILS: Francis X. Lilly, personal Attorney for SA James P. Hosty, Jr., Kansas City Division, by letter to the Director, with copy to SA Drew J. Clark, of September 19, 1978, attached, advised in part as follows: (U)

"...prior to the assassination, certain information was not known to Special Agent Hosty. In particular, he had not been advised of the visit of Lee Harvey Oswald to Mexico City and was not aware of the people to whom Oswald spoke while in Mexico City. Nor did he know the real identity of those people." (U)

Enclosures (2)

DJC:pfm:mel
(7)

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Referring to classified information pertaining to Oswald's Mexico City visit, Lilly contends:

"...this information was not made available to SA Hosty." and "...it is doubtful whether Bureau regulations would have allowed Mr. Hosty to interview Oswald even had additional information been made available to him." (U)

Information being furnished has been gleaned from a review of the original Bureau file (105-82555) and original Dallas file (100-10461) on Lee Harvey Oswald and from the December 3, 1975, Bureau letter to the Attorney General captioned "Assassination of President John F. Kennedy" which set forth the results of an FBI inquiry into Hosty's knowledge of the Lee Harvey Oswald visit to Mexico City prior to President Kennedy's assassination. (U)

Contrary to Lilly's contention, a "SECRET" October 22, 1963, airtel from Dallas to the Bureau, bearing dictator initials of "JPH", advised FBI Headquarters that SA James P. Hosty received information from Immigration and Naturalization Service, Dallas, Texas, on October 18, 1963, that "... [REDACTED] (S-1)

[REDACTED] Dallas file 100-10461-47 and Bureau file 105-82555-39. (X)U

Additionally, three communications relating to and setting forth some details of [REDACTED] (S-1)

[REDACTED] were block stamped into the Dallas Office on October 25, 1963, were routinely channeled to Hosty by the Desk on October 28, 1963, and were not retrieved from Hosty's personal workbox until after the assassination on November 22, 1963, according to a notation on Dallas serial 100-10461-50 by Dallas Supervisor Kenneth C. Howe, to wit: (X)U b1 Referr

"48-49-50 c/o (or 'go') to JPH 10-28-63. Obtained from his box and initialed into file to complete file following 11-22-63 H" (U)

In short, absent special mitigating circumstances, it is unusual for any Agent to claim ignorance of the contents of three communications residing in his personal workbox for approximately twenty-six days. Dallas file 100-10461-48, -49, -50 and Bureau file 105-82555-42 and -43. Bureau file serial 43 corresponds to Dallas serial 48 and is classified "SECRET". (U)

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A review of the Dallas Field Office file reflects that Hosty, the case Agent, was routinely furnished classified information and communications in the Lee Harvey Oswald case. Also, on November 22, 1963, Dallas received a November 19, 1963, communication from the Washington Field Office containing classified information relating to Oswald's visit to Mexico City. Bureau file 105-22555-78 and Dallas file 100-10461-57. (S)(u)

This communication was routinely channeled to Hosty as indicated by Hosty's name appearing in the appropriate place in the block stamp. Hosty's name was then crossed out and the serial was initialed to file by Supervisor Howe. It appears that this communication, while originally directed to Hosty, was retrieved from channels by Supervisor Howe after the assassination on November 22, 1963, whereupon he crossed out Hosty's name in the block stamp, as was done on Dallas serials 48, 49 and 50, and initialed them to file in order that a complete file on Oswald might be assembled. Hosty may or may not have seen this serial prior to the assassination on November 22, 1963, but there is certainly no data to suggest he was ever denied classified information pertinent to his case on Oswald prior to the assassination. Classified information was contained in the Oswald file and Hosty was free to review same. (U)

Past research in the Lee Harvey Oswald file discloses no justification for a statement that Bureau regulations would have precluded interview of Oswald prior to the assassination of President Kennedy in October or November, 1963. [A December 10, 1963, memorandum from J. E. Gale to Mr. Tolson referring to the Oswald investigation, states in part, "His wife should have been interviewed before the assassination and investigation intensified-not held in abeyance-after Oswald contacted the Soviet Embassy in Mexico." While reference to "investigation intensified" does not specifically state that Oswald should have been interviewed, there is no justification for assuming that an intensified investigation would have excluded an interview of Oswald. An Agent with Hosty's experience (LHJ January 21, 1962.) would be expected to conduct the interview of a security subject without compromising classified information. Also, Oswald had been interviewed previously by Bureau Agents on June 26, 1962, August 16, 1962, and August 10, 1963.] (U) 4

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It is felt that Attorney Lilly's letter should be acknowledged without detail as any specific rebuttal involves reference to information and communications which are still classified. (U)

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