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Captain Fritz asked him if he always carried a pistol when he went to the movie, and he said he carried it because he felt like it. He admitted that he did have a pistol on him at the time of his arrest, in this theater, in the Oakcliff area of Dallas. He further admitted that he had resisted arrest and had received a bump and a cut as a result of his resisting of arrest. He then denied that he had killed Officer Tippett or President Konnedy.

Mr. Stern. The memorandum says, "Oswald frantically denied shooting."

Mr. Hosty. It should be emphatically, I believe, rather than frantically. I think this probably should be emphatically denied.

Mr. Stern. Is this your memorandum?

Mr. Hosty. Yes, sir.

Mr. Stern. It is signed or initialed both by you and by Mr. Bookhout.

Mr. Hosty. Right. The procedure is that when there are two agents involved, they both must approve it, so there can be no discrepancies.

Mr. Stern. But you dictated it.

Mr. Hosty. I dictated it and he read it and we both approved it.

Mr. Stern. Have you been over it recently in preparation for your testimony?

Mr. Hosty. Yes, sir.

Mr. Stern. Is it accurate? Is there anything you would like to add to it?

Mr. Hosty. I think it is correct as it stands.

Mr. McCloy. I didn't hear you repeating your testimony that he denied ever having been in Mexico.

Mr. Hosty. On yes. He was being questioned about his activities outside of the United States, where he had been outside of the United States. He told Captain Fritz that he had only been to Mexico to visit at Tijuana on the border, and then he did admit having been in Russia.

Mr. McCloy. He only admitted to having been at Tijuana in Mexico?

Mr. Hosty. Right.

Mr. McCloy. Not to Mexico City.

Mr. Hosty. Not to Mexico City, that is right.

Rep. Ford. There was no recording made of this interrogation?

Mr. Hosty. No, sir. It was notes I took. Agent Bookhout and I took notes, and we dictated from the notes the next day.

Mr. Stern. Did you ask him any questions?

Mr. Hosty. No. Like I say, he was acting in such a hostile condition towards us that we did not. This was Captain Fritz' interview anyway. We were just sitting in as observers.

Mr. Stern. Did you tell Captain Fritz at this time any of the information you had about Oswald, about his trip to Mexico,

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for example?

Mr. Hosty. No.

Mr. Stern. About his being in touch with the Russian • authorities seeking a visa?

Mr. Hosty. No.

Mr. Stern. About his previous residence in the Soviet Union?

Mr. Hosty. Oswald himself told Captain Fritz of this. I didn't have to. Oswald came right out and told him.

Mr. Stern. About the affair in New Orleans and his arrest there?

Mr. Hosty. No.

Mr. Stern. Did you subsequently tell Captain Fritz?

Mr. Hosty. Mo, I didn't tell Ciptain Fritz, no.

Mr. Stern. Was any of this information provided to the Dallas police as far as you know?

Mr. Hosty. I provided it to Lieutenant Revill earlier, as
I pointed out. He would have been the person I would have furnished
this information to as the head of the Intelligence Section. He
would be the logical and correct person to give this information.
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Mr. Stern. Was that the extent of your advice to the Dallas Police?

Mr. Hosty. Right.

Mi. McCloy. Did you tell Captain Curry that you had a file?

M. Hosty. No, sir, I haven't talked to Chief Curry in several years. Of course I don't deal with him too much on a chief level.

Mr. Stern. Wouldn't it been difficult for Lieut. Revill to have gotten this information from you nde the conditions that you described, running up the stairway and the rest of it, do you think he heard enough of this:

Mr. Hosty. Well, that is true, he might not have. But you see Oswald then proceeded to tell himself, he teld the police all this information, so there was no point in me repeating it when he himself, Oswald, had furnished it directly to the police.

My McCloy. But you did tell Ravill that you had a file on Oswald?

Mr. Hosty. No, I didn't tell him I had a file, no, sir.

Fir. McCloy. You did not?

Mr. Hosty. Just as I related here in the affidavit.

The Chairman. No. Hosty, I think the answer to this question is implicit in your testimony, but I would just like to ask it directly. Did you or anyone in the FBI to your knowledge for compensation or in any manner whatsoever use O wald as an information any way, shape or form?

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Mr. Hosty. I have previously furnished a sworn affidavit to this Commission to the effect that I had never seen or talked to Lee Harvey Oswald prior to the 22nd of November, 1963. I had never made payments of any kind to him, and, in addition, I had never made any attempt to develop him as an informant or source of information. I have made a sworn affidavit to that effect.

The Chairman. Your answer to my question then is "No." Mr. Hosty. Correct.

Mr. Stern. This might be a good opportunity, M_r . Chairman, to have him identify this affidavit. I show you from Commission Exhibit 825 a one-page affidavit. Can you --

Mr. Hosty. This is my affidavit. This is my signature.

My. Stern. And it was made when?

Mr. Hosty. On the fifth day of February, 1964.

Hr. Stern. Why don't you read that?

Mr. Hosty. "I, James P. Hosty, Jr., Special Agent of the Federal Bureau of Investigation since January 21, 1952, having been duly sworn, make the following statement:

"At no time prior to the assassination of President,

John F. Kennedy did I ever see or talk to Lee Harvey Oswald. I

have never made payments of any kind to him. In addition, I

have never made any attempt to develop him as an informant or

source of information."

Signed, James P. Hosty, Jr., Special gent, Federal Bureau of Investigation.



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Mr. Stern. Mr. Chairman, may we have admitted Exhibit 831 and 832, which Mr. Hosty has identified, letter from the Director of the FBI enclosing Mr. Mosty's affidavit, as 831 and 832, which is his two-page memorandum on the interview?

The Chairman. That may be admitted with those numbers.

(The 1tems marked Commission Exhibits 831 and 832 for identification were received in evidence.)

The Chairman. Is that all, M. Stern?

Iir. Stern. There are a few other points.

The Chairman. Let's hurry them along.

Hr. Stern. To conclude that last point, Hr. Hosty, do you have any knowledge of anyone else in the Government Service, either FBI or any other branch --

Mr. Hosty. No, sir.

Ir. Stern. That tried or was successful in recruiting Lee Harvey Oswald as an informant or employee or agent?

Mr. Hosty. No, sir.

Ifr. Stern. Did you see Oswald again after the interview that Captain Fritz conducted?

Mr. Hosty. No.

Mr. Stern. What did you do when this interview concluded?

Mr. Mosty. As I stated heme, he was removed from Captain Fritz's office at 4:05 p.m. Here again I checked my wristwatch, so I am certain the time is correct.

I then went to the outer office of Captain Will Fritz and CONFIDENTIAL

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remained the until approx mately eight .m. that evening.

H. Stern. You did not attend any of the lineups?

Mr. Hosty. No. 31r.

Mr. Stern. Did you talk to any member of the Secret Service at this time?

Mr. Hosty. Yes, sir. At approximately six p.m. on the 22nd of Hovember, 1963, Special Agent in charge Forrest W. Sorrely's of the United States Secret Service entered Captain Fritz's office with about five or six Secret Service Agents. He then proceeded to interview Lee Harvey Osuald. I was not present during this interview.

I did see him take Lee Oswald to the rear of Captain Fritz's outer office and interview Lee Oswald. It appeared to me that Forrest Sorrel's of the Secret Service had appeared for the purpose of representing the United States Secret Service in this investigation. I was aware at this time that the FBI did not have jurisdiction over this matter, that is, the assassination of the President of the United States, and that if any Federal agency did have jurisdiction, it would be the United States Secret Service. As I later determined, no Federal agency had jurisdiction over this assassination.

When Forrest Sorrells concluded his interview with Lee Oswald, I called him aside and advised him that there was some additional information on Lee Oswald which the FBI headquarters in Washington could furnish to the headquarters of the Secret Service in

Washington, and that there were two items, and that I did not feel that I could give them to him directly since they were secret in nature.

Mr Stern. Was anyone else present during this conversa-

Mr. Heavy. As I said, this took place in the outer office of Captain Will Pritz. There were about thirty or fity people willing around out there. There were three or four Texas Rangers. There were perhaps a dozen Dallac Folice Officers. There were, as I said, five or six Secret Service Agents.

There were three otherFBI Agents besides myself, various clerical personnel from the Pelice Department who were assigned to the Homicide Division. I recognized two Pestal Inspectors. I directed this conversation to Mr. Scrrells. I called him to one slife and directed this to him directly.

im. Stern. Did you repeat the same information to anyone else later on?

Mr. Mosty. No, zir.

Mr. Storn. What did you have in mind? What were the two pieces of information?

Mr. Hosty. The two pieces of information I had in mind were the contacts that Lee Oswald had with the Soviet Embassy in Mexico City, and the contact that he had had with the Soviet Embassy in Washington, D.C.

Mr. Stern. Were you in touch with your Dallas Office from the Police Headquarters regularly during the evening of the 22nd?

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In. Hosty. es. I went out and made Lane calls to them, advised them of my interview and how things were going.

Mr. Stern. Did you make any calls directly to Bureau headquarters in Washington?

Mr. Hosty. I didn't, no, sir.

Mr. Stern. Here you advised at any time on the 22nd after you left your office for the first time -- no, you were only in your office once -- of other information, any other information with regard to Lee Harvey Ozwald that had been supplied by Bureau headquarters in Washington through your Dallas Office?

Mr. Hosty. No, that was all, just what I previously related. Mr. Stern. Just what you mentioned, nothing else came the cugh? Mr. Hosty. Nothing else.

Mr. Stern. Were you in the Police Headquarters on Saturday, the 23rd, or Sunday, the 24th, at all?

Mr. Hosty. No, sir.

Fr. Stern. Did you have any further discussions with Lieut. Revill that week-end?

Mr. Hosty. No..

Mr. Stern. At any time until now?

Mr. Hosty. I have had discussions with him on two occasions since then. We did not discuss this matter of the 22nd of November, this conversation of the 22nd.

Mr. Stern. Did you discuss the assassination with him on either of these two occasions that you recall?

Mr. Hosty. No, sir.

Mr. Stern. The only conversation you had with him was going up the stairway from the basement to the third floor of the Police Headquarters on November 22?

Mr. Hosty. That is correct.

Rep. Ford. Do you recall the dates of these two subsequent meetings with him?

Mr. Hosty. No, sir, I don't. Just the first time was maybe in January, January sometimes, possibly February, and that was at his office. Then he came to our office maybe in March. I just don't recall the dates.

Rep. Ford. But those visits were on matters not at all related to the assassination or the events surrounding it?

Mr. Hosty. Actually, when he came to our office he was coming to talk to another Agent; and I just said "Hello" to him, and we didn't discuss anything official. I just nodded "hello" to him, "How are you doing?" When I went to his office it was in connection with another matter.

Mr. Stern. But on neither occasion did you discuss the assassination or the events surrounding it?

Mr. Hosty. No, Bir.

The Chairman. Have you any further questions, Congressman Ford?

Rep. Ford. What did you do on Saturday and Sunday following, in rough outline, involving the appearsination, if anything?

Mr. Hos. J. I worked practically round the clock Saturday night. I didn't go to bed at all, as I recall, Friday night and Saturday. I was covering various leads in connection with the assassination, talking to people who knew Lee Oswald.

I talked to Mrs. Paine, to give you an example, the first thing Saturday morning. I talked to various people that knew Oswald, just covering general investigative leads in connection with the assassination, like everyone else was. But I wasn't working at the Police Department.

Rep. Ford. You weren't at the Police Department at all on Saturday or Sunday?

Im. Hosty. That is correct.

The Chairman. Mr. McCloy, have you anything?

Mr. McCloy. I noticed you mentioned Lieut. Revill and Jackie Bryan. There is another name mentioned here, Gordon Synanklin.

Mr. Hosty. He is the Agent in charge of the Dallas FBI Office.

Mr. McCloy. It doesn't say so in this article, but it may be in this by implication. You said nothing or anything that is comparable to the alleged statement, "We have a suspect who is capable of the assassination of the President, but I never dreamed of it," to your colleague Gordon Skhanklin?

Mr. Hosty. No. sir.

Mr. McCloy. When you went to talk to Mrs. Paine, did you go

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over the premises then with her? Did she, for example, show you where Oswald is alleged to have kept the rifle in the garage? .

Mr. Hosty. No, sir, I didn't do that, no.

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Mr. McCloy. Did you, in the course of your follow-up leads, talk to Mr. Truxly?

Mr. Hosty. Yes, sir.

Mr. McCloy. Can you tell us what transpired between you and Mr. Trumly?

Mr. Hosty. Yes, sir. I talked to him about --

Mr. McCloy. Is this anticipating something you have got?

Mr. Stern. Ho.

Mr. Hosty. This interview took place quite a bit after the assassination. I did talk to Mr. Trugly about I believe it was in January or February of '64, and it concerned the time that he, Mr. Trukly, was aware of the fact that there would be a parade through downtown Dallas. And his recollection was that he was not aware of the fact that the motorcade would pass in front of his building until shortly before noon on the 21st when an article appeared in the Dallas Times Herald.

Now the Dallas Times Herald appears on the street at approximately 10:30 a.m., and Mr. Trully said shortly before noon someone from his office saw this article and mentioned it to the office employees and said they all became excited, and this was apparently the first time anyone at the Texas School Book Depository realized the motorcade was going to pass directly in front of their building.

Rep. Ford. This was Thursday?

Mr. Hosty. Thursday before, yes. It was shortly before noon.

Rep. Ford. The 21st?

Mr. Hosty. On the 21st of November, yes.

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Mr. McCloy. But according to your recollection of what he said, all the employees were excited and became aware of the fact that the motorcade --

Mr. Hosty. At that time.

Mr. McCloy. At that time was going to pass the School Book Depository.

iir. Hosty. Right.

Mr. McCloy. Did you notice that Oswald said in the course of his interview by Capt. Fritz that he had not had a rifle but he had seen a rifle in the possession of Mr. Trukly?

Mr. Hosky. Right.

Mr. McCloy. Did you interrogate Mr. Truxly about that?

lir. Hosty. No, I didn't.

Mr. McCloy. Do you know whether anyone else did?

Mr. Hosty. I can't say for certain, no.

(Discussion off the record.

Mr. McCloy. Back on the record.

Do you know, Mr. Rankin, whether or not Mr. Trugly has been interviewed on this subject?

Mr. Rankin. It has been reported to me by the staff that he has.

Mr. McCloy. Does he deny it, do you know?

Mr. Rankin. He denies it.

Mr. McCloy. He denies it?

Mr. Rankin. Yes.

Mr. McCloy. But we have no deposition from him in that . regard as yet.

Mr. Liebeler. Eo, we do, not.

The Chairman. May I ask first as to Exhibit No. 830, you have it?

Mr. Hosty. Yes, sir.

Den. Cooper. Does that represent statements made to you?
Mr. Hosty. Yes, sir.

Sen. Cooper. On Movember 5th, did Mrs. Ruth Payne tell you that she thought Lee Oswald was an illogical person?

Mr. Hosty. Yes, sir.

Sen. Cooper. And that he admitted to her being a Troskyite Communist?

Mr. Hosty. Yes, sir.

Sen. Cooper. Did you know that he had engaged in this Fair Play for Cuba demonstration in New Orleans and had been arrested?

Mr. Hosty. Yes, sir.

Sen. Cooper. You were told on November 1st that he was employed at the Texas School Book Depository?

Mr. Hosty. Yes, sir.

Sen. Cooper. Had you checked there to see if he was employed?



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Mr. Hosty. I made a pretext interview on the 4th.

Sen. Cooper. On what day?

Mr. Hosty. The 4th of Movember.

Sen. Cooper. Considering that he was a defector, you knew he was a defector?

Mr. Mosty. Yes, sir.

Sen. Copper. And considering that he had been engaged in this demonstration in New Orleans, and the statement that Mrs. Fayne had made to you, did it occur to you at all that he was a potentially dangerous person?

Mr. Hosty. No, sim.

Sen. Cooper. Thy?

Mr. Hosty. There is no indication from something of that type that he would commit a violent act. This is not the form that a person of that type would necessarily take.

This would not in any way indicate to me that he was capable of violence.

Sen. Cooper. I believe you testified that you didn't know the route of the ---

Mr. Hosty. That is correct, sir.

Sen. Cooper. Of the procession which passed the Temas School Book Depository?

Mr. Hosty. That is correct, sir.

Sen. Cooper. Did it occur to you to communicate this information to the Secret Service or the Dallas police about Ocwald?

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In. Hosty. No, sir. There would be no reason for me to give it to them.

Mr. McCloy. You did know he was lying though, didn't you?
Mr. Hosty. Yes, sir.

Mr. McCloy. Don't you think the combination of the fact that you knew that he was lying and that he was a defector and that he had this record with the Fair Play for Cuba, that he might be involved in some intrigue that would be if not necessari! violent, he was a dangerous security risk?

He Hosty. He was a security risk of a sort, but not the type of person who would engage in violence. That would be the indication.

Rep. Ford. What is the criteria for a man being a potential violent man? Is this a subjective test?

Mr. Hosty. You mean to the point where we would report him to the Secret Service?

Rep. Ford. Yes.

Mr. Hosty. It is instructions we had as of the 22nd of Movember, we had to have some indication that the person planned to take some eaction against the safety of the President of the United States or the Vice-President.

Rep. Ford. How do you evaluate that? Do you have any criteria?

Mr. Hosty. No. At that time it was that there had to be some actual indication of plan or a plot.

Rep. Ford. There had to be a conspiracy of some sort?

Mr. Hosty. Well, or a single person deing something if anyone was going to take any action against the safety of the President or Vice-President.

Rep. Ford. I think you testified earlier that at the time of the motorcade you were at your lunch hour.

im. Hosty. Bight.

Rep. Ford. And were actually eating lunch. When a President visits a community, is the FLT or its people assigned any responsibilities as far as the security of the president is concerned?

Mr. Houty. Infor to Hovember 22, I know of no incidents whose the TBI was called in to help the Secret Service, to my knowledge.

Rep. Perd. And particularly on this day none of the --Mr. Hosty. Definitely not.

Rep. Ford. -- of the people in the TDI in the Dallas area were given any assignments?

Mr. Hosty. That is correct.

Rep. Ford. For the security of the Iresident?

Mr. Hosty. That is correct.

Mr. McCloy. Mr. Hosty, let me ask you this: Suppose you had known that that motorcade was going to go past the School Book Depository, do you think your action would have been any different?



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Mr. Howy. No, sir, it wouldn't ... ave been any different.

Mr. McCloy. Even though you knew that he was located there?

Mr. Hosky. Right.

Mr. McCloy. And that he was a defector?

Mr. Hosty. Right.

The Chairman. Senator.

Sen. Cooper. Have you received any evidence that any person other than Lee Oswald was involved in the assassination of President Kennedy?

Mr. Hooty. No, sir, I have no knowledge of anyone else.

Sen. Cooper. Did you know anything about the attempt on General Walker's life?

Mr. Hocky. I have read in the newspapers about the attempt on General Walker's life, yes.

Sen. Cooper. Your office was not connected with any investigation of that?

Mr. Hosty. No, this was not a matter under the jurisdiction of the IDI. It was under the jurisdiction of the Dallas police department.

The Chairman. Mr. Hosty, you told us what your instructions were concerning dangerous persons as of the 22nd of November. Have they been changed?

Mr. Hosty. I think Mr. Belmont will bring that up tomorrow if it be all right. Yes, they have been.

The Chairman. You will be sure to ask him that to get



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chat Erom him.

Are there any other questions, gentlemen?

Mr. McCloy. Mr. Hesty, are you still engaged in any aspects of the assassination?

Mr. Hosty. Oh, yes. I am still involved in the investigation of it, what investigation we still have.

Mr. McCloy. And any cdds and ends that come up?

Mr. Hosty. Right.

im. McCloy. You are still in the process of investigating?

Er. Hosty. Yes, sir.

The Chairman. I would like to ask trofessor Redlich, did you find anything in the deposition of Lieutenant, what was his name?

Mr. Redlich. Revill.

The Chairman. Revill, on this subject?

Mr. Redlich. No, sir.

Lt. Revill was deposed on Tuesday, March 31st, by Mr. Hubert of the Commission's staff.

The Chairman. What date?

Mr. Redlich. Murch 31, 1964. The deposition consisted almost entirely of questions relating to Mr. Revill's responsibilities in connection with the investigation of the nurder of Lee Harvey Oswald, and during the course of that interrogation there is nothing at all on the matter which was the subject of Commission Exhibit No. 709

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The Chairman. Is there any reference in his testimony to his going up the stairs with Agent Hosty on the 22nd of November?

Mr. Redlich. No. sir.

The Chairman. Nothing concerning that particular time in the police station?

Mr. Redlich. No, there was not.

The Chairman. Very well. That is all.

Mr. Rankin. Mr. Chief Justice, I answered Mr. McCloy's question in error by Mr. Truxly.

lir. Belin tells me that he examined the FBI statement, and there is a statement by Mr. Trudly in regard to two rifles in which he emplains is, as he says, innocently.

Mr. Belin, would you tell for the record what that is?

Mr. Belin. I would almost rather wait until tomorrow morning to have the FBI reports before the Connission, if I can. I think it is a friend brought a rifle.

The Chairman. It would be better to have the report itself here.

Mr. Belin. I will have that for the Commission tomorrow morning, sir.

Mr. McCloy. I think, Mr. Hosty, you have probably answered this question which is very closely related to that which Senator Cooper asked you.

You testified that you were continuing your investigation of



various aspects of this case. You have not thus far at least unearthed anything which could be called in the nature of a conspiracy?

Mr. Hosty. No, sir.

Mr. McCloy. In connection with this assassination?

Mr. Hosty. You mean involving someone else?

Mr. McCloy. Someone else?

Mr. Hosty. Ho.

Mr. McCloy. Other than --

Hr. Hosky. Lee Oswald.

Mr. McCloy. Oswald. And that would cover certainly any connection with Mr. Ruby?

Mr. Hosty. That is correct.

ir. McCloy. Have you ever interviewed Mr. Ruby?

Mr. Hesty. No. sir.

Mr. McCloy. I think that is all I have.

The Chairman. Are there any other questions?

Congressman Ford?

Rep. Ford. I think earlier, Mr. Hosty, you indicated that the case of Oswald was under your jurisdiction?

Mr. Hosty. Was assigned to me, yes, sir.

Rep. Ford. Assigned to you?

Mr. Hosty. Yes, sir.

Rep. Ford. As I recall the language you indicated that documents or papers or reports came to you?

Mr. Holy. Correct.

Rep. Ford. Would this go through the Special Agent in Charge of the Dallas area or what would it be?

Mr. Hosty. Here would be the procedure. The mail would be received at the chief clerk's office. They would then match it up with the proper file, and take it to the supervisor in question.

Rep. Ford. Who is that?

Mr. Hosty. Mr. Kenneth Howe was supervisor of the Internal Security squad, and he would get it first, would read it, and then route it to the agent to whom the case was assigned.

Rep. Ford. So Mr. Howe --

Mr. Hosty. Yes.

Rep. Ford. --was knowledgable about the Oswald case?

Mr. Hosty. Right.

Rep. Ford. How how knowledgable would a person in that capacity be about this case?

Mr. Hosty. Well, I might point out where I would have 25 to 40 cases that I was working on, he might have 500 to 700 cases he was supervising, so obviously he couldn't pay as much attention to the details of the case as the agent to whom it was assigned.

Rep. Ford. He saw all the documents that came in or went out involving this case?

Mr. Hosty. This case and many other cases.



Rep. Ford. Did you and Mr. Howe ever discuss the Oswald case prior to the assassination?

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Mr. Hosty. I have no recollection of any discussion of thecase, no.

Rep. Ford. Is this umsual or is this typical?

Mr. Hosky. There would be a discussion if in my opinion there was something I wanted to consult him on or if in his opinion there was semething he wanted to consult me on.

If he thought I was handling the case all right, and I had no questions, we would not discuss the case.

Rep. Ford. Your recollection is that in this instance you and Mr. Howe had no such discussion?

in. Mesty. That is my recollection.

Mr. McCloy. After this one interview in which y ou participated at least in part with Lt or Capt Fritz, I forgot what his rank is --

ir. Hosty. Capt. Fritz.

Mr. McCloy. Capt Fritz, did you ever interview or were you ever a participant in an interview of Oswald thereafter?

Mr. Hosty. No. This was the only time I participated.

Mr. McCloy. Did y ou return to the police headquarters the mext day?

Mr. Hosty. Mo, sir.

Mr. McCloy. You weren't there when Oswald was shot?

I.E. Fosty. Mc, sir.

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The Chairman. Thank you very much, ar. Hosty.

Mr. Hosty. Thank you, Mr. Chief Justice.

The Chairman. Thank you for your help. We are very glad to have seen you, sir.

The meeting will adjourn.

(Thereupon, at 5:10 o'clock, the Commission recessed to reconvene at 9:00 o'clock a.m., Wednesday, May 6, 1964.)

) end