178A NT 17

Chapter D. The Hosty Flag

In the preceding chapter I refer to Osvald's threat to bomb. He delivered it in writing to the Dallas FBI office about two weeks before the ssassination. He delivered it in person and in such anger he forgot to seal the nevi envelope. He wanted to give it in person to SA James Patrick Hosty, Jt., the sh-called "subversive" expert who handled the case of both Oswald's for the Dallas FBI office.

(Hosty's political beliefs of the right extreme are such that there are those who while not being of the left could regard kin as subversive of basic American belief.)

Hosty had gone to the Paine residence twice when he knew Oswald would not be

there. Oswald regarded that as harassment of his wife Marina, who was not an American and who had been twelling with defendation by the Fall which wash property to be up to, whether or not taken of the was so outraged over what he understood worth to be up to, whether or not taken of the was, that when Hosty appeared at a police interrgation of Oswald he not only had follow to withdraw— the FBI took him off the case. It may well be that what Hosty did was in accord with normal FBI practise and that there was nothing wrong with it but Oswald did not take it that way. This is what little background we have for Oswald's writing of that watereate wing letter and his effort to give it to Hosty personally.

The Dallas FBI office had that ketter threatening letter Oswald gave it when he was arrested and first charged with killing Dallas policeman J.D. Tippit and then with assassinating the President. And, unless the Dallas office informed H. about it before Friday, Movember 22, 1963, nobody outside that FBI office knew of it. at the time of the plusting

I tell this story because it is a fair reflection of the FBI and its "investigation" of the assassination. What was palmed off on us as its investigation of the assassination was in fact in accord with what so many agents have referred to as the FBI's first law, "cover the Bureau's ass" and its second law, "cover your own ass."

From the moment  $\theta$ swald was arrested Oswald's hand-deli**V**ery of that note and the FBI's keeping it secret dominated everything.

179/1

## Chapter 9. The Hosty Plap

At about five minutes after two the afternoon of movember 22,1963 as each was rushinto the Dallas police headquarters FBI SA James Patrick Hosty, Jr., and hieutenent Jack
Revill of the police intelligence section humped into each other. What Hosty then blurted
out to devill troubled him. As soon as he saw Chief Jesse Curry he told Curry what had
happened, what Hosty said to him, and Curry ordered him to write a report on it immediately. Revill set himself to a typewriter and did that almost immediately. The copies
I have from the records the police gave the TCI and to the Commission are identifical.
The devill report is dated the day of the assassination. When under Curry's instructions
devill swore to be April 7,1964. Tixix The sworn-to copy that was entered into the
Commission's record as its exhibit 709.

A few details were later added, in his report of April 20, by Detective V.J.

Brian, a so of the intelligence section. I have his report from the TCI files. Brian says he was with "evill when they were in the basement, where the parking lot is, and Hosty "had already parked his car and was walkingnrapidly very fast toward the entrance of the City Hall," where police headquarters were located. Brian continues,

"...Hosty made the atatement that Les Lee Oswald had killed the President and that Oswald was a Communist. Hosty also said that he knew that Oswald was a Communist and that he knew Oswald worked at the School Book Depository. While we were in the basement Hosty also said several other things to Lieutenant Revill that I could not hear as there was a lot of excitement and commotion there. Lieutenant Revill and myself then accompanied

Hosty to Captain Fritz's office and Lieutenant Revill introduced Hosty to Lieutenant Ted Wells. We, Lieutenant Revill and myself then went to the Special Service Bureau Office where Lieutenant Revill made a report of the incident..."

In the Revita report, later affidavit, Revill says that "Hosty related to this officer that the Subject was a Member of the Communist Party..." that he "was arrested for the murder of Officer J.D. Tippits and is a prime suspect in the assassination of Precident Kennedy. "Precident Kennedy." What became the subject of controvery but remain underied is what then follows:

pace

If there is any explanation for the police having any address for Oswald in the official records I do not recall it. It thus would seem that despite their complaint of not having been informed about Oswald by the FBI the police had some political interest in him before the assassination. But they did go to the correct address a little later to make the search, without any warrant, at his Beckley Avenue room.

1 space malent

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

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

We return to this information soon but I emphasize that what should be borne in mind is that Oswald was not and hever had been a Communist and he was strongly, passionately anti-Communist. Hosty's political views, of the anti-deluviant right extreme, color all he believes and says. He may well have believed that Oswald was a Communist. He might have believed that of all not as far to the right as the John Birch Soviety. But the fact is that neither Hosty Mor the FBI had any information that Oswald was a Communist. Met then and met the law the real that Hosty could and did believe this is an indication of more than his extremist political views. It reflects the need to discount much of what he says that is colored by first his political views and later with laws all of this caused.

In fact, the Dallas police were so unaware of Oswald that his address as given by Revill in his report/affidavit is 603 Elsbeth Street. That was quite some time earlier. After going to New Orelans and from there to Mexico Oswald's address was 1026 North

Beckley Avenue. That the police records were so out of date confirms that the FBI had Hovey and two would address and when he would.

Not given them information about Oswald. That the police did have an ddress for him when he had not been arrested indoaited that they had an earlier interest had him that was not related to any crime charged to him or of which he was suspected.

Oswald had been arrosted for the Tippit murder but he had not been charged with it forty or with the JFK assassination and if there was at that early time any reason for the police to consider him the "prime suspect" in the assassination I am not aware of it.

Not at shortly after two the afternoon of the assassination.

As soon as the 112th Army intelligence unit let it be known that Oswald had defected to the Soviet Union, which he had not done, there was a Red-scare had and Ery and the Dallas police were subjected to intense criticism for not having had Oswald under surveillance because of his supposed political orientation.

It was in response to these criticisms, to defend himself and his police department that Curry told the media that the FBI had not told  $\mathbb{Z}$  them of Oswald's presence there. In support of this he disclosed the  $\mathbb{Z}$  evill report.

The world-wide attention that got did get Hoover's attention! And did it anger him! Little angered Hoover as much as the truth that he did not want to be the truth about the FBI. So, the FBI defended itself by telling the media that it had no reason to tell the police anything about Oswald because there was no reason even to suspect that he was capable of any violence. Huty lith surve to Two.

With no small midnto be hobgobblined by consistency the "cover who proclaimed that there was no reason to tell the Dallas police about Oswald also disciplined about a dozen and a half agents for their for alleged fjalures that included not placing Oswald on its zecurity list of those to be watched with care!

That the ruckus died down after this FBI denial of any reason to have told the but police about Oswald (Hoover's ire did not. What I now report it from the DMINK FBI's and [m.C.AJ.78-0322/0400 combine what | four in The Dully) HQ records disclosed to me in 1977 at 1978/plus what I later get from the same files on the main JFK assassination and the lee Harvey Oswald files. The disciplining of the ey in the ampanish files at FBI HD and must agent at FBI HD and must agents is recorded in them also, as it is in the AMA"67" file on each agent at FBIHQ.

These are the FB('s "personnel Matters" files.

how wrong he and the FBT are, come hell or high water, he is never wrong, zazzizzzzzizzis

now no matter what. He also believed that any criticsm of the FBT reflected on him accepted and he capited no criticism, no matter how justified. So, he ordered Shanklin to make nationwide urry go on TV and apologize—for telling the twuth!

Poor Curry had little choice. All police depend on the FBI and all want the best relations they can have with it. So, he did kactly as Hoover demanded. It was humiliating for him and for Dallas but having no real choice he did it.

Only not even that satisfied Loover. One Curry retracted the truth so publicly, so humiliatingly, Hoover then order the FBI to have nothing at all to do with the Dallas Police Department!

This break in relations with the Dallas police- and all - sat here is recorded in the FBI's own records -was so complete the FBI discontinued even training the Dallas police!

In his outrage over the truth Hocver even ended the FBI's program for making local police better police as it applied to Dallas.

Just as this all was in secret, not a nord of it ever leaking out, so also, after the place of some time, was the restoration of more or less normal relations by between the police and the FBI.

The disciplining of all those agents was at best unfair. Hosty is one who undertook to mefend himself. Those who were disciplined for not suggesting Oswald's addition to that sick "security" index of the FBI's pointed out that Ossald did not qualify for inclusion under the FBI's own standards for inclusion on it. But nothing made any difference to Hoover. Not one disciplining order was changed.

Hosty was transferred to Kangsas City and his pay was reduced by WWWW EX \$1000 a year. Milton Kasch Kaack, an Oswald New Orleans agent who also had done no wrong, refused to accept unjustified & disciplining. He resigned instead.

There remained the little thing about the FBI's knowing that Oswald a was capable of assassinating the President. That was a one-day story for the media. It was soon forgotten. But Hosty was entirely correct in telling Revill that the FBI knew that Pswald was capable of violence. Hosty knew better than anyone because Oswald wrote his threat out and left it at the Dallas office (when Hosty was not in.

This put the FBI in the possitoin of having gotten this threat and doing nothing about it except suppress it.

The FBI did not tell the police before or after the assassination and it not only kept it secret from the Warren Commission, it praised Hostyy for swearing to the in the fully ommission (that the FBI had no reason to believe that Oswald was capable of any biolence.

After getting this threat from him!

Hosty testified before the "arren Commission on Tuesday, "ay 5, along with two so other FBI SAs who had spoken to Oswald, retired agent John W. Fain and Lester Quigley (\*\* 4H403 ff)

He also testified that the Oswald file reached him only the morning of the day of the assassination.

asknowledge ment

Elbeit unintendedly, this is a straightforward statement by the Commission and its who actella it counsels that they did not intent to get to the bottom or anything at all and that no mhat they were confronted with they would cover up for the FBI as much as seemed to be possible.

Revill was # a witness. He was under oath and testifying. The Commission had not only his report on what he said Hosty told him, it also had newspaper accounts of it. They could not have been unaware of poor Curry eating all that crow over this on nationwide TV or of the FBI's sort-of denials that were actually admissions. Yet with Revill under oath and testifying they did not ask him a single question about his statement that Hosty said the FBI knew thank that Oswald was capable of assassinating the President and had not said a word about that to the police before the assassination.

That shames even Pink Panther investigators.

office from the New rleans office after it was known to the FBI that the Oswalds were in the territory of the Dallas office, he gave a different account of hipseeting with Revill. He was unable to identify any others with them. He then denied wirst saying what Revill attributed to him. (page 463 ff) He also denied newspaper versions of it that enlarged on it a little, like \*\*Harrenteting\*\* "...I made no statement to Lieutenant in Revill or to \*\*pany other individual at any time that I or anyone else the FBI knew that Leed Harvey Oswald was capable of assassinating the \*\*pr4sPresident of the United BStates or possessed any potential for violence."

After saying he knew Brian and does not recall him being present Commission

Counsel Sam Stern asked Hosty, "Have you heard that there was a rumor to the effect of this story," the stary that of enlarged a little on what Revill reported and swo re to, "at any time before this newspaper article appeared?" on April 24, Hosty said that he had, about two weeks earlier. But he had not spoken to any of the police to learn more about it, under instructions from FBIHQ.

When Warren aske if Revill had been a witness "before the Commission" Rankin answered misleadingly, "He has not been a witness before the Commission."

At this point Redlich interrupted to say, "He was talked to in Dallas." That also turned out to be misleading because as Ranki then said. "He was deposition witness."

This means he testified under oath with a Member present. (page 496)

When Warren then asked about Revill, "Was Did he in that deposition state that Agent Hosty made such a statement to him?" Rankin said he did not know and Redlich said, particular "the information I have is that he was not questjoned about this allegation."

When Ford asked, "did he volunteer that information?" a quistion Warren followed up with, "Yes. Is it in the deposition at all?" Redlich replied, "To the best of my knowledge, it is not, Mr. Chief Justice." (page 465) ISB here

It then turned out that even when Hosty was present at the earliest price questioning of Osvald Hosty told them not a word about Oswald or about the files and records they had on him. (pages 468-9), 473)

That the FBI did not tell the police a mething about Oswald and that it did not have him one its "security" lists of those Hoover regarded as enemies of the state and to be put away in time of crisis is consistent with the suspicion that Oswald did have some connection with it or with some other for federal agency to the FBI's knowledge. Otherwise, especially with Hosty's political beliefs, the normal procedure would have been to tell the police about what it believed of Oswald and of his presence within their juridiction.

He actually said, p"there would be no reason for me to give it," the information about Oswald about which the police were then questioning him, p"to them." 1844

In defending this outre resonse Hosty then said, "He was a security risk of a sort, but not the type of person who would engage in violence." (page 473) At this delicate point the FBI's stoolpidgeon inside the Commission, Ford, eased the questioning away from this and onto another subject, beginning with Hosty's lunch that day!

As they ramble along without returning to this matter Redlich returned to report that Revill was not questioned about it at all when deposped by former New Orleans District Attorgny and Commission Counsel Leon Mubert.

(Hinbert agreed for me to interview him when he was teaching law in New Orleans but when I appared to do that he declined.)

Before it all ended there was an indication of the magnitude of the time the Dallas

FBI alone was spending on political matters. Hosty testified that he had up to 40

"security" cases and his supervisor, Kenneth Howe, had up to 700 of them eurrently.

That is where it ground to the end, with the Commisson learning that

even though its staff was well avere of Reville's allegations, nobody at all had bothered to ask Revill a word about it when he was deposed, Wholume 5 pages 33ff.)

If it struck anyone on the Commission as at all unusual that Hosty, the FBI Dallas' expert on Oswald, when present at the police guestioning of him, did not tell the police a word about what the FBI had on Oswald, even that it had a file on him, the Commission's record does not reflect it. There was no questioning whomat what it could understand this or free what it reflect, so it could understand Hosty and his almission.

There is a very real question of Hosty's credibility, of his representation of fact, of the validty of his opinions and interpretations and whether they are influenced by this really extreme Red paranois, and particularly with regard to his story about that Oswald note and his destruction of it is being able to make these evaluations important.

Because those in the media to whom he spoke lacked the background in the fact of the west for the assassination be got really extensive national attention when he went public after

If it were not that, incredibly, he got away with it, Hosty would have been stupid even to think of trying se to get away with this truly outrageous thing he pulled off. Here he was, the man who claimed he knew it all, and both before the assassination and little more than minutes after it he kept all this knowledge he calimed to have about the man arrested, from the police who had him under arrest and as Hosty himself said, for

(both the killing of Patrolman J.D. Tippit and of the President)

If what Hosty was bragging of knowing all about the Oswald had contact with a shortly before the assassination, KGB expert on assassinations in Mexico City, then his not telling the police about it is little short of criminal.

In this regard, a KGB man as a consul, it should be remember that most CIA employees abroad are there in identical roles, with State Department covers. All intelligence agencies use such covers, that one in particular. 185 B1 folo

was true, that

Even Hosty did in Dallas!

Histy insert

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When Joe Goulden visited me in December, 1974, he told me interesting story was fund the worth of the story and he looked Hosty up in the city directory he found himself as am employee of the Agriculture Department!

his retirement was secure. None of the reports realized the remarkable self-indictment involved in Hosty's testimony that he told the Dallas police nothing at all about Oswald, particularly not about his trip to Reviee.

Hosty granted Earl Golz, then the Dallas Morning News' honored investigative reporter and in-house JFK assassintion expert an interview after he had his return ment. The paper gave the story more than a full page, beginning on the front page, in its December 8, 1980 issue. That Hosty told Golz ranged from fabrication and fastasy to gross inaccuracy. What Hosty told a leter interviewer, to which we return, applies to "YBasic fact—him as well. The learned to live with it." What Hosty told Golz is what Hosty wanted others to hear and believe, without regard to himself, regardless of "basic fact—finding."

In considering this it should be remembered that the sole legal jurisdiction for any criminal investigation of the assassination was in Dallas, under Texas law, and with the Dallas police in charge of that. This becomes partocularly important when Hosty's accusations are considered. While it was no easy accomplishment, Hosty did succeed in outrageously making result onfair accusations against the FBI itself - and this about Oswald and Herico City, precisely the area of his criticisms of the FBI and about which he, personally, withheld all he claims to have known from the Dalls police, the only police with a criminal ase to investigate and case to go to court as of the time of Hosty's criticisms of the FBI, - before Ruby killed Osald.

Among the many papers that picked this story up the emphasis of the New York Daily

News of the next day, December 9, is in its headline; "Says FBI purged files of Oswaldspy parley." H is a fair Amapaulation.

The banner headline across the entire top of Page 6 of the main news section of the Dallas paper where the carryover from the first page is printed is "FBI boss denirs" O wald evidence stolen. This is what Hosty alleged, without basis and contrary to the fact of which I have personal knowledge from C.A. 78-0322, later combined with C.A. 7
78-0420, the suit for, respectively, the Dallas and Lew Orleans assassination records.

"Monitored" Oswald in Dallas?

Hosty himself swore that he never spoke to Oswald and deliberately stayed away from him.

Some "monitoring" that!

As Golz's story begins, the first words of its lead, quote as saying:

"Docurents referring to be Harvey Oswald's trip to Mexico City where he met with a Soviet agent for assassination and sabotage two months before President John F. Kennedy's death, were secretly removed by the FBI from Oswald's internal security file in Dallas hours after Kennedy was shot, says the agent who monitored Oswald's activities in Dallas.

Hesty claimed that he learned only by MEN a tip three years later that the Soviet consulate official Oswald saw Whitener where seeking a visa, Ezhzkezze

Valeriy V. Kostikov, allegedly was a KGB "agent responsible for seessassination and sabotage."

What Hosty did not report in this part of his flight of paranoid political fantasy is that after Oswald's violent reaction to him at the police interrogation it was impossible for Hosty to continue as the case agent. What he also does not say is that no records were destroyed and that they were taken from the file for the use of others.

"The big things is that they didn't tell anything me anything" about any of this, the foly.

Hosty said. He does not say why they should have. "FBI headquarters had it and they meren't going to send it to us."

"Us" had it before the next day da dawned, as Histy should have known. Dallas may have a had it earlier.

The Mexico City FBI office, those abroad known as legal attaches, abbreviated "Legats", has been in touch with headquarters by phone. Belmont at headquarters phoned Shanklim to inform him so early the day of the assassination that Shanklim's memo to file on it was typed, processed and in the files that day. I got a copy in C.A.78-0322. It is Serial 104 in the Dallas main JFK assassination file. This is what Shanklin action wrote in his memo on Belmont's call:

h phane mund

Assistant to the Director BELMONT advised that we have in our file practically all the information from Mexico City regarding OSWALD's visit or trip to Mexico except the fact that CIA had secured some information (U) that this individual very probably called from the Cuban Embassy to the Russian Embassy. They later photographed him going in the Russian Embassy, and ANDERSON has arranged for a transcript of the call, as well as pictures, and SACELDON RUDD is flying up with a Waval Attache on a DC-3 scheduled to arrive Dallas about 1:00 AM, and we should make arrangements to meet him, and secure this information. He thought RUDD would probably be coming in at Love Field.

This record was processed by an agent from the same squad as Hosty, Wallace Heitman, so Hosty's function was still very much involved. Heitman's memo on his instruction to meet the plane, is Serial 103 in the same file. After picking Rudd and what he carried up at Love Field Heitman drove him to the Dallas FBI office. Rudd arrived in the Navy plane numbered 50752. It landed at 2:47 a.m. So, contrary to Hosty's later claim, the FBI did keep records on that business.

Although the Shanklin memo on Belmont's call indicates that Rudd was bringing the FBI "all the information," it only implies what some of that information was in referring to a "transcript of the call" that was by Oswald to the Russi Soviet consulate. Rudd also had with him one of the CIA's reels of tapes of its intercepts of conversations on the Cuban and Soviet telephones. Before daylight that tape had been listened to and the Dallas teletyped

FBI, from its records I have, such a three-page paraphrase of what is on the tape to

HQ. In response HQ asked Dallas for a verbatim transcript and that then was subject teletyped to HQ. On its part the CIA's Mexico City station informed his headquarters and CIA headquarters at Langley informed FBTHQ in Washington. Kostikov's voice was well known to the CIA in Mexico and it wasked did not keep it ecret from CIA Langley for any

meaning it might have had, and there is no reason to believe it had any meaning, that The was Korktovs HBB position and Widoly
Oswald had spoken to costikov was not secret and it was not withheld.

(What was withheld was withheld 14 years later when the FBI withheld from me the in that lawsuit under a spurious "national security" claim the ext text of those teletypes with the conversation waxitx reported in it.)

From the outer fringes of the right political extreme, without regard to any actual

188A

And that is how the epartment of Justice, sitting in justice upon itself, manager to do nothing at all about Shanklin'ss felony of perjury in denying that he knew anything at all about that Oswald Letter and its destriction. That perjury, hwoeger, was quit e separate from the earlier offense of de ordering the destruction of what would have been evidence,

Moreover, the Department and the RI have still have not disclosed all the information they have under the Freedom of Information Act.

Its Hay 21, 1977
In belated compliance with my request of the Criminal Division, its FOIA request file number CRM-2546, I was still making efforts to get what it was withholding about this note-destruction matter in 1981. When I called to its attention on April 9, 1981, that it was making wholesale and I believed unjustified withholdings from its 51-16-113 file under claim to exemption that (5) of the Act Act, I got nowhere. That exemption relates to dministrative max decisions, before reached.

Deputy Associate Director James B. Adams testifed about this matter before the Edward subcommittee on October 21, 1875. In his prepared stament of 2q. 21 typed pages he found it possibly to speak that much without the mention of a single name of any of the FBI enlemployyees involved in it. I have his statement that was released to the media for use not before 9:30 a.m. that day.

Intermittently over the years prior to the stories I quote above Hosty made public throats to expose more. For example, in the Kanssas City Times of February 19, 1979, he is quoted as saying that it depends on what the House assassins committee reported whether he would have "bembshells" to drop, allegedly about what did not mist, "Oswald's connections to Cuba." May filed May report, No Horty "Foundald."

Richard A. Serrano quotes Hosty was saying the exact opposite of what he told the Warren Commission, that "he had tried to get an interview with Oswald" before Kennedy was killer.

Serrano also spoke to # Golz. Golz told him that Hosty said "he had some more bookb-shells to drop, but never would i entify what those were.

evidence or even common sense, Hosty began with the conviction that the Soviets conspired with swald for him to kill JFK. He was still planing that off when he spoke to Golz and later. The actual evidence is all to the contrary. Moreover, there is no possibility at all that the Soviets would have preferred the known hawk Johnson to the known dove kennedy and that is what resulted from the ssassination.

So wild were Hosty's conjectures that were without any basis at all but he bedieved Hom, he told Gol z that Oswald's wife, Marina, "was tight-lipped about Mexico City." If "arina had talked her had off she could not have said a word "about Mexico City" because she knew nothing about it. What remains to be seen is if there is anything at all "about Mexico City" that a has any meaning of any kind. It can have no meaning relating to the assassination except in twisted minds like Hosty's, those that need no evidence because they live with their irrational political paranoias.

It was to the Wall Strett ournal's ennis Farney that, with this we his own record,

Hosty complained of the FBI and "Basic fact-finding degenerated into telling Hoover

what Hoover wanted to hear." In that October 18, 1993 interview we also find this reflection

of Hosty's concept of "basic fact finding" and of saying only what he "wanted to hear"

bedieved:

Moreover, citing an internal FBI source, Mr. Hosty alleges that President Johnson and Robert F. Kennedy ordered intelligence agents in Mexico to stop pursuing a possible Cuban or Soviet connection. His informant tells him CIA agents in Mexico City were "near mutiny" at this order. Startling as it is, this aspect of Mr. Hosty's theory has drawn support from the U.S. ambassador to Mexico at the time, Thomas Mann, who has said he received "peremptory instructions to stop" investigating those issues.

Those "basic facts" that Hosty wants it believe are so dear to him is that in this, his version, there is not a word of truth. Again, I known because I have the records he refers to, the only ones he can be referring to, and others setting for it.

What had really happened is that a young Nicaraguan intelligence agent in those days of the extreme-right Trujillo dictatorship, told the United States embassy in Texico City that he had been at the Cuban consulate and in broad daylight and in the course of a loud argument in the courtyard he had seen a red-headed black Cuban give Oswald

wWhat eyes that young Nicaraguan spook has to see able to see all those bills

thin daymention, it

counted out and to perceive remember and count them whisheaf!

Or Pehaps that red-headed black uban counted them out lodly enough to be heard by everyone around. (It is often the pretended details that give these kinds of fakes away.)

Any way,

\$6,500 to do the dirty deed. Not even in story books is that kind of transcaction in public, leave alone with so much else to make it conspi#cuous, from the alleged argument to the not very common red-headed blake blake blake blakes and a Cuban to boot. The TBI 's Legat and the CIA station were both there and both were involved from the first instant in this palpably fictitious nonsense. The difference is that the CTA loved it and rushed it to and convinced Ambassador Thomas Mann of it while the FBI was leery. So also was FBIHQ. It went to work immediately on those details it was given of Alvarado Ugarte's effort to start World War III, the effort it was only with great reluctance that Ambassador Mann seemed to bangdon, if he ever did.

while the FBI checked the etails gout Mann pushed Washington todo something immediate washing what would be done of the wash for with late of these about Cuba, Again, rationality was a stranger in the heads of this big thinkers. IBJ, in fact, promoted Mann to a higher position in the State Department. With JFK the sole real protection Castro had as a result of the solution to the Cuba Missile Crisis of October 19624, Kennedy) assurance of protection of Cuba from any invasion having settled that crisis, how can it possibly be conceived that castro will kill the one real protection he had? The USSE could not and did not give him that assurance. Among those identified as constantly pressured by Mann in the disclosed CIA cable traffic that I have are U. Alexis Johnson in the State Department the White House itself. If Mann had had his wway World War III was a distinct possibility.

The first of Alvarado Ugarte's claims that the FBI checked out was that the date on which he (saw Oswald getting paid of was wes September 18. On that date, as the FBI rapidly establ ished, Oswaldvas still in New Orleans. He did not leave it for another week.

So, with this the B FBIHQ urged strongly that Alvarado Ugarte be subjected to willow and Tude.

Vigorous examination. He crumbled almost immediately and admitted making it all up.

But even that did not slake Mann's yen to do something to Cuba, as the st disclosd records continued to reflect. He never did want to believe that it was all a fake, he liked it that much, just as Hosty likes so much what is just plain false.

Whit ambasilos do Investigate us instructions to stop investigating," which he in any event was not deing while the CIA pretended to be doing that, no such instructions

were needed Noe at all, obviously.

So far as Hosty's saying that "internal FBI records" say whathe says they did, that "President Johnson and Robert F. Kennedy ordered intelligence agents in Mexico to stop pursuing" this childish fabrication, where supposed to be as the result of my C.A. 77-21655. There is no such record of any kift in them, not even one a Hosty can contort into having any such meaning. There is no record indicating that John was inforced about and believe any of this and there is none of any of it being given to Robert Kennedy. If not a world has they in the Clabrands,

There was no such "order" and there was no need for one when it all came apart so of the CIA agents in Mexico City, that leaves the "near mutiny", Hosty's words, to be explained.

We are as assessing the trush that can be placed in Hosty's word, remember, and that with him denying what all the rest of the evidence says, that Oswald left a threatening letter at the FBI Dallas office reception deak for him when he was not in.

What

For this evaluation, let us examine another paragraph of the Wall Street Journal attributes to him:

Mr. Hosty asserts that FBI superiors altered his written answers to a post-assassination interrogatory to make him look worse. The altered answer has him admitting "it possibly would have been better" had he moved more aggressively on certain aspects of the investigation. But he also volunteers that, in a grave mistake, he carried out a superior's order to destroy an embarrassing piece of evidence — a note to him from Oswald — before director Hoover learned about it.

If we ignore the self-serving in this there is what Hosty cannot have spent his working lifetime in the FBI without knowing, that nobody would have dared tell him to destroy that note without J Hoover's wanting it done. But again, those "basic facts"t eld Hosty says all except be ignore. Hoover was ask informed of the note and it was he who told those under him to deste destroy that note as soon as they knew Oswald was dead and there would be no trial.

In Hosty's version that note merely complained about Hosty going to see his wife marina. What is there in such a letter to cause the FBI to destroy it? B esides which, at

to Hosty's fores

that very first police interrogation, with hosty present, sweld had done that with considerable vigor to Hosty's face and to the knowledge of all others present. So there was nothing in that letter to destroyed to keep anything secret at all.

It was, in fact, the vigor of Oswald's complaints to Hosty's face that led to the change in his statis on the case. There was nothing secret in that and thus no reason to and only it destroy that no letter-jif osty is truthul about its contents. As it would take a believer in tooth-fairies to believe.

But perhaps worst of all in terms of any credibility that can be given to Hosty and anything he says about anybody or anything is his own statement to the Commission that he homself never mentioned anything at all about Oswald and Mexico City to the Dallas police—the sole agency in charge of investigating the murder that was a crime under Texas law only—to Hosty's certain knowledge.

e told them nothing at all when he believed that there was this big and devious and dastardly conspiracy behind the murder they were investigating?

When it in Modved the Kostokov he believed was a Soviet specialist in as they are falled in the teade, "& wet jobs"?

Hosty, remember those long and loud complaints to the media, claimed that the proof of this as in the file to he had and was stolen from it or destroyed by sinsiter forces inside his own Dallas of FBI office.

-So, Hosty has claimed to know all about it.

That file, as he also testified to the Commission, had been in New Tleans and had means just reached him the myoning of the assassination. That each he has to have reviewed the entire file after whatever time it got to him after reaching Ballas and before leaving for lunch, which he was eating when the job of killing was done.

If we give Hosty the benefit of the doubt about his really having been able to go over that file before leabi leaving for lunch, there remains the terrible self —indic — menf of his having that knowledge, with all he has said it is, including that \"wet hob" specialist having been seen by Oswald in Mexico City, and his not telling the Dallas police for their murder investigation of his knowledge of the fact he says is or was in

that file and his belif that the resident was assassinated pursuant to that conspiracy he says he saw so clearly.

Either way, this is Hosty's own portrayal of his dependability, his honesty, his truthfulness - of any qualities that are relevant in considering his denials and his representations of the content of that "swald letter he, personally, also kept secret for a dozen years.

Aside from the FBI's internal investigation, which is to say the FBI's own investigation of itself, there were two in the Congress. In the Senate it was by the Schweiker subcommittee of the special intelligence committee then known as the Church committee and later made into a permanent, standing committee of the Senate. In the hosue it was by the Don Edwards subcommittee. (Edwards, a California emocrat, was a forest forner FBI special agent.) In time, the FBI's Inspector General's investigation was first.

The two inquiries by the Cingress ended with no real conclusions possible.

The Edwards sybcom littee held public hearings. The transcripts were published. have them.

And Inspecting generally

Lites a model of FBI Keystone Koppery. I have it duplicate copies of it files separately under the file title "The Hosty Flap III, which a separate file for each person interviewed by the Chief of the FBI Inspection Division his melf or his assistant.

With characteristic FBI reffeciency each interview and statement signing is dated and time. Most were written out on the spot, then read and signed by those interviewed. In some instances there was as much as 15 minutes between the ankings intraducion of the Dallas FBI employee to the Inspector General until the shandwritten statement was written, red and signed. Fifthe Finteen byole minutes, all inclusive.

Diligent as the Inspector was to be sure to get it all, his interviews and signed

Morry Mess 

Statements were of such quality, reflecting such investigatory derring to that as more

pnformation that was not wanted was developed, the Inspector Ceneral had to return and

more reinterview those he had more or less wiped out in large interviews and statements.

In the end, he had reduced this major scandal to its smallest possible dimension, without any recommendation for any criminal prosecution.

The first three pages of the report of the Senate committee is an adequate, if understated summary: industrial part

## APPENDIX B

THE FBI AND THE DESTRUCTION OF THE OSWALD NOTE

In early July 1975, a Dallas newsman met with former FBI Special Agent-in-Charge for Dallas, J. Gordon Shanklin. The newsman informed Shanklin that an unidentified source had told him that Lee Harvey Oswald had visited the FBI office in Dallas sometime prior to the assassination and had left a threatening note for Special Agent James Hosty, who had been conducting the FBI investigation of Oswald. The newsman stated that neither Oswald's visit, nor the note, were reported to FBI Headquarters officials. Shanklin suggested that the newsman contact Députy Associate Director James Adams at FBI Headquarters.

On July 7, 1975, the newsman met in Washington, D.C., with Adams and Director Kelley and informed them of these allegations. The Attorney General was advised on July 8, 1975, that the Bureau intended to conduct an inquiry regarding these allegations.<sup>2</sup> Later that day, Director Kelley held a conference with Adams, Shanklin, the Headquarters agent assigned to the assassination case, the Assistant Director in charge of the Inspection Division, and the Dallas SAC. The Assistant Director in charge of the Inspection Division was assigned personal responsibility for directing the FBI inquiry of the circumstances surrounding the delivery and duplication of the note.<sup>3</sup>

The Bureau's initial file review failed to develop any information indicating that Oswald had ever visited the FBI field office in Dallas or that he had left a note. FBI interviews with personnel assigned to the Dallas field office in 1963 established that:

(1) Lee Harvey Oswald did visit the office some two or three weeks prior to the assassination;

(2) Oswald asked to see SA James Hosty, and upon being informed that he was not in, left a note for Hosty; and

(3) the note was destroyed after the assassination.

The evidence developed by the Bureau contained sharp conflicts. The investigation failed to establish:

(1) whether the note was threatening in nature; and

(2) at whose instruction the note was destroyed.

Rather than attempting to draw conclusions from an evidentiary record replete with factual discrepancies, the Committee has decided to set forth in summary fashion the evidence developed by the Bureau and the committee, highlighting those areas where discrepancies exist.

<sup>1</sup> J. Gordon Shanklin testimony, 12/19/75, p. 10.

a Ibid.

d Ibid.

<sup>&</sup>lt;sup>a</sup> Memorandum from the Director, IBI, to the Attorney General 7/29/75.

Memorandum from the Director, FBI to the Attorney General, 7/29/75.

The Wording of the Note

Approximately one week or ten days prior to November 22, 1963, Lee Harvey Oswald appeared at the reception desk in the Dallas field office and asked to see Special Agent James Hosty. After being informed that he was not available, Oswald left an envelope with a note inside for Hosty. The envelope was unsealed and the note was partly visible. According to the receptionists, the note read as follows:

Let this be a warning. I will blow up the FBI and the Dallas Police Department if you don't stop bothering my wife. Signed-Lee Harvey Oswald.

Sometime later in the day the receptionists personally gave the note to Hosty.

Hosty recalled the note's wording as:

If you have anything you want to learn about me, come talk to me directly. If you don't cease bothering my wife, I will take appropriate action and report this to proper authorities.7

Hosty's supervisor said he recalled that the note contained some

kind of threat, but could not remember specifics.8

Aside from the receptionist, Agent Hosty, and the supervisor, no one else interviewed by the FBI recalled having seen the note. Some other individuals indicated that from conversations they had had with the receptionist after the assassination, they understood that the note contained a threat.

Circumstances Surrounding the Destruction of the Note

After reading the note, Hosty placed it in his workbox, where it remained until the day of the assassination. On the day of the assassination, Hosty participated in an interview of Oswald at the Dallas Police Department. When he returned to the field office about an hour later, Hosty was called into Shanklin's office where he met with his supervisor and Shanklin. One of them displayed the note and asked Hosty to explain its contents.9 Hosty told them he had interviewed Marina Oswald at the residence of Ruth Paine on November 1, 1963. According to Hosty, during the post-assassination interview at the Dallas Police Department, Oswald commented that Hosty was the FBI agent who had bothered his wife, and that if the agent wanted to know something about Oswald, he should have come and talked to Oswald himself.10

According to Hosty, Shanklin ordered him to prepare a memorandum detailing facts pertaining to the note and his interview with Marina Oswald and Ruth Paine. Hosty testified that he did prepare such a memorandum and delivered it to Shanklin on the evening of November 22, 1963.11

Hosty's supers box very soon af that he took the what happened t

According to been pronounced Shanklin wante by Shanklin to randum regardi: Shanklin denied and the note. H destroy the note of this entire ma

The personne not know wheth the Oswald visit van, who was an sassingtion, has with Shanklin; lem involving o sage from Oswa livan recalls the other than to sa sistant to the I any knowledge other living Bu vestigative divifurnished the I of this matter.

<sup>&</sup>lt;sup>o</sup> Affidavit of receptionist, 7/15/75.

<sup>&</sup>lt;sup>7</sup> Affidavit of James P. Hosty, Jr., 7/17/75. <sup>8</sup> Affidavit of supervisor, 9/8/75.

The supervisor stated that the note was on plain paper, was either handwritten or handprinted, and was threatening in nature.

Hosty affidavit, 7/17/75; Hosty, 12/13/75, p. 147. 10 Hosty affidavit, 9/22/75; Hosty, 12/13/75, p. 148.

<sup>11</sup> Hosty, 12/13/75, p. 153.

<sup>4</sup> Affidavit of Si Hosty affidavi Deputy Associa committee on Civ Judiciary, 10/21/ embarrassment to Shanklin and However, a re-

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him to prepare a memoranote and his interview with estified that he did prepare Shanklin on the evening of

Hosty's supervisor said that he had found the note in Hosty's workbox very soon after the assassination of President Kennedy. He stated that he took the note to Shanklin's office, but had no recollection of what happened to the note or who may have had it thereafter.12

According to Hosty, approximately two hours after Oswald had been pronounced dead on November 24, his supervisor told him that Shanklin wanted to see him. Hosty testified that he was instructed by Shanklin to destroy both the note and the November 22 memorandum regarding it, and that he complied with these instructions.13 Shanklin denied any knowledge of Oswald's visit to the Dallas Office and the note. He also maintained that he did not issue any orders to destroy the note. In fact, Shanklin claimed that he had no knowledge

of this entire matter until July 1975.14

The personnel assigned to the Dallas Office in November 1963, do not know whether anyone at FBI Headquarters was ever informed of the Oswald visit, note, or subsequent events. However, William Sullivan, who was an Assistant Director of the Bureau at the time of the assassination, has stated that he discussed the Oswald case many times with Shanklin; and that Shanklin stated "he had an internal problem involving one of his Agents who had received a threatening message from Oswald because the Agent was investigating Oswald." Sullivan recalls that Shanklin seemed disinclined to discuss the matter other than to say he was handling it as a personnel problem with Assistant to the Director, John P. Mohr. 15 Mohr has denied under oath any knowledge of the note or its destruction. 16 Similarly, each of the other living Bureau officials in the chain of command of the two investigative divisions which supervised the Kennedy assassination case furnished the Bureau with a sworn statement denying any knowledge of this matter.

Affidavit of Supervisor, 9/15/75.
 Hosty affidavit, 9/22/75; Hosty, 12/13/75, p. 183.

embarrassment to the Bureau."

18 Affidavit of William C. Sullivan, 9/16/75; Staff Interview of Sullivan,

Sullivan added that he did not know whether other Headquarters officials were aware of the note, or that the note had been destroyed.

16 Affidavit of John P. Mohr, 9/12/75.

ı plain paper, was either handinture.

147.

148.

Deputy Associate FBI Director James B. Adams testified before the Subcommittee on Civil and Constitutional Rights of the House Committee on the Judiclary, 10/21/75, that the agent who destroyed the note did so to "avoid

<sup>14</sup> Shanklin affldavit, 9/24/75; Shanklin, 12/19/75, p. 10. However, a recently retired Special Agent, in an affidavit submitted to the Bureau, stated that he mentioned the note and the destruction to Shanklin while driving with him in a car in August 1974. (Special Agent affidavit, 7/23/75.)

1 7

All the names are known and public. The newspaper was The Dallas Times-Harald.

It broke the story The story was then picked up by just about all the papers in the country, with radio and TV attention in addition.

The receptionist, Nannie Fenner, could not be shaken in her account. It is with her that a real effort was made.

And so when it was all over at the Congress, the Department faced the need to file criminal charges. Peple did contradict each other under oath and to what was material.

Shanklin made a complete denial of all of it. That made him particularly vulnerable.

If Hosty acknowledged what Fenner and the others swore to then Hosty would be admitted perjury before the Warren Commiss on  $\ell$  .

Poor Shanklin! And the leak of this incredible destruction was delayed until his retirement was secure and he had just started to practise law. To have him charged with perjury then would have been a disaster for him. and, for he just hen market have talked.

And, as sometimes happens no matter how tightly tightly an investigation is controlled, what is not expected and is not wanted comes up. We get to that soon.

Consideration of riminal charges was bucked to what with my experiences is the Diput munical proficial, in house whitewashing department, the Office of rofessional Responsibility, headed by Hier Michael Res Shaheen. The matter was referred to OFR by the Edwards subcommittee. Fitting to possible statute violated. The reply to the was by, from the intiacal of the carbon copy I have from the riminal vivisions files, the Assistant Attorney General in charge of that division, Richard Thornburg. (He was later governor of Pennsylvania.) The Thyonburg memo lists a number of statute viviations.

In the end the indictment of Shanklin only was considered. How those rockets would have glared red all over if that had happened, particularly in the FBI!

That one possibility was wiped out with the something less than Solomonic decision that to charge him in 1975 or 1976 for an offense in 1963 would have been bootstrapping the lawyers term for charging a second and later offense instead of the first offense,

And that is how the epartment of Justice, sitting in justice upon itself, manager to lo nothing at all about Shanklin'ss felony of perjury in denying that he knew anything at all about that Oswald letter and its destriction. That perjury, hwoever, was quite so parate from the earlier offense of the ordering the destruction of what would have been evidence,

Moreover, the Department and the FBI have still have not disclosed all the information they have under the Freedom of Information Act.

its hay 21, 1977
In belated compliance with my request of the Criminal Division, its FOTA request from your later my 1981.

fille number CRM-2546, I was still making efforts to get what it was withholding about this note-destruction matter in 1981. When I called to its attention on April 9, 1981, that it was making wholesale and I believed unjustified withholdings from its 51-16-113 file under claim to exemption (5) of the Afr Act, I got nowhere. That exemption relates to dministrative exidecisions, before reached.

Deputy Associate Director James B. Adams testifed about this matter before the Edward subcommittee on October 21, 1975. In his prepared stament of 21 typed pages he found it possible to speak that much without the mention of a single name of any of the FBI endemployrees involved in it. I have his statement that was released to the media for use not before 9:30 a.m. that day.

Intermittently over the years prior to the stories I quote above Hosty made public threats to expose more. For example, in the Kanssas City Times of February 19, 1979, he is quoted as saying that it depends on what the House assassins committee reported we whether he would have "bembshells" to drop, allegedly about wjat did not xist, "Oswald's connections to Cuba."

Richard A. Serrano quotes Hosty was saying the exact opposite of what he told the Warren Comission, y that "he had tried to get an interview with Oswald" before Kennedy as killed.

Servano also spoke to M Golz. Golz told him that Hosty said "he had some more bokb-sholls to drop, but never would identify what those were.#"

What the FBI's Inspector General was not looking for and did get id referred to on an FBI memo headed W"U.S.Senate Select Committee Study Governmental Operations with Repect to Intelligence Activities (SSC)" (The FBI file is 62-116395) It is dated December 31, 1975.

In response to Item 15 of the KM SSC's requests for information this memo states that "the only Bureau official who claimed to have any knyOydledge of such a visit (Oswald to the Daklas office) was W.C. Sullivan. ... "In fact the IG's report mentioned also Pelmont and Rosen. And see below about Sullwah.

One of those agent interviewed in Dalls was Joe A. Pearce." The SSC's "Item 16 requests all materials, \*\* po reports, anay analysis is inquiries conducted as a result of the statement by SA \*\*Joe A. \*\*Pearce that 'Oswald was an informant or source of SA Hosty...."

The memo says next what is not so, 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."

The Commission knew nothing at all about SA Pearce and what he said so it could not have looked into that and it did not

The previously referred to FBI damage control ticklerefers to this Hosty note destruction under 1. B B.3, which reads, "Hosty note destruction: handling by Bureau So, drivingly, FBIHI all than all that I all on Hov. 24 and effects in subsequent days." almy, FBIHI all than as drawled was deal of the subsequent days."

Under 2.0.(6) it says, "Hosty note destruction: Sullivan's lack Of knowledge." Again devicely to the first the second and the states that the Bureau" is the FBI shorthand for its headquarters. This tickler states that the "destruction" of that letter was handled by it November, 24, which is the day swald was killed and they know there would not to be any trial.

It simply is not possible that anyone at headquarters would have risked Hoover's part which by doing any such thing wothout specific instructions from Hoover or would make himself part of a conspiracy to violate the law, which that destruction represented.

Nor is it possible that Shanklin would have without being ordered to by higher FBI authority.

Without his being ordered to, Hosty also would not have shredes that letter and then flushed it down the office toilet.

While this chapter does not exhaust all the relevant information that is not still kept secret, improperly but successfully secret - and that is still another law violation - it does serve to reflect that the truth cannot be expected from the FBI when the under oath truth can be embarrassing to it. About Hosty, who denied that the letter Oswald left for him was any kind of threat, it is apparent that either he does not know the truth or that he is a facile, determined, repetitious liar. With reason to lie. On John,

If Oswald had assassinated the President, which the official evidence proves he did not and could not have, as my earlier books all prove with that official evidence, in his own words he integritively have made that assassination possible.

As we saw, he says he knew all about Oswald and his supposedly dangerous connection with that supposed KBG specialist in assassinations. He also knew the President's motorcade route. And he knew that this Oswald of those alleged assassination connections worked in the building directly in front of which that motorcade would go.

Knowing all this and from his own accounts much more, he still told the Dallas police nothing at all about manything at all before the motorcade, before the assassination, and he also said not a word about any of that after the assassination.

If as all with any knowledge of that letter other than Hosty said it did contain some kind of threat then Hosty is even more culpable.

So, Hosty had plenty of motive for lying.

Then there is the fact that as a result of this FBI illegal destruction of evidence relating to the only official candidate for assassin, the candidate elected by the FBI itself, despite the best efforts of the FBI when investigating itself to avoid all that it could avoid, it did get a statement from an FBI agent who worked with Hosty that just as those many reports so diligently not investigated said, Ocwald was an inform of for Mosty.

Given the almost polar separation of their views about almost everything, it is not easy for me to believe that Oswald would be any kind of informer for Hosty.

But there are those reports, there is the determined refusal to make any real investigation of them, and then there is this statement by SA Joe Pearce that "Oswald was an informant or source for" hosty.

Others had similar reports and others believed them, so we next see-

But even assuming that it was Kostikov to whom Oswald spoke, and there are indications in the disclosed CIA Oswald 201 file that it was not (release document number 745-853, 6/24/64), the man Oswald described by phone taxthexive when he spoke to the Soviet consulate from the Cuban consulate not meeting Kostikov's description, the phone intercepts, which the CIA had and transcribed, reveal that Oswald's calls were unwelcome, he was spoken to with less than \*civility, and the Soviets actually hung up on him after brief conversation. They wented nothing to do with him. They also explain to the clerk/receptionist at the Cuban consulate, Silvia Duran, that they would do nothing for him and why they could not and would not.

There was not, as Hosty imagines because that is what he would like to be true from his own Weanderthal political beliefs, any real connection at all between Oswald and his bete noir Kostikov.

The CIA intercepted and transcribed all those calls. The date is that of the Commission counsel's memo after reading those transcripts. The CIA has not disclosed those transcripts while bying and saying that all was destroyed regularly. However, the Commission counsel would not have dared misrepresent them. They reflect the exact opposite of what Hosty made up and probably believes. Thus he had none of thuse "bombshells" to drop.

So, not only was Hosty not truthful about what he claimed as "stolen" or "destroyed" and which still exists, it is quite the opposite of his representation of it. When what he said and swore to is examined and compared with the record, nothing remains but the vapors of his mind and his efforts at self-defense that instead destroy his creibility about the whole matter, in all its many aspects.

His word can not be taken for anything.