

FBI Agent Denies Talk Of Oswald 'Capability'

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Lee Harvey Oswald, a surly and unfrightened prisoner, insisted until he died that he had been eating his lunch when President Kennedy was assassinated.

This was disclosed yesterday in the Warren Commission testimony of FBI Agent James P. Hosty, who had fruitlessly sought to locate Oswald three times in the month before the assassination.

But Hosty's testimony left unresolved the controversy between him and Dallas Police Lt. Jack Revill on whether the agent said the FBI knew Oswald was capable of assassinating the President of the United States.

Hosty told the commission, "I want to state for the record at this time that I unequivocally deny ever having made the statement to Lt. Mevill or to anyone else that 'We knew Lee Harvey Oswald was capable of assassinating the President of the United States, we didn't dream he would do it.'"

Revill told the commission he had encountered Hosty in the basement of the Dallas police headquarters between 2:45 and 2:50 p.m. on Nov. 22, shortly after the President was slain. He said:

"And Mr. Hosty ran over to me and he says, 'Jack, a Communist killed President Kennedy.' I said 'What?' He said 'Lee Oswald killed President Kennedy.' I said, 'Who is Lee Oswald?' He said, 'He is in our Communist file. We knew he was here in Dallas.'"

Revill then told the commission Hosty had said the FBI had information that Oswald was capable of committing assassination.

Hosty said the conversation went this way:

"Lieutenant Revill advised me that—I might add he was in a very excited state—he advised me that he had a hot lead, that he had just determined that the only employe from the Texas School Book Depository who could not be accounted for was a man named Lee. Now this conversation took place at approximately 3 p.m., about an hour after Lee Harvey Oswald had been arrested by the Dallas Police Department. I told Lieutenant Revill that Lee Harvey Oswald had been arrested about

an hour ago, that he was an employe of the Texas School Book Depository and that he was a man who had defected to Russia and had returned to the United States in 1962."

Hosty declared, "Prior to the assassination of the President of the United States, I had no information indicating violence on the part of Lee Harvey Oswald."

Hosty said he and another agent tried to interview Oswald in Dallas police headquarters soon after the discussion with Revill. He quoted Oswald as saying, "Oh, so you are Hosty. I've heard about you." Oswald started to swear and the FBI agent said Oswald declared, "I am going to fix you, FBI."

"He was highly excited. He was very surly; and he was curt in his answers to us, snarled at us," Hosty testified.

Hosty said he listened to Homicide Squad Capt. Will Fritz interview Oswald.

"Oswald told Capt. Fritz that he went to lunch at approximately noon on the 22nd of November, ate his lunch in the lunchroom and had gone and gotten a Coca-Cola from the Coca-Cola machine to have with his lunch. He claimed he was in the lunchroom at the time President Kennedy passed the building," Hosty said.

"He was asked why he left the School Book Depository that day, and he stated that in all the confusion he was certain there would be no more work for the rest of the day, that everybody was too upset. He got on a bus and went home. He went to his residence on North Beckley, changed his clothes, and then went to a movie.

"Capt. Fritz asked him if he always carried a pistol when he went to a movie, and he said he carried it because he felt like it. He then denied that he killed Officer Tippit or President Kennedy."

Hosty's testimony was that he made three visits to the Irving (Tex.) neighborhood where Marina Oswald lived with Mrs. Ruth Paine before the assassination—on Oct. 29, Nov. 1 and Nov. 5.