

FBI Agent Hosty, Ruth Paine, and Oswald

Warren

The Report (page 327) states that the Warren Commission investigated the circumstances which led to the presence in Oswald's address book of FBI agent Hosty's name, office address, phone number, and license number. There was a perfectly innocent explanation, of course: Hosty had interviewed Ruth Paine at her home on November 1 and 5, 1963. On the first visit he had left his name and phone number with Mrs. Paine so that she might advise him if she learned Oswald's address in Dallas. Ruth Paine gave this slip of paper to Oswald. Marina Oswald had written down Hosty's license number on one of his visits, in accordance with prior instructions from Oswald, and she gave him that information. The address of the FBI Dallas office, the Report assures us, is easily obtainable "from many public sources."

The Report is discreetly silent about a fact that emerges from the Hearings and Exhibits---that the FBI initially withheld from the Warren Commission the information that entries concerning Hosty were found in Oswald's papers. That comes to light in a letter of March 26, 1964 in which the Commission asked the FBI for a "reasoned response" to some thirty questions, including the following one.

When and for what reason were pages 279 through 283 of the report of SA Gemberling of February 11, 1964, prepared (setting forth the entries in Oswald's address book which had not been included in the report of SA Gemberling of December 23, 1963)?

The FBI Director responded in a letter of April 6, 1964, that

Pages 279 through 283 of the report of SA Gemberling dated February 11, 1964, were prepared at the time such report was being typed by the Dallas Office during a few-day period immediately preceding submission of such report to FBI Headquarters by the Dallas Office. In this connection, your attention is also directed to this Bureau's letter to the Commission dated February 27, 1964, enclosing an affidavit executed by SA Robert P. Gemberling explaining in detail his handling and reporting of data in Lee Harvey Oswald's address book. You will note that in his affidavit, SA Gemberling explains why certain data in Oswald's address book was reported in his December 23, 1963, report, whereas the remaining data... was reported in SA Gemberling's February 11, 1964, report.

(CE 833 page 15)

That cryptic reply was elaborated in the testimony of the eminent Director of the FBI, J. Edgar Hoover, when he appeared before the Warren Commission on May 14, 1964.

This report was not prepared for this Commission but rather for investigative purposes of the FBI and, therefore, the information concerning Hosty's name, telephone number, and license number was not included in the report as the circumstances under which Hosty's name, et cetera, appeared in Oswald's notebook were fully known to the FBI.

After our investigative report of December 23, 1963, was furnished ...we noted that Agent Hosty's name did not appear in the report. In order that there would be a complete reporting of all items in Oswald's notebook, this information was incorporated in another investigative report...dated February 11, 1964. Both of the...reports were furnished to the Commission prior to any inquiry concerning this matter by the...Commission.

(5H 112)

The "reasoned reply" and the elucidation by the FBI Director leave room for scepticism. Gemberling's affidavit is not included among the Exhibits, which is a pity. It might clarify why the FBI was preparing reports for its own purposes as late as December 23, 1963. As we understood it, the FBI was designated as the investigative arm of the Warren Commission when the Commission was appointed on November 29, 1963. Since the FBI report of December was submitted to, although "not prepared for" the Commission, why were the Hosty entries omitted? If the circumstances were fully known to the FBI, why did not the December report include an explanation together with the entries which, on their face, suggested the possibility of a compromising relationship between Hosty or the FBI and Oswald?

It is not unreasonable to wonder if the FBI did not find the Hosty entries in Oswald's notebook inexplicable and highly embarrassing, and if the information was not withheld from the Warren Commission until a synthetic "innocent" explanation could be designed. At the least, it would seem that Gemberling protected Hosty, Hoover protected Gemberling, and the Commission protected the FBI by withholding relevant information from the Report and documents from the Exhibits.

What is even more disconcerting is the fact that careful examination of the testimony throws considerable doubt on the assertion that Marina Oswald copied the license number of Hosty's car and gave it to Oswald. It is true that she testified that she did, as the Report carefully phrases it. During her appearance before the Warren Commission on February 3, 1964 Marina Oswald was questioned about Hosty's November 1st visit.

Rankin After you received the telephone number, what did you do with it?

Marina He gave the telephone number to Ruth, and she, in turn, passed it on to Lee...

Rankin Did the agent also give his license number for his car to Mrs. Paine or to you or to your husband?

Marina No. But Lee had asked me that if an FBI agent were to call, that I note down his automobile license number, and I did that.

Rankin Did you give the license number to him when you noted it w down?

Marina Yes...the man who visited us, that man had never seen Lee. He was talking to me and to Mrs. Paine. But he had never met Lee...

(1H 48)

It is implicit in this testimony that Marina copied the license number on the first of Hosty's two visits, which took place on November 1st and 5th. She said that Oswald had asked her that "if an FBI agent were to call" she note down the agent's auto license number. Had she not done this on the November 1st visit, Oswald might have said, "if the FBI agent calls again, take down his license number," or he might have reproached her for forgetting his earlier instructions. She does not suggest that anything like that transpired. But if logic suggests that it was on the November 1st visit that Marina took down the license number, the facts indicate that she did not. According to Ruth Paine,

...the first time he had come on the 1st of November, he had parked down the street, and he made reference to the fact that they don't like to draw attention for the neighborhood to any interviews that they make, and in fact my neighbor also commented when she talked to him a few days previously [during a pretext interview] that his car was parked down the street and wasn't in front of my house...

(3H 100)

It is clear that we must rule out the possibility that Marina took down the license number on that occasion, when Hosty's car was at some distance from the Paine house and there was no way for Marina to know that it was Hosty's car, even if it was within her range of vision.

If we put aside the implications of Marina's testimony and assume that she copied the license number on the November 5th visit, we still encounter major difficulties. This time Hosty parked his car in front of the Paine house; but Ruth Paine testified,

My best judgment is that the license plate was not visible, however, while it was parked; not visible from my house.

(3H 100)

Hosty and I, and a second agent was with him, I don't know the name, stood at the door of my home and talked briefly, as I have already described, about the address of Oswald in Dallas. Marina was in her room feeding the baby, or busy some way. She came in just as Hosty and I were closing the conversation, and I must say we were both surprised at her entering. He then took his leave immediately, and as he has told me later, drove to the end of my street which curves and then drove back down Fifth Street.

Jenner Now you are reporting something agent Hosty has told you?

R.Paine Yes.

Jenner Were you aware of the fact that he drove to the end of the street?

R.Paine Not at that time, no.

(3H 99-100)

Jenner continued to question Mrs. Paine in an attempt to determine whether or not it was physically possible for Marina Oswald to have seen and copied Hosty's license number on the second visit. Mrs. Paine said that Marina had been in her bedroom the entire time.

Jenner Are you firm, reasonably firm that Marina, even if she desired to learn of the license number on Agent Hosty's car, that she could not have seen or detected it while remaining in the house?

R.Paine She might possibly--oh, I wouldn't say that. It is conceivable depending on where it was parked, it is conceivable that she could have seen it from the bedroom window.

(3H 101)

This testimony was taken on March 19, 1964. On March 23, Jenner and Secret Service agent Joe Howlett accompanied Ruth Paine to the bedroom which Marina had occupied, to test the visibility of the license plate number on a car stationed where Hosty had parked on his second visit. Jenner said,

It is impossible--at least impossible to see any license plate on either of the two automobiles parked at the curb...

Howlett Yes; that's correct...I am shining a flashlight on the front and rear of both automobiles and you cannot even see the license plate, much less any of the numbers.

(9H 398)

At that moment, therefore, Jenner confronted the fact that (1) Marina could not have taken the license number on the November 1st visit because Hosty had parked his car down the street; (2) the license plate was not visible when the car was parked in front of the Paine house ^{on the second visit} because it was screened by another automobile standing there; (3) Hosty said that on the second visit he drove to the end of the street, turned, and drove past the Paine house; however, Ruth Paine did not see him do so, nor does she suggest that Marina might have seen him pass the house in his car at the end of the visit or that she might have copied the number ^{from the moving vehicle} at that time. On the contrary, she said on March 19th that it was conceivable that Marina might have seen the license plate from her bedroom window. The experiment on March 23rd eliminated that possibility. Yet Marina, if she took the license number at all, must have taken it covertly—Ruth Paine testified that the first she had heard anything about the license number was when Hosty told her, "well after the assassination," that a notation of his name, telephone number, and license number had been found in Oswald's room.

There was, then, strong reason on March 23, 1964 to discredit Marina's story that she had copied Hosty's license number and given it to Oswald. Marina testified before the Commission on at least three occasions after that date, but not one single question was asked about the license number, when investigation had made it clear that she could not have copied that number as she testified she did early in February. In the face of those findings and without reopening the question with Marina, the Warren Commission asserts that Marina testified that she had copied the number. That is literally true, but fundamentally dishonest and misleading because, as the Hearings indicate, she could not have copied the number on either of Hosty's two visits.^{1/}

Another assertion in Marina's February testimony was that FBI agent Hosty had never seen or met Lee Harvey Oswald (LH 48). That assertion appears to be no more trustworthy than her claim that she had copied the license number. Robert Oswald, testifying on February 21, 1964, described Marina's refusal to be interviewed by two FBI agents who wished to question her on November 26, 1963, only a few days after the assassination.

When the FBI agents arrived...when the two agents and Mr. Gopadze came in, Marina immediately identified or recognized one of the agents who she had talked to before, and it is my understanding now, at the Paine's home in Irving, Texas...

Jenner Did she have an aversion to being interviewed by the FBI agent on this occasion?

1/

The author wrote to counsel Jenner requesting clarification of the Commission's reasoning, in view of the conflict between the evidence and the tacit assertion in the Warren Report that Marina Oswald was the source of the notation of Hosty's license number in Oswald's notebook. Mr. Jenner replied courteously that he would provide the requested clarification when he returned to his office on or about July 19, 1965. He never honored his stated intention, nor did he reply to a follow-up letter of reminder sent to him on August 20, 1965.

R. Oswald Yes, sir, she did...Marina had recognized this one FBI agent as a man who had come to the Paine's home in Irving, Texas, and perhaps at another location where they might have lived in Dallas, or the surrounding territory, and had questioned Lee on these occasions...In or outside of the home...within the immediate grounds of the home, at least ...she had an aversion to speaking to him because she was of the opinion that he had harassed Lee in his interviews...I would say this was certainly so. His manner was very harsh, sir...it was quite evident that there was a harshness there, and that Marina did not want to speak to the FBI at that time ...And they were insisting, sir. And they implied in so many words...they were implying that if she did not cooperate with the FBI agent there...that they would perhaps deport her from the United States and back to Russia...

(1H 409-410)

I went over to Mr. Brown, the agent I knew, who was sitting at the end of the coffee table...and I was shaking my finger at him...that I resented the implications that they were passing on to Marina, because of her apparent uncooperative attitude...They attempted for another 5 or 10 minutes to interview Marina Oswald at that time...Mr. Brown--he left the immediate area of interviewing there, and came over and started speaking to me...And the other FBI agent arose rather disgustedly to end the attempted interview, he walked to the door, opened the door, and spoke very harshly to Mr. Brown...he said, "Just cut it off right there, Mr. Brown."

Mr. Brown indicated he wanted to talk to me some more. He just motioned to him to cut it off right here. Mr. Brown left and went outside with him...

(1H 411-412)

This FBI agent to whom Marina had an aversion because in her opinion he had harassed Oswald "in his interviews" is the same Hosty about whom she testified some months later that he had never seen or met her husband (CE 1780). Indeed, she must have had a strong aversion to Hosty to refuse, only a few days after the assassination and vulnerable as she was, to answer his questions.^{1/} Her undisguised hostility and anger towards Hosty on that occasion, like that of Oswald himself when Hosty appeared at the interrogation session right after his arrest, is incomprehensible if Hosty's two visits to the Paine home were as pleasant and innocuous as he, Marina, and Ruth Paine all testified. But by the time they testified on the visits, several months had passed; and Marina told a story which had little in common with her earlier statements about and attitude towards Hosty, as recounted by Robert Oswald. A few days after the arrest and murder of her husband, Marina was accusing Hosty of having harassed Lee "in his interviews." Other hints of possible personal contact between Oswald and Hosty emerge both from Marina's and Ruth Paine's testimony.

^{1/} Although Robert Oswald told the Commission on February 21, 1964 that Hosty had threatened Marina with deportation if she did not cooperate, Hosty was not asked about this when he testified on May 5, 1964.

Rankin Now, did you report to your husband the fact of this visit, November 1, with the FBI agent?

Marina I didn't report it to him at once, but as soon as he came for a weekend, I told him about it...I told him that they had come, that they were interested in where he was working and where he lived, and he was, again, upset.

He said that he would telephone them--I don't know whether he called or not--or that he would visit them...Lee had told me that supposedly he had visited their office or their building. But I didn't believe him. I thought he was a brave rabbit.

(1H 57)

Ruth Paine told a similar story about Oswald's assertion that he had called at the FBI office and attempted to see Hosty.

I perhaps should put in here that Lee told me, and I only reconstructed this a few weeks ago, that he went, after I gave him--from the first visit of the FBI agent I took down the agent's name and the number that is in the telephone book to call the FBI and I gave this to

It is... from the... (approx. I... of his... from the... the... Lee FBI and... he had... did not... the... office, ... with... in my... the... of the... and the...

Lee the weekend he came...that would have been the weekend of the 2nd, the next day...Then he told me, it must have been the following weekend...He told me that he had stopped at the downtown office of the FBI and tried to see the agents and left a note...He was irritated and he said, "They are trying to inhibit my activities"...I learned only a few weeks ago that he never did go into the FBI office. Of course knowing, thinking that he had gone in, I thought that was sensible on his part. But it appears to have been another lie.

(3H 18-19)

Although Mrs. Paine did not say and counsel did not ask the source of her information, "most probably" it was Hosty himself. It would be most naive to accept a denial from such a source. In the wake of the assassination, the FBI experienced shock waves of criticism for its handling of the Oswald case, after long immunity from disapproval. The FBI would hardly be willing to admit that the accused assassin had been pounding at its door for attention and still been permitted to go about his deadly business without interference.

The FBI may well deny that the visit took place but it would have been quite characteristic of Oswald's aggressive insistence on his rights, with his audacity in his dealings with the American Embassy in Moscow, and with his passionate denunciation of Hosty and the FBI in general, when Hosty appeared in the police station after Oswald's arrest. If the charges confronting him at that moment did not silence him, one wonders what considerations would have restrained him from taking his protests to the FBI office after Hosty's first visit to the Paine home. The FBI office in Dallas is on Commerce Street, no great distance from the Depository, and Oswald could have gone there easily when work finished at 4:45 pm or even during his lunch hour.

It is not clear from the reports on the interrogation of Oswald after his arrest (Appendix XI of the Report) whether his outburst against Hosty indicated prior acquaintance or only recognition of his name. Certainly there is nothing to obviate a previous meeting between the two.

Two further comments are apropos: Oswald was irritated by the renewal of interest in him on the part of the FBI and what he regarded as an attempt to inhibit his activities. For all he knew, he might be under 24-hour surveillance. It is hard to understand why that did not inhibit his alleged actions on the morning of the assassination. Second, the Warren Commission has made no attempt independently to ascertain whether or not Oswald visited the FBI office, as he told both his wife and Ruth Paine; it merely accepted the denial of such a visit by an unknown source to Mrs. Paine, as mentioned in her testimony. Oswald's assertion, juxtaposed to the unexplained puzzle of the Hosty license number and the FBI's delay in telling

the Commission that Hosty's name and numbers were found in Oswald's notebook, certainly required more fact-finding than was attempted. This is one of many matters that should be weighed in the context of the Commission's attitude toward the FBI and the other police agencies involved in the assassination, ~~but that is another subject.~~

It is noteworthy that both Marina Oswald and Ruth Paine were ready to believe that Oswald had lied about his visit to the FBI. As discussed elsewhere, the presumption that Oswald was lying was wholly unjustified in several important instances. Ruth Paine, a major witness in the case, is a complex personality with many ambivalent or conflicting forces seething beneath a passive facade. Some examples from her testimony show a predisposition against Oswald, and a real or pretended friendliness toward the FBI and other Establishment institutions which should not be overlooked in evaluating her role in the case. Mrs. Paine is an adherent of the Society of Friends, more or less a practicing Quaker. She appears frequently to be animated by feelings foreign to her ^{professed} beliefs. Her account of the birth of the Oswalds' second child, for example, betrays considerable malice toward Oswald. She testified that she had taken Marina Oswald to the hospital in her car at the onset of labor on a Sunday night. Oswald, who was unable to drive, remained at her home to care for the children. As Mrs. Paine described it,

He was already asleep when I got back--no; that is not right. He was not asleep...but he had gone to bed, and I stayed up and waited to call the hospital to hear what word there was. So, that I knew after he was already asleep that he had a baby girl. I told him in the morning before he went to work...I did not awaken him. I thought about it and I decided if he was not interested in being awake, I would tell him in the morning... (3H 39-40)

Another incident reported by Mrs. Paine demonstrates that with a Friend like her, Oswald did not need enemies. Despite the loftiness of her principles, Mrs. Paine on occasion had the instincts of a sneak and an informer. She testified on March 19, 1964 that on Saturday morning, November 9, 1963, Oswald had asked permission to use her typewriter and had concealed his papers when she came near. This, she admitted, aroused her curiosity, and

Sunday morning I was the first one up. I took a closer look at this, a folded sheet of paper...The first sentence arrested me because I knew it to be false...I then proceeded to read the whole note, wondering, knowing this to be false, wondering why he was saying it. I was irritated to have him writing a falsehood on my typewriter, I may say, too. I felt I had some cause to look at it. (3H 13-14)

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...

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Mrs. Paine proceeded to read Oswald's private paper, a draft of a letter dealing in part with the visits of FBI agent Hosty, in which Oswald said that Hosty had tried to coerce him to refrain from pro-Castro activities and to press Marina to "defect" and place herself under FBI protection. According to Mrs. Paine, that was a completely false version of Hosty's visits. She was offended on her own behalf and that of her morally pure typewriter—an extension of self-righteousness to an inanimate object that must have Freudian significance. She read the letter in the quiet of her living room on Sunday morning and decided that she

Should have a copy to give to an FBI agent coming again, or to call. I was undecided what to do. Meantime I made a copy...

Jenner But you did have the instinct to report this to the FBI?

Paine Yes...and after having made it, while the shower was running, I am not used to subterfuge in any way, but then I put it back where it had been and it lay the rest of Sunday on my desk top...

(3H 15)

(Not used to subterfuge? She takes to it like an old hand.)

Whether or not Oswald was aware of Mrs. Paine's hostility toward him, he nevertheless turned to her for help—in the last hours of his life, as it turned out. Mrs. Paine told the Warren Commission that Oswald had telephoned from jail on Saturday afternoon and had asked her to try to reach John Abt, the New York lawyer, on his behalf. Asked to repeat everything about the conversation that she remembered, Mrs. Paine said,

I can't give the specific words to this part but I carry a clear impression, too, that he sounded to me almost as if nothing out of the ordinary had happened. I would make this telephone call for him, would help him, as I had in other ways previously. He was, he expressed gratitude to me. I felt, but did not express, considerable irritation at his seeming to be so apart from the situation, so presuming of his own innocence, if you will...I was quite stunned that he called at all or that he thought he could ask anything of me, appalled, really.

(3H 85-86)

Mrs. Paine said that she tried to telephone Abt on Saturday evening and perhaps also on Sunday morning, without reply, and that she had never reached him.

Jenner Did you ever attempt to report to Lee Oswald that you had been unable to reach Mr. Abt?

Ruth Paine Not unless such transpired in our 9:30 conversation Saturday evening, but I made no effort to call the police station itself.

Jenner Excuse me?

Ruth Paine I made no effort to call the police station.

(3H 89)

Mrs. Paine's conscience did not remind her that the accused must be considered innocent until proved guilty in a court of law; indeed, Dallas officials abetted by the news media had Oswald convicted within hours of his arrest. But there is no precedent for Mrs. Paine's new principle—that the accused may not "presume" his own innocence. She was "considerably irritated" that Oswald did not grovel or disintegrate with fear and remorse. Apparently she did not give even a passing thought to the possibility that he might be innocent or that he was straining to exercise control and stave off panic at his predicament—and this was before there was "conclusive evidence" against him and before he could defend himself against the charges. Moreover, Mrs. Paine testified that before November 22nd she had never considered Oswald potentially violent nor had the slightest reason to think that he harbored any ill-will toward the President.

Her failure to notify Oswald that she had been unable to reach Abt (if she really tried to reach him) so that he would realize the urgency of obtaining legal assistance elsewhere is unforgivable. Better if she had expressed her "considerable irritation" frankly instead of letting Oswald assume that she would help him. For all her modesty and self-abnegation, Mrs. Paine is a hard, angry, vindictive and sometimes devious woman—and her testimony must be evaluated in the light of her undeniable malice and vindictiveness toward Oswald, and her wish to ingratiate herself with officialdom.

Hosty also played an unenviable role in the drama. He became involved in a controversy with Lt. Revill of the Dallas police about remarks made about the FBI's knowledge of Oswald, shortly after his arrest. He did not tell Dallas police Chief Curry or Captain Fritz that the FBI had a file on Oswald or that he was under active investigation. And, strangest of all, he absented himself completely from the police station after his brief participation in Oswald's first interrogation.

Returning to the point of departure—the fact that Oswald had Hosty's name and numbers in his address book—we cannot be satisfied with the findings in the Report or the Commission's exercise in evasion and misrepresentation. The real relationship between Oswald and the FBI remains to be uncovered and the tactics used to smooth things over merely increase suspicion of the nature of that relationship.