

94TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
No. 94-755

THE INVESTIGATION OF THE  
ASSASSINATION OF PRESIDENT  
JOHN F. KENNEDY: PERFORMANCE  
OF THE INTELLIGENCE AGENCIES

BOOK V

FINAL REPORT  
OF THE  
SELECT COMMITTEE  
TO STUDY GOVERNMENTAL OPERATIONS  
WITH RESPECT TO  
INTELLIGENCE ACTIVITIES  
UNITED STATES SENATE



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## APPENDIX A

### THE FBI AND THE OSWALD SECURITY CASE

#### A. Oswald's Defection

On October 31, 1959, after learning that Lee Harvey Oswald had defected to the Soviet Union and informed officials at the American Embassy in Moscow that he intended to provide "radar secrets" to the Soviet Union, the FBI opened a "security case" with Oswald as the subject.<sup>1</sup> As part of the investigation, the Bureau made inquiries of the Navy and discovered that Oswald did not have knowledge of strategic information that would benefit the Soviets. The FBI concluded that a stop should be placed against Oswald's fingerprints to prevent him from obtaining a passport and entering the United States under any name.<sup>2</sup>

About six months later, the Bureau interviewed Oswald's mother who believed that he had taken his birth certificate with him to the Soviet Union.<sup>3</sup> In a memorandum subsequently sent to the State Department, the FBI raised the possibility that an imposter might attempt to return to the United States using Oswald's identity.<sup>4</sup>

#### B. Oswald's Return to the United States

Despite this concern that an imposter might attempt to enter the United States using Oswald's identity, the FBI did not interview Oswald until almost three weeks after his return on June 13, 1962.<sup>5</sup> There is no indication that any of the FBI agents assigned to the Oswald case were ever warned that an imposter might attempt to assume Oswald's identity. In particular, Special Agent James Hosty, the FBI agent responsible for the Oswald case at the Dallas Field Office, testified that he had neither seen a copy of the June 3, 1960 memorandum, nor attempted to determine whether someone had assumed Oswald's identity.<sup>6</sup>

On June 26, 1962, Special Agents John W. Fain and B. Tom Carter interviewed Oswald in Fort Worth, Texas. According to SA Fain's report, Oswald was cold, arrogant, and difficult to interview. Oswald denied that he told State Department officials at the American Embassy in Moscow that he was going:

- (1) was going to renounce his American citizenship;
- (2) apply for Soviet citizenship; and
- (3) reveal radar secrets to the Soviets.<sup>7</sup>

<sup>1</sup> Memorandum from Belmont to Soviet Section Supervisor, 11/4/59.

<sup>2</sup> *Ibid.*

<sup>3</sup> Report from Dallas Field Office to FBI Headquarters, 5/12/60.

<sup>4</sup> Memorandum from FBI Headquarters to Department of State, 6/3/60.

<sup>5</sup> Memorandum from New York Field Office to FBI Headquarters, 6/26/62. Oswald was interviewed at the dock by an Immigration and Naturalization Service Inspector on his return to the United States.

<sup>6</sup> Hosty, 12/12/75, p. 119.

<sup>7</sup> The Committee has found no evidence that an imposter entered the United States in Oswald's stead.

<sup>8</sup> John W. Fain testimony, Warren Report, Vol. IV, p. 418.



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neighbors as "an ex-Russian", and would decrease his mo-  
bility. A wife's presence in the United States would also  
constitute a continuing risk of disclosure. On the other hand,  
Marina Oswald's lack of English training and her complete  
ignorance of the United States and its customs would  
scarcely recommend her to the Soviet authorities as one mem-  
ber of an "agent team" to be sent to the United States on  
a difficult and dangerous foreign enterprise.<sup>14</sup>

In contrast, a retired Bureau Soviet Section Supervisor told the  
Committee that of greatest concern to him in the Oswald case was the  
fact that the Soviets had allowed Marina to return to the United  
States with Oswald. He felt that if they desired to "tap Oswald on the  
shoulder and make use of him at some future date, Marina's presence  
would give them a great deal of leverage." The supervisor explained,  
"The Russians might try to exert leverage, possibly through her rela-  
tives or threats to her relatives in Russia and that sort of thing."<sup>15</sup>  
However, it should be emphasized that the Supervisor testified that  
he is not aware of any evidence which establishes that the Soviets in  
fact used or attempted to contact Oswald.<sup>16</sup>

#### C. *The Continued Investigation: Dallas*

On September 28, 1962, the New York Field Office learned that  
Oswald subscribed to *The Worker*, which the Bureau characterized as  
"an east coast Communist Newspaper," and subsequently informed  
the Dallas Field Office. From the FBI's perspective, Oswald's sub-  
scription to this newspaper contradicted his interview statements that  
he was "disenchanted with the Soviet Union."<sup>17</sup> Oswald's subscription  
was noted in his field office security file but FBI Headquarters was  
not informed of the subscription until September 10, 1963, and then  
only after it had requested information on Oswald from the Dallas  
office.<sup>18</sup> Assistant Director Gale critically commented on this aspect  
of the Bureau's handling of the Oswald case: "In light of Oswald's  
defection, the case should have been reopened at the first indication of  
Communist sympathy or activity (i.e., September 1962)."<sup>19</sup>

<sup>14</sup> Warren Commission Report, p. 274.

<sup>15</sup> Staff summary of interview with former FBI Headquarters Supervisor,  
1/16/76; FBI Headquarters Supervisor testimony, 3/15/76, p. 21.

<sup>16</sup> The Committee has discovered no such evidence.

<sup>17</sup> Memorandum from Dallas Field Office to FBI Headquarters, 9/10/63.

<sup>18</sup> See, e.g., testimony of SA James P. Hosty, Jr., 12/13/75, p. 111, who previously  
recommended on March 25, 1963, that the Oswald case be reopened on the basis  
of this contradiction.

<sup>19</sup> Memorandum from Dallas Field Office to FBI Headquarters, 9/10/63.

<sup>20</sup> Memorandum from Gale to Tolson, 12/10/63.

Director Hoover noted on November 29, 1963, that, "In Oswald's case there  
was no indication of repentance but only one of openly avowed hostility, and  
contacts with subversive elements." (Memorandum from W. C. Sullivan to A. H.  
Belmont, 11/29/63.)

None of the Bureau's internal criticism of its own handling of the Oswald  
security case, or even the fact that there was such criticism, was ever made  
known to the Warren Commission.

In October 1962, SA Hosty was assigned the Marina Oswald security case, which was then in a "pending inactive" status. The file was reviewed by Hosty in March 1963, when he also located Marina Oswald, but he did not interview her because of her alleged marital difficulties.<sup>20</sup> Hosty reviewed the Dallas security file on Oswald and, on the basis of Oswald's subscription to *The Worker*, requested approval to reopen the case.<sup>21</sup> On March 26, 1963, Hosty received approval. Hosty stated that he did not interview Marina Oswald because he had developed information that Oswald had been drinking to excess and beating his wife, and the relevant FBI manual provision required that he allow a "cooling off" period.<sup>22</sup> FBI Director Hoover later commented on the December 10, 1963, Gale memorandum that "this was certainly an asinine excuse" and "I just don't understand such solicitude." Inspector Gale had written that:

this entire facet of the investigation was mishandled. Mrs. Oswald definitely should have been interviewed and the best time to get information from her would be after she was beaten up by her husband.

The Director added the following notation next to Gale's conclusion: "This certainly makes sense."<sup>23</sup>

On April 21, 1963, the New York Field Office learned that Oswald had written a letter to the Fair Play for Cuban Committee. This was the first indication in Bureau files that Oswald had a relationship with this pro-Castro organization.<sup>24</sup> Oswald's letter stated that he had passed out FPCC literature in Dallas with a placard around his neck reading "Hands Off Cuba—Viva Fidel." This information was not reported to Dallas until June 27, 1963,<sup>25</sup> and not reported to Headquarters until September 10, 1963.<sup>26</sup> Once again, Oswald's activities contradicted his interview statements.

On May 27, 1963, Hosty returned to the Oswalds' Neely Street residence to interview Marina and was informed that the Oswalds had moved from the Dallas area without leaving a forwarding address. In response to an SAC memorandum issued by the Dallas office seeking information on the Oswalds' whereabouts, the New Orleans office informed Dallas on July 17, 1963, that the Oswalds were living in that city.<sup>27</sup> The Bureau apparently learned of Oswald's presence in New Orleans from a letter he had written to *The Worker* on June 26, 1963. Oswald claimed in the letter to be a long-time subscriber and stated that he was forming an FPCC chapter in New Orleans. He enclosed honorary membership cards for "those

<sup>20</sup> Hosty, 12/12/75, p. 119.

<sup>21</sup> Hosty, 12/13/75, p. 111.

<sup>22</sup> Hosty, 12/12/75, p. 119.

The Committee has verified that since such a manual provision was in effect, it appears that Hosty's decision to allow "a cooling off" period prior to interviewing Marina was entirely in accordance with FBI regulations. Neither the documents nor the testimony of knowledgeable FBI Officers provides any explanation for either Hoover or Gale's critical comments.

<sup>23</sup> Memorandum from Gale to Tolson, 12/10/63.

<sup>24</sup> Memorandum from Dallas Field Office to FBI Headquarters, 9/10/63.

<sup>25</sup> Memorandum from Gale to Tolson, 12/10/63.

<sup>26</sup> Memorandum from Dallas Field Office to FBI Headquarters, 9/10/63.

<sup>27</sup> Memorandum from Dallas Field Office to FBI Headquarters and New Orleans Field Office, 8/23/63.

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<sup>31</sup> Memorandum from New O

<sup>32</sup> Memorandum from New O p. 11.

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<sup>36</sup> *Ibid.*

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fighters for peace," Mr. Gus Hall (Secretary General of the Communist Party, USA) and Benjamin Davis (National Secretary of the Communist Party, USA).<sup>27</sup> On September 10, 1963 New Orleans became the office for the Oswald case.<sup>28</sup>

#### D. The Continued Investigation: New Orleans

Oswald was arrested on August 9, 1963, in New Orleans in connection with his FPCC activities and charged with "disturbing the peace by creating a scene."<sup>29</sup> On the morning of August 10, Oswald asked to see a Bureau agent, and he was interviewed at length by SA John L. Quigley. Oswald also repeatedly lied to this FBI agent. For example, he told Quigley that he had met and married his wife in Fort Worth, Texas.<sup>30</sup>

The New Orleans office learned on August 22, 1963, that Oswald participated in a radio program where he stated that he was a Marxist and that "Cuba is the only real revolutionary country in the world today."<sup>31</sup> On August 23, 1963, the New Orleans office was instructed by Headquarters to "submit results of their Oswald investigation to the Bureau."<sup>32</sup> On September 24, 1963, the New Orleans office advised the Bureau that the investigation was continuing and that a report detailing the investigative findings would be furnished.<sup>33</sup> An investigative report was subsequently sent to the Bureau on October 31, 1963, but it did not contain any significant information that was not already in Oswald's Headquarters file. The report reveals that only two informants in the New Orleans area were asked about Oswald and that neither had heard of him.<sup>34</sup>

On October 2, 1963, agents of the New Orleans office attempted to ascertain Oswald's residence and place of employment. They learned that the Oswalds had left New Orleans. Leads to locate Oswald were sent to Dallas, Fort Worth, and Malvern, Arkansas.<sup>35</sup>

<sup>27</sup> Memorandum from New Orleans Field Office to FBI Headquarters, 10/31/63.

<sup>28</sup> Memorandum from Dallas Field Office to FBI Headquarters, 9/10/63.

<sup>29</sup> There is no indication in FBI documents or the Warren Commission's record that Oswald was in New Orleans on any occasion between October 1950 and April 24, 1963. However, an Immigration and Naturalization Service Inspector testified before the Committee that he is absolutely certain that he interviewed Lee Harvey Oswald in a New Orleans jail cell sometime shortly before his April 1, 1963, transfer out of New Orleans. Although the Inspector is not now certain whether Oswald was using that particular name at that time, he is certain that Oswald was "claiming to be a Cuban alien" and that he "interviewed Oswald to verify or disprove this status." The Inspector neither recalls what Oswald said nor what language or languages he conversed in. He does not recall anything unusual about Oswald's dress or demeanor, and believes that he quickly ascertained that Oswald was not a Cuban alien, at which time he would have left Oswald in his jail cell. (I&NS Inspector testimony, 12/11/75.)

<sup>30</sup> On January 6, 1970, the Committee staff telephonically contacted the New Orleans Police Department and requested that they review their Oswald arrest records to see if he had been arrested other than on August 9, 1963. On January 7, the staff was informed that there was no record of another Oswald arrest, and that the New Orleans Police Department, in fact, had no information on Oswald prior to August 9, 1963.

<sup>31</sup> Memorandum from New Orleans Field Office to FBI Headquarters, 8/15/63.

<sup>32</sup> Memorandum from New Orleans Field Office to FBI Headquarters, 10/31/63, p. 11.

<sup>33</sup> Memorandum from FBI Headquarters to New Orleans Field Office, 8/28/63.

<sup>34</sup> Memorandum from New Orleans Field Office to FBI Headquarters, 11/24/63.

<sup>35</sup> Memorandum from New Orleans Field Office to FBI Headquarters, 10/31/63.

<sup>36</sup> *Ibid.*

The evidence indicates that Lee Harvey Oswald was in Mexico City from September 27, 1963, through October 2, 1963. On October 10, 1963, Bureau Headquarters was provided with a copy of a CIA cable which stated that "Lee Henry Oswald" (sic) had been in contact with the Soviet Embassy in Mexico City on September 28, 1963.<sup>36</sup>

It was not until October 22, 1963, that information pertaining to Oswald's Mexico City trip was provided to the New Orleans office.<sup>37</sup> SA Hosty in Dallas had by chance ascertained similar information from the local I&NS office and coincidentally, his report detailing this information was received in New Orleans on October 22, 1963.<sup>38</sup>

Thus, despite the fact that both the Dallas and New Orleans field offices were aware that Oswald had been in contact with the Soviet Embassy in Mexico City, there is no evidence that either of these field offices intensified their "efforts" to locate and interview Oswald. Most surprising, however, is that the "Soviet experts" at FBI Headquarters did not intensify their efforts in the Oswald case after being informed that Oswald had met with Vice Consul Kostikov at the Soviet Embassy in Mexico City.<sup>39</sup> Not only were these experts familiar with Soviet activities in general, but they knew that Kostikov was a member of the KGB. Further, the Bureau's Soviet experts had reason to believe he was an agent within the KGB's Department which carries out assassination and sabotage.<sup>40</sup> They were also aware that American citizen contacts with the Soviet Embassy in Mexico City were extremely rare.<sup>41</sup> Ironically, the teletype which informed the Bureau of Oswald's Mexico City activities was sitting on a pile of documents on a Headquarters supervisor's desk awaiting initial action on November 22, 1963. That portion of the Gale memorandum which discusses Oswald's Mexico City trip reads as follows:

The SOG [Seat of Government] supervisor failed to take any action on the teletypes, stating it did not appear to him any action was warranted. Inspector (i.e., Gale) feels . . . the field should have been instructed to intensify investigation . . . and Oswald placed on Security Index.<sup>42</sup>

#### *E. Continued Investigation: Dallas*

On October 26, 1963, the New Orleans Field Office advised the Dallas office that the Oswalds had left a forwarding address in Irving,

<sup>36</sup> CIA Cable from Mexico Station to FBI Headquarters 10/10/63; memorandum from LEGAT, Mexico City to FBI Headquarters, 10/18/63.

All the information that the FBI had prior to November 22, 1963, on Oswald's activities in Mexico City came from the CIA. On October 3, 1963, the CIA Mexico Station reported to Headquarters that Oswald had been in contact with the Soviet Embassy. On October 10, 1963, CIA Headquarters passed this information with some background material to the Navy, the State Department, and the FBI. The Mexico Station made a similar distribution to FBI and State Department officials in Mexico. Since Oswald was an American citizen, and since FBI was the responsible agency, disseminating this information ended CIA's responsibility in this matter.

<sup>37</sup> Memorandum from FBI Headquarters to LEGAT, Mexico City, 10/22/63, copy to New Orleans Field Office.

<sup>38</sup> Memorandum from Dallas Field Office to FBI Headquarters, 10/22/63, copy to New Orleans Field Office.

<sup>39</sup> Memorandum from LEGAT, Mexico City to FBI Headquarters, 10/18/63.

<sup>40</sup> Information regarding Vice Consul Kostikov was made available to the Warren Commission. (Letter from CIA to the Warren Commission, 1/22/64.)

<sup>41</sup> Former FBI Mexico City Legal Attache testimony, 2/4/70, p. 17.

<sup>42</sup> Memorandum from Gale to Tolson, 12/10/63.

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<sup>43</sup> Memorandum from New O copy to Dallas Field Office.

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<sup>45</sup> Hosty, 12/13/75, p. 54.

<sup>46</sup> Memorandum from GATe t  
<sup>47</sup> Deputy Associate FBI Dir  
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Texas. Dallas was asked to verify the new residence,<sup>43</sup> and on October 30, 1963, SA Hosty reported that although Oswald's family was living with the Paine family in Irving, Oswald was not living there. On November 1, 1963, Hosty went to the Paine residence to "find out where Oswald was residing."<sup>44</sup> Ruth Paine informed Hosty that she did not know where Oswald lived; however, she did state that Oswald was employed at the Texas Book Depository. Toward the end of the interview, Marina Oswald came into the room. According to Hosty, she expressed fear of the Bureau and their brief conversation, with Ruth Paine translating, was an attempt to re-assure her.<sup>45</sup>

After the assassination, the Dallas office explained to FBI Headquarters that the investigation had been delayed to "be sure that it was in possession of all information from New Orleans." Inspector Gale commented on this explanation in his December 10, 1963, memorandum:

Inspector definitely does not agree, New Orleans submitted sixteen-page report, 10/31/63, and only leads outstanding in New Orleans were to ascertain Oswald's whereabouts. No indication New Orleans had any further data. . . . Even if New Orleans had not reported all information in their possession, Dallas should have intensified investigation in light of Oswald's contact with Soviet Embassy in Mexico City and not held investigation in abeyance.<sup>46</sup>

Finally, it should be noted that facts publicly disclosed by the Bureau in October 1975,<sup>47</sup> establish that some two weeks prior to the assassination Lee Harvey Oswald visited the FBI's Dallas Field Office and left a note for Special Agent James P. Hosty, Jr., and that the note was subsequently destroyed. The circumstances surrounding the receipt and destruction of the Oswald note are discussed in Appendix B.

<sup>43</sup> Memorandum from New Orleans Field Office to FBI Headquarters, 10/25/63, copy to Dallas Field Office.

<sup>44</sup> It should be noted that under the relevant FBI manual provisions then in effect, any contact such as Oswald's with the Soviet Embassy in Mexico City required that immediate investigative action at the appropriate field office be undertaken. However, it should be further noted that other provisions precluded the field office's interviewing Oswald without the express written approval or direction of Headquarters.

<sup>45</sup> Hosty, 12/13/75, p. 54.

<sup>46</sup> Memorandum from Gale to Tolson, 12/10/63.

<sup>47</sup> Deputy Associate FBI Director James B. Adams testimony, before the House Judiciary Subcommittee on Civil and Constitutional Rights, 10/21/75.

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