5/15-16/79

JFK assassination appeals: the Hosty flap: Oswald's visit to the FBI and its destruction of his alleged threatening letter

My earlier appeals illustrate the situation created when an agency like the FBI refuses to comply with specific information requests for long periods of time and then smothers the requester with vast volumes of paper most of which are merely a tribute to the FBI's capacity to devoting itself to the irrelevent so this can cover its failure to address the relevant.

With no guide to the approximately 100,000 sheets of paper it was difficult to find any relevant records. Then it was not possible to find all of them because they are scattered - in different files, even different locations.

Then it becomes impossible to remember all of them.

This exactly duplicates the situation in the King case, where the FBI has yet to respond to my actual requests after more than a decade yet has given me some 50,000 pages most of which are without meaning, in terms of the crime itself.

In further review of the records I have come accross others of relevance. Some raise new questions. For example, in 62-109060 Section 180, a Legal Counsel to Adams memo of 9/17/75 on which notations, including any possible Serial Number are illegible. Either a copy of the original is filed in 62- 116435 as 77. I do not know what this file includes but the information in the copy I have relates to the House investigation of the Hosty flap.

I also draw your attention to the last sentence on the first page. It quotes Director Kelley as testifying that the FBI does not destroy investigative records. This cannot then be used, as it has been used, as an alleged explanation for not supplying me with copies.

Now that I have found and read a fairly large number of relevant records I can understand the refusal of the FBI to permit any outside investigation (on page 2). The real FBI purpose was to control what could be known. I have read the available results of its so-called investigation and have read what it did not investigate to the degree it is available. It does essentially the same thing in non-compliance and in partial compliance with my information requests.

Serial 7582 states that a transcript is attached. It was not in the records provided.

In Serial 7396 the so-called Hosty investigation was used as an excuse to try to cut off other and unrelated inquiry. I also appeal the withholding from this record.

Serial 7378 also reflects that the FBI declined to do what it could to be of help to the Congressional investigation on the alleged ground that it was conducting its own investigation of itself. This record also does not respond to the Congressional inquiry relating to "Do Not File" files. My appeal relating to these files, in C.A.76-1996, is also without response. I found reference to "Do Not File" files before now. In the King case I have received no response.

Further efforts to locate the information in the available records is impeded by Orwellian practise with self-serving language plus filing practise well calculated to defeat the 1974 amending of FOIA. It is difficult if not impossible to follow the FBI's citations of records, even when Serial Numbers are provided.

All is couched in language suitable for later quotation to indicate the FBI took the "hangout" road. Full openness is indicated in Serial 7437X in which the Director is quoted as ordering "Go all the Way." This is preceeded and followed by extensive withholdings ~~in that record~~ for which "national security" is claimed. As I have informed you, I believe, "national security" withholding includes even the identification of a Mr. Stern. (The Warren Commission counsel involved in that part of its inquiry, which ignored the Oswald visit to the FBI and alleged threat, is named Samuel Stern.)

Serial 7437X opens with a citation of the "memorandum of 11/14/75 from Legal Counsel to Mr. Admas." This is identifiable as 7407X. (attached.) It opens and through its length there extends "national security" withholding for this supposedly full and open investigation of nothing more than the FBI's allegedly letting it all hang out over the allegedly innocent Oswald visit to see Hosty and his leaving a note ~~all [redacted]~~ described as threatening. After these extensive withholdings in the "national security", with almost all of page 6 of 7407 X thus withheld, ~~this withheld~~, the FBI is properly self-righteous: "...In this way we are showing we have absolutely nothing to hide ..."

With "nothing to hide", and with what is alleged to be all of the relevant FBIHQ and Dallas Office files and with citations throughout these records (and 7462X) merely locating

and seeking to identify the cited records took an entire day for the student who is helping me at the moment.

This trace shows that essential and relevant records are withheld by filing them in other files although they without any doubt are essential to this file and to this subject, as the attached records show.

If by any chance there is properly classified information that is withheld, the reasonably segregable also is withheld. An example is the identification of Stern. His first name and official function are not a matter of national security, an appeal to which you have not responded.

In 7437X on page 2 under "Observations" and in the sense of relating to Hosty's disclosed statements there is an opening "Secret" claim. Error is attributed to Hosty and a record is cited. The recommendation is for no further inquiry and sending the AG the attached communication, dated 12/3/75.

In it there is similar withholding. On the first page the second "Secret" claim is made for quotation from the disclosed Hosty statement. Following a colon and continuing for four more paragraphs on page 2!

Not providing the supposed attachments with the record required some search for them. The first cited on page 3 is "serial 57 in the Oswald file." It is a WFO airtel of 11/19/63 . With the entire matter relating to marks made on it in Dallas, the Dallas copy is withheld as "Previously Processed." (Attached is the worksheet page for it from 100-10461.) The record is also 105-82555-78. However, this available record is not identical with the Dallas copy, which is the subject of the inquiry over Hosty's conduct in the JFK assassination investigation and with regard to both Oswalds.

The memo to the AG refers to Hosty's representation, that he had crossed his name off the record, and then states "A review of this serial determined that SA Hosty's name is crossed out in the block stamp..." This and other information here referred to is on the withheld Dallas copy only. Obviously neither Hosty nor his Dallas supervisor could have marked the FBIHQ copy of the WFO communication.

I cite this as and also as more than the fact that "Previously Processed" is a means

of withholding what in most instances is not and cannot be an identical copy and in most if not all instances does include other information of value.

Almost all of the content of the document itself, 105-82555-78, is withheld under "national security" claim. The record relates to what was explored by the Warren Commission, several Congressional committees of both Houses, has been disclosed by the FBI, CIA and Secret Service in varying degrees, was leaked extensively by various official persons and was disclosed in other court proceedings. Aside from some possible comment that could lead to official embarrassment the withheld information is almost certainly within the public domain. I have never been told that the FBI disputes my repeated representations over the years that this information is within the public domain. The FBI instead merely withholds it, without response. (It has never once replied by proving any such statement by me to be in error and has never once made any unequivocal representation that any such statement by me is in factual error.)

Date of classification is given as long after my specific request for this information, 7/6/77. Classification is by 2040, who as I've observed is willing to classify anything. And I add does.

The next record cited in the memo to the AG is "Serial 50 of the Oswald file (is) a copy of an airtel with two enclosures which the New Orleans Office sent the Bureau, with copies to Dallas, dated October 24, 1963." It is stated that this and two enclosures, identified as Serials 49 and 48 are attached. They are not in the copies provided to me.

Here Serial 50 turns out to be of the [redacted] 100-10461 file and to be Serial 42 of the FBIHQ file. Again they are not identical copies and the notations added to the Dallas copy are of relevant and important information. They tend to support what Hosty said and show filing of the three Serials after the assassination, which was a month later.

Both copies are attached hereto. The searches slip attached to the HQ copy followed in Section 1. It lists the searching of files from which I have received no records, all four folowing the 105-82555 records. 97-4196 is Fair Play for Cuba Committee. I do not recognize the others.

The worksheet for the Dallas record, referred to and included above, lists both

48 and 49 as "Previously Processed." In the FBIHQ files these are listed on the worksheet (attached) as 43 IN and 43 OUT. Although 43 IN is an FBI record, from the Legat., Mexico, it is referred to the CIA. From 7/77 until now, 22 months later, the CIA has not provided that (and other) records. (Referral slip attached.) On 43 OUT a note on page 2 is withheld. After the obliteration "secret" classification is indicated. The basis for the claim, from the worksheet, is no more than that the information came from the CIA. In fact there is no reason to believe that the information is not within the public domain and every reason to believe it is. (The intercepts of Oswald and the wrong pictures in Mexico City.)

Other withholdings under claim to classification also appealed in 7437X.

7462X is of 12/31/75. It is Assistant Director (Inspection) H.N.Bassett's report on the House subcommittee testimony of four FBI witnesses whose evidence allegedly was released in these files, in the FBI's internal investigation. Bassett begins by referring to what is not provided in any record I have been able to locate, "a detailed review" of the testimony of these four. I appeal the withholding. For these 10 pages such records of a detailed review are required.

Discussion of Hosty's testimony begins on page 3. Some of the material duplicates his Warren Commission testimony, which is available and I have reviewed it again.

Questions of who is telling the truth if not of who is perjurious relating to the investigation of the assassination of a President remain. In fact, they are more numerous.

Hosty is one of the agents disciplined over the JFK cases. This is public knowledge and it was testified to before a number of committees, most recently and in some detail the House assassins by the then Inspector, J.H.Gale, who filed a report I have not seen in these records and therefore believe remains withheld. (Appealed.)

The disciplinary action and reasons for it are discussed beginning in paragraph 3 on page 3. Here there are references to records not provided, relevant and I appeal their denial. They should be in HQ and Dallas files. These were the subject of public testimony and are part of the FBI's disclosed internal investigation. In connectiob with the JFK case and the Oswald case questions were asked (12/5/63) and answered (12/6/63) in writing. Their content was discussed before the committee and are in this memo. The means of withholding

appears to be filing of JFK assassination investigation records in personnel files only (or other than in the 62-109060 and 105-82555 files) and not including copies in the files relating to the assassination investigation. This is a clear and to the best of my recollection unique departure from practise, which is to indicate a copy in addition for personnel files.

One of these records is identified on page 6, last paragraph, as in 67-798 as 3048. It is described as a Dallas airtel of 12/8/63 in response to the questions of 12/5 and 12/6"enclosing among other things an undated 24-page letterhead memorandum (LHM) captioned "Lee Harvey Oswald, aka,' responding to 15 of Gale's questions." This description places the record clearly within my requests. Denial appealed.

At the top of page 7 there is reference to the SACs' "personal and confidential file." I have received no records from any such file under any request or in any suit and no claim to any exemption covering any such files. I appeal the denials.

Although Dallas records did not disclose some of those cited above, on page 7 it is stated that Hosty provided copies to Director Kelley in 1973. They are not here. They are relevant wherever or however filed. Denial appealed. Again filing appears to have been of JFK assassination investigation information in a personnel file only.

Pages 7 and 8 of this memo make the relevant [illegible] of the 24 pp. LHM clearly [illegible]. There is reference to a covering airtel for it on page 8, 3rd paragraph.

A note added at the end, probably with the year of the date incorrect, states that on 1/12/75 copies including the 12/6/63 record were sent to Dallas. If these remained there I do not recall reading them in the Dallas files and I believe I would have made a separate copy for subject filing because of my strong interest in this overall matter from the outset, from the research for my first book.

The "we have absolutely nothing to hide" Legal Counsel to Adams 11/14/75 memo referred to above, 7407X, attached, is captioned as relating to the House subcommittee's public inquiry. (The hearings were covered extensively, including by coast-to-coast TV.) The first paragraph, which normally states the purpose, is entirely withheld, claimed to be "Secret." The second paragraph discloses that reasonably segregable information is withheld, if only the identification of SAC Williams and the reference to him. (Kansas City.)

There follows a reference to a new Hosty memo I do not recall seeing. It is relevant.

From context what is withheld as "Secret" on page 2 is preparation for public testimony. It includes what is supposedly disclosed in what Hosty testified to, others testified to, and the FBI disclosed as part of its internal investigation.

There then is another "Secret" withholding, apparently in reference to what is public knowledge of Oswald in Mexico. It is apparently in reference to the WFO airtel referred to and included above. This is said to be attached as Tab 3. It isn't. It is not podsible to determine all of what supposedly was attached. If there are references to two earlier Tabs they are included in what is obliterated as "Secret" and are reasonably segregable.

100-10461-~~Sec~~ 50 is said to be attached and is, but of the two attachments to it only one is in this Volume although the memo states that both are.

"Stripping" of the file that has to have been after the assassination is next represented as normal practise and proper. This is followed by the total withholding (page 5) of what is "pertinent" in the WFO airtel, which reports that Oswald was in Mexico and intercepted and/or photographed there and/or under the wrong name, etc. Not a single word of more than a page, of four or more entire paragraphs, is found to be reasonably segregable because not a word of them is not obliterated. Impossible as this is, with regard to what is public domain in particular, it is this that is followed by the chest-thumping of "we are showing that we have absolutely nothing to hide." (page 6) and the Director's "Go all the way."(page 7)

One wonders what more would have been withheld without the order to "Go all the way" and if the FBI were not "showing that we have absolutely nothing to hide" over the totality of suppression of Oswald's visit to the DFO and his reported threat.

Of course it has always been the official FBI position that before the assassination Oswald showed no tendency toward violence. And when SA Hosty was quoted to the contrary by the head of the intelligence unit of the Dallas police he filed an affidavit denying it - without reference to his having received and destroyed the written alleged threat to such violence as blowing up the Dallas office and the police department.

None of the many FBI people who knew about this ever said a word outside the FBI, from clerks to the top at FBIHQ, so obviously there was nothing to hide. Why else hide it?

Even more, why hide it when Oswald was the only officially accused assassin, the lone assassin according to the FBI?

In earlier appeal I made reference to the total truthfulness of Hosty's Commission testimony, and as I state above I reviewed it again. I attach two pages (473 and 475) as published in Volume 4.

When asked, considering that Oswald was a defector and the rest of his earlier history "did it occur to you at all that he was a potentially dangerous person? " Hosty testified "No,sir," adding, there was "no indication that he would commit a violent act" and no indication "to me that he was capable of violence." (See also page 473)

Two pages later he testified that the FBI considered nobody else involved in the assassination, that the Oswald case was assigned to him and that all records came to him.

(Elsewhere in this testimony he testified to and use was made of Mexico information that remains withheld from me today.)

Hosty also testifed that after the Oswald file had been closed he had it reopened in March of 1963 [redacted] (455-6), after which it was closed as a Dallas case when referred to New Orleans and "Then in October the case was shifted back to Dallas again." Asked to be more specific he said, "Well, actually November 4 would be our request..." (Not provided in records I have. Appealed.)

All those withheld Mexico bits of information appear not to have stirred the FBI very much, Hosty or anyone else. Nothing had happened as of the time of the assassination (page 459). Hosty said he was waiting "until New Orleans forwarded the necessary papers to me." There was no hurry because "Oswald was not employed in a sensitive industry."

Oswald had left New Orleans the end of September and the NO FO immediately informed Dallas, which received the information 10/3. (p. 446)

Hosty also testified that the change back to Dallas did not reach there until the afternoon of the day before the assassination. (p. 462) He claims he did not get it until after the assassination.

This picture of the FBI and its only candidate for assassin, of its investigation

and procedures, of its withholding as secret what proved it had absolutely nothing to hide and, of course, of its having kept the Oswald trip to the FBI and his alleged threat entirely secret, plus the nature of the omissions in the FBI's internal investigation, prompted me to make further searches, for information and to determine truthfulness. This relates to whether, despite all the chest-thumping, there is to something to hide and misuse of FOIA to hide it.

It is not only the Oswald pre-assassination visit to the FBI seeking Hosty and leaving the alleged threat to blow the place up that convinced Hosty and the FBI Oswald was a man of non-violence. Hosty's own report of 9/10/63 (100-10461-Section 1) is persuasive in recounting how Oswald "drank to excess and beat his wife on numerous occasions." (Copy of record attached.)

On the same day Hosty transferred the cases of both Oswalds to New Orleans. (105-82555-34 and 35, attached) Oswald had moved to New Orleans that April.

Despite, if not contrary to Hosty's testimony there is 100-16926-9 (attached), which Hosty also wrote. Here Dallas is listed, as of 10/22/63, a full month earlier than he testified, as Office of Origin in both Oswald cases, ~~both Oswalds~~. (The first paragraph is withheld as "Secret," which I appeal.)

Then, on 11/4/63, on learning that and reporting that Oswald was working in Dallas, he reported that New Orleans was 00. (105-82555-48, attached.)

There is a record of the 11/15/63 return of the Marina case to Dallas (105-82555-47, attached) but we have found no record of the return of the Lee Oswald case. As this record states and as Hosty told the Warren Commission, he already had all the information. Whatever the withheld Mexico information he received there was no reason to wait until the case was transferred back from New Orleans before launching any investigation.

Hosty did testify that there is a record and that the Bureau receives a copy (typescript, p. 6021, attached) but worksheets for the period from the previous July until after the assassination (100-~~10461~~ 16601, Serials 23-45, attached) reflect no Dallas record of this.

The use of Serials to which Xs are added led me to check the surrounding records and

the worksheets. This added confusion and disclosed discrepancies. I use 7437X to illustrate. (on the worksheet (attached).)

There are two different records identified as 7437. The second, indicated as of six pages, all disclosed to me, is followed by a comment that appears to say there is a referral to the Secret Service and does say "crim info re writers." But the Volume itself holds neither 7437. Instead there is a single referral slip, to the Secret Service, of all 7 pages, which can be of both records despite indication of one only. I got neither.

The net result and the effectiveness of the FBI's control over outside investigation and its internal investigation are reflected in the AP's reporting of the disclosure of these records. (Attached 89-69A -1425. The FBI's own proclamation of the extensiveness of this and its Walter investigation are heralded as "most extensive" in the lead and nothing "shakes the conclusions of both the FBI and the Warren Commission."

(This is rather odd in view of the Hoover/FBI disagreement with the Warren Commission over the shots.)

How in so short a period with so many thousands of pages to examine the AP managed to come up with just what the FBI wanted covered and to say just what the FBI wanted said is one of the reasons I filed my request for all records relating to the processing and release of these records. (The case is C.A. 78-0249.)

Anything and everything relating in any way to the searching, disclpsure or non-disclosure of any kind of Hosty records is also, necessarily, in the context of Oswald being Hosty's case, going to the FBI Dallas Office right before the assassination, and of reports immediately after the assassination that Oswald had had an FBI(and/or CIA) connection.

In making any denial the FBI was in a bad position. It had to prove a negative when it alone had any possible proofs and it had motive, if the report was truthful, for not telling the truth.

On the other hand, as former CIA Director Dulles told his fellow Commissioners on 1/27/64, the transcript of which was withheld from me for years, if it were true the FBI would lie.

When there is no action on appeal for so long and when the FBI itself is so

unresponsive, when it does not even bother to make pro forma denial of my representations that it withholds what is within the public domain, as with the Mexico matters, it brings more suspicion on itself. There is a law. The FBI is supposed to live within all the laws. Yet with me it is in open violation of law.

If the FBI might have been expected to take instant dislike to anyone who questioned its "solution" to the crime, its investigation of it, its relationship with the Commission and other such positions and writing, it also is the fact that in my very first writing about Oswald and the crime I said that parts of his career are consistent only with what in intelligence is called establishing a cover.

Perhaps this was aggravated when the FBI's recently disclosed effort to ruin me at the outset backfired and made my first book a success by earning the first major attention to it.

Why would it research and consider filing a spurious libel suit against me and have secret memos plotting how to "stop" my writing? (I have seen nothing of this sort relating to others.)

Then there is the substance of the Hosty flap itself and the withholding - of anything, whatever the reason, true or not, while proclaiming "we have absolutely nothing to hide."

Here you have Oswald, the self-proclaimed defector to the USSR, who is actually anti-Soviet and anti-American Communist. He sets up his own, one-man "Fair Play for Cuba" Committee in New Orleans and gets himself attention and arrested. First thing he does is ask to be interviewed by the FBI. (FBI records and testimony say a single agent visited him at the jail. A witness says two, a witness who was an FBI and CIA source.)

How usual is it for such a person to go to an FBI field office? And leave any kind of written communication? Particularly any kind of alleged threat?

How ususal is the destruction of this communication?

Or keeping it secret from the world, particularly the new President and the Presidential Commission, once Oswald was the only accused assassin?

With a SOBIR wife such a man goes to the Cuban and Soviet embassies in Mexico and no United States investigation results?

More than a month after federal agencies are aware of this no investigation has even really begun? No hurry is the truthful testimony? No need? Not transferring the case back to Dallas explains this? Explains it with the inconsistencies on when it was transferred, with reference to an alleged record not in those provided to me from any of the files of the FOs and HQ?

The SAC is reported to have ordered the destruction of the Oswald note and nothing happens to him? This is usual? Hosty swears he personally destroyed it and that is usual? FBIHQ knew contemporaneously, there is no record reflecting this and that also is usual?

Hosty's punishment, transfer and a minor reduction in pay is what one would expect of J. Edgar Hoover, no more?

This is more like punishment for getting caught, not any other alleged offense.

In the foregoing I have not referred to all the withheld records I have reason to believe exist.

Nor to all the files that should have been searched and weren't. It is obvious these also should have included the records of the FBIHQ Divisions involved, which were not searched. Or the Directors' and other higher officials, who were involved.

All of this also has a special context.

Although in the public press there was prior speculation about Oswald and an FBI connection the Commission ignored these stories until it received work on January 22,1964 that Members of the Texas Court of Inquiry heard the same reports and had taken an interest in them. Then, in virtual panic, an executive session was called at the end of the working day, with the court reporter present. Among the questions over which the Commission agonized was the clear FBI preconcpetion of a lone nut assassin and Hovver's determination that the Commission "fold its tent" and go home. They complained that they'd never be able to wipe out belief that there had been a conspiracy, which is not the public or normal function of an impartial investigation. And in the end they decided to destroy the record. The stenotypist's tape escaped the memory hole,and I obtained a forced transcript of it under FOIA.

Along with this there is the FBI's leaking of its Presidential Report, later called CD1. This did exactly what the Commission complained of in secret - the FBI had boxed it in before it came to life.

The combination of facts and circumstances do not encourage belief in any FBI representation relating to the searches, disclosures and non-disclosures. They provide motive for not crediting the FBI, particularly when it stonewalls and withholds the public domain and is not responsive when it receives proofs that it is making national security claim for what is within the public domain.

I believe this appeal addresses matters of the most urgent historical importances.

My requests for some of the withheld information go back to 1975. My first appeals were not long after the requests were filed. And now the FBI claims it can't find all my requests? Or did a year ago, since when I have heard nothing.

Even the delays, when the FBI is part of the Department and the Department's other components have not complied, magnify the historical importances.

My age and the state of my health when so much of what is known and so much of what has been forced into public availability is uniquely my work, magnify suspicion.

Overloaded as your office is, I hope that belatedly this and related earlier appeals, including for withheld Mexico City information, now will be acted in promptly.

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