

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. Walsh

DATE: November 14, 1973

FROM : R. G. Hunsinger *RGH*

SUBJECT: SA JAMES P. HOSTY, JR.  
Kansas City Office  
EOD 1/21/52; GS-13, \$24,811

*b6*  
Veteran  
PERSONNEL MATTER

- Mr. Tolson
- Mr. DeLoach
- Mr. Mohr
- Mr. Bishop
- Mr. Casper
- Mr. Callahan
- Mr. Conrad
- Mr. Felt
- Mr. Gale
- Mr. Rosen
- Mr. Sullivan
- Mr. Tavel
- Mr. Trotter
- Tele. Room
- Miss Holmes
- Miss Gandy

The purpose of this memorandum is to furnish background information concerning the administrative action taken against Hosty in 1963 and 1964 as a result of his handling of the Lee Harvey Oswald case. By letter to the Director, 10/5/73, SAC, Kansas City

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By letter 10/24/73 to the Director, SA Hosty referred to his personal conference with the Director in Kansas City on 10/19/73 and set forth the reasons he believed the administrative action taken against him in 12/63 and 10/64 was unjustified.

In his letter, SA Hosty states that the action taken against him was based on answers to questions telephonically furnished by retired Assistant Director, then Inspector James H. Gale on 12/5/63. Hosty stated he answered these questions by memorandum to SAC, Dallas, 12/6/63. He advises, however, that about four years ago he had the opportunity to review his field personnel file in Kansas City Office and noted that a memorandum in file dated 12/8/63 contains his answers, but they are not the same as those he submitted on 12/6/63. In particular, he states that the answers to questions five and six are false as they quote him as saying, "Perhaps I should have notified the Bureau earlier." He states

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Enclosures

ENCLOSURE  
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(attached)  
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that this constitutes an admission of guilt which he did not make at any time. He states he is aware that his supervisor made certain alterations to his answers without his advice or consent, but with his knowledge. However, he states that the final version appearing in the 12/8/63 memorandum was different even than the corrected version which the supervisor had furnished him. Hosty further states that the action taken against him in 10/64 constitutes double jeopardy since it is based on the same situation as his disciplinary action of 12/63 and the only thing added to the latter letter was the statement that he made inappropriate remarks before the Warren Commission. He states that he received this criticism even though the Bureau had a summary of his testimony prior to the time he appeared before the Commission, he had been advised by his SAC and by the Director that his testimony was excellent, and that he was not disciplined until 10/64 which was five months subsequent to his testimony. He opines that the unexpected failure of the Warren Commission, which made inquiry into the assassination of President John F. Kennedy, to clear the FBI was the principal reason for the action taken against him in 10/64. SA Hosty also states that Lee Harvey Oswald was not placed on the Security Index because he did not meet the criteria in existence as of 11/22/63, the date of President Kennedy's assassination. He further relates that even if Oswald had been on the Security Index, it would not have been FBI responsibility at that time to make this information known to the Secret Service since there was no information that Oswald had made any direct threats against the President.

SA Hosty encloses with his letter a communication dated [redacted] alleged  
ly from [redacted] to one [redacted]

SA Hosty states that [redacted] letter provides the motive for the action taken against him and sums up his attitude in this matter that because of the action taken by the Bureau in 10/64, the Bureau, in effect, told the world that he, Hosty, was the [redacted] bl

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person responsible for President Kennedy's death. Hosty states he is firmly convinced that he had not failed to do what was required of him in any way and that he had absolutely no reason to believe that Oswald was a potential assassin or dangerous in any way, and he feels that the FBI was not in any way at fault regarding this matter in spite of the totally unjustified conclusions of the Warren Commission.

Memorandum Mr. Gale to Mr. Tolson 12/10/63 (attached) recommended and it was approved by former Director Hoover that Hosty be censured and placed on probation for inadequate investigation of the Oswald case, including delayed reporting, failure to interview Oswald's wife on a timely basis, failure to place Oswald on the Security Index, and for holding investigation in abeyance after being in receipt of information that subject had been in contact with the Soviet Embassy, Mexico City. The action was taken against Hosty by letter 12/13/63. SA Hosty was not singled out at that time and there was no indication that he was in any way considered responsible for the death of President Kennedy. In addition to Hosty, a total of sixteen employees were the subjects of disciplinary action including one field Supervisor and four field Agents, three SACs, four FBIHQ Supervisors, two FBIHQ Section Chiefs, an Inspector and an Assistant Director. Mr. Gale's memorandum pointed out that all supervisors and officials who came into contact with this case at FBIHQ as well as Agents in the field were unanimously of the opinion that Oswald did not meet the criteria for the Security Index. Inspector Gale was of the opinion, however, that he did meet the criteria and Mr. Hoover was in agreement with Mr. Gale. In Mr. Gale's memorandum, he lists eight reasons he believed Oswald qualified under category (C) of the criteria which states "Investigation has developed information that an individual, though not a member of or participant in the activities of a subversive organization, has anarchist or revolutionary beliefs and is likely to seize upon the opportunity of a national emergency to endanger the public safety as shown by overt acts or statements within the last three years, established through reliable sources, informants, or individuals." It should be noted that the action taken against Hosty was not based merely on his failure to include Oswald on the Security Index, but on his overall inadequate handling of the investigation as determined by the Inspector and approved by Mr. Hoover.

Mr. Sullivan to Mr. Belmont memorandum 9/29/64 (attached) sets forth the Security Index criteria which was adopted in 4/55 and was in existence at the time of the President's assassination. It points out the procedures to be followed to include a subject on the Index, that Oswald should have been placed on the Index according to Mr. Gale and Mr. Hoover, and that administrative action has been taken. Mr. Hoover noted thereon "and now that the Bureau has been debunked publicly, I intend to take additional administrative action." This comment refers

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to the unfavorable publicity received as a result of the Warren Commission report. Mr. Gale to Mr. Tolson memorandum 9/30/64 (attached) points out that Mr. Hoover had requested another review of the handling of the Lee Harvey Oswald case since Chapter Eight of the Warren Commission "tears us to pieces." Mr. Gale's memorandum advises that the Commission has now set forth in a very damning manner some of the same glaring weaknesses for which we previously disciplined our personnel, such as lack of vigorous investigation after we had established that Oswald visited the Soviet Embassy in Mexico. He states the Commission specifically criticizes Agent Hosty for not making more vigorous efforts to locate and interview Oswald regarding unresolved matters and "Inspector feels this criticism certainly is valid." Inspector Gale also stated that "it is felt that it is appropriate at this time to consider further administrative action against those primarily culpable for the derelictions in this case which have now had the effect of publicly embarrassing the Bureau."

Inspector Gale recommended that Hosty be censured, placed on probation and suspended for 30 days for his derelictions. It is noted that Mr. Hoover had previously ordered transfer to a nonpreference office for Hosty, and he was transferred to Kansas City by letter dated 9/28/64. Again, it is observed that Hosty was not singled out for disciplinary action and that seven others who had previously been disciplined for the same offense were again the subjects of administrative action. Hosty's field Supervisor and two FBIHQ Supervisors were ordered transferred along with severe administrative action. In addition, one Agent, an Inspector, and an Assistant to the Director, who were not previously disciplined in this matter, received administrative action on this occasion. b6

[REDACTED]

In connection with the action taken against Hosty in 10/64 including his transfer, it is noted that this information became available to the press, numerous articles were written concerning it, and numerous letters were received at the Bureau from citizens in the Dallas area on Hosty's behalf. In this regard, Mr. Hoover noted that Hosty, in one of his letters to Mr. Hoover, stated he realized it was in the best interests of the Bureau and himself that he not work in the

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Dallas area. Communications protesting the disciplinary action taken against Hosty were answered by Mr. Hoover with the statement that "Regardless of how you and I feel about the matter, the fact is that Agent Hosty was criticized by the unanimous vote of the Presidential Commission. Naturally, I must be guided by such a report."

OBSERVATIONS:

In SA Hosty's letter to Mr. Kelley, he states that the Director has asked what he thinks should be done about this situation. Hosty states, "I believe that it first must be determined if I was derelict in my duty in any manner, and was responsible for President Kennedy's death. After that it should be determined what damages I suffered and then we can discuss the third point - what action should be taken."

A review of this matter fails to reveal that any allegations were made that Hosty was responsible for President Kennedy's death and no action was taken against him based on this premise. However, the entire situation was investigated by Inspector Gale and reviewed by Mr. Hoover with the conclusion reached that Hosty had conducted inadequate investigation for which he was disciplined. It was subsequently determined by Inspector Gale that Hosty's testimony before the Warren Commission made the FBI look ridiculous and tainted our public image for efficiency. Based on his testimony before the Commission and the resultant criticism of the FBI, Hosty was again the subject of disciplinary action which was approved by Mr. Hoover. Although this did, in effect, constitute double jeopardy, it was not considered an adverse action under the Veterans' Preference Act which requires 30-day notice if an employee is to be voluntarily separated, reduced in rank, or compensation, or suspended for more than 30 days for which actions he would have a right of appeal to the CSC.

Since Hosty was determined to be derelict in some aspects of the investigation of Lee Harvey Oswald by the then Director Mr. Hoover, it is not felt that any change in the action is warranted. Even though the action taken may have been severe for the offense, it is not felt that this can be rectified at this time, some nine years after it occurred. There is no indication that SA Hosty has suffered damages other than the 30-day suspension and a 9-month delay in a Within-Grade raise which resulted from his being on probation. He has not been held up for any other favorable administrative action because of the prior disciplinary action taken against him, and there is no indication that the Bureau has been "down on him" or would look unfavorably upon administrative advancement for Hosty if such would be consistent with the needs of the Bureau.

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[REDACTED]

It is believed that SA Hosty should be advised by letter from Mr. Kelley that this matter has been reviewed and that there is no indication whatsoever that the Bureau believed him to be responsible for the death of President Kennedy and that no action was taken against him based on this. He should be further advised that the action taken against him was so directed by then Director Hoover and was based on his decision that the Lee Harvey Oswald case did not receive adequate investigative attention and that no change can be made. However, he should be advised that he should not feel that there is any stigma attached and that he is eligible for administrative advancement if that is his desire and consistent with the needs of the Bureau. b6

It is noted that SA Hosty mentions in his letter that he had the opportunity to review his field personnel file about four years ago. [REDACTED]

[REDACTED] It is also noted that no inquiries have been conducted to determine if and by whom changes were made in the memorandum submitted by SA Hosty 12/6/63 as he states. The alleged changes did not significantly alter the status of this situation as the action taken against him was not based on an admission of delay by him, which he says was falsely recorded in the memorandum 12/8/63. In view of this and the lapse of time, it is believed no additional inquiry is warranted. b6

RECOMMENDATION:

That the attached proposed letter to Mr. Hosty be submitted to Mr. Kelley for his approval and transmittal.

*Sent 11-15-73*

*[Signature]*

*[Signature]*