

Mr. Walsh

1/15/76

S. R. Burns

SUBCOMMITTEE ON CIVIL AND
CONSTITUTIONAL RIGHTS OF THE
HOUSE COMMITTEE ON THE JUDICIARY

By memorandum Legal Counsel to Mr. J. B. Adams 12/23/75, it was pointed out that Congressman Don Edwards, Chairman of the above-mentioned committee, has requested certain information from the Attorney General pertaining to Bureau personnel policy and the contents of the personnel file of SA James P. Hosty, Jr. The Administrative Division was requested to prepare the necessary response to be hand delivered by the Office of Congressional Affairs to the Office of the Deputy Attorney General.

In Congressman Edwards' request, it was pointed out that SA Hosty had stated during testimony before the above committee that certain information in his personnel file was erroneous. He indicated he had responded to questions propounded to him regarding the pre-assassination handling of the Lee Harvey Oswald investigation and that a memorandum drawn in the Dallas Field Office where he was then assigned represented the substance of at least two of his answers in a manner not consistent with his written response. SA Hosty's file contains two copies of a memorandum dated 12/6/63 from Hosty to SAC, Dallas, containing his answers to certain questions. Each memorandum has some corrections and additions in handwriting and Hosty testified before the above committee that he made minor changes on one copy and his supervisor made the notations on the other copy. The two copies involved were turned over to the committee by Hosty. Also in file are copies of an undated letterhead memorandum captioned Lee Harvey Oswald, Marina Nikolaevna Oswald, which was prepared by SAC, Dallas, and transmitted to the Bureau 12/8/63. SA Hosty's contention appears to be that the statement in the letterhead memorandum to the effect that it would have been better for him to have notified the Bureau of investigative results prior to 8/23/63 indicates that he was accepting some responsibility for not having notified the Bureau earlier. SA Hosty contends that he accepted no such responsibility and a review of the two copies of the 12/6/63 memorandum fails to detect any wording by Hosty either direct or implied, that he "should have notified the Bureau earlier.

Enc.

1 - Office of Congressional Affairs (Enc. 8) 1 - Inspection Division
1 - Legal Counsel 1 - Intelligence Division

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Memorandum Burns to Walsh
Re: Subcommittee on Civil and
Constitutional Rights of the
House Committee on the Judiciary

Inasmuch as the committee already has SA Hosty's memorandum in its possession, it is felt suitable for us to make available to them only a copy of the letterhead memorandum prepared by the SAC with appropriate excisions to protect the privacy of other individuals mentioned therein. Attached hereto for the Office of Congressional Affairs in this regard are two nonexcised copies of the letterhead memorandum, two excised copies of the letterhead memorandum and two copies each of the 12/6/63 memorandum prepared by Hosty. It is noted that in Legal Counsel's memorandum of 12/23/75 they indicate that Bureau documents should not be delivered to the committee in response to the request but that we should advise they would be granted access to materials where a suitable summary would not suffice. It does not appear that a written summary would be satisfactory in this instance in view of SA Hosty's contention that erroneous statements were made.

The committee further requested information concerning the policy and procedures employed by the FBI in personnel matters noting, for instance, that it appeared to them that the fact that an FBI employee had military service gave the person different rights with respect to administrative punishment. Information pertaining to our personnel policies involving administrative action against veterans and nonveterans is also set forth in attached letterhead memorandum which is being transmitted to the Department and should be sufficient to preclude furnishing additional material to the committee pertaining to such procedures.

RECOMMENDATIONS:

(1) That the attached letter and letterhead memorandum be forwarded to the Department in response to the committee's request.

(2) That the attached memoranda from SA Hosty's file be forwarded to the Office of Congressional Affairs for their retention and in order for them to grant access to same (excised version) to the committee if requested.