

1 on November 17, 1963, a check was also made of communications
2 dispatched to the New Orleans Office on Saturday, November 16,
3 1963. There were only three, those being: (1) a teletype in
4 a fugitive case, (2) a communication in a stolen motor vehicle
5 investigation, and (3) a communication concerning a military
6 deserter. None of these communications made mention of Presi-
7 dent Kennedy.

8 More than 50 employees of the New Orleans Office were
9 interviewed -- employees who had been assigned to that office
10 since at least November of 1963. All stated that they had
11 no knowledge of such teletype.

12 The Special Agent in Charge whom the former clerical
13 employee said he telephoned on the morning of November 17, 1963,
14 also said he knew nothing whatever about the alleged teletype.

15 We also interviewed the former clerical employee involved.
16 This time, he insisted that a teletype reporting a possible
17 assassination attempt on the President was, in fact, received
18 at the New Orleans Office while he was on duty there November
19 17, 1963. He claimed that other clerical employees of the New
20 Orleans Office knew of the receipt of this teletype, but he
21 refused to furnish their names.

22 When specifically questioned as to whether he had a copy
23 of this or any other Government documents, he gave an emphatic
24 denial and also denied ever having made copies of Government
25 documents.

410 First Street, S.E., Washington, D.C. 20003

Phone (Area 202) 544-6000

WARD & PAUL

610 First Street, S.E., Washington, D.C. 20003

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

At that time -- in 1968 -- we fully revised the Department of Justice of the allegations which the former clerical employee had made, and of the results of our extensive inquiry regarding them.

Now, more than seven years later, the story of the "phantom teletype" has surfaced again. This time it has a new twist.

One of the newsmen who contacted us last month stated that our former clerical employee made available to him the text of the alleged teletype, claiming that he had an actual copy of the teletype but was afraid to furnish it for fear of being prosecuted.

In an effort to obtain the document which this former employee claims to have so that it can be examined for authenticity, the Department of Justice granted him immunity from prosecution for purloining, possessing, or not having produced the alleged document. The former employee was advised of this action on September 23, 1975. Even under a grant of immunity, he would not agree to make such document available to us, stating that he was not claiming he had such document.

The following day we contacted the former employee's attorney. He informed us that his client had typed a precise copy of the alleged teletype when he had access to it in our New Orleans Field Office.

Other sources have furnished us with the text of the

WARD R PAUL

410 First Street, S.E., Washington, D.C. 20003

1 alleged replic that our former employee processes. It has
2 been carefully reviewed and compared with the format and wording
3 of investigative and communications procedures in existence in
4 1963. Several variances have been detected.

5 This individual's story has caused newsmen and others to
6 ask whether such a teletype was, in fact, sent from our Head-
7 quarters on November 17, 1963, and whether all copies of it
8 subsequently were destroyed.

9 Since the information regarding the "phantom teletype" has
10 now been expanded to include the text of the teletype, as well
11 as its ^{purposed} transmission to all FBI Field Offices -- which
12 incidentally ^{was} not the initial allegation of the former clerk in
13 1968 -- we contacted all 59 of our Field Offices and instructed
14 that each conduct a thorough and detailed search of records and
15 files in an effort to determine if such a teletype had in fact
16 existed. Each of our 59 Field Offices uniformly advised based
17 on the penetrative searches made that there was no evidence
18 to indicate or corroborate the existence of such a teletype.

19 There is no doubt in my mind regarding the answer to this
20 allegation. A teletype or other message of this nature sent
21 to all of our offices simply could not and would not disappear.
22 In the first place, FBI rules and regulations would prohibit
23 its destruction. In the second place, the fact of its existence
24 could not be wiped from the minds of the many employees at our
25 Headquarters and in each of ^{the} ~~the~~ Field Offices who would have

PHOTO (X) 201 344-201

WA-9 A PAUL

410 First Street, S.E., Washington, D.C. 20503

1 been involved its preparation, approval transmission,
2 receipt, and the action taken thereafter.

3 These then are the facts developed concerning recent
4 charges that have been made about the FBI's performance of
5 duty in the John F. Kennedy assassination case.

6 In some instances, the facts are explicit and answer the
7 allegations. In others, the passage of time and inconsis-
8 tencies in the interviews prevent a more definite statement of
9 truth.

10 Thank you, Mr. Chairman.

11 Mr. Edward. Thank you, Mr. Adams.

12 Let's refer to the Owsald letter, which I believe you
13 would agree is a very serious matter.

14 Mr. Adams. Yes.

15 Mr. Edwards. Now, it was reported in the newspapers that
16 Washington did learn of the Oswald letter delivered to the
17 Dallas Field Office and that Mr. Hoover sent out letter of
18 censure to 17 Agents because of the incident, and that Mr.
19 Hosty, the Agent involved, was suspended without pay for
20 30 days and transferred.

21 Is there any truth to any of those statements?

22 Mr. Adams. You mean because of this letter in question?

23 Mr. Edwards: Yes.

24 Mr. Adams. There is no truth to that. There is nothing
25 in our files, prior to this inquiry, that in any way has re-

PHONE AREA 2021 2000

WARD & PAUL

410 First Street, S.E., Washington, D.C. 20003

1 ferred to the Oswald's visit to the office leaving a note,
2 which was subsequently destroyed.

3 Mr. Edwards. Well, were some Agents punished in the
4 Dallas Office?

5 Mr. Adams. Yes.

6 Mr. Edwards. After?

7 Mr. Adams. Yes, there was disciplinary action taken
8 against a number of personnel in connection with the FBI
9 investigation of Oswald, but not in connection with his visit
10 to the office, leaving a note and --

11 Mr. Edwards. Well, on November 1st -- and incidentally,
12 we are going to try to get into names here, except where it
13 is absolutely necessary or where a name or two has already
14 appeared in the press -- Mr. Hosty visited the Paine residence
15 in an attempt to locate Oswald. And when the FBI reported to
16 the Warren Commission the contents of Oswald's notebook, the
17 FBI did not say -- did not report to the Warren Commission
18 that in his address book was the following notation: "November
19 1, 1963. FBI Agent" and so forth. And it gave "James P.
20 Hosty and the address of the Field Office in Dallas." Why
21 didn't the FBI report to the Warren Commission that this
22 entry appeared in Oswald's address book?

23 Mr. Adams. I am advised that the first report was a
24 summary and it did not appear in that, but it later did appear
25 in information furnished to the Commission. I can verify that

THOMAS (11/22/54)

WARD & PAUL

410 First Street, S.E., Washington, D.C. 20003

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

and give you t at a later date.

Mr. Edwards. Yes, would you, please.

Mr. Adams. I can give something for the record on it.

(The information will be submitted at a later date.)

SUBCOMMITTEE INSERT

FROM (1/14/75) 201 288-577

1 Mr. Edwar. Because this happened be the same Agent
2 that the note was addressed to, that is the missing note that
3 was destroyed, we are interested.

4 Mr. Adams. Right. Yes.

5 Mr. Edwards. Mr. Butler?

6 Mr. Butler. Thank you, Mr. Chairman.

7 On page 3 of your statement and on page 4, you tell us
8 that you had interviews and reinterviews. Did the reinter-
9 views indicate any inconsistencies from your original inter-
10 views with reference to your Agents concerning this particular
11 inquiry, that is, the Oswald note?

12 Mr. Adams. Yes, some of the reinterviews were occasioned
13 by the fact we would conduct one interview and we would get
14 the particular story. We had already interviewed someone else
15 and perhaps some additional information would come up and then
16 we would go back and reinterview that person. It also resulted
17 in elaboration on the part of some who had been originally
18 interviewed.

19 Mr. Butler. My question is directed to this. Do you have
20 Agents who gave different stories in 1963 from what they now
21 tell us in 1975 with reference to this matter?

22 Mr. Adams. No, because actually we have nothing in the
23 files -- in other words, we have nothing in our files concerning
24 this visit. This was, completely a new issue which came out
25 in July of 1975.

WARD & PAUL

410 First Street, S.E., Washington, D.C. 20003

1 Mr. Butler. Well, those people who had some knowledge of
2 this in 1963 did not, in the course of their interviews
3 in 1963, reveal knowledge of this, are they now telling you
4 their knowledge?

5 Mr. Adams. That is right. It is inconsistent in the
6 fact that this matter was not properly reported as it should
7 have been in 1963 and now individuals are telling us that it
8 did, in fact, occur. There is your inconsistency.

9 Mr. Butler. Yes, but you don't consider it was the
10 responsibility of these Agents to have volunteered that infor-
11 mation?

12 Mr. Adams. Yes, I do.

13 Mr. Butler. And what discipline have you taken with
14 reference to them?

15 Mr. Adams. Well, we haven't, because we have been waiting
16 for the Department to decide as to whether any criminal action
17 might flow from these events. We received their final opinion
18 yesterday on that. Now, we are in the process of reviewing
19 the matter from an internal administrative action standpoint
20 because of the fact that you have individuals who have know-
21 lege this took place and they did not report it at the time;
22 you had individuals ^(U.S.) that had knowledge that that note was actual-
23 destroyed.

24 Mr. Butler. Do you find any indication that there was
25 collusion with reference to the failure to volunteer this infor-

Phone (Area 202) 544-61

WARD & PAUL

410 First Street, S.E., Washington, D.C. 20003

1 nation, I mean collusion at any level?

2 Mr. Adams. Only collusion from the standpoint that we
3 do have an individual admitting that he did have the note and
4 he makes the statement that he destroyed it upon instructions
5 of his Agent in Charge. If that statement is correct, there
6 would be collusion between the two. The Agent in Charge denies
7 having issued such instructions and denies having any knowledge
8 of it. You have individuals, a number of individuals, in the
9 Dallas Office who had knowledge of the fact that Oswald had
10 visited the Office and had left a note of some sort.

11 Mr. Butler. I understand this is generally shared infor-
12 mation?

13 Mr. Adams. That is right.

14 Mr. Butler. And was not volunteered by anyone?

15 Mr. Adams. That is right.

16 Mr. Butler. Now was that because nobody was willing to
17 take the initiative in this regard, or was there some general
18 consensus, after discussion, among these people that maybe this
19 is one of the things we wouldn't volunteer?

20 Mr. Adams. During Mr. Bassatt's inquiries, we were
21 unable to come up with any evidence of a meeting actually havin
22 taken place where a decision was made "Let's do all of this."
23 This is one of the problems we have.

24 Mr. Butler. Well, it is one of the questions you really
25 haven't answered, it seems to me.

WARD & PAUL
914 First Street, S.E., Washington, D.C. 20003

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Mr. Adams That is true that --

Mr. Butler. Now, you also speculate the purpose of your inquiry was (5) as to what were the motives behind the note's destruction. I see no answer to this. What conclusion did you come to with reference to that?

Mr. Adams. Well, that was another area that we were unable to satisfactorily answer. The one individual, the individual who actually destroyed the note, indicated that his motive was embarrassment to the Bureau and embarrassment to him personally that that was to avoid the embarrassment of having the fact that Oswald had been in the office and no action had been taken from his visit to the office.

Did you come up with any other facts?

Mr. Bassatt. No, I did not.

Mr. Adams. That was the only --

Mr. Butler. That was protection to the individual's reputation within the Bureau?

Mr. Adams. That is right. And protection to the Bureau. His motive was he felt it would be embarrassing to the Bureau and embarrassing to him personally.

Mr. Butler. And yet, you are satisfied that the destruction of vital evidence and information of this sort does not involve a violation of any statute? Is that a crime?

Mr. Adams. Well, the matter was referred to the Department. The results of our investigation were referred to the

PHOTO (AREA 402) 5405

WAND & PAUL

410 First Street, S.E., Washington, D.C. 20003

1 Department for consideration, and there ^{at} would have been poten-
2 tial violations, but there is also a lapse of 12 years and the
3 Department would have to answer -- well, I can read you, if
4 you would like, their letter which explains the declaration. ^{DELETED}
5 If you would like for me to --

6 Mr. Butler. No, I think not. The staff will share that
7 with you later.

8 Mr. Adams. All right.

9 Mr. Butler. I would think that rather than going into
10 Executive Session or anything of that nature, if you could
11 share that with our staff, I think that would be sufficient
12 for our purposes.

13 Mr. Adams. I would be glad to.

14 Mr. Butler. One other question which I have here deals
15 with the clerical employee who has gotten us involved in the
16 "phantom teletype."

17 Mr. Adams. Yes, sir.

18 Mr. Butler. His reports to you, in response to your
19 inquiries, are they under oath?

20 Mr. Adams. No, sir. Originally, he was interviewed,
21 back in 1968. During the current resurrection of the teletype
22 issue, I was personally in contact with him to advise him of
23 the fact that the Deputy Attorney General had authorized
24 immunity from prosecution if he would make this teletype
25 available, which he claimed to have. He then claimed he didn't

PHONE (area code) 3-3333

WANG & PAUL

410 5th Street, S.E., Washington, D.C. 20003

1 have it. And asked him if he would be willing to be inter-
 2 viewed under oath concerning his allegations and also furnish
 3 me the names of these people that he now claims had knowledge
 4 of it, since he originally had refused to furnish them. And
 5 he said that he would agree to be interviewed under oath once
 6 he received the results of our 1968 investigation, which he
 7 had requested under the Freedom of Information Act. We have
 8 furnished him that. His attorney contacted him and he advised
 9 that he would still reserve the right to decide whether he will
 10 be interviewed under oath after he reviews the results. And
 11 he has not contacted me to date, concerning his willingness to
 12 be interviewed.

13 Mr. Butler. One more question, if I may, Mr. Chairman?
 14 Is the grant of immunity still alive, or has that been with-
 15 drawn, or does that have any present vitality?

16 Mr. Adams. I would have to consult with the Department.
 17 There was no condition attached to it. It was basically if
 18 he would make it available promptly. Now, I don't know how
 19 long they are willing to leave it upon.

20 But as far as I am personally concerned, I felt the only
 21 way this could ever be put to rest -- when an individual
 22 claims something exists ^{but} that had been destroyed, you have an
 23 uphill battle ever proving it never existed -- ^{and I felt that} ~~and I felt that~~
 24 if he has an actual copy, which he originally claimed, that my
 25 recommendation would be to give him immunity any time he is

1 willing to produce it, in order to get the matter authenticated
2 or denied. I don't believe it exists. I was told he had a
3 copy and that he, ^{was} considering destroying it because of his con-
4 cern over prosecution. And I went right to the Department to
5 get authority for immunity. Then I am told he is not claiming
6 he has such a copy.

7 Mr. Butler. Thank you, Mr. Adams, my time has expired.

8 Mr. Edwards. Mr. Drinan.

9 Mr. Drinan. Thank you, Mr. Chairman.

10 Mr. Adams, the FBI did not give us this document until
11 this morning, contrary to the Rules of the House, and Harold
12 Tyler of the Department of Justice also broke that rule and
13 apologized. So, if I am bringing embarrassment to the Bureau,
14 I think that might be a good policy in some cases.

15 I think the key question here is the motives behind the
16 destruction of the note. You skirt around that, and you state
17 "whatever thoughts and fears may be motivated the concealment
18 of Oswald's visit and the concealment and subsequent destruc-
19 tion of the note are unknown."

20 Well, the Agent in Charge -- well, the Agent said that he
21 did this to avoid embarrassment to the Bureau. What kind of
22 rules do you give to these people to avoid embarrassment to the
23 Bureau at any cost? What embarrassment could have come to the
24 Bureau?

25 Mr. Adams. Well, we don't give them any -- first, let me

1 apologize --

2 Mr. Drinan. Why did he think that way then?

3 Mr. Adams. First, let me apologize for not giving you
4 copies of this in advance. I was waiting for the Department
5 to decide the criminal issues involved, which would have limited
6 my testimony here today if further action was being considered.
7 And I didn't get that until yesterday afternoon.

8 Mr. Drinan. It severely hampers our power to inquire.

9 Mr. Adams. I realize that, and I try to comply every time
10 in this regard. I have to apologize in this instance.

11 But, we don't have any rule concerning embarrassment of
12 the Bureau. I think what happened --

13 Mr. Drinan. Well, he had rules, sir. He had rules. And
14 the only motive you have given as to this action is --

15 Mr. Butler. Mr. Chairman, I must object. Can the witness
16 be entitled to complete his answer before he is interrupted.
17 If that would be a ruling of the Chair, I would appreciate it.

18 Mr. Edwards. The time is MR. Drinan's.

19 Mr. Drinan. Mr. Adams?

20 Mr. Adams. Yes, I would like to explain that Agents who
21 work for the FBI, both Agents and clerical employees, have a
22 tremendous respect and love for the organization. I don't
23 think you have to have an official promulgate rules saying that
24 we should all be embarrassed if we make a mistake. I think we
25 are embarrassed when we make a mistake. I am embarrassed over

1 this incident ^{11/20} that people failed to carry out their responsi-
2 bilities in this regard. But, there isn't any order that you
3 must do nothing to embarrass the Bureau; that you must conceal
4 facts to avoid embarrassing the Bureau.

5 I just think that frequently it comes to a person's mind
6 that "I hate to embarrass the Bureau by my actions." I think
7 that is what he meant.

8 Mr. Drinan. Am I right in concluding that you are sug-
9 gesting that the only possible motivation --

10 Mr. Adams. No, sir, I am not.

11 Mr. Drinan. All right, what is the other possible moti-
12 vation?

13 Mr. Adams. I have been unable to arrive at motivations
14 as to why this action was taken, because we have been unable
15 to determine, for one thing, Mr. Drinan, the actual contents
16 of the note. Had we been able to determine, with certainty,
17 the contents of the note, then perhaps we would have been able
18 to shed some light on the motivation as to why the action was
19 taken to destroy the note.

20 Mr. Drinan. I think you have a fairly good consensus as
21 to what the note said.

22 Now, there are three people involved, and I suppose the
23 question is whom will we believe: will we believe the Agent?
24 He destroyed the note because his Supervisor or the Special
25 Agent in Charge told him to. Will we believe the Agent's

WARD & PAUL

410 First Street, S.E., Washington, D.C. 20003

1 superior? He found the note in the Agent's workbox shortly
2 after President Kennedy's assassination and he says he has never
3 heard of it since. And the Special Agent now says that he
4 doesn't even recall the note being delivered and yet there is
5 a consensus that the note was, in fact, delivered. So the
6 Special Agent's credibility is somewhat open to question. So
7 you are asking us to believe one of these individuals; however,
8 you can't believe them all. And that gets us down to the
9 question of motivation. Unless you have some other motivation
10 to offer, then we have to conclude that it is the rule of the
11 FBI and they drill it into the Agents to never embarrass the
12 Bureau, and this is what caused the unfortunate violation of
13 the rules.

14 Mr. Adams. I think that would be a most unfair assumption
15 and I just can't agree with it. I can't see any basis for it.

16 Mr. Drinan. Well, sir, I am looking for a motivation.
17 Motivation is the key question here. Why did this particular
18 Agent do what he did? I can't find any other motivation.

19 From all that I have seen, he had no personal stake in
20 this other than the fact that he didn't want the fact to come
21 out to the nation that the FBI had, in fact, been investigating
22 Lee Harvey Oswald, that Lee Harvey Oswald had visited the
23 Dallas Office and left this note, and then this thing came up.
24 So, he destroyed it, thinking this was the best say out. It
25 seems to me the burden is on you, sir, to suggest some other

1 possible motivation.

2 Mr. Adams. I don't feel the burden is on me to do that.
3 I can speculate. I could say, one, he has indicated personal
4 embarrassment. He had received the note. Admittedly, he had
5 received the note from Oswald. He said it did not contain any
6 threat. If that is true, then there would have been no em-
7 barrassment, perhaps, in the fact that Oswald had visited the
8 office afterwards. If the note did contain a threat, on the
9 other hand, and he failed to take appropriate action, that
10 would be a motive for destroying the note.

11 Mr. Drinan. Could the embarrassment have come about in
12 the irregularity of receipt of that note? I assume that when-
13 ever a letter is received that it is recorded somehow. We
14 have no record that this was, in fact, recorded, and the date
15 that it was received. Could that have been the reason, that
16 is, he didn't want to bring this out that rules had been vio-
17 lated?

18 Mr. Adams. No, I don't think that the note would have
19 necessarily been recorded until such time as he took action
20 on it and included it in the official files of the FBI. In
21 other words, the receptionist would not record the note when
22 she received it. She delivered it to the Agent and he would
23 normally include it in a communication, or he would send it
24 to the Chief Clerk's office, where it would be serialized into
25 the files.

1 I wish we could arrive at a motivation. I wish we could
2 completely answer, satisfactorily, what the note said, and who
3 ordered its destruction. We have a conflict in sworn state-
4 ments in this regard.

5 All that we were able to do was conduct a thorough invest-
6 igation. And we are never satisfied when we don't get all the
7 answers but, as you know, this isn't always possible.

8 Mr. Drinan. My time has expired. Thank you, sir.

9 Mr. Edwards. Mr. Kindness.

10 Mr. Kindness. Thank you, Mr. Chairman.

11 First, I would like to clarify a question that has come
12 up on several occasions in this Subcommittee, and I have
13 never been able to find the rule about which we are arguing.
14 We have been talking so much about rules here this morning, I
15 think we'd better get our own rules straight. 112(g)(4) of
16 the House Rules states: Each Committee shall, insofar as is
17 practicable, require each witness who is to appear before it
18 to file with the Committee in advance of his or her appearance
19 a written statement.

20 There is nothing that has been done by the Judiciary
21 Committee in its rules to further supplement that action and
22 there is nothing that has been done by the Subcommittee. I
23 am tired of seeing witnesses appear before this Subcommittee
24 and be embarrassed by the talk about 48 hours in advance fur-
25 nishing their statements, when we don't have any such rule.

ape 1-A)

1-B)

1 I appreciate the fact that the witness is dealing with the
2 problem of proving a negative in some degree and it is also
3 appreciated that a good deal of patience has been displayed
4 here.

5 I thank you, Mr. Chairman.

6 Mr. Edwards. Mr. Badillo. Have you finished?

7 Mr. Kindness. Yes.

8 Mr. Edwards. Mr. Badillo.

9 Mr. Badillo. Thank you, Mr. Chairman.

10 You said, in the beginning, flatly, that you had just
11 completed your exhaustive inquiry and that there is no doubt
12 that Lee Harvey Oswald visited the Dallas Field Office some
13 days prior to the assassination of President Kennedy and that
14 he left a handwritten note. You stated that you and Director
15 Kelly first learned of these occurrences July 7, 1975. Is
16 that correct?

17 Mr. Adams. Yes, sir.

18 Mr. Badillo. That is a very narrow list. Can you say
19 under oath that other people in the Washington Bureau did
20 not know of these occurrences until July 7, 1975?

21 Mr. Adams. No, I can't, because included in my statement
22 is the statement by one former Assistant Director who said
23 that he apparently had some --

24 Mr. Badillo. What I mean is, is there any evidence
25 that Mr. Hoover -- I mean, have you tried to determine whether

1 Mr. Hoover know about this?

2 Mr. Adams. No, *we had no record of it*

3 Mr. Badillo. Or the predecessor to Mr. Kelley?

4 Mr. Adams. Right. We have tried to find any record or
5 knowledge on the part of anyone concerning FBI Headquarter's
6 involvement in this issue. The only thing we have come up with
7 is the statement by this former Assistant Director, who seems
8 to think that possibly two Agents in his division might have
9 known about it. They have denied any knowledge of it. The
10 former Assistant Director also says that he has no specific
11 knowledge of any individual in Headquarters knowing of this.
12 He just thinks it was probably common knowledge down in this
13 particular section that such a note existed. We don't know
14 when that common knowledge might have arisen, in say, months
15 or years after, when someone was transferred to Headquarters
16 from Dallas and --

17 Mr. Badillo. But there is no file at central Headquarters?

18 Mr. Adams. We had no record in our files of --

19 Mr. Badillo. Where is this receptionist now?

20 Mr. Adams. She is in the Dallas Office.

21 Mr. Badillo. Where is the Agent for whom the note was
22 intended now?

23 Mr. Adams. He is in Kansas City.

24 Mr. Badillo. And what is his title at the present time?

25 Mr. Adams. Special Agent.