

UNITED STATES GOVERNMENT

Memorandum

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TO : Director, FBI (PERSONAL & CONFIDENTIAL) DATE: 10/24/73

FROM : SA JAMES P. HOSTY, JR.
KANSAS CITY OFFICE

SUBJECT: PERSONNEL MATTER

In compliance with your instructions following our conversation in Kansas City on 10/19/73, I am setting forth the basic facts that we discussed. I am convinced that the administrative action taken against me in December, 1963, and again in October, 1964, was unjustified for the following reasons:

(1) The letter of censure in December, 1963, and the suspension in October, 1964, were based upon answers to questions telephonically furnished by former Assistant Director James Gale on 12/5/63. I answered these questions by memo to the SAC in Dallas dated 12/6/63.

About four years ago I had an opportunity to review my field personnel file in the Kansas City Office and noted that Serial 157 of the Dallas section of this file contains answers dated 12/8/63, which are not the same answers I submitted on 12/6/63. Most particularly I object to the answers to Questions 5 and 6 that appear in my personnel file. I am enclosing a copy of my memo to the SAC, Dallas, dated 12/6/63, which you will note is different from the one appearing in my personnel file.

I am aware, however, that former Supervisor Kenneth Howe did make alterations to my answers without my advice or consent, but with my knowledge. I am enclosing a copy of my memo to the SAC, Dallas, dated 12/6/63, with his corrections, and a copy of a routing slip from Howe to me furnishing me with the corrections. However, the answers appearing in my personnel file are not these answers either. It appears my answers were changed a second time, probably on 12/8/63, without my knowledge. The most obvious change is the false answer to Questions 5 and 6, in which I am falsely quoted as saying, "Perhaps I should have notified the Bureau earlier." This constitutes an admission of guilt, which I did not make at any time.

JPH:mfd (enc. 4)

ENCLOSURE



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12/27/73

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As to the motive for the above and the persons responsible, I believe the third paragraph of [REDACTED] letter dated [REDACTED] pretty well pinpoints the responsibility. I am enclosing a copy of this letter. b6

(2) The letter of censure and suspension dated October, 1964, constitutes double jeopardy based upon the letter of censure dated December, 1963. The only thing added to the letter of October, 1964, was the statement that I made inappropriate remarks before a Hearing Board. Yet former Director Hoover personally advised me on 5/6/64, and SAC Gordon Shanklin of the Dallas Office in June, 1964, that my testimony before the Warren Commission was excellent. The Bureau had a summary of my testimony on 5/6/64, and the full text of my testimony one week later, five months before my letter of censure in October, 1964, and no mention was made at any time concerning my inappropriate remarks until October, 1964. Mr. Hoover also assured me on 5/6/64, that the Warren Commission would completely clear the FBI. The unexpected failure of the Warren Commission to do this, I believe, was the principal reason for my second letter of censure and suspension in October, 1964.

(3) The matters covered in both letters of censure had no bearing whatsoever on the outcome of the case; namely, the prevention of the assassination of President Kennedy.

In accordance with your specific request on 10/19/73, the following should be noted regarding the failure to place Lee Harvey Oswald on the Security Index:

Oswald was not on the Security Index because he did not fit the criteria in existence as of 11/22/63. The criteria was later changed to include Oswald. It should be noted, however, even if he had been on the Security Index, no specific action would have been taken regarding him or any other Security Index subject at the time of President Kennedy's visit to Dallas.

The FBI as of 11/22/63, had only one responsibility regarding presidential protection, at the insistence of the U. S. Secret

Service. The responsibility was to furnish the Secret Service any information on persons making direct threats against the President, in possible violation of Title 18, USC, Section 871. I personally participated in two such referrals immediately prior to 11/22/63.

In conclusion, [REDACTED] in his letter dated [REDACTED] sums up my attitude in this matter that because of the action taken by the Bureau in October, 1964, the Bureau in effect told the world I was the person responsible for President Kennedy's death. b6

On 10/19/73, you asked me what I think should be done. 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.

I can state with a perfectly clear conscience that I in no way failed to do what was required of me prior to 11/22/63, and based upon information available to me, which was not all the information available to the U. S. Government on 11/22/63. I had absolutely no reason to believe that Oswald was a potential assassin or dangerous in any way.

I have no desire to blame anyone else or to seek an alternate scapegoat. I am firmly convinced, despite the totally unjustified conclusion of the Warren Commission, that the FBI was not in any way at fault.

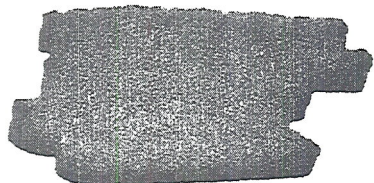
In accordance with your instructions, I will not discuss the contents of this letter with anyone. In the event you want further clarification on any point, I will gladly furnish additional information to you.

Memorandum to Mr. Held
Re: Assassination of President John F. Kennedy

As may be recalled, the Bureau was able to determine that there were four principals involved in the matter at hand, namely, Nannie Lee Fenner, SA Kenneth C. Howe, SA James P. Hosty, Jr., and SAC Gordon Shanklin. At the time of our inquiry Shanklin was the only one of the four in a retired status. Since that time, however, Fenner retired 3/12/76 and Howe retired 6/18/76.

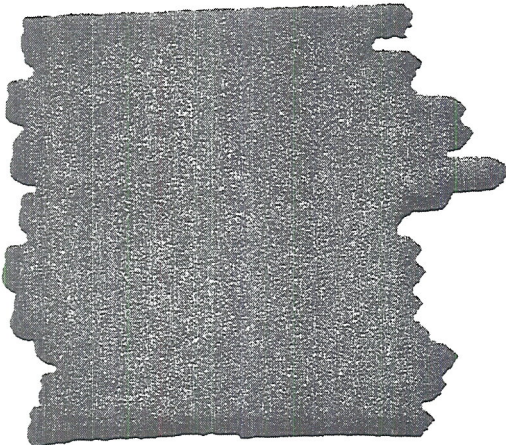
Briefly, the facts developed were that Oswald did indeed visit our Dallas Office sometime prior to the assassination of President Kennedy. He delivered a note to Mrs. Fenner. She claimed the note was threatening in nature and said something to the effect, "Let this be a warning. I'll blow up the FBI and the Dallas Police Department if you don't stop bothering my wife." The note was addressed to SA Hosty. She claimed she showed the note to the then ASAC Kyle Clark (now retired) who instructed her to give it to Hosty. Howe, then the supervisor of Hosty, could not remember the contents of the note but seemed to recall it contained some type of threat. Howe seemed to recall that he found the note in Hosty's workbox probably about the day of the assassination and brought the note to SAC Shanklin. Hosty admits the existence of the note, claims it was not threatening in nature, and that he destroyed the note upon the instructions of SAC Shanklin. Shanklin disclaimed any knowledge whatsoever of the matter.

In conducting our inquiry we learned that several people were aware to some degree that Oswald had visited the office and left a note for Hosty. In talking to these people, without exception, when asked why they had not brought the matter to the attention of their superiors, they advised they simply assumed that a matter of such gravity would have been reported to the SAC. They advised generally that they acquired the information through conversations with other people well after the incident had occurred. Some of these people furnished information at variance with that furnished by others, leading one to raise the question as to whether they were being untruthful or whether the passage of time had simply made it impossible to recall the events. The main fact, however, with regard to all of these individuals is that none of them played any part whatsoever in the handling of the note as outlined previously. Those people who are still employed who had some knowledge of this matter in varying degrees are as follows:



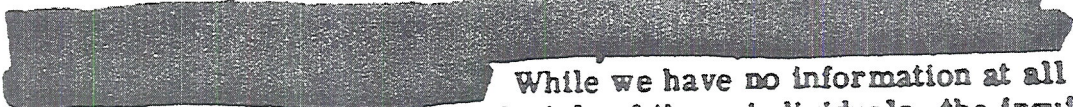
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On the other hand, there were people in the Dallas Office who disclaimed any knowledge whatsoever of the matter, they being



While we have no information at all questioning the veracity of the denials of these individuals, the inquiry covering interviews with both current and former employees certainly established a large number of them had some knowledge of the matter but were not directly connected with the incident. Therefore, to take action against those employees who admit some knowledge but were not directly connected with the incident and at the same time take no action against those denying knowledge could be an injustice to all concerned.

Another thing to take into consideration is the fact that everyone who was assigned to Dallas at the time of the assassination was not interviewed. Many of them are current employees assigned to various offices. They were not interviewed simply because there was no logical reason to do so. It is possible that they too may have known of the matter and would truthfully inform us of it, but here again we are placed in the same position as we are now with regard to those people we did interview. All things considered, it is not felt that any action should be taken against the aforementioned individuals who are currently on our rolls.

b6

With regard to Hosty, he claims he was instructed by the SAC to destroy the note. We probably will never know the facts as to whether this actually occurred. It is our understanding that the Congressional Committees never learned of anything other than what we developed in our inquiry. If Hosty indeed destroyed the note on the instructions of the SAC, he was following the instructions of his superior and this must be taken into

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consideration. Also taken into consideration is the fact that Hosty suffered considerably many years ago. In fact, Hosty in effect was placed in double jeopardy. On 12/13/63 he was censured and placed on probation for inadequate investigation. With really no new information developed concerning Hosty, later he was censured, placed on probation, suspended for 30 days, and transferred to Kansas City. This action occurred in October, 1964. He was eligible for within-grade increase beginning 9/27/64 but was not given same and, in fact, was finally granted a within-grade increase 6/20/65. As can be seen, Hosty has already paid a heavy penalty.

[REDACTED]

[REDACTED]

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