

UNITED STATES GOVERNMENT

# Memorandum

TO : Richard L. Thornburgh  
Assistant Attorney General  
Criminal Division

FROM : Alfred L. Hantman, Deputy Chief  
General Crimes Section  
Criminal Division

SUBJECT: Assassination of President  
John F. Kennedy

DATE: October 15, 1975  
ALH:EL:kjf

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This is in response to the Deputy Attorney General's request for an expedited review by the Criminal Division of the report of investigation submitted by the Director, Federal Bureau of Investigation to the Attorney General, regarding the alleged receipt by the FBI's Dallas office of a note from Lee Harvey Oswald some week[s] prior to the assassination of President John F. Kennedy; the alleged destruction of the note after the President's assassination and the failure to report the existence of such a note to FBI Headquarters. The Criminal Division's recommendation as to appropriate action regarding possible prosecutable violations of law is also requested by the Deputy Attorney General.

Our review, as of this date, has been limited to:

1. the 11 affidavits transmitted to the Attorney General by the July 29, 1975, memorandum from the Director, FBI;
2. pertinent portions of the 1963 testimony taken under oath before the President's Commission on the Assassination of President Kennedy; and
3. the 65 affidavits, reports of interview and other items indexed as attachments to the October 1, 1975, memorandum to the Attorney General from the Director, FBI.

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## Background

As noted in our memorandum of August 19, 1975, copy of which is enclosed, several of the original July, 1975, affiants' statements gave credence to the allegation that Oswald did visit the FBI's Dallas office prior to the assassination of President Kennedy to see Special Agent James P. Hosty, Jr., and in Hosty's absence left a note for Hosty. Nannie Lee Fenner, an FBI clerical employee identifies Oswald as the man who left a note with her for delivery to Special Agent Hosty (see p. 1, Fenner's, July 15, 1975, statement). Both Fenner and Hosty's supervisor, Special Agent Kenneth C. Howe, (in his July 21, 1975, affidavit) stated that they viewed the Oswald



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note and although no reference was made to President Kennedy, they stated that it had been of a threatening nature. Special Agent Hosty stated that the note contained no threat of any violence. He further stated that he destroyed the note and a detailed memorandum prepared by him for transmittal to FBI Headquarters and that this action was taken at the instruction of SAC Shanklin on or about November 23, 1963.

*Shanklin's  
file*

Special Agents Howe, Hosty, and Ural E. Horton, Jr., in their July, 1975, affidavits recall conversations with [then] SAC J. Gordon Shanklin regarding the Oswald note after the assassination of the President. Special Agents Hosty and Howe cited conversations with SAC Shanklin allegedly occurring within a day after the November 22, 1963, assassination and Special Agent Ural Horton cited a January, 1974, conversation with SAC Shanklin regarding the Oswald note left for Special Agent Hosty. Former SAC Shanklin categorically denied ever having knowledge of these matters prior to July, 1975, (see Shanklin's July 21, 1975, affidavit).

*Ref's  
Red Book  
page*

The existence of the Oswald note was further corroborated by the testimony of Ruth Hyde Paine (with whom Oswald's wife resided in November, 1963) before the Warren Commission and in a magazine story authorized by Mrs. Paine in July, 1964, wherein she stated that Oswald told her he had stopped at the FBI office and left a note there which (she was given the impression L, Oswald) was of an irritating nature.

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In our August 19, 1975, memorandum we examined pertinent federal criminal statutes and found that former SAC Shanklin was vulnerable to prosecution for perjury (18 U.S.C. 1621) and obstruction of justice (18 U.S.C. 1505) based on his sworn statement to the effect that he had no knowledge prior to July, 1975, of the Oswald visit to his office or the note left there for Special Agent Hosty. The July, 1975, statements of Special Agents Hosty, Howe, and Ural Horton are supportive of the proposition that SAC Shanklin did know of the Oswald visit and note prior to July, 1975.

To a lesser extent we found the statements of Nannie Lee Fenner and Special Agent Howe were mutually supportive as to the threatening nature of the Oswald note, contradicting Special Agent Hosty's sworn statement that the note contained no threat and was in the nature of a civil complaint from an unidentifiable writer.

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### New Allegation - Involvement of FBI Headquarters Officials

The number of interviews initially envisioned by the FBI was enlarged to include FBI officials in the FBI's Headquarter chain of command in November, 1963, after Time magazine writer Sandy Smith met with Deputy Associate Director James B. Adams on September 11, 1975. Mr. Smith advised that four, five, or six separate officials (present or former) had supplied him with information for his article appearing in the Time magazine issue of September 15, 1975 (see October 1, 1975 memorandum; Tab #39), alleging that after the assassination of President Kennedy, John P. Mohr, then the FBI's Administrative Chief, told the Dallas FBI agents to destroy the note Oswald left for Hosty. Mr. Smith advised that one of his sources had personal knowledge that Mr. Mohr told the Dallas agents to destroy the note. Mr. Mohr denies this allegation (see October 1, 1975 memorandum; Tab #40 and #43). Mr. Smith reportedly refused to volunteer his sources' identities although recognizing that he might be compelled to disclose their identities in connection with court action arising out of the allegation set forth in his article.

The FBI's Inspection Division then initiated interviews of FBI officials (present and former) who might reasonably have knowledge of any involvement by Mr. Mohr or other line of command officials in any decision to destroy the Oswald note. The affidavits and reports of those interviews are included within the 55 items indexed as attachments to the October 1, 1975, memorandum to the Attorney General from the Director, FBI (see Tabs #40-#59).

### Summary and Analysis of Investigation

As a result of the interviews initiated and affidavits obtained by the FBI's Inspection Division, it has been convincingly established that Lee Harvey Oswald did visit the FBI's Dallas office some week[s] prior to the November 22, 1963, assassination of President Kennedy and left a note there for Special Agent James P. Hosty, Jr. FBI secretarial employee Marian F. Roberts (see October 1, 1975, memorandum; Tab #5) corroborates the July, 1975, statement of Nannie Lee Fenner that Oswald was present in the Dallas office and left a note with Nannie Lee Fenner. Although Marian Roberts cites a third employee, Helen V. May, as also being present with her when Oswald made his appearance and having subsequently made statements regarding seeing Oswald in the office, Helen May (at Tab #4) denies any knowledge of Oswald's visit.

Numerous agents and clerical employees of the Dallas office stated that the Oswald visit and note were frequently a topic of conversation among the office employees (see October 1, 1975, memorandum; Tabs #2, 5-17, 26-28, 30-35, and 37).

The majority of FBI employees who do recall conversations regarding the Oswald visit and note disclaimed personal knowledge of the incident and were unable to name a source other than Nannie Lee Fenner who had any personal knowledge of the note's contents. However, Special Agent James W. Bookhout (Tab #14) and Special Agent John U. Almon (Tab #34) state that Special Agent Robert P. Gemberling has made statements which appeared to indicate a personal knowledge by Gemberling of the contents and disposition of a note from Lee Harvey Oswald. Whether that note is the Hosty note or the draft note to the Soviet Embassy obtained after the assassination and made part of the official record (October 1, 1975, memorandum at page 18 and Tab #60 at page 9) cannot presently be ascertained since Special Agent Gemberling is on sick leave due to an August 2, 1975 [redacted] Harold Bassett, Chief of the FBI Inspection Division has informally advised that during a brief telephone conversation Gemberling indicated to Mr. Bassett that he (Gemberling) would not have much to contribute to the Bureau's inquiry. Gemberling's physician, Dr. Heyer, is scheduled to be contacted on October 16, 1975, by Mr. Bassett to determine whether or not an interview would endanger Mr. Gemberling's health (see October 1, 1975, memorandum at pages 26 and 27). Mr. Bassett has informally advised us that such an interview would be extremely stressful for Gemberling in view of Special Agents Bookhout and Almon's statements (Tabs #14 and 34).

*Gemberling  
wishes a  
note for  
his Dr*

The rumor of a meeting involving top Dallas office supervisors regarding the disposition of the Oswald note to Hosty could not be verified. See Special Agent Almon's statement at Tab #34, page 3.

With respect to the contents of the note left for Special Agent Hosty by Oswald the follow-up interviews of Hosty's former supervisor Kenneth C. Howe reflect a dramatic change for the worse in Howe's recollection. In Howe's most recent (Tab #65) of the five (often conflicting albeit vague) statements he has submitted, Special Agent Howe concludes that his earlier recollection of a threat in the letter (e.g. his statement at Tab #35, p. 2) was based on the "threatening" characterization of the Oswald note given by Nannie Lee Fenner and was not based on his independent recollection. Indeed, Special Agent Howe's statement at Tab #65 is supportive of Special Agent Hosty's consistent statements of July, 1975, and September 22, 1975 (at Tab #60) that the note was in the form of a civil complaint from an unidentifiable writer and contained no threat.

The most recent affidavits of Special Agent Ural E. Horton, Jr. (Tab #13), Special Agent Howe (Tabs #35 and 65) and Special Agent Hosty (Tab #60) reaffirm and strengthen their July, 1975, statements that they separately held conversations with SAC Shanklin, or as in Special Agent Howe's case, called to the attention of the SAC the existence of Oswald's note to Special Agent Hosty. Former SAC Shanklin's September 24, 1975, sworn statement (at Tab #64) restates with more specificity his July, 1975, denial of each

allegation that he knew of the Oswald visit and note to Special Agent Hosty. A statement further corroborating the statements of Special Agents Hosty, Horton, and Howe has been developed during the supplementary interviews. William C. Sullivan, formerly Assistant Director of the FBI's Domestic Intelligence Division states (at Tab #50) that J. Gordon Shanklin had told him at some time prior to Hosty's May 5, 1963, testimony before the Warren Commission that FBI Director J. Edgar Hoover was furious at Special Agent Hosty and that Hosty was the agent "who had received the threatening message from Oswald before the assassination." Mr. Shanklin's denial of having knowledge prior to July, 1975, regarding the Oswald letter is presently contradicted by the sworn statements of four present or former employees of the FBI.

The only individual who admits to any personal knowledge regarding the decision to destroy the Oswald note after the President's assassination is Special Agent Hosty. In his September 22, 1975, statement (Tab #60) he describes in far greater detail than set forth in his July, 1975, statement how he tore the note and a detailed memorandum concerning the note (which he allegedly prepared for transmittal to FBI Headquarters) into several pieces in Mr. Shanklin's office on or about November 23, 1963, at Mr. Shanklin's direction and, when instructed to remove the pieces from the SAC's office, removed the pieces of paper from the SAC's wastebasket and took them to the bathroom and flushed them down the commode. Special Agent Howe, whom Hosty alleges was present during this transaction in the SAC's office, fails to corroborate Hosty's description of this alleged episode, and denies, any knowledge of any decision or action taken regarding final disposition of the note.

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