

UNITED STATES GOVERNMENT

Memorandum

TO : MR. HELD

DATE: 8/17/76

FROM : H. N. BASSETT *Assistant Director*

SUBJECT: ASSASSINATION OF PRESIDENT JOHN F. KENNEDY

- 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

PURPOSE:

[REDACTED]

CLARIFIED

On 10/21/75 Mr. Adams testified before a Congressional Committee relative to Lee Harvey Oswald's visit to the Dallas Office prior to the assassination of President Kennedy, his leaving of a note and its subsequent destruction. A question was raised at that time and subsequently by the press as to what disciplinary action the Bureau planned on taking. The Bureau's official stance was that since the matter was still pending before Congressional Committees, no action would be taken until conclusion of their inquiries. This matter has been followed since that time. Mr. Mintz has advised that since the Congressional inquiries are now concluded, he sees no reason to delay further administrative action. The purpose of this memorandum, therefore, is to analyze this situation and to submit appropriate recommendations.

SYNOPSIS:

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During Mr. Adams' testimony when the issue of possible disciplinary action was raised, he pointed out that this was a grave responsibility and a grave matter to consider since we must recognize the possibility that in the passage of time recollections may be hazy. Further, consideration had to be given to possibly disciplining some who have been as candid as they can within the bounds of their recollections and yet not disciplining others who are not being truthful.

As a result of the inquiry, it was positively established that there were four principals involved, namely, Nannie Lee Fenner, SA Kenneth C. Howe, SA James P. Hosty, Jr., and retired SAC Gordon Shanklin. Since the inquiry Fenner and Howe have retired.

Excluding Hosty, there are 16 current employees who, during the inquiry, admitted to varying degrees some knowledge of Oswald's visit, the note and the destruction. Some of the information they furnished was

1 - Messrs. Adams, Jenkins, Mintz, Walsh

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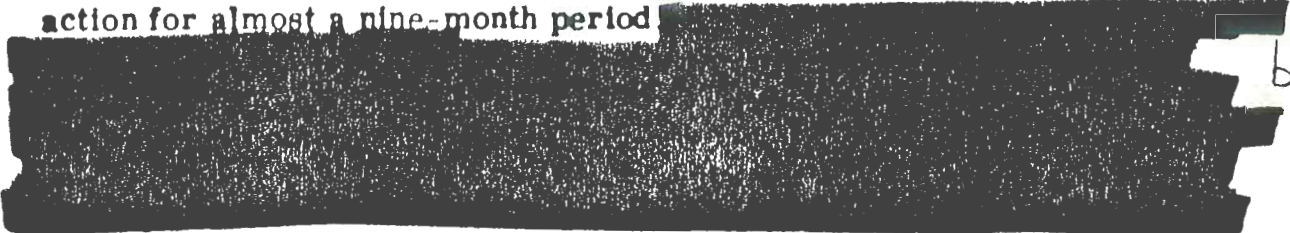
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at variance with information furnished by others, but there was no way to establish whether they were being untruthful or the passage of time had simply made it impossible to recall the events. The main fact, however, was that none of these individuals played any role in the handling or destruction of the note. Moreover, without exception, when asked why they had not brought the matter to the attention of their superiors, they advised that they assumed a matter of such gravity would have been brought to the attention of the SAC.

There are eight current employees who disclaim any knowledge of the matter whatsoever. There is no reason to question the veracity of these denials yet the inquiry certainly established a large number of individuals had some knowledge but were not directly connected with the incident. Furthermore, not everyone assigned to Dallas at the time of the assassination was interviewed simply because there was no logical reason to do so. It is possible that they too may have known of the situation and would truthfully inform us of it, thus raising the question: Is it fair to take action against those who were candid with us when there are others where no action would be taken simply because there was no reason to interview?

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It is possible that we will never know what really happened. We know that the Congressional Committees did not establish anything that our inquiry did not. If Hosty is telling the truth and he destroyed the note on the instructions of the SAC, this must be taken into consideration even though former SAC Shanklin denies any knowledge of the matter whatsoever. Also, it must be considered that Hosty has already paid a heavy price. He was in effect placed in position of double jeopardy when censured and placed on probation in 1963 and, with no really new information developed, later was censured, placed on probation, suspended for 30 days, and transferred. He was denied a within-grade increase because of this latter action for almost a nine-month period.

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RECOMMENDATIONS:

1. That no action be taken against those employees listed in the details of this memorandum who admit some knowledge of the matter but are not directly related to the incident.



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APPROVED: *RMA*
Asst. Dir. *[Signature]*
Lab. Inv. *[Signature]*
Adm. Serv. *[Signature]*

Intell. *[Signature]*
Inspection *[Signature]*
Spec. Inv. *[Signature]*
Training *[Signature]*
Lab. *[Signature]*
Legal Coun. *[Signature]*
Files & Com. *[Signature]*
Rec. Mgmt. *[Signature]*

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DETAILS:

On 10/21/75 Mr. Adams testified before the Subcommittee on Civil and Constitutional Rights of the House Committee on the Judiciary. On that occasion Mr. Adams discussed in detail the inquiry conducted by the Bureau relative to Lee Harvey Oswald's visit to the Dallas Office prior to the assassination of President Kennedy and the note left by Oswald and its subsequent destruction. During that testimony the issue of possible disciplinary action was raised and Mr. Adams, in essence, pointed out that this was a grave responsibility and a grave matter to consider since we must recognize the possibility that in view of the passage of time, recollections may be hazy. Further, consideration had to be given to possibly disciplining some who have been as candid as they can within the bounds of their recollection and yet not disciplining others who are not being truthful.

Shortly after Mr. Adams' testimony press inquiries were received as to what action the Bureau planned on taking, and the official Bureau stance was that since the matter was still pending before Congressional Committees, no action would be taken at that time.

This matter has been followed on a 30-day basis with Mr. Mintz. On 8/13/76 Mr. Mintz advised that he had been informed by [REDACTED] that testimony taken by the Edwards Committee has not yet been printed and it is unlikely that the hearings will be printed. Further, Congressman Edwards has no plan at this time to issue a report stating any conclusion regarding this matter. His intention was to await the outcome of the Church Committee inquiry to determine whether the Church Committee developed any facts at variance with the testimony offered before the Edwards Committee. According to [REDACTED] apparently no inconsistent facts were developed by the Church Committee. Mr. Mintz also advised that it was recommended by the Church Committee that the Inouye Committee continue the inquiry regarding President Kennedy's assassination, but the Inouye Committee has not acted to authorize a continuation of that inquiry as yet. William Miller, Staff Director of the Inouye Committee, advised [REDACTED] on 8/12/76 that the Inouye Committee will adopt the recommendation to continue the inquiry; however, it is not believed that their inquiry would be directed at the Oswald visit, the note and destruction of same. Mr. Mintz advised, therefore, that the Congressional inquiries are now concluded and sees no reason to delay further administrative action in this matter.

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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:



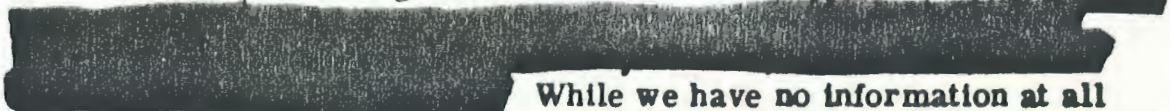
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On the other hand, there were people in the Dallas Office who disclaimed any knowledge whatsoever of the matter, they being



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.

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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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