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## Justice Department Decides Against Prosecution

By JOHN M. CREWDSON Special to The New York Times

previously delivered to the had been made by high bureau The subcommittee, headed by vestigation by the F.B.I. be-Dallas F.B.I. office by Lee Har- officials, probably including J. Representative Don Edwards, cause of his travels to the

of Investigation.

Clarence M. Kelley, the F.B.I. Director, that noted that the five-year statute of limitations on crimes that may have attended the letter's destruction had expired.

Mr. Tyler said in the letter that, although it was technically possible to pursue a prosecution under Federal perjury statutes in cases where some past and present F.B.I. agents had made conflicting statements under oath about their roles in the destruction of the letter, Mr. Thornburgh had decided against such a move.

## **Jury Presentation Barred**

Justice officials said today that Mr. Thornburgh's decision also precluded any possibility that the tangled record of assertions and denials compiled by F.B.I. investigators looking into the bizarre affair would be given to a Federal grand jury for further study.

But Mr. Adams, the bureau's deputy associate director, told the subcommittee that the destruction of the letter constituted a violation of the F.B.I.'s internal regulations and that administrative action against some of those allegedly involved was under consideration.

The chief confusion, Mr. Adams testified, involved attempts by the bureau to fix responsibility for the destruction of the note, which did not men-

tion Mr. Kennedy but con-stitutional rights, Mr. Adams Dallas F.B.I. office a note adtained vague threats against the provided an account of the dressed to Mr. Hosty. The re-

Justice Department has decided Dallas. not to bring charges against any of the individuals pur-portedly involved in the de-struction, two days after the nedy, of a threatening note previously delivered to the Dallas FRI office has been made by high bureau

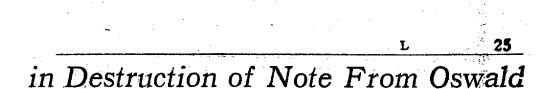
offficial of the Federal Bureau threatening letter was ad never told of the dressed, had any knowledge the Oswald letter.

Dallas F.B.I. office by Lee Har-vey Oswald, Mr. Kennedy's ac-cused assassin. The decision, made yesterday by Richard Thornburgh, who heads the department's Crim-inal Division, was disclosed to-negative Don Edwards, cause of his travels to the California Democrat and a California Democrat and a Soviet Union in 1959 and his former F.B.I. agent, is looking into the bureau's relationship with the Warren Commission, which was set up by President anyone except James P. Hosty In November, 1972; Oswald

day by James B. Adams, an Jr., the agent to whom the nedy assassination and was in Dallas, where Mr. Kennedy offficial of the Federal Bureau threatening letter was ad-never told of the existence of was shot as he rode in a motor-

Mr. Adams provided a House of its destruction. Subcommittee with a copy of In his testimony before the some days before the assassina-a letter from Harold Tyler, the House Judiciary Committee's tion on Nov. 22 Oswald left ty's absence, she had given Deputy Attorney General, to subcommittee on civil and con-with the receptionist at the the letter to the assistant head

cade.



of the Dallas office, who read cial confronted him with the it, termed Oswald a "nut" and letter and asked him to explain over what happened to the told her to save the note for its contents. Mr. Hosty.

said she had shown the letter. which he did.

Mr. Hosty recalled having About two hours after Os-the knowledge and involvement eventually received the note, wald was shot and killed by of F.B.I. executives in Washing-but denied that it had con-lack. Ruby on Nov. 24, Mr. ton. tained any threats or violent Hosty told the investigators, language. He told bureau inves-he was instructed by Mr. Shan-testimony, one F.B.I. employe instance that he had simily like to destroy both the Owerld stated that she head from "at where, Mr. Adams said, "it con- said that he had done so. of the assassination."

after the assassination J. Gor- or of the note and "maintains quivocally denied" having any don Shanklin, the head of the that he did not issue any orders knowledge of the matter, Mr. Dallas office, and another offi- to destroy the note."

While the principal conflict Oswald letter appears to in-Mr. Hosty maintained that Mr. Shanklin, who recently re-The assistant head of the tired from the F.B.I. and now Shanklin and Mr. Hosty, who Dallas office has denied any practices law in Dallas, had is now with the F.B.I. office knowledge of the matter, Mr. directed him to preppare a mem- in Kansas City, Mo., the investi-Adams said, as have other em- orandum describing his effort gators uncovered other contraployes to whom the receptionist to interview Marina Oswald, dictions involving the source of the destruction order and

tigators that he had simply klin to destroy both the Oswald stated that she heard from "at placed it in his "workbox," note and the memorandum. He unrecalled source" that a meet where, Mr. Adams said, "it con-tinued to reside on the day of the assassination." In his F.B.I. interview, Mr. Hosty asserted that a few hours wald's visit to the Dallas office The unnamed inspector "une-Adams said.