

Memorandum

release

TO : Clarence M. Kelley
Director, Federal Bureau of Investigation

DATE: October 20, 1975

FROM : Harold R. Tyler, Jr.
Deputy Attorney General

[Handwritten signature]

SUBJECT: Lee Harvey Oswald Note to FBI

51-16-1113

My staff and I have reviewed the Criminal Division's investigation in this case and the recommendation of Assistant Attorney General Thornburgh. I agree with his conclusion that this is not an appropriate case for criminal prosecution at this time. There are no substantive offenses committed by any of the possible subjects that are within the Statute of Limitations. The only possible theory of prosecution would be by way of a perjury indictment for colorable false testimony relating to events that took place some 12 years ago. Mr. Thornburgh's decision not to go forward and bootstrap a criminal prosecution on such facts is an imminently fair and wise exercise of prosecutorial discretion. The Bureau should, of course, take whatever administrative action that appears necessary.

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