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2d Session }

SENATE

{ REPORT
No. 94-755

THE INVESTIGATION OF THE
ASSASSINATION OF PRESIDENT
JOHN F. KENNEDY; PERFORMANCE
OF THE INTELLIGENCE AGENCIES

BOOK V

FINAL REPORT
OF THE
SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO
INTELLIGENCE ACTIVITIES
UNITED STATES SENATE



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See also under Hosty, James P

APPENDIX B

THE FBI AND THE DESTRUCTION OF THE OSWALD NOTE

In early July 1975, a Dallas newsman met with former FBI Special Agent-in-Charge for Dallas, J. Gordon Shanklin. The newsman informed Shanklin that an unidentified source had told him that Lee Harvey Oswald had visited the FBI office in Dallas sometime prior to the assassination and had left a threatening note for Special Agent James Hosty, who had been conducting the FBI investigation of Oswald. The newsman stated that neither Oswald's visit, nor the note, were reported to FBI Headquarters officials. Shanklin suggested that the newsman contact Deputy Associate Director James Adams at FBI Headquarters.¹

On July 7, 1975, the newsman met in Washington, D.C., with Adams and Director Kelley and informed them of these allegations. The Attorney General was advised on July 8, 1975, that the Bureau intended to conduct an inquiry regarding these allegations.² Later that day, Director Kelley held a conference with Adams, Shanklin, the Headquarters agent assigned to the assassination case, the Assistant Director in charge of the Inspection Division, and the Dallas SAC. The Assistant Director in charge of the Inspection Division was assigned personal responsibility for directing the FBI inquiry of the circumstances surrounding the delivery and duplication of the note.³

The Bureau's initial file review failed to develop any information indicating that Oswald had ever visited the FBI field office in Dallas or that he had left a note.⁴ FBI interviews with personnel assigned to the Dallas field office in 1963 established that:

- (1) Lee Harvey Oswald did visit the office some two or three weeks prior to the assassination;
- (2) Oswald asked to see SA James Hosty, and upon being informed that he was not in, left a note for Hosty; and
- (3) the note was destroyed after the assassination.⁵

The evidence developed by the Bureau contained sharp conflicts. The investigation failed to establish:

- (1) whether the note was threatening in nature; and
- (2) at whose instruction the note was destroyed.

Rather than attempting to draw conclusions from an evidentiary record replete with factual discrepancies, the Committee has decided to set forth in summary fashion the evidence developed by the Bureau and the committee, highlighting those areas where discrepancies exist.

¹ J. Gordon Shanklin testimony, 12/19/75, p. 10.

² Memorandum from the Director, FBI, to the Attorney General 7/20/75.

³ *Ibid.*

⁴ Memorandum from the Director, FBI to the Attorney General, 7/20/75.

⁵ *Ibid.*

The Wording of the Note

Approximately one week or ten days prior to November 22, 1963, Lee Harvey Oswald appeared at the reception desk in the Dallas field office and asked to see Special Agent James Hosty. After being informed that he was not available, Oswald left an envelope with a note inside for Hosty. The envelope was unsealed and the note was partly visible. According to the receptionists, the note read as follows:

Let this be a warning. I will blow up the FBI and the Dallas Police Department if you don't stop bothering my wife.
Signed—Lee Harvey Oswald.

Sometime later in the day the receptionists personally gave the note to Hosty.⁶

Hosty recalled the note's wording as:

If you have anything you want to learn about me, come talk to me directly. If you don't cease bothering my wife, I will take appropriate action and report this to proper authorities.⁷

Hosty's supervisor said he recalled that the note contained some kind of threat, but could not remember specifics.⁸

Aside from the receptionist, Agent Hosty, and the supervisor, no one else interviewed by the FBI recalled having seen the note. Some other individuals indicated that from conversations they had had with the receptionist after the assassination, they understood that the note contained a threat.

Circumstances Surrounding the Destruction of the Note

After reading the note, Hosty placed it in his workbox, where it remained until the day of the assassination. On the day of the assassination, Hosty participated in an interview of Oswald at the Dallas Police Department. When he returned to the field office about an hour later, Hosty was called into Shanklin's office where he met with his supervisor and Shanklin. One of them displayed the note and asked Hosty to explain its contents.⁹ Hosty told them he had interviewed Marina Oswald at the residence of Ruth Paine on November 1, 1963. According to Hosty, during the post-assassination interview at the Dallas Police Department, Oswald commented that Hosty was the FBI agent who had bothered his wife, and that if the agent wanted to know something about Oswald, he should have come and talked to Oswald himself.¹⁰

According to Hosty, Shanklin ordered him to prepare a memorandum detailing facts pertaining to the note and his interview with Marina Oswald and Ruth Paine. Hosty testified that he did prepare such a memorandum and delivered it to Shanklin on the evening of November 22, 1963.¹¹

⁶ Affidavit of receptionist, 7/15/75.

⁷ Affidavit of James P. Hosty, Jr., 7/17/75.

⁸ Affidavit of supervisor, 9/8/75.

The supervisor stated that the note was on plain paper, was either handwritten or handprinted, and was threatening in nature.

⁹ Hosty affidavit, 7/17/75; Hosty, 12/13/75, p. 147.

¹⁰ Hosty affidavit, 9/22/75; Hosty, 12/13/75, p. 148.

¹¹ Hosty, 12/13/75, p. 153.

Hosty's supervisor took the note very soon after that he took the note, but what happened to it is not clear.

According to Hosty, Shanklin pronounced the note as "Shanklin wanted to know what happened to it by Shanklin to determine if it was random regarding Shanklin denied it and the note. He wanted to destroy the note. If it was destroyed, it was destroyed of this entire matter."

The personnel at the Dallas Police Department do not know whether the Oswald visit, or the Oswald assassination, has anything to do with Shanklin; or whether the Oswald assassination involved one of the Oswald assassination cases. Sullivan recalls that he has no other than to say that he has no knowledge of any other living Bureau investigative division that furnished the Bureau with this matter.

¹² Affidavit of Supervisor, 7/15/75.

¹³ Hosty affidavit, 9/8/75; Deputy Associate Attorney General, Committee on Civil Liberties, 10/21/75, p. 147, embarrassment to the Bureau.

¹⁴ Shanklin affidavit, 7/15/75.

However, a recent Bureau report, dated 12/13/75, stated that Hosty was driving with him in Dallas on 11/22/63.

¹⁵ Affidavit of William J. Sullivan, 4/21/75.

Sullivan added that he was not aware of the note, or its contents.

¹⁶ Affidavit of John...

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Hosty's supervisor said that he had found the note in Hosty's work-box very soon after the assassination of President Kennedy. He stated that he took the note to Shanklin's office, but had no recollection of what happened to the note or who may have had it thereafter.¹²

According to Hosty, approximately two hours after Oswald had been pronounced dead on November 24, his supervisor told him that Shanklin wanted to see him. Hosty testified that he was instructed by Shanklin to destroy both the note and the November 22 memorandum regarding it, and that he complied with these instructions.¹³ Shanklin denied any knowledge of Oswald's visit to the Dallas Office and the note. He also maintained that he did not issue any orders to destroy the note. In fact, Shanklin claimed that he had no knowledge of this entire matter until July 1975.¹⁴

The personnel assigned to the Dallas Office in November 1963, do not know whether anyone at FBI Headquarters was ever informed of the Oswald visit, note, or subsequent events. However, William Sullivan, who was an Assistant Director of the Bureau at the time of the assassination, has stated that he discussed the Oswald case many times with Shanklin; and that Shanklin stated "he had an internal problem involving one of his Agents who had received a threatening message from Oswald because the Agent was investigating Oswald."¹⁵ Sullivan recalls that Shanklin seemed disinclined to discuss the matter other than to say he was handling it as a personnel problem with Assistant to the Director, John P. Mohr.¹⁶ Mohr has denied under oath any knowledge of the note or its destruction.¹⁶ Similarly, each of the other living Bureau officials in the chain of command of the two investigative divisions which supervised the Kennedy assassination case furnished the Bureau with a sworn statement denying any knowledge of this matter.

¹² Affidavit of Supervisor, 9/15/75.

¹³ Hosty affidavit, 9/22/75; Hosty, 12/13/75, p. 183.

Deputy Associate FBI Director James B. Adams testified before the Subcommittee on Civil and Constitutional Rights of the House Committee on the Judiciary, 10/21/75, that the agent who destroyed the note did so to "avoid embarrassment to the Bureau."

¹⁴ Shanklin affidavit, 9/24/75; Shanklin, 12/19/75, p. 10.

However, a recently retired Special Agent, in an affidavit submitted to the Bureau, stated that he mentioned the note and the destruction to Shanklin while driving with him in a car in August 1974. (Special Agent affidavit, 7/23/75.)

¹⁵ Affidavit of William C. Sullivan, 9/18/75; Staff interview of Sullivan, 4/21/75.

Sullivan added that he did not know whether other Headquarters officials were aware of the note, or that the note had been destroyed.

¹⁶ Affidavit of John P. Mohr, 9/12/75.