

## Warren Panel Not Told of Note

# Agent Says FBI Order Hushed Him

By Norman Kempster  
Washington Star Staff Writer

The FBI agent who handled an investigation of Lee Harvey Oswald prior to the Kennedy assassination said yesterday he was ordered by bureau headquarters to answer questions without volunteering any information when he testified to the Warren Commission.

James P. Hosty told a House subcommittee he did not inform the commission about the destruction of a now hotly disputed note he received from Oswald because "I wasn't asked."

Subcommittee Chairman Don Edwards, D-Calif., said Hosty's explanation "bears out what a number of students of the Warren Commission have said — that the FBI held some

information back from the Warren Commission."

THE COMMISSION concluded that Oswald, acting alone, killed President John F. Kennedy on Nov. 22, 1963. Oswald was himself murdered by Jack Ruby two days later.

The FBI was assigned to act as the investigative arm of the commission, which did not have independent investigators.

Edwards said it was "disturbing" that the FBI might have been less than completely candid with the commission headed by then-Chief Justice Earl Warren.

Hosty told the subcommittee that he also was ordered by the agent in charge of the Dallas office to destroy a document which later became a

key bit of evidence considered by the Warren Commission.

HOSTY SAID he disobeyed orders to get rid of the handwritten draft of a letter Oswald sent to the Soviet Embassy in Washington less than a month before the assassination. Hosty said it is possible that his superior had confused the letter draft — ultimately published as part of the Warren Commission report — with a different document, the note.

Hosty, who previously has said almost nothing in public about the assassination, was called as a witness in the committee's effort to find out why the note from Oswald was destroyed and why the Warren Commission was never told of it.

In almost nine hours of hearings stretched over two days, the committee questioned four witnesses who described the same event in such widely different ways that the record resembles the script for a surrealist movie.

Hosty told a far more detailed story than his two superiors in the Dallas bureau — J. Gordon Shanklin, the special agent in charge, and Kenneth C. Howe, the supervisor of Hosty's squad. Shanklin and Howe frequently said their memories had grown dim on details.

Several committee members said one, two or maybe all three of the witnesses committed perjury because of wide contradictions in testimony:

- Hosty said that within hours of Oswald's death, Shanklin ordered him to destroy the note, which he did by flushing it down a toilet. He said Howe was present when the order was given.

- Shanklin said he never heard of the note until last July, when it was reported in newspapers and the FBI began an internal investigation. He said he does not know why it was destroyed.

See JFK, A-5

# JFK

Continued from A-3

• Howe said he told Shanklin of the note and tried to discuss it with him, but Shanklin refused to talk about it. Howe said he saw the note at least a week after Hosty said it was destroyed. Howe also denied hearing Shanklin order its destruction.

As the hearings ended, Rep. Robert Drinan, D-Mass., mused about the frustration of trying to piece together the full story.

"The press will say, and I think the inference is justified, that the committee permitted the FBI to continue to cover up the cover-up," he said.

It is even more perplexing than that. The committee has been unable even to find out what there was about the note that was important enough to conceal. And who would have had a motive to destroy it is still a mystery.

According to Nanny Lee Fenner, a receptionist in the Dallas FBI bureau at the time, Oswald hand-delivered a handwritten note threatening to blow up the Dallas Police Department or the FBI office if Hosty did not stop questioning Oswald's Russian wife, Marina.

HOSTY SAID the note warned him to stay away from Mrs. Oswald and

threatened to "take action." Hosty said he assumed that meant legal action. He said the note mentioned nothing about blowing up the office.

Howe said he read the note but can't recall its contents, although he does remember that it contained a threat.

Whatever the note may have said, witnesses now seem to agree that Oswald delivered it sometime in early November. Also relatively uncontroverted is that Hosty accepted the note, put it in his "work box" and forgot about it until after Kennedy was assassinated.

Hosty was in charge of the FBI's investigation of Oswald and his wife. The bureau opened a case on Oswald when he returned from the Soviet Union, where he had tried to defect.

Hosty said he had never interviewed Oswald in person, although he had talked to Marina. Some critics of the Warren Commission have suggested there may have been a closer relationship between Hosty and Oswald because Hosty's name, address, telephone number and auto license number were in Oswald's notebook.

HOSTY TOLD the committee in detail about the destruction of the note from Oswald.

Hosty said that several hours after Oswald died, he and Howe were called into Shanklin's office.

"I went in first, Mr. Howe behind me," Hosty said. "Mr. Shanklin was standing behind his desk. I was standing in front of his desk. Mr. Howe was standing by the door.

"Mr. Shanklin reached into his desk and pulled out the Oswald note and a memo I had written about it. He said, in effect, 'Oswald's dead now. There can be no trial. Get rid of this.'

"I tore it up, but Mr. Shanklin said, 'Get it out of here. I don't even want it in here.'"

Hosty said he then flushed the pieces down a toilet.

HOWE TOLD the committee that he was not present during any such conversation. He said he saw the Oswald note at least a week after Oswald died. But Howe agreed with Hosty that the mere mention of it seemed to upset Shanklin.

In his narrative about the Oswald note, Hosty brought up the draft of Oswald's letter to the Soviet Embassy. Hosty said he obtained the draft from Ruth Paine, the Irving, Tex., woman with whom Marina was living while Lee was staying in a rooming house in Dallas.

In both the draft and in the typewritten letter that was actually sent to the embassy in Washington, Oswald mentioned having filed a protest against his treatment by the FBI.

Hosty said he showed Shanklin the draft of the letter to the embassy. He

said Shanklin "became highly upset" and told him to "get rid of it."

But Hosty said he retained the draft which was later sent to Washington with other evidence. Hosty said Shanklin indicated later that he had confused the draft with Oswald's note to Hosty which he had ordered destroyed.

HOSTY ALSO said a memo in his personnel file concerning the handling of the Oswald case had been altered to make it appear that Hosty was admitting misconduct which he said he has denied.

Hosty said he was refused promotion in the bureau from the day of the assassination until last year, when he discussed the matter with FBI Director Clarence M. Kelley. He said he learned that a "stop," which bans promotions, had been placed on his file by former FBI Associate Director Clyde Tolson.

Howe said he was demoted from supervisor to "street agent" after the assassination. He said he has not been promoted since.

"Although I feel disciplinary action was more severe than the facts would justify, I don't think I was made a scapegoat," Howe said.