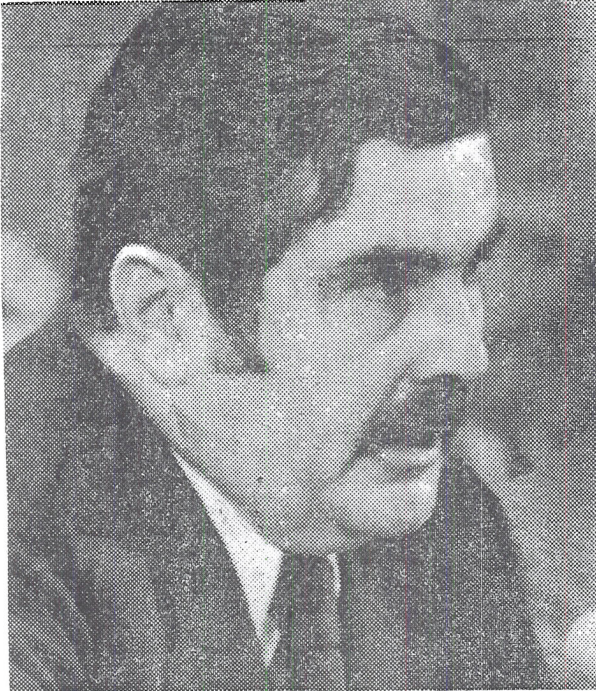


FBI Man's Testimony

Agent 'Flushed' Oswald Note



AP Wirephoto

FBI AGENT JAMES HOSTY JR.
He said he was ordered to destroy note

Washington

An FBI agent who investigated the assassination in 1963 of President John F. Kennedy testified yesterday that he flushed down the drain a note that Lee Harvey Oswald had delivered to the Dallas FBI office.

James P. Hosty Jr., who is now in the Kansas City FBI office, said he was ordered to destroy the Oswald note by J. Gordon Shanklin, then chief of the FBI operations in Dallas.

In testimony Thursday, Shanklin, now retired, denied ever knowing about the Oswald note and said he never ordered anybody to destroy it.

Hosty testified yesterday be-

fore a House Judiciary subcommittee that is probing charges that the FBI withheld evidence from the Warren Commission, which investigated the Kennedy assassination.

Hosty said Oswald delivered the note to the receptionist while he was out to lunch. He said he was not sure of the exact date but puts it between November 6 and 8 because he had talked to Oswald's Russian-born wife, Marina, and a friend of Mrs. Oswald's around that time.

Hosty said he picked up the handwritten Oswald note, addressed to him, from the receptionist's desk.

Hosty said the Oswald note, which was two paragraphs on bond paper, said, "If I did not stop talking to his wife, he would take action against the FBI."

Hosty said that he interpreted the implied action to be legal and that the note did not appear to be serious.

"It was an innocuous type of complaint, and I get many of

(The receptionist, Nancy Lee Fenner, has testified, however, that the note contained a threat to "blow up" the FBI office or the Dallas Police Department.)

Hosty said he had gone to the home of Mrs. Oswald's friend Ruth Payne on Nov. 1, 1963, trying to locate Oswald because of his contacts with the Communist party. He said Mrs. Oswald came out of an adjoining room and he interviewed her with Mrs. Payne acting as interpreter because Mrs. Oswald did not speak English well.

On November 22, the day of the Kennedy assassination, Hosty said, he went to the Dallas police station to assist in interviewing

Oswald because of his own knowledge about right-wing extremists. At that time, he said, he went through Oswald's personal effects and saw that his own name, address and car license number were in Oswald's telephone book.

Oswald said to Hosty, "You're the one who's been interviewing my wife," Hosty related, and said

it took quite some time to quiet Oswald down after that.

Later, he said, Shanklin called him into his office at the FBI headquarters and Shanklin "was quite agitated and upset about the note." Hosty said Shanklin ordered him to write a memorandum detailing receipt of the note, its contents and the interviews with Mrs. Payne and Mrs. Oswald.

Hosty said he dictated a memo to a stenographer and delivered it to Shanklin the same day.

But, on November 24, about two to four hours after Oswald was killed, Hosty said he was again called into Shanklin's personal office.

Shanklin reached down into the lower right-hand drawer of his desk and took out the memorandum and note in question and said "Oswald is dead now; there can be no trial," Hosty testified.

Hosty said that he was then ordered to destroy the note and that he tore up the note and memo. He said he put the memo in the wastepaper basket, but Shanklin did not want the remnants of the note around.

Hosty quoted Shanklin as saying, "No, get it out of here!"

Hosty then related: "I took it into the washroom, and I flushed it down the drain."

Associated Press

Earlier clippings filed WC-R, beginning 1 Sep 75.