

## MEMORANDUM

TO: Congressional File (4.21.2)  
FBI File (4.16.2.1)

cc: T. Jeremy Gunn  
Michelle Combs  
Laura Denk

FROM: Ronald G. Haron

DATE: January 9, 1998

SUBJECT: Congressional Hearings Regarding the Destruction of Oswald Note by the Dallas FBI Office -- FBI Compliance -- Records of Edwards Subcommittee, House Judiciary Committee

I have prepared this memorandum to identify certain Congressional and FBI records that should be confirmed as being in the JFK Collection at NARA. The records relate to the FBI's destruction of a note that Oswald delivered to the Dallas FBI office shortly before Kennedy's assassination. Both the FBI and Congress investigated the matter. *See Circumstances Surrounding Destruction of the Lee Harvey Oswald Note: Hearings before the Subcommittee on Civil and Constitutional Rights of the Judiciary, House of Representatives, on FBI Oversight, 94 Cong., 1st and 2nd Sess., Serial 2, pt. 3, 1975-76 ("Edwards Subcommittee Hearings" or "Hearings").*

Based on my review of the Edwards Subcommittee hearings, I also wanted to record some background information that may assist with respect to verifying FBI compliance with the JFK Act. Finally, I have also raised some questions to consider in connection with FBI compliance.

### A. Congressional Records

The Don Edwards Subcommittee of the House Judiciary Committee convened public hearings on the FBI's destruction of the Oswald note, and substantial testimony and related material are already in the public domain. *See Edwards Subcommittee Hearings.* In addition, there are some Edwards Subcommittee materials in the HSCA Collection.<sup>1</sup> Accordingly, our goal should be to ascertain

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<sup>1</sup> *See, e.g.,* HSCA File Nos. 133-37 (memoranda of the Edwards Subcommittee); HSCA File No. 142 (Dec. 11, 1975 Testimony of Nanny Lee Fenner and Gordon Shanklin); HSCA File No 143

whether there are any additional materials of the Edwards Subcommittee that are not reflected in the published hearings or otherwise contained in the HSCA Collection.

The published hearings do reflect that certain materials were obtained but apparently not released by the Edwards Subcommittee. For example, the results of the FBI inquiry on the destruction of the Oswald note were reported to the Department of Justice and were also turned over to the Edwards Subcommittee as "executive committee material." *See* Hearings, at 31. In addition, certain other FBI materials were also treated as "executive session material," including the names of the individuals who were interviewed regarding the Oswald note and regarding the New Orleans teletype allegations. *See* Hearings, App., at 209.

**To verify whether or not the Edwards Subcommittee took any additional testimony (e.g., executive session testimony, depositions, or interviews) or has other non-public materials, I recommend we contact one or more of the staff counsel for the Edwards Subcommittee. They were: Alan A. Parker, Counsel; Thomas B. Breen, Assistant Counsel; Catherine LeRoy, Assistant Counsel; and Kenneth N. Klee, Associate Counsel.**

B. FBI Records

The Edwards hearings identified a number of FBI record categories. We should confirm that these records have been identified under the JFK Act and placed in the JFK Collection (they may already have been, but we should check). I have also noted some background matters that may assist with respect to verifying FBI compliance with the JFK Act.

1. FBI Investigation of Destruction of Oswald Note. On July 7, 1975, the FBI first learned of the allegations regarding Oswald's visit to the Dallas FBI Office and his note to James Hosty. Hearings, at 3. The FBI conducted "an exhaustive internal inquiry" on this matter, consisting of 80 interviews. Hearings, at 2-3. (For example, Ruth Paine was interviewed; Dallas receptionist Nanny Fenner was interviewed twice; and Gordon Shanklin was also interviewed. *See* Hearings, at 26, 40-41, 98.) The investigation was conducted by James Adams, Deputy Associate Director of the FBI, and Harold

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(Dec. 12, 1975 Testimony of Kenneth Howe and James Hosty). This testimony is contained in the published hearings. In addition, James B. Adams, Deputy Associate Director of the FBI, also testified in an open hearing on October 21, 1975.

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Bassett, Assistant Director in Charge of Inspection. A Mr. Gunderson assisted Bassett. Hearings, at 51. A Phil McNair may also have assisted Mr. Bassett. Hearings, at 202.

The three people who read the Oswald note, according to Fenner, were: Kyle Clark, Assistant Agent in Charge of the Dallas Office; Ms. Fenner; and Helen May, a secretary. There is no testimony of Clark or May in the published hearings. *See* Hearings, at 38, 53. Is there a record of any interview of them conducted either by the Edwards Subcommittee or by the FBI?

Hosty's memorandum regarding the circumstances of the Oswald note was dictated to secretary Martha Connally. Hearings, at 133. Is there a record of any interview of her either by the Edwards Subcommittee or by the FBI?

Mr. Shanklin was represented at the Edwards hearings by a Mr. Hollabaugh of Foley, Lardner, Hollabaugh & Jacobs. Since Mr. Shanklin is now deceased, we could theoretically request Mr. Shanklin's estate to waive attorney-client privilege and have the files of Shanklin's counsel made available to the Review Board. The purpose would be to ascertain whether counsel obtained and recorded any factual information provided by Mr. Shanklin regarding the Oswald matter. We should discuss whether or not this is worth pursuing. Hosty was represented at the hearings by counsel John Bray and Francis X. Lilly of Arent, Fox.

The story of Oswald's visit and note was broken by Tom Johnson, publisher of the Times Herald. Hearings, at 64. His source apparently was not disclosed. Hearings, at 81.

**We should confirm that the records comprising the underlying FBI investigation of the Oswald note, including all 80 interviews, has been placed in the JFK Collection. It may already be there, but we should confirm this.<sup>2</sup> In addition, we should check whether there is an administrative file that the FBI had with respect to the Edwards Subcommittee in view of the fact that the FBI**

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<sup>2</sup> In the FBI's initial Compliance Statement, the FBI identified a "Miscellaneous Kennedy Assassination File" that "reflects, *inter alia*, investigation of destruction of a note from Oswald by former SA Hosty." The file number for the file was not identified, however. In addition, it may be that the materials relating to this investigation are contained in the main Kennedy assassination file of the FBI (No. 62-109060). Based on my cursory check of the main file (the FOIA version), I noted that there are some documents relating to the Oswald note in the main file. *See* Section 179 of File No. 62-109060.

**maintained administrative files with respect to other Congressional investigations such as the HSCA and the Church Committee.**

2. FBI Investigation of William Walters Teletype Investigation. The FBI conducted “an extensive inquiry” in March 1968 regarding the allegation of FBI employee William Walters that a November 17, 1963 teletype came into the New Orleans FBI Office reporting a threat to President Kennedy in Dallas. This FBI clerk initially denied this in contacting the Jacksonville, Florida FBI Office on February 1, 1968. The following month, however, he told the U.S. Attorney in New Orleans that there was such a teletype. Hearings, at 8

In 1975, the FBI negotiated with the FBI clerk to have him turn over the alleged November 17, 1963 teletype. Hearings, at 9.

**The investigation into these allegations included interviewing more than 50 employees of the New Orleans FBI Office, including the employee who made the allegations. Hearings, at 8-9, 13. The results of the investigation were provided to Walters under FOIA. Hearings, at 13. We should verify that the records comprising this investigation are in the JFK Collection.**

3. Dallas Record Issues/Background.

The Dallas FBI Office was in the Santa Fe Building (Hearings, at 148). The offices were on the 11th and 12th floors. There was some sort of office move in April [of 1964?], according to Shanklin. Hearings, at 75.

John Fain, who was assigned to Oswald for a time prior to the assassination, did not work out of the Dallas Field Office; rather, he worked out of the “Fort Worth Resident Agency, which is a branch of the Dallas Office,” according to Hosty. Hearings, at 124.

Inspector James R. Malley came down to Dallas for the JFK assassination investigation. He reported to Assistant Director Alex Rosen. Hearings, at 66. Shanklin dealt with either Malley or with Alan Belmont, Assistant to the Director. Hearings, at 68. 5.

Shanklin testified that he made “special indices” for the JFK investigation. These indexed “each serial and who was interviewed in it.” Hearings, at 94. The NARA JFK Collection Register identifies 3x5 index cards from Dallas (DL 89-43) as part of the Collection. Are these the “special indices” referred to by Shanklin (or are the “special indices” otherwise in the Dallas file on the

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Kennedy investigation? With respect to interviews conducted by the Dallas office after the assassination, were any of them tape recorded?

Shanklin disclosed that inter-office communications of the Dallas FBI Office may not have been captured in the official file. Hearings, at 95. 18. In addition, Shanklin kept some working files in his desk, according to Hosty. Hearings, at 134

Oswald was *not* under surveillance prior to the assassination, according to Shanklin. Hearings, at 80.

**According to an Edwards Subcommittee member, Marina Oswald's phone was tapped in Dallas from February 29, 1964, to March 12, 1964, and the Warren Commission was not advised of this. Hearings, at 84-85. Is this accurate? If so, we should determine if this is in the JFK Collection and in what form. "Marina Oswald—Dallas Elsur" is identified as an HSCA subject in the FBI's compliance statement. Has the FBI retained the actual tapes or just the transcripts? If there are tapes, should they be in the JFK Collection? What are the privacy issues?**

Robert Gemberling succeeded Kenneth Howe. Hearings, at 137.

The FBI had mail cover on the FPCC, but not Oswald (thus, the FBI would not have known that Oswald ordered a rifle through the mails), according to Hosty. Hearings, at 174-75.

Joseph L. Schott, an FBI agent who worked out of the Dallas Office, authored "No Left Turns." Hearings, at 39. I wonder whether his book would provide any insight into the Dallas investigation.

#### 4. FBI Records (General).

Criminal informants have 137 files; security informants have 134 files. Hearings, at 197.

According to Adams, "pink" and "blue" memoranda were "not to be made a part of the official records of the FBI." Hearings, at 32.