

UNITED STATES GOVERNMENT

# Memorandum

*Secret*

Tolson	_____
Belmont	_____
Mohr	_____
DeLoach	_____
Casper	_____
Callahan	_____
Conrad	_____
Felt	_____
Gale	_____
Rosen	_____
Sullivan	_____
Tavel	_____
Trotter	_____
Tele. Room	_____
Holmes	_____
Gandy	_____

TO: *[Handwritten initials]*

FROM: *[Handwritten initials]*

MR. TOLSON

DATE: September 30, 1964

J. H. GALE *[Handwritten initials]*

SUBJECT: SHORTCOMINGS IN HANDLING LEE HARVEY OSWALD MATTER BY FBI PERSONNEL

*[Handwritten signature]*

REC-111

With regard to Warren Commission report Director noted, "I want this carefully reviewed as pertains to FBI shortcomings by Gale. Chapter 8 tears us to pieces. Also I want memo of what we have done to plug our gaps. I also want to make certain we check and make certain proper disciplinary action has been taken against those responsible for derelictions charged to us."

Memorandum dated December 10, 1963, Mr. Gale to Mr. Tolson, recommended the following administrative action, which was approved, as a result of a review of Oswald's file by Inspector which reflected serious shortcomings:

### DALLAS

1. *[Redacted]* (Veteran) - Censure and probation for inadequate investigation including failure to interview Oswald's wife until after assassination, delay reporting, failure to put subject on Security Index, and for holding investigation in abeyance after being in receipt of information that subject had been in contact with Soviet Embassy, Mexico City.
2. Field Supervisor *[Redacted]* (Nonveteran) - Censure and probation for failing to insure that case more fully investigated and reported, for not placing subject on the Security Index and for concurring in decision to hold investigation in abeyance.
3. *[Redacted]* (Veteran) - Censure for failing to have Oswald case reopened after Dallas informed that he subscribed to "The Worker," east coast Communist newspaper, 9/28/62.
4. *[Redacted]* (Nonveteran) - Censure for over-all responsibility in this matter.
5. *[Redacted]* (now in San Francisco) (Nonveteran) - Censure for over-all responsibility in this matter.

### NEW YORK

1. *[Redacted]* (Veteran) - Censure for failing to promptly disseminate Fair Play for Cuba information to Dallas concerning subject Oswald.
2. *[Redacted]* (Veteran) - Censure for failure to insure that Fair Play for Cuba information concerning Oswald more promptly disseminated to Dallas.

JHG:wmj (4)

1 - Mr. Callahan

Enclosures

REMOVED BY SRD *[Handwritten]*

10/5/67

NOV 20 1973

REC-144

494012-133

OCT 15 1964



Memo for Mr. Tolson  
Re: Lee Harvey Oswald

NEW ORLEANS

1. [REDACTED] (Nonveteran) - Censure for delayed reporting and failure to put on Security Index. [REDACTED] is now retired.
2. [REDACTED] (Nonveteran) - Censure for failing to insure that there was no delay in reporting this matter and for failing to put subject on the Security Index.

SEAT OF GOVERNMENT

1. [REDACTED] (Veteran) - Censure and probation for failing to instruct the field to conduct background investigation concerning Oswald, upon Oswald's return from Russia; failing to have Oswald's wife interviewed; also for removing stop on Oswald in Ident on 10/9/63; failing to put Oswald on Security Index and for not reopening Bureau file to follow on Dallas after Dallas sent out letter on 3/25/63 to consider interview of Oswald's wife.
2. [REDACTED] (Nonveteran) - Censure and probation for failing to take action on CIA teletype 10/10/63; failing to completely review file until after assassination; failing to instruct field to press more vigorously after subject made contact with Soviet Embassy, Mexico, and failure to have subject placed on Security Index
3. [REDACTED] (Veteran) - Censure for failing to place Oswald on Security Index, in spite of considerable Fair Play for Cuba Committee activity coupled with previous Soviet defection background.
4. [REDACTED] (Veteran) - Censure for delay in handling incoming 10/18/63 cablegram from Mexico City and for not putting subject on Security Index.
5. [REDACTED] (all Nonveterans) - Censure for over-all responsibility in this matter.

The Commission has now set forth in a very damning manner some of the same glaring weaknesses for which we previously disciplined our personnel such as lack of vigorous investigation after we had established that Oswald visited the Soviet Embassy in Mexico. The Commission specifically criticizes [REDACTED] for not making more vigorous efforts to locate and interview Oswald regarding unresolved matters and Inspector feels this criticism certainly is valid. [REDACTED] testified that certain information furnished by New York on Oswald's contact with the Fair Play for Cuba Committee was "stale" when he received it and this statement is set forth in the Commission's report. As indicated above, a New York Agent and Supervisor were censured for this delay. [REDACTED] certainly should not have testified that information from New York was "stale." [REDACTED] testified concerning his failure to conduct investigation from November 5, 1963,



Memo for Mr. Tolson  
Re: Lee Harvey Oswald

until after the assassination. [redacted] stated that on November 1, 1963, he received a copy of the New Orleans report which reflected that Oswald had given false biographic information and [redacted] stated he knew he would eventually have to investigate this and was "quite interested in determining the nature of his contact with the Soviet Embassy in Mexico City." When asked what his next step would have been [redacted] replied:

"Well, as I had previously stated, I have between 25 and 40 cases assigned to me at any one time. I had other matters to take care of. I had now established that Lee Oswald was not employed in a sensitive industry. I can now afford to wait until New Orleans forwarded the necessary papers to me to show me I now had all the information. It was then my plan to interview Marina Oswald in detail concerning both herself and her husband's background.

"Q. Had you planned any steps beyond that point?

"A. No. I would have to wait until I had talked to Marina to see what I could determine, and from there I could make my plans.

"Q. Did you take any action on this case between November 5 and November 22?

"A. No, sir."

When questioned by Commission concerning why he did not disseminate the information on Oswald to Secret Service, [redacted] testified he interpreted his instructions as requiring some indication that the person planned to take some action against the safety of the President or Vice President before making such dissemination. He testified he participated in transmitting two pieces of information to Secret Service pertaining to President's visit. He further stated he did not realize the motorcade would pass the Texas School Book Depository Building. He testified he did not read the newspaper article describing the motorcade route in detail since he was interested only in the fact that the motorcade was coming up main street "where maybe I could watch it if I had a chance." Inspector feels that [redacted] testimony as quoted in the Commission report makes the FBI look ridiculous and definitely taints our public image for efficiency. If we had made a proper investigation of Oswald we would not have been so vulnerable.



Memo for Mr. Tolson  
Re: Lee Harvey Oswald

In connection with interview of Mrs. Ruth Paine on November 1 and 5, 1963, the Commission indicates that Mrs. Paine advised a Bureau Agent that she did not know Oswald's address. She was not asked nor did she volunteer Oswald's telephone number, which she did know. The Commission intimates that Agent should have asked her specifically re phone number so Oswald's current residence could be located. This interview was conducted by [REDACTED] [REDACTED] advised he did not ask Mrs. Paine re Oswald's telephone number inasmuch as Mrs. Paine informed [REDACTED] she did not know Oswald's address or how he could be located. Inspector feels [REDACTED] should have been more specific in his interrogation and asked Mrs. Paine if she had Oswald's telephone number.

[REDACTED] also testified that conditions in the Dallas police station at time of detention and interrogation of Oswald were "not too much unlike Grand Central Station at rush hour, maybe like the Yankee Stadium during the World Series games." It is questionable whether [REDACTED] should have described conditions in such an editorializing and flamboyant manner but rather should have indicated conditions were crowded and if called upon to give an estimate of how many people were located therein, to give said estimate.

The Commission's report reflects that after the assassination a number of boxes which appeared to be used as a gun rest by Oswald in the Texas School Book Depository Building were processed for fingerprints by both the Dallas Police Department and the FBI. Some of Oswald's prints were found thereon, but the Commission noted that "most of the prints were found to have been placed on the carton by an FBI Clerk and a Dallas Police Officer after the carton had been processed with powder by the Dallas police." Special Agent [REDACTED] advised he instructed [REDACTED] that the cardboard boxes were evidence, had to be processed for fingerprints, and under no circumstances was he to touch them with his bare hands in wrapping same so [REDACTED] could personally carry them to the Bureau. [REDACTED] denies [REDACTED] told him to wear gloves or any covering on his fingers. He is an experienced Clerk and states he is well aware that his hands are not to come in contact with evidence to be examined for fingerprints. [REDACTED] advised he has never previously wrapped original evidence but only evidence packages



**Memo for Mr. Tolson**  
**Re: Lee Harvey Oswald**

b6  
which had been prepared with evidence sticker by Agents. He states instant package did not have any label indicating it was going to the Latent Fingerprint Section and only information he had was that it was to be handcarried to Bureau headquarters. Inspector feels Special Agent [redacted] culpable for not more closely handling and supervising this matter to insure that the Clerk's fingerprints were not placed on the evidence, particularly in view of the importance of this case.

b6  
The Commission report indicates that we did not have a stop on Oswald's passport with the Department of State and did not know Oswald applied for a passport in June, 1963, to travel to Western European countries, Soviet Union, Finland and Poland. This is another specific example of how this case was improperly investigated. The same personnel are responsible for this example as were previously criticized for not using appropriate techniques and making a more vigorous and thorough investigation, to determine with whom Oswald in contact or whether he had intelligence assignment [redacted]

b6  
The Bureau by letter to the Commission indicated that the facts did not warrant placing a stop on the passport as our investigation disclosed no evidence that Oswald was acting under the instructions or on behalf of any foreign Government or instrumentality thereof. Inspector feels it was proper at that time to take this "public" position. However, it is felt that with Oswald's background we should have had a stop on his passport, particularly since we did not know definitely whether or not he had any intelligence assignments at that time.

The Commission has criticized the FBI for taking too restrictive a view of its responsibilities in preventive intelligence work and that even though there were no Secret Service criteria which specifically requested the referral of Oswald's case nor was there any requirement to report the names of defectors, there was much material in the hands of the FBI about Oswald, the knowledge of his defection, his arrogance and hostility to the United States, his pro-Castro tendencies, his lies when interrogated by the FBI, his trip to Mexico, and his presence in the school book depository job and its location on the route of the motorcade which should have been enough to induce an alert agency, such as the FBI, to list Oswald as a potential threat to the safety of the President.

OBSERVATIONS:

b6  
We previously took administrative action against those responsible for the investigative shortcomings in this case some of which were brought out by the Commission. It is felt that it is appropriate at this time to consider further administrative action against those primarily culpable for the derelictions in this case which have now had the effect of publicly embarrassing the Bureau. It is felt that SA Hosty had the primary investigative responsibility in this case, [redacted] the primary field supervisory responsibility, and Special Agents [redacted]

[redacted] the primary Bureau supervisory responsibility.



Memo for Mr. Tolson  
Re: Lee Harvey Oswald

It is also felt that the information on Oswald should have been disseminated to the Secret Service. Oswald should have been on the Security Index but was not. In this regard it appears that prior to the assassination we were unduly restrictive in not making available the names of Security Index subjects to Secret Service. It is felt that Inspector [redacted] who has over-all charge of the Security Index in the Domestic Intelligence Division, should be censured for not having sufficient imagination and foresight to initiate action to have such material disseminated to Secret Service. It is likewise felt Assistant to the Director [redacted] should be censured for the same reason as [redacted] as well as for his over-all responsibility in the entire matter.

In regard to [redacted] the Director said, "I want [redacted] case shown the Civil Service Board since he is a veteran and ascertain whether they will sustain a dismissal since his derelictions have now publicly disgraced the Bureau." The Administrative Division has thoroughly explored this case with its Civil Service Commission (CSC) contact, E. H. Bechtold, head of the Veterans Service Staff. Bechtold feels in all probability we would not be sustained. In his view, [redacted] main offense is his mis-handling of the Oswald investigation, and that this is the only possible basis for a successful adverse action against [redacted]. However, [redacted] was censured and placed on probation 12/13/63 for his grossly inadequate investigation of the case. Bechtold said to take action against [redacted] again for such offense would place [redacted] in double jeopardy. He said CSC has always ruled that after administrative action has once been taken, the same offense cannot serve over again as the basis for further action. He considers it very unlikely that the after-acquired bad publicity would persuade CSC to depart from this precedent.

RECOMMENDATIONS:

1. SA [redacted] (Veteran), Dallas, be censured, placed on probation and suspended for 30 days for his derelictions in this matter. (As noted above, he was censured and put on probation in December, 1963, and removed 3/25/64. He was ordered transferred from Dallas 9/28/64.) If approved, to be handled by the Administrative Division.

*JH*      *Yes.*  
*[Signature]*

2. SA [redacted] (Nonveteran), Dallas - Censure, Probation and transfer from his office of preference for failing to insure that case more fully investigated and reported, for not placing subject on the Security Index and for concurring in decision to hold investigation in abeyance. (It will be noted that [redacted] was removed from supervisory duties on 4/9/64 as a result of his derelictions in the Oswald case.) If approved, to be handled by the Administrative Division.

*JH*      *Yes.*      - 6 Transferred to Seattle open 10/2

*[Signature]*      *[Signature]*      *[Signature]*



Memo for Mr. Tolson  
Re: Lee Harvey Oswald

3. [redacted] (Veteran), Dallas - Censure and probation for failing to have Oswald case reopened after Dallas informed that he subscribed to "The Worker," east coast Communist newspaper, 9/28/62. If approved, to be handled by the Administrative Division. ✓

JH

Yes

4. [redacted] (Veteran), Domestic Intelligence Division - Censure, probation, and transfer to the field for failing to instruct the field to conduct background investigation concerning Oswald, upon Oswald's return from Russia; failing to have Oswald's wife interviewed; also for removing stop on Oswald in Ident on 10/9/63; failing to put Oswald on Security Index and for not reopening Bureau file to follow on Dallas after Dallas sent out letter on 3/25/63 to consider interview of Oswald's wife. It will be noted that on 4/8/64 [redacted] was ordered transferred, because of his derelictions in the Oswald case, to Indianapolis, which transfer and prospective demotion from GS-14 to GS-13 were subsequently cancelled in view of the opinion of CSC that the demotion would not be sustained if he appealed. The CSC opinion was based on its "double jeopardy" policy above-mentioned in the Hosty case. It is, therefore, recommended [redacted] transfer not be accompanied by demotion. This kind of action was recently taken with respect to former [redacted], and [redacted] of San Francisco. If approved, to be handled by the Administrative Division. (Field should be advised not to use as Supervisor.) ✓

JH

Yes

Transfer to Detroit  
JH  
10/2

5. [redacted] (Veteran), Domestic Intelligence Division - Censure and probation for failing to place Oswald on Security Index, in spite of considerable Fair Play for Cuba Committee activity coupled with previous Soviet defection background. ✓

JH

Yes

↓

over  
↓



Memo to Mr. Tolson  
Re: Lee Harvey Oswald

6. [redacted] (Veteran), Domestic Intelligence Division - Censure and probation for delay in handling incoming 10-18-63 cablegram from Mexico City and for not putting subject on Security Index. If approved to be handled by the Administrative Division. ✓

JH

yes.  
[initials]

7. [redacted] (Nonveteran), New Orleans - Censure and continued on probation for failing to insure that there was no delay in reporting this matter and for failing to put subject on the Security Index, it being noted he was put on probation as a result of the inspection letter dated 6-22-64 for shortcomings detected during the inspection of the office. If approved, to be handled by the Administrative Division. ✓

JH

yes.  
[initials]

8. [redacted] (Nonveteran), Dallas - Censure and placed on probation for failing to properly handle and supervise this matter to insure that the Clerk's fingerprints were not placed on the evidence. If approved, to be handled by the Administrative Division. ✓

JH

yes.  
[initials]

9. [redacted] (Nonveteran), Domestic Intelligence Division - Censure for not exercising sufficient imagination and foresight to initiate action to have Security Index material disseminated to Secret Service. If approved, to be handled by the Administrative Division. ✓

JH

yes.  
[initials]

10. [redacted] (Nonveteran) - Censure for his over-all responsibility in this entire matter. If approved, to be handled by the Administrative Division.

JH

yes.  
[initials]

over  
↓



Memo for Mr. Tolson  
Re Lee Harvey Oswald

11. [redacted] (Nonveteran), Domestic Intelligence Division - Censure, probation, removal from supervisory duty, demoted from GS-14 to GS-13, and transfer to the field for failing to take action on CIA teletype 10/10/63; failing to completely review file until after assassination; failing to instruct field to press more vigorously after subject made contact with Soviet Embassy, Mexico, and failure to have subject placed on Security Index. If approved, to be handled by the Administrative Division.

*JLS suggest no demotion. Since we are not demoting veteran. JLS.*

*Transfer to field  
OK  
JLS*

12. No action is being recommended against [redacted] because he retired as of 5/1/63 which retirement was brought about by his transfer to Springfield as a result of this case. (Transferred 4/10/64).

*JLS*

*OK  
J*

13. No further action being recommended concerning [redacted]

[redacted]  
who were in charge of the Dallas Office during the pertinent period as they have previously been censured for their over-all responsibility and did not personally see or handle the investigation as it developed prior to assassination. The primary responsibility for the investigative delinquencies rests with the investigating Agents as well as field and Seat of Government supervisors. Also, no action be taken against [redacted], Dallas, for having his fingerprints on the cartons as it is felt this was primary fault of the Agent for not properly overseeing this important assignment.

*JLS*

*OK  
J*

14. Action with respect to determining if changes Director ordered in disseminating material concerning Security Index subjects and defectors to Secret Service were put into effect and are being handled separately as is inquiry re status of new criteria of Secret Service concerning information to be furnished them. Also being handled separately is determining whether Security Index sufficiently liberal so as to insure Secret Service receiving names of all individuals who may present a danger to President

*JLS*

*OK  
J*

*over  
↓*

66



Memo for Mr. Tolson  
Re: Lee Harvey Oswald

15. No further action is being recommended concerning Special Agents [redacted] in New York inasmuch as they were previously censured concerning this matter and they were merely disseminating information from a "bag job," where they obtained and photographed approximately 200 pieces of information. Oswald's name had no significance to processing Agent and he processed patently urgent material first. This information obtained by New York on 4/21/63 sent to Dallas 6/27/63 and Hosty did not report same to Bureau until 9/10/63. Hosty previously admitted "possibly" would have been better to have reported earlier. The New York delay did not affect the merits of the investigation.

*JH*

*ok.*

b6

It is noted that SAs Hosty, [redacted] are veterans with more than a year of Bureau service. Accordingly, they should be entitled to 30 days' written notice in the event they should be involuntarily separated, reduced in grade or salary or suspended for more than 30 days. They would also have a right of appeal to the Civil Service Commission for any of these actions.

*JH*

Enclosures: Attached hereto is memorandum J. H. Gale to Mr. Tolson dated December 10, 1963 re Lee Harvey Oswald reflecting previous inquiry and action taken.

Memoranda to SAC, Dallas, dated September 29, 1964, from [redacted]

PERSONNEL BRIEFS OF HOSTY, [redacted]

*OK*

*JH*  
*aw*  
*10/11*  
*JH*

*JH*  
*10/11*