COMMENTS ON THE GALE MEMO OF DECEMBER 10, 1963

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SUMMARY: This Inspection Division report on investigative deficiencies in the FBI's pre-assassination handling of the Oswald case was pretty much covered by the Schweiker Report. It is, basically, disappointing. It is only 12 pages, and is almost exclusively concerned with the failure to put Oswald on the security index.

There is no support for the hypothesis that Gale thought that Oswald may have been on an 'intelligence assignment' for another U.S. agency. There is little or no in-depth analysis; this memo was evidently prepared to give Hoover reasons to discipline some of the people who had handled the Oswald case. The incomplete analysis of the FBI's coverage of Oswald in New Orleans lends support to my speculation that an attempt may have been made to keep peculiarities in that coverage (which strengthen the possibility that the New Orleans FBI saw Oswald as someone's agent) from being brought to Hoover's attention.

The report contains references to other documents which may be in the Inspection Division files (and, therefore, not in the 98,000 pages already released by the FBI). Some sections of this memo are withheld, including the names of various agents who can easily be identified.

RELEASE OF THIS REPORT: The Gale memo was first mentioned in the Schweiker Report. (Chapter IV, notes 22-27, 29, 31; Appendix A, notes 10-12, 19, 23-4, 42, 46.) In fact, it appears to have been the basis of that Report's rather limited critique of the FBI's handling of the Oswald case. I submitted a FOIA request on March 23, 1977, and received the document on February 11, 1978. It is my understanding that it is not included in the two large batches released by the FBI. (It is filed as 67-798-3050; 67 denotes "Personnel matters and Bureau applicants.")

ORIGIN AND NATURE OF THE INVESTIGATION: From this memo and Gale's memo of November 29 to Tolson (105-82555-356, a non-substantive status report), we learn that "On November 25, 1963, the Director instructed that a complete analysis be made of any investigative deficiencies in the Oswald case and also an analysis made concerning any necessary changes in our procedures re handling cases of this type." Presumably these were more or less Hoover's words in one of his handwritten comments. I don't think I have seen any such document; however, on a Brennan memo of November 25 (62-109060-228B-AIB #212; the Gale memo of 11/29 is AIB #159) someone ("L"? Tolson?) wrote "Shouldn't these people who have renounced U.S. citizenship be on our security index? Do we investigate all such people?" Hoover added, "I would like to know." Gale's primary conclusion is that Oswald definitely should have been on the Security Index. He made a number of specific procedural criticisms, but there is no discussion of such matters as whether the Secret Service should have been notified (this is presumably among the "dissemination policies handled separately"), or whether the Bureau should have concluded that Oswald was a Soviet agent, etc. Typically, there is general criticism for holding the investigation in abeyance, rather than intensifying it, after Oswald's Soviet Embassy contact in Mexico, but no suggestions about what conclusions should have been drawn from Oswald's activities. (There is a large withheld section on page 5 which may go into this, but I rather doubt it.)

RELATED DOCUMENTS AND WITHHELD SECTIONS: In addition to Hoover's 11/25/63 instructions, there is a reference (on p. 12) to a memo of 4/7/64 from Sullivan to Belmont. (It should be looked for in the released files.) Page 10 indicates that the statements of a number of FBI people were detached and handled separately; I should ask for them.

I have not requested the Gale memo of September 30, 1964, which is also cited in the Schweiker Report. We should ask for it.

A "Secret" paragraph, quite possibly dealing with Oswald in Mexico, is withheld on page 4. Most of page 5 is also withheld; the subject is unclear but may also be Mexico. The FBI might not know that the CIA has released most of it's pre-assassination file on Oswald; some of these deletions are probably unnecessary. I will submit an FOIA appeal.

Except for Hosty, the names of agents are generally withheld. Many of the

names can be filled in from published Warren Commission documents. (I have not verified that the names have the right length; that would require an executive typewriter.)

On page 2, the agent in paragraph 2 is John W. Fain, who retired in October 1962 (when the Oswald case was closed). (17H751-2)

I think Hosty's supervisor (next paragraph) was Kenneth C. Howe (17H747). I don't know the name of the Relief Supervisor in the same paragraph.

I don't think we knew earlier that the stop against Oswald in the Identification Division was removed on 10/9/63 (which happens to be the day before the CIA notified the FBI of Oswald's Mexican activities). FBI document 105-82555-38C (item 56 in the CE 834 list of the pre-assassination file) is a copy of the Identification Division record, with various dates - October 8, 10, and 14. It is not clear to me what action was taken at that time; the page with the stop (the "flash" instructing that Division 5 be notified of any information about or inquiry concerning Oswald) is included. The first page has the names "Wannall" and "Anderson, Nat. Int"; Anderson could be the individual named in the next-to-last paragraph on page 4.

On page 5, the deleted names appear to be respectively SA Milton R. Kaack (17H753) and SAC H. G. Maynor (17H748).

The Dallas SAC's (page 6, paragraph 2) are Curtis O. Lynum (who then went to S.F., as indicated on page 7, item 7), and J. Gordon Shanklin. (17H750, 17H742)

Incidentally, it is worth noting that a proportional-spacing (executive) typewriter leaves more information when text is deleted, even though the exact number of deleted letters may not be obvious - at least, if the deletion is short. For example, if we knew the names of all the Assistant Directors, the one named in item 13 on page 9 may be identifiable.

OSWALD IN NEW ORLEANS: To me, there is a conspicuous omission from the list of agents to be disciplined: Warren C. DeBrueys of New Orleans. The SOG Supervisor handling the FPCC aspects was censured. (Page 9, item 11; see also page 4, last paragraph.) There is, of course, no mention of the DeBrueys report. If Kaack was to be censured for not mentioning Oswald's CPUSA contact until his report of 10/31/63 (pp. 5, 8), should not DeBrueys have been censured for not mentioning it at all in his report of 10/25/63?

Recall that DeBrueys has been of special interest to researchers for years. (My long list of suggested questions, which I prepared for Sen. Schweiker, is available on request.) I would now like to pursue the hypothesis that DeBrueys' knowledge of the Oswald case was kept from Hoover (and maybe from others at HQ) as much as possible.

I would like to see if any documents relating to the affidavits in CE 825 indicate why DeBrueys and Kaack did not execute any. (I had FOIA correspondence about earlier versions of these affidavits on 6/2, 6/22, 7/20, and 9/28/73.) Recall, also, that the Warren Commission found the DeBrueys report in the State Department files before it was provided by the FBI.

Of course, one of the most conspicuous investigative deficiencies was New Orleans' failure to check out 544 Camp Street, which was presumably DeBrueys' responsibility. (In this connection, I would be interested in seeing any drafts of this part of CD 1 which differ from the final version.)

COMPLETENESS OF THE HEADQUARTERS FILE: The Gale memo seems to confirm that Belmont (who read this memo) deliberately misled the Commission when he testified that "all pertinent information" is sent to HQ. (5H3) This assurance presumably kept the Commission from being too interested in the field office files. In fact, one of Gale's major complaints is that Oswald's intercepted FPCC letter, which went directly from NY to New Orleans, was not reported to HQ until New Orleans did so in October; evidently this kind of sensitive material was deliberately not passed through Headquarters by the office which obtained it.

P.S. ON WITHHELD NAMES: On page 9, item 12: a handwritten note was not deleted; the name appears to be "Liston."

P.S. ON OSWALD IN NEW ORLEANS: Gale's memo of November 29 (cited on page 1, supra) reports that "Most of my inquiry concerning the Seat of Government and New Orleans facets of this matter is nearly completed." That is really much too fast! Naturally, any communications between Gale and New Orleans would be of special interest to me.

OSWALD'S INTELLIGENCE ASSIGNMENTS? Gale's memo of 9/30/64, as quoted in the Schweiker Report, said that "it is felt that with Oswald's background we should have had a stop [look-out card] on his passport, particularly since we did not know definitely whether or not he had any intelligence assignments at that time." (SR 54)

In Peter Scott's essay (Crime and Coverup, p. 6), he pointed out that "Logically, Gale's judgment must refer to U.S. [rather than Russian] intelligence assignments, the only assignments which could have mitigated, rather than strengthened, the need to keep track of Oswald's movements. The adverbial qualifiers (definitely ... at that time) suggest that the FBI had been receiving indefinite intimations that Oswald at some time had had such assignments."

My main reason in requesting the Gale memo was to see if there was any support for this statement. In fact, there appears to be no serious discussion of problems such as who Oswald might have been working for. There is a reference which strongly suggests that "intelligence assignment" implied "for the Russians" to Gale. [Page 1: "Oswald ... refused to take Bureau Polygraph test to determine if he had cooperated with the Soviets or had current intelligence assignment."]

Not only is there no support for this interpretation, my impression is that the Gale report is not written with enough precision of language to stand up under analysis like Scott's. It is written in a kind of modified telegraphese, with overtones of police-report style. The most specifically relevant sentence indicates that Gale wasn't overly careful about precise use of negatives. On page 6, he recommended that Hosty be given "censure and probation for inadequate investigation including earlier interview of Oswald's wife, delayed reporting, failure to put subject of Security Index, and for holding investigation in abeyance...." It is clear from page 2 that Hosty was being criticized for not having an earlier interview of Oswald's wife.

MORE ON THE "SECURITY INDEX" FOCUS: As discussed in the Schweiker Report, just about everyone except Hoover and Gale thought Oswald should not have been put on the Security Index. But, as far as I know, nobody suggested that this was an irrelevant issue. What would have been done differently if he had been on the Security Index? Hoover argued consistently that there had not been reason to notify the Secret Service about Oswald, and he was very unhappy when he heard that some SS people thought they should have been notified. (See my notes of 2 Jan 78 on AIB #101, Sullivan to Belmont, 4/17/64.) I suspect that Hoover was reacting emotionally to his feeling that his underlings must have done something wrong. In this context, it seems quite plausible that if Oswald had been on good terms with the New Orleans office, steps would have been taken to make sure that Hoover never found out (as he apparently never found out about the Hosty note.)

IN GENERAL: There are certainly other interesting leads in the Gale memo. I would particularly like to see everything relating to Mexico. However, it would probably be more helpful to do what we can to get the attachments to this memo, and other documents in the Inspection Division files. (And, of course, the files from New Orleans and other field offices.)