

Office Memorandum - UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: May 9, 1956

FROM : L. B. Nichols

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-20-90 BY SP-6 [redacted]

SUBJECT: DR. JESUS DE GALINDEZ

WARREN

Mr. Tolson
Mr. Boardman
Mr. Belmont
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Harbo
Mr. Mohr
Mr. Winterrowd
Tele. Room
Mr. Holloman
Miss Gandy

With reference to the memorandum of May 3 and our memorandum of May 4 to the Attorney General answering Olney's observations, I wish to advise I saw Mr. William Rogers this morning. Rogers has had an opportunity to review the memorandum and had talked to Olney. Rogers stated that Olney's memorandum of May 3 contradicted itself in that the first paragraph stated that the Criminal Division had no question as to the Bureau's evaluating a situation and determining whether or not to invoke its jurisdiction. Later on in this memorandum, Olney states that under the law the Bureau had the authority to investigate the De Galindez case. Rogers pointed this out to Olney and Olney then explained that his point in writing the memorandum of May 3 was for the purpose of securing our ideas on how to answer letters from the outside, which heretofore had been answered by stating that the facts did not bring the case within the Federal Kidnaping Act, and that Olney's point was that, since we had the authority to investigate but did not investigate, then we should have some other kind of answer. Rogers stated that Olney was very specific in statements to him that he did not question the Bureau's judgment in not investigating the De Galindez case. On the other hand, he felt that Bureau's judgment in not investigating the De Galindez case was correct and his only point was to secure what he thought was necessary, namely, a better answer to persons outside the Department making inquiry.

I told Rogers that was Olney's explanation yesterday but that a paper record had now been made and a reasonable, prudent person would conclude from the Olney memorandum that the Bureau had a responsibility imposed upon it by law and was not discharging that responsibility. Rogers stated that he did not agree with the Olney memorandum at all or the manner in which it had been handled. Rogers further stated he had talked to the Attorney General and the Attorney General does not want any change made in the Bureau's traditional operations in the handling of kidnaping cases. Rogers stated a memorandum would be prepared for the Attorney General addressed to the Bureau, pointing out that the Bureau's decision was correct in the De Galindez and related cases and that the Bureau should continue making the determination as to when it should

cc - Mr. Boardman
cc - Mr. Belmont

W. M. L. Rogers
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invoke its jurisdiction, although the Bureau was at liberty whenever a close question arose in consulting with the Department.

I told Rogers that this still did not take care of the paper record made by Olney, which memorandum imposed a legal responsibility upon the Bureau. Rogers stated that the memorandum from the Attorney General to the Bureau would cover this point and that he would see to it that the paper record was straightened out.

Rogers then stated that the necessary point to be considered was the matter of acknowledging letters received by the Attorney General in the De Galindez case. He proposed that they would send the letters to the Bureau and the Bureau would acknowledge the letters. I told Rogers that I would send them right back because we were not going to acknowledge letters addressed to the Attorney General in this or any other matter as it would be inappropriate and would put the Attorney General on a spot. I told Rogers that we have had no hesitancy in acknowledging letters addressed to the Bureau and taking the full and complete responsibility for such letters but that, if correspondents who had been turned down by the Bureau then appealed the matter and the letter was referred around to the Bureau to answer, this would be highly improper, would be discourteous, and could be a source of embarrassment to the Attorney General. Rogers stated that he could see this point and that either he or John Lindsay would answer the letters.

Rogers then asked what letters there were which remain to be answered. I told him I frankly did not know, that Olney had referred to a letter he had received from Franklin D. Roosevelt and we are sending an answer back to Olney on this stating that we did not know what the answer was and would not know until the Attorney General had ruled on our letter of May 4. Rogers then asked me to prepare a reply to Franklin D. Roosevelt's letter for his signature. I told him that Olney had the original of the letter from Franklin D. Roosevelt and it would be inappropriate for me to do this. Rogers stated he would get the letter from Olney. He then had a stack of letters prepared in the Criminal Division to different individuals, including Senator Lehman of New York. These letters in essence stated that the FBI reported that there were no facts which would justify the Bureau's making an independent investigation under Federal law, that the New York Police Department was handling the investigation, and the letters were accurate and factual.

Rogers then suggested that I get up a sample letter which they could follow in the future. I told him there was no point in this because I could not improve upon the letter which the Criminal Division has been sending out since it was factual and accurately and correctly stated the facts.

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Rogers stated that he disapproved heartily of the manner in which Olney had handled this correspondence and that he would try to work out a means whereby such could be prevented in the future and that he thoroughly agreed with us.

It would appear that there is nothing further for us to do at this moment except to follow up with Rogers in the event we do not get the memorandum which he stated we would get from the Attorney General in the next few days.

Jue