

BLAKEY NARRATION: THE FBI INVESTIGATION

Wednesday, September 20, 1978

The murder of President Kennedy was probably the most significant crime committed in the 70-year history of the Federal Bureau of Investigation that the Bureau was called upon to investigate. It is, thankfully, the only presidential assassination of modern times, and for that reason alone, the FBI was presented in its investigation with a monumental task, one complicated further by a rapid succession of events, including:

the fatal shooting of the accused assassin at Dallas Police headquarters on November 24, 1963; and

the establishment of a presidential commission to learn the facts about the assassination, for which the FBI had primary responsibility to do the investigative work.

At the moment word came of the President's death in Dallas, there was confusion in Washington over the FBI's role in the investigation. It was not at ^{THAT} ~~the~~ time a federal felony to assassinate a President, though to threaten harm to him or to conspire to injure any federal officer, while he was discharging his official duties, did fall within the Bureau's jurisdiction.

Originally, the FBI's entry into the case was predicated on the statute covering an assault on a federal officer, though

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there was considerable debate at FBI headquarters over the basis for the investigation. The problem became moot, however, when President Johnson ordered the FBI to enter the case in the interest of national security.

It would be instructive, given this early legal dilemma as well as the controversy that has developed over the FBI investigation, to trace the history of the Bureau from its inception in 1908.

Up until 1908, federal agencies and departments were responsible for their own investigations, and the Department of Justice was primarily a prosecutorial body, although it was given statutory authority to perform investigations in 1871.

In 1907, Attorney General Charles J. Bonaparte proposed an investigative force in the Justice Department and went ahead with it despite objections in Congress. His successor, George Wickersham, named the force the Bureau of Investigation.

By the end of World War I, the Bureau was firmly established as the main law enforcement arm of the federal government, its size increasing fivefold from 1916 to 1920. The two major influences on this growth were (1) the war itself, which confronted the Bureau with the task of enforcing President Wilson's alien enemy proclamations and with the problems of draft evasion and enemy espionage, and (2) the Mann Act, giving the federal government jurisdiction over certain interstate criminal activities, making a marked increase in the demands

on the Bureau, as well as calling for additional appropriations.

After the war - in the period 1919 to 1924 - two successive attorney generals abused the power of the Bureau of Investigation.

A. Mitchell Palmer, in his campaign against Bolshevik radicals, acted with questionable legality. After the bombing of his home in June 1919, Palmer created the General Intelligence Division of the Bureau to deal with radicalism, and he named a young Justice Department attorney, J. Edgar Hoover, to head the division. The division used covert as well as overt means to gather information on suspected radicals.

In 1920, Attorney General Palmer also directed the wholesale deportation of members of the American Communist Party and the Communist Labor Party. This led to the controversial "Palmer raids", which, though they diminished the standing of American Communists, came to symbolize the misuse of police power for a political purpose.

Then came the Harding Administration, which saw Harry Daugherty, the President's campaign manager, named Attorney General. Daugherty, in turn, appointed his friend, William S. Burns, of the detective agency, to run the Bureau. Burns was anti-radical and anti-labor, as well, and he continued the questionable ^{PRACTICES} ~~tactics~~ of ^{UNLAWFUL} wiretapping and ^{ILLEGAL} surreptitious entry in investigative work. Although the primary target continued to

be Communists, the Bureau is credited in this period with having dealt a heavy blow to the Ku Klux Klan.

Harlan Fiske Stone, a New York attorney and civil libertarian, was appointed Attorney General by Calvin Coolidge in 1924. Stone was a reformer, and he named Hoover Director of the Bureau of Investigation with a mandate to clean it up. Hoover created a structure and a set of policies that would endure for ~~the~~ nearly 50 years ~~of his tenure~~. He also established the independence of the Bureau within the Department of Justice.

The Bureau stayed out of the limelight until the 1930's, when the emergence of a resourceful criminal underworld, feeding on ~~the~~ public response to Prohibition, became a national ~~menace~~ ^{CONCERN}. The Bureau was recognized as the single law enforcement agency in the country that could cope with crime of such ^{INTERSTATE} a national ^{DIMENSIONS} scope.

Public outrage over the kidnapping of Charles Lindbergh's infant son led to enactment of the so-called "Lindbergh Law" in 1933, adding kidnapping to the list of interstate crimes that came under the jurisdiction of the Bureau.

Then, in 1934, there was a major expansion of federal criminal laws when Congress passed a package of nine new statutes. They dealt with such crimes as killing or assaulting a federal law enforcement officer, fleeing across a state line to avoid apprehension or prosecution, [✓] extortion involving interstate commerce.

That same year, Bureau agents were granted authority to go beyond general investigative powers and to serve warrants and subpoenas, to make seizures and arrests, and to carry arms.

The Bureau was renamed in 1935, becoming the Federal Bureau of Investigation, and by the end of the decade it was able to ^{APPOINT} point to an array of accomplishments, for example:

a Division of Identification with central fingerprint records;

an FBI laboratory with up-to-date scientific law enforcement techniques; and

a National Police Academy for training state and local law enforcement officers.

The Bureau had no internal security or counter-intelligence functions until they were established, beginning in 1936, by a series of presidential orders coupled with a secret oral agreement between Hoover and President Roosevelt. The FBI was authorized to store intelligence information collected by other federal agencies.

In 1939, a written directive was issued providing that the FBI take charge of investigative work relating to "espionage, sabotage, and violation of neutrality regulations". Subversive activities were not specifically mentioned until 1950, in an executive order by President Truman.

The FBI's primary responsibility during World War II was enforcement of laws dealing with espionage, sabotage and

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conscription. It also conducted the apprehension of enemy aliens, but Hoover opposed the relocation of Japanese citizens as a violation of their civil rights.

The FBI also conducted foreign intelligence in South America, attempting to gather information on activities detrimental to U.S. interests. [FBI involvement in foreign intelligence was ordered terminated after World War II when the Central Intelligence Agency was formed.]

After World War II, the fear of Communism was such that internal security activities against it was acceptable to most Americans. The FBI's actions were based on ^{A series of} statutes that covered membership in the Communist Party, including the Smith Act, the Internal Security Act of 1950 and the Communist Control Act of 1954.

J. Edgar Hoover himself defined as disloyal any acts that could pose a threat to the government, and even after the anti-Communist fervor of the McCarthy era had subsided, the internal security operations of the FBI continued ~~at a high pace.~~

By 1960, Hoover had developed a force of agents who employed sophisticated investigative techniques and enjoyed unusual independence. Hoover himself had become a formidable figure who deftly handled Presidents, Attorney Generals and Members of Congress, as he groomed his image as an extraordinary crime fighter. FBI appropriations would pass without serious opposition ^{IN CONGRESS} after pro forma hearings.

J. Edgar Hoover's three distinct priorities were the fight against communism, statistics that reflected FBI progress and the positive image of the Bureau. He also ^{ACCORDING TO SOME} had two glaring blind spots - in the areas of civil rights and organized crime - ^{THAT} which put him at odds with the Kennedy Administration.

It has been documented that little priority was given by the FBI to requests by the Civil Rights Division of the Department of Justice. ^(NOT ALL WOULD AGREE W/ HIS CHOICE OF ERRORS, BUT POINT WAS WIDELY SHARED) In his recent book, Robert Kennedy and His Times, historian Arthur M. Schlesinger, Jr. writes that Hoover had "the racist instincts of a white man who had grown up in Washington when it was still a southern city". By 1964, under pressure from the Justice Department, the FBI was beginning to alter its stance, but before then, Schlesinger notes:

For reasons of policy as well as prejudice, Hoover succeeded in withdrawing the FBI almost completely from civil rights investigations. Internally he preserved it as a lily-white agency.

Hoover was also reluctant ^{ACCORDING TO SOME} to allow the Bureau to join Attorney General Robert Kennedy's all-out fight on organized crime. ^{INDDED, AS LATE AS EARLY 60'S, JFK WAS QUOTED AS SAYING, --(NO NATIONAL COMMISSION... DOMINATES ORG. CRIME))} On that, Schlesinger writes:

Kennedy had determined to stop the drain of power in America to obscure forces beyond moral and legal accountability. In insisting on the spreading threat of organized crime, he offended J. Edgar Hoover doubly - by dismissing the cherished Red menace and

by raising a question the Director had done his best for forty years to ignore.

((SHARP CHALLENGE INSIDE ADMINISTRATION))

The FBI investigation of the Kennedy assassination was of a magnitude unsurpassed in the annals of American law enforcement. In all, 80 FBI personnel were on the scene in Dallas within hours, and by the time it was over, 2,300 reports consisting of over 25,000 pages based on 25,000 interviews had been filed. MOST WITHIN WEEKS OF THE ASS'N

The quality of the investigation, however, has been the subject of mounting criticism over the years. At first, taking pot shots at the Bureau was an exclusive avocation of critics of the Warren Commission. Eventually, though, doubts and misgivings were being expressed by committees of both Houses of Congress, by former high-ranking officials of the FBI itself, and by members and staff of the Warren Commission, which had relied on the Bureau for its field work.

There are four principal issues that the Committee has considered in its assessment of the quality of the FBI investigation. Not necessarily in the order they will be discussed in the hearing today, they are as follows:

Did the FBI's early conclusion that Oswald alone was the assassin, that he had assistance from no one, hamper the thoroughness of the investigation that followed?

In 1976, the Senate Select Committee on Intelligence issued a report in which it noted that within three weeks of the assassination, just as the Warren Commission was beginning its investigation, the FBI prepared a position paper, "concluding that Oswald was the assassin and that he had acted alone." The Senate committee went on to note, "The Bureau issued its report on the basis of narrow investigation of the assassination focused on Oswald, without conducting a broad investigation of the assassination which would have revealed any conspiracy, foreign or domestic."

2. Did senior FBI officials, wanting to close the case quickly, compromise the proficiency of Bureau FIELD personnel?

~~Making~~ ^{MAKE} no bones about it, ^{THIS} the charge has been leveled at the late Director of the FBI, J. Edgar Hoover, ^{AND AGAINST} along with a few ^{OF HIS} close personal associates. Evidence of Mr. Hoover's position has been cited from a statement he is said to have ^{BEEN} made by telephone to President Johnson just hours after Oswald had been shot down by Jack Ruby: "The thing I am most concerned about...is having something issued so we can convince the public that Oswald is the real assassin." And in a memorandum dated November 29, 1963, relating a conversation that day with President Johnson: "I advised the President that we hope to have the investigation wrapped up today, but probably won't have it before the first of the week."

3. Was the FBI investigation internally mismanaged?

Just such an allegation has been made by a former assistant director who supervised ^{MAJOR ASPECTS} much of the investigation.

The criticism has been directed at the organizational structure of the probe. It was divided between two FBI divisions.

The ^{CENTRAL} General Investigative Division was assigned the task of assembling the facts of the assassination itself, because this is the division that is customarily put in charge of murder investigations. The actual work was supervised by an official who headed the bank robbery desk, because the manual of operations designates that desk to handle assaults on federal officials.

The Domestic Intelligence Division was assigned the question of possible conspiracy, as well as ~~any~~ other aspects of ^{SEPARATION CONSPIRACY} subversion. Domestic Intelligence was also given the job of piecing together the background puzzle of Lee Harvey Oswald, his activities, associations, motivations and so on. A source of the lack of confidence in the FBI investigation that has developed since 1964 is the realization that 20 members of the Domestic Intelligence Division, including an assistant director, were secretly censured by Director Hoover for their mishandling of ~~a~~ pre-assassination investigation of the activities of Lee Harvey Oswald.

4. Was the FBI investigation conducted in such a way that the Bureau's specialists on Cuba and organized crime did not actively participate?

The FBI had, prior to the assassination, considered Jack Ruby sufficiently knowledgeable about "the criminal element in Dallas" to contact him as a potential informant on nine separate occasions, and questions have been raised about the failure to probe his known connections with gangster elements in Chicago, Dallas, New Orleans, Havana and elsewhere.

^{IN ADDITION}
Also, the Bureau had specialists on Cuban and Cuban exile activities. They were not called on in the assassination investigation, even though both Oswald and Ruby had ties to Cubans or Cuban exiles.

Mr. Chairman, a former official of the FBI is here today to testify about the investigation of the Kennedy assassination. He is James R. Malley, who joined the Bureau as a special agent in 1937. Mr. Malley was an inspector in the General Investigative Division and principal assistant to Assistant Director Alex Rosen.^{HE PLAYED IMPRT ROLE ... (CD 1) ... SUBSEQUENTLY} As the FBI liaison officer to the Warren Commission,^{WAS IN POSN TO CLOSELY OBSERVE THE} Mr. Malley played a key role in the assassination investigation.^{PLAYED BY MR FBI} Mr. Malley retired from the FBI in 1971.

It would be appropriate at this time, Mr. Chairman, to call Mr. Malley.

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The FBI security case on Lee Harvey Oswald was opened on October 31, 1959, after it was learned he had defected to the Soviet Union and had informed officials at the American Embassy in Moscow that he intended to provide radar secrets to the Russians. The case was intermittently closed and reopened during the following four years, as Oswald returned from the Soviet Union and moved from Fort Worth to Dallas to New Orleans and back to Dallas.

It is the handling of the Oswald case that resulted in a decision by J. Edgar Hoover to discipline 20 Bureau employees, including an assistant director.

The next witness, Mr. Chairman, is a retired official of the FBI, James H. Gale. Immediately after the assassination of President Kennedy, Director Hoover assigned Mr. Gale to conduct an inspection of the Bureau's performance in the Oswald case prior to the assassination; Mr. Gale's reports resulted in the censuring of the 20 employees.

Mr. Gale was hired as an FBI clerk on November 29, 1939, and became an agent on June 21, 1943. He has served as assistant special agent in charge and special agent in charge in Anchorage, Alaska, and as special agent in charge in Richmond, Cincinnati, the Washington field office, and Chicago.

In 1962, Mr. Gale became assistant director of the Inspection Division.

In 1964, Mr. Gale became assistant director of the Special Investigative Division.

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He retired on October 1, 1971.

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