Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, Federal Bureau of Investigation

DATE: May 3, 1957

FROM : Warren Olney III, Assistant Attorney General,
Criminal Division

SUBJECT: Jesus deGalindez-Suarez
Possible kidnaping

Reference is made to my memorandum of May 1, 1957, advising you that the Department of State was contemplating communicating a note to the government of the Dominican Republic in accordance with a draft attached, and to your memorandum in response dated May 2, 1957, captioned Jesus deGalindez-Suarez, Miscellaneous Information Concerning.

The Criminal Division has been informed by Mr. Spencer King, Special Assistant to Assistant Secretary for Inter-American Affairs of the State Department that Assistant Secretary of State Roy R. Rubottom handed a note in language identical with that of the draft supplied to you to Ambassador Salazar of the Dominican Republic at approximately 5:15 p.m. on May 2. We are informed that Mr. Rubottom also explained orally to the Ambassador what was involved in the request in the note, and in response was informed by the Ambassador merely that he would seek instructions from his government. Mr. King stated that the Department of Justice would be notified promptly of any response to the note.

In order to answer your request to be advised as to whether it is intended to call Consul General Arturo Espaillat of the Dominican Republic before the Grand Jury or whether it is desired that he be interviewed by the Bureau in the event the Dominican government does waive Espaillat's immunity, it is necessary that the Criminal Division be informed as to whether the Bureau is at the present time investigating the disappearance of Jesus deGalindez-Suarez as a possible kidnaping. The reports of the Bureau to date and the testimony given before the Grand Jury are strongly suggestive that Jesus deGalindez was kidnaped in New York City on the night of March 12, 1956 and thereafter flown in an airplane piloted by

Gerald Lester Murphy to Florida and thence to the Dominican Republic, and that Consul General Espaillat, John Joseph Frank and others have knowledge thereof and are implicated. This is the principal subject concerning which it is desired to interrogate Espaillat. It is considered essential that any such interrogation of Espaillat be conducted under conditions where criminal penalties will be applicable if Espaillat gives false information in answers. If Espaillat is interrogated by Bureau agents as to his possible participation in the kidnaping of de Galindez and gives answers which are provably false, it would be necessary, as you are doubtless aware, in order for the government to prove a false statement case in violation of Section 1001 of Title 18, that the questions asked be material to an inquiry within the Bureau's investigative jurisdiction. Consequently, if the Bureau takes the position at the present time that it is not investigating the disappearance of deGalindez as a possible kidnaping, questions concerning that subject directed to Espaillat by Bureau agents would not be material to an inquiry within the Bureau's investigative jurisdiction and the criminal penalties of Section 1001 of Title 18 would not apply in the event he gives false answers. On the other hand, if the Bureau does now recognize the disappearance of deGalindez as a possible kidnaping within its investigative jurisdiction, the questions concerning that subject directed to Espaillat would be material, and false answers given by him could be prosecuted as violations of Section 1001 of Title 18.

You will recall that you were advised by memorandum dated May 3, 1956, that in the opinion of the Criminal Division the circumstances attendant upon the disappearance of deGalindez were sufficient to justify an investigation by the FBI as a legally authorized matter under the authority of Section 1201 of Title 18 of the United States Code and further advice as to the Bureau's jurisdiction to investigate the disappearance of deGalindez as a possible kidnaping was supplied in my memorandum dated May 7, 1956. You will also recall that by memorandum dated May 21, 1956, the Attorney General informed you that the Bureau will have full responsibility for the decision to investigate or not to investigate the disappearance of deGalindez as a possible kidnaping. At that time the Criminal Division was given to

understand by you that the Bureau elected not to exercise its investigative jurisdiction under Section 1201. From time to time you have informed the Criminal Division that the Bureau continued to maintain this position. By memorandum dated January 24, 1957, you informed the Attorney General that the Bureau was "still not investigating the disappearance of Jesus deGalindez-Suarez" as a kidnaping notwithstanding the strong indications then at hand that deGalindez was in fact kidnaped by Dominican agents in New York City and transported to the Dominican Republic in violation of the federal kidnaping law. If this is still the position of the Bureau and the Bureau is making no investigation of a possible kidnaping and is not exercising the investigative jurisdiction conferred upon it by Section 1201, then it is not desirable that Bureau agents interrogate Consul General Espaillat. Under such circumstances the information desired would not be relevant to a matter being investigated by the Bureau and no criminal penalties would arise from false answers. On the other hand, if the Bureau now recognizes that the disappearance of deGalindez is a possible kidnaping in violation of federal law and is conducting an inquiry pursuant to the investigative jurisdiction conferred upon the Bureau by Section 1201, then it would appear highly desirable to have Espaillat interrogated fully by the Bureau agents in the event his immunity is waived by the Dominican government.