Office Memorandum

To: Director, Federal Bureau of Investigation

From: Warren O. Hearnes, III, Assistant Attorney General, Criminal Division

Subject: Jesus De Galindez

Missing Person - Information Concerning

Reference is made to your memorandum to the Attorney General bearing the above caption under date of May 2, 1956. Heretofore the Bureau has advised the Criminal Division repeatedly and consistently that the disappearance of De Galindez was being investigated by the New York Police Department which is keeping the FBI informed of the progress of the inquiry and that no evidence had been developed of the possible commission of a federal offense which would authorize a separate investigation. The Bureau has also advised that it would continue to follow the progress of the current inquiry closely and that it was prepared to take appropriate action in the event facts were developed indicating federal jurisdiction.

With the prior approval of the Bureau the Criminal Division has responded to numerous inquiries by persons interested in De Galindez' disappearance of the advice set forth above received from the FBI. This has included the statement that the FBI has advised that it would follow the progress of the inquiry closely and was prepared to take appropriate action in the event facts developed indicating federal jurisdiction.

The evaluation of the facts and circumstances to determine whether the FBI investigative jurisdiction will be invoked is the responsibility of the FBI and not that of the Criminal Division. See memorandum from the Criminal Division to the Bureau dated February 19, 1954 in the matter of "Unknown Subject, Evelyn Hartley, Victim, Kidnapping" (D.J. File No. [redacted]). See also memorandum from the Criminal Division to the Bureau dated February 6, 1956 in the matter of "Unknown Subject, Steven Damman, Aged 3 - Victim, Missing Person, Possible Kidnapping" (D.J. File No. [redacted]).
It is not the intention of the Criminal Division to evaluate
the evidence, circumstances or information concerning the dis-
appearance of De Galindo for the purpose of determining whether
the FBI should or should not investigate the same as a possible
kidnapping or to interfere with the Bureau in any way in its decision
to invoke or not to invoke its investigative jurisdiction. However,
it must be pointed out that the information contained in the referenced
memorandum on the De Galindo matter is inconsistent with the
advice previously furnished by the Bureau and passed on by the
Criminal Division to others to the effect that no evidence has been
developed up to the present time of the possible commission of a
federal offense which would authorize a separate investigation.

Referenced memorandum states that the Bureau has
received a report from a source of unknown reliability, in Puerto Rico, that an unknown man told her about a week prior to
April 19, 1956, that De Galindo had been abducted by Felix Hernandez
Marquez and that he was being held in protective custody in the
Dominican Republic. Such an abduction would be a plain violation of the federal kidnapping statute. The referenced memorandum
indicates that the Bureau apprised the Department of State, Office
of Security and the Central Intelligence Agency of this report and
requested those agencies to furnish promptly any information to
the Bureau which might pertain to the report that De Galindo was
being held in the Dominican Republic.

The foregoing circumstances with all the attendant
uncertainties are, in the opinion of the Criminal Division, sufficient
to justify an investigation by the FBI as a legally authorized matter
under the authority of Section 1201 of Title 18, U.S. C. Since the
information now at hand is legally sufficient to justify a separate
investigation I would appreciate being advised as to what reason
the Criminal Division should assign in the future for the failure
of the Bureau to exercise in the De Galindo case the investigative
jurisdiction conferred upon the Bureau by law.
It is noted that in the [Evalyn Hartley and Kenneth Damman] cases, although advised by the Criminal Division in each instance that the information developed was legally sufficient to justify an investigation under the Federal kidnapping law, the Bureau declined to exercise its investigative jurisdiction. In this instance the reason must be clearly specified in order to enable the Criminal Division properly to advise the Attorney General, to reply to inquiries from the White House and to answer the general mail.