

Office Memorandum - UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE 5/17/56

FROM : L. B. Nichols

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-30-90 BY 601

SUBJECT: JESUS DE GALINDEZ
MISSING PERSON - INFORMATION CONCERNING

WARREN OLNEY

Tolson
Nichols
Boardman
Belmont
Clegg
Glavin
Ladd
Nichols
Rosen
Tracy
Harbo
Mohr
Tele. Room
Holloman
Gandy

I am attaching hereto a draft of a memorandum from the Attorney General to the Director in the De Galindez case.

Page one pretty well sets forth what the Attorney General has already told the Director. It does not appear to be objectionable and it does support our position.

The first full paragraph on page two raises the use of terminology at the conclusion of memoranda to the Criminal Division which are informational reports in kidnaping cases wherein we conclude by stating, "In the absence of a request from you to do so, no investigation is contemplated." In the draft memorandum, it is pointed out that since the Bureau now has the ultimate authority to decide when it will invoke its investigative jurisdiction in kidnaping cases that such phraseology should be omitted from memoranda; that it was upon this sentence that the Criminal Division wrote its memorandum in the De Galindez case since it felt compelled to do so in view of our phraseology.

In the last paragraph on page two, a reference is made, "As much as possible routine mail and, of course, mail addressed to the FBI should be answered by the FBI."

Rogers put a note on this memorandum stating he would like to talk to me after I had read his memorandum. I did not have a chance to talk to him yesterday. I did talk to him this morning on the telephone. I told him that I had two observations. With reference to the first full paragraph on page two that Olney had discussed the phraseology which is quoted some time ago and suggested that we not use this phraseology. I told Rogers that this phraseology was used since there might be overriding policy considerations wherein the Department might have good and sufficient reasons for wanting an investigation made and furthermore it was a double check on the correctness of our position and the Department, of course, had the duty when any of its component units took a position which the Department thought was contrary to policy or was improper to then advise the unit of the impropriety of their action. Rogers stated he realized all of this but that this phraseology seemed to be the bone of contention with Olney and that if this

Enclosure
cc - Mr. Boardman
Mr. Boardman
Mr. Tolson

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NOT RECORDED
23 JUN 8 1956
23 JUN 7 1956
INITIALS ON ORIGINAL

57 JUN 12 1956

LBN: (5)

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phraseology could be omitted he thought that this would once and for all close this entire matter. He further stated that actually the phraseology is not necessary because the Attorney General has now delegated to the Bureau the complete and final authority as to whether it should or should not investigate complaints in a kidnaping case; that while he understands our position, he felt that the facts are now changed by this memorandum and that no purpose was to be served in using such phraseology. Seeing that I was getting no place with him on this score, I told him that I would like to discuss the matter with the Director since the Director had also discussed this matter with the Attorney General.

With reference to the last paragraph on page 2, I pointed out that his phraseology, "As much as possible routine mail and" might be subject to misunderstanding and that the Bureau would be glad to answer any mail addressed to the FBI but that we did not feel that mail sent to the Criminal Division should be sent to the Bureau for an answer and I thought to avoid any future misunderstanding this should be omitted. Rogers stated that he agreed that the sentence could be revised to read, "Mail addressed to the FBI should be answered by the FBI." Rogers stated he would have the routine mail answered elsewhere in the Department.

I came back to the first full paragraph on page two and told him that I could not see where if we used phraseology, "No further action is contemplated unless additional facts obtained or unless the Department has a contrary view," could possibly be objectionable and this should certainly make everybody happy. Rogers did not agree and thought that in memoranda reporting kidnaping cases which are intended for informational purposes only that they should be reported as informational memoranda and should not contain such phraseology. He further argued that this phraseology was no longer necessary in view of fact Attorney General delegated to Bureau the complete and final authority in kidnaping cases.

Rogers further stated that so far as the record is concerned the Bureau should not have any fears because even without this phraseology if the facts are such that the Department should take action then it would be the responsibility of the Department.



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The question now is whether further protest to the first full paragraph on page two should be made or whether we should accept this and use our own judgment when cases come up and try to have a good excuse for using phraseology.

I don't see how we can logically argue about the proposed phraseology. We can always put a case up to the OI if we feel it necessary to do so.

I agree though I am not particularly happy with it. As previously indicated Rosen & Boardman must be exceptionally alert in proper evaluation of such cases & should be in favor of taking your action for OI. I believe A. G. J. does will put a stop to always sniffing.