

city case and subsequently will, of course, be treated in the final committee report in December. He will not be called to testify here today.

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

Chairman STOKES. The committee calls Mr. Gale.

Do you solemnly swear the testimony you give before this committee is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GALE. Yes, I do.

Chairman STOKES. Thank you, you may be seated.

TESTIMONY OF JAMES H. GALE

Mr. GALE. May I approach him, please, the Counsel?

Chairman STOKES. Mr. Genzman you want to see.

The Chair recognizes Counsel for the committee, Robert Genzman.

Mr. GENZMAN. Thank you, Mr. Chairman.

Mr. Gale, would you state your full name for the record?

Mr. GALE. James H. Gale.

Mr. GENZMAN. What was your occupation in 1963?

Mr. GALE. In 1963, I was the Assistant Director in charge of the Inspection Division.

Mr. GENZMAN. Briefly, what were your duties?

Mr. GALE. As Assistant Director in charge of the Inspection Division, I had charge over approximately 7 inspectors and about 25 permanent inspector's aides, and it was my responsibility to make inspections of every seat of government division as well as each of the 56 field offices on at least a one-time-per-year basis.

During that time, we would go into the files, investigative files, administrative procedures, make investigative suggestions, insure that personnel was being utilized at a maximum advantage, make sure that we were not indulging in too much redtape, and check into any investigative deficiencies and make pertinent recommendations for administrative action for any administrative or investigative deficiencies.

Mr. GENZMAN. How long did you perform inspection duties for the Bureau?

Mr. GALE. I was an inspector from 1956 to 1959. And then I was in charge of the Washington field office, thereafter going to Chicago, and then coming back as Assistant Director in charge of the Inspection Division from 1962 until 1964.

Mr. GENZMAN. And when did you retire from the Bureau?

Mr. GALE. I retired from the Bureau on October 1, 1971.

Mr. GENZMAN. In connection with your FBI duties, did you ever investigate the FBI's internal security case on Lee Harvey Oswald?

Mr. GALE. Yes, I did.

Mr. GENZMAN. Have you previously testified about your investigation of the Oswald security case?

Mr. GALE. No, I have not.

Mr. GENZMAN. Mr. Chairman, at this time, I would ask that the exhibit marked as JFK F-460 be entered into the record.

Chairman STOKES. Without objection, it may be entered into the record.

[The above-referred-to exhibit, JFK F-460, follows:]

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-104

JFK EXHIBIT # F 460

UNITED STATES GOVERNMENT

Memorandum

TO : MR. TOLSON

Secret

DATE: December 10, 1933

FROM : J. H. GALE

SECRET

SUBJECT: LEE HARVEY OSWALD
INTERNAL SECURITY - RClassified by 6690
Exempt from GDS, Category 2
Date of Declassification Indefinite

Director instructed that complete analysis be made of any investigative deficiencies in Oswald case and analysis made concerning any necessary changes in our procedures re handling cases of this type -- analysis re procedure changes and dissemination policies handled separately.

RESULTS OF FINDINGS RE INVESTIGATIVE DEFICIENCIES:

It is definitely felt subject Oswald should have been on the Security Index (SI) based on following facts: (This is based solely on information in our files at time of and prior to assassination and does not take into consideration information subsequently developed.) (1) Subject's defection to Russia and statement that he never would return to United States for any reason. (2) Stated he was Marxist and advised Department of State he would furnish Soviets any information he had acquired as Marine Aviation Electronics Expert. Also affirmed in writing allegiance to Soviet Union and said service in Marine Corps gave him chance to observe American imperialism. According to State Department Oswald displayed air of new "Sophomore" Party liner at that time. (3) Upon returning to the United States Oswald displayed cold, arrogant, general uncooperative attitude and refused to take Bureau Polygraph test to determine if he had cooperated with the Soviets or had current intelligence assignment. (4) On 9/28/32 it was learned Oswald was subscribing to "The Worker," east coast Communist newspaper. (5) In April, 1933, learned he had been in contact with Fair Play for Cuba Committee, New York, and passed out pamphlets and had placard around neck reading "Hands Off Cuba - Viva Fidel." (6) Wrote letter June 10, 1933, to "The Worker" asking for literature saying he was forming Fair Play for Cuba Committee in New Orleans and he sent honorary membership to "those fighters for peace" Mr. Gus Hall and Mr. B. Davis (Ben Davis). (7) Arrested August 9, 1933, New Orleans, passing out Fair Play for Cuba pamphlets on street. Shortly thereafter interviewed on radio and said Russia had gone soft on Communism and Cuba only real revolutionary country in world today. (8) Contact with Soviet Embassy, Mexico September and October, 1933.

Field and Seat of Government employees who handled instant case maintain subject did not come within SI criteria. Inspector does not agree, believing that Oswald came within following category: "Investigation has developed information that an individual though not a member of or participant in the activities of subversive organization has anarchist or revolutionary beliefs and is likely to seize."

Mr. Callahan
JAN 23 1964

Secret

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Re: Lee Harvey Oswald

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upon the opportunity presented by the national emergency to endanger the public safety as shown by overt acts or statements within the last three years, established through reliable sources, informants or individuals."

Upon subject's return from Russia to Texas on 6/14/62, he was interviewed and displayed a recalcitrant attitude. The only investigation conducted was to interview a number of Government officials, three relatives and check with two Communist Party informants. The case was then closed after a second interview with subject by Dallas report dated 8/30/62. No neighborhood or employment sources developed, wife not interviewed, mail covers or other techniques not used to determine whom Oswald in contact with or whether he had intelligence assignment. Inspector feels this limited investigation inadequate. Dallas Agent responsible for delinquencies until 3/28/63 was [redacted], who is now retired, and no explanations obtained from him.

Dallas reopened case 3/28/63 assigned to Special Agent [redacted] Jr., and supervised by Field Supervisor [redacted]. After sending Bureau a letter on 3/25/63 setting out leads to determine Oswald's employment and consider interviewing Oswald's wife, the Bureau was not furnished any information until 8/23/63 and then only after the Bureau had made inquiry of Dallas. It was not until 9/10/63 that Dallas reported subject Oswald subscribed to "The Worker" on 9/23/62 and on April 2 1963, had been in contact with New York Fair Play for Cuba Committee, advising then that he passed out Fair Play for Cuba pamphlets and had placard around neck reading "Hands Off Cuba - Viva Fidel." Relief Supervisor [redacted] advised he received information from New York concerning subject's subscription to "The Worker" and took no action except to route it to former Agent [redacted]. He advised he did not feel this information warranted reopening case. Inspector does not agree, but feels in light of subject's defection, case should have been reopened at first indication of communist sympathy or activity.

Special Agent [redacted] advised that New York did not report Oswald's 4/21/63 Fair Play for Cuba contact to Dallas until letter sent 6/27/63 and Dallas did not feel it necessary to report it to Bureau until 9/10/63. [redacted] admits it "possibly" would have been better to have reported on this matter earlier.

Special Agent [redacted] New York, handled this matter and states information was received from anonymous source and that because of heavy volume of such material he handled urgent matters first and finished entire processing at approximately the end of June, 1963.

Supervisor [redacted] New York, makes similar explanation. Inspector feels 53-day delay from 4/21/63 to 6/27/63 entirely too long to process such material, particularly inasmuch as New York in no position to determine value of some of this material to other offices who have active cases opened on individuals concerned.

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Bureau Personnel*

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██████████ advised Dallas considered the most important aspect of this case the interview of Oswald's wife and did not deem it advisable to interview her in March, 1963, because they developed information that Oswald drinking to excess and beat up wife on several occasions. ██████████ stated that they allowed a 50-day "cooling-off period" and then couldn't locate Oswald or his wife until New Orleans located them in New Orleans and advised Dallas on 7/17/63. No instructions given New Orleans to interview Mrs. Oswald.

Certainly an obvious place ██████████ advised that after Oswald's return to Dallas was verified on 11/1/63 no interview was conducted of Mrs. Oswald because Dallas awaiting information from New Orleans. ██████████ advised investigation was designed to avoid having Oswald's wife "gain the impression she was being harassed or hounded because of her immigrant status in order that the interview when conducted might be as productive as possible."

Inspector feels this entire facet of investigation mishandled. Mrs. Oswald definitely should have been interviewed and Inspector feels best time to get information from her would be after she was beaten up by her husband as it is felt she would be far more likely to cooperate when angry at Oswald than otherwise.

This certainly makes sense. H
On 11/1/63 Dallas determined from Mrs. Ruth Paine that Oswald working at the Texas School Book Depository (place from which assassination shot fired by Oswald). Mrs. Paine unaware of Oswald's residence but stated Oswald's wife living with her. ██████████ states he made pretext telephone call to Oswald's place of employment and was told Oswald residing with Mrs. Paine. Not recorded in file. On 11/5/63 Mrs. Paine recontacted and unable to furnish information as to Oswald's residence address, but stated Oswald had visited his wife at Paine's house on 11/2 and 3/63. At this point Dallas held investigation in abeyance and no further investigation made until assassination.

██████████ explained that he held investigation in abeyance to be certain he was in possession of all information from New Orleans so he could possibly interview Mrs. Oswald and conduct further investigation. He was aware as of 10/3/63 that Oswald had been in contact with the Soviet Embassy in Mexico City but felt because Oswald was employed in nonstrategic position where he would not have access to information important to national defense that he was justified in holding investigation in abeyance. Inspector definitely does not agree. New Orleans submitted 16-page report 10/31/63 and only leads outstanding in New Orleans were to ascertain Oswald's whereabouts. No indication New Orleans had any further data and New Orleans RUC'd case by form 11/19/63. Even if New Orleans had not reported all information in their possession, Dallas should have intensified investigation in light of Oswald's contact with Soviet Embassy and not held investigation in abeyance. Supervisor ██████████ advised he

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Bureau Personnel*

Memo to Mr. Tolson
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discussed above investigative steps with [redacted] and concurred with the manner in which handled. Both [redacted] and [redacted] did not feel Oswald made Security Index criteria.

[redacted]

Lead set out by Dallas in March 25, 1963, letter for Dallas to determine present employment of Oswald and, thereafter, determine whether wife should be interviewed. This was not followed by Bureau for approximately five months until 8/21/63 when Dallas was asked about this lead after subject arrested in New Orleans for distributing Fair Play for Cuba pamphlets. Seat of Government Supervisor [redacted] states additional investigation not conducted until subject arrested for Fair Play for Cuba activity inasmuch as he reviewed investigation and evaluated that subject was not engaged in activities inimical to the United States. [redacted] states did not feel interview of subject's wife warranted and did not feel case should be reopened at Bureau on 3/25/63 merely to follow Dallas re consideration of interviewing wife. [redacted] advised he did not feel subject's activities came within purview of SI criteria.

It will also be noted that stop placed against subject in Identification Division which was removed by [redacted] on 10/9/63 after subject arrested in New Orleans for Fair Play for Cuba Committee on 8/9/63. [redacted] advised stop was placed in event subject returned from Russia under an assumed name and was inadvertently not removed by him on 9/7/62 when case closed. Inspector feels [redacted] in error in removing stop on subject in Ident on 10/9/63, particularly after arrest on 8/9/63 for Fair Play for Cuba Committee activity in New Orleans. We might have missed further arrests without stop in Ident. Inspector also feels Cheesling erred in not having additional investigation conducted when subject returned to United States and Cheesling wrong in not having subject placed on SI.

Instant case supervised at Seat of Government by Nationalities Intelligence Section regarding Fair Play for Cuba aspects and the Espionage Section regarding defection aspects and contact with Soviet Embassy in Mexico. Seat of Government Supervisor [redacted] supervised the Fair Play for Cuba aspects of this case from 8/16 until 10/31/63. He failed to have Oswald put on the SI in spite of considerable Fair Play for Cuba activity coupled with soviet defection background. In explanation he claims he did not feel Oswald met criteria for inclusion on SI.

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Memo for Mr. Tolson
Re: Lee Harvey Oswald

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Third Agency

On 10/10/63 Central Intelligence Agency (CIA) sent teletype to Bureau [redacted]. This was routed to [redacted] of the Espionage Section to whom case then assigned, who initialled same for file and took no action. By cablegram 10/18/63 Legat, Mexico City, advised they received instant information that day from CIA, Mexico City. Legat asked Bureau to send pertinent background to Mexico City and advise interested offices. 10/19/63 cablegram received Bureau Saturday 10/19/63 by [redacted] and reply not made to Mexico City until Tuesday P. M., 10/22/63. Linton advised he routed this material with main file to [redacted] and conferred with [redacted] on 10/21/63. States because of pressure of the other work on [redacted] desk, [redacted] prepared outgoing communication for Mexico City, New Orleans, and Washington Field Office on 10/22/63. [redacted] explains he did not consider Oswald for SI at that time because he did not feel Oswald met criteria. Inspector feels [redacted] shares in responsibility for delay in answering Legat's cablegram of 10/18/63 and is in error for not having Oswald on SI.

Bureau Personnel

SOG Supervisor [redacted] failed to take any action on CIA teletype of 10/10/63. [redacted] Legat by cablegram 10/18/63^{Third} received these data from CIA, Mexico, and had to ask Bureau for background information and tell Bureau to advise interested offices. Inspector feels [redacted] should have done this on 10/10/63 and also instructed field to intensify investigation in light of Oswald's contacting Soviet Embassy, Mexico. [redacted] also failed to put subject on SI, stating he did not feel Oswald met criteria. [redacted] advised that although case assigned to him since 10/10/63 he did not review file until after assassination stating he had general idea of background of case. He explained that his preoccupation with Dunlap Espionage Case precluded his reviewing complete file. Section Chief [redacted] advised [redacted] not over-assigned. During October, [redacted] supervising 104 cases with voluntary overtime 2'34". Instant case would have required approximately one to two hours to completely review.

[redacted] handled case in New Orleans from 7/18/63. No report submitted until 10/31/63. Bureau not advised until report of 10/31/63 that Oswald wrote to "The Worker" on June 10, 1963, requesting literature to assist him in establishing Fair Play for Cuba Committee in New Orleans, and sent honorary membership cards for Ben Davis and Gus Hall. Kanack advised that although investigative period extended from 7/23 through 10/25/63, continuous attention was afforded this case.

[redacted] supervised case and shares responsibility for delay in advising Bureau; also failed to put on Security Index, saying they did not feel sub met criteria.

Bureau Personnel

Memo for Mr. Tolson
Re: Lee Harvey Oswald

OBSERVATIONS:

SECRET

As indicated above, there were a number of investigative and reporting delinquencies in the handling of the Oswald case. Oswald should have been on the Security Index; his wife should have been interviewed before the assassination, and investigation intensified - not held in abeyance - after Oswald contacted Soviet Embassy in Mexico. It was handled by two different Sections in the Domestic Intelligence Division, i.e., Nationalities Intelligence and Espionage. While Section Chiefs ~~_____~~ did not see instant file or participate in the supervision of this case, it is felt that they have certain over-all responsibility for properly indoctrinating and training subordinate supervisory personnel and should be censured. This also applied to Inspector ~~_____~~ who heads the Espionage Research Branch, and Assistant Director ~~_____~~.

Likewise, ~~_____~~ assigned Dallas until 4/24/63 and ~~_____~~ assigned Dallas since 4/22/63, did not have an opportunity to review instant file. However, it is felt that they have over-all responsibility for properly training and indoctrinating subordinate personnel and should be censured.

Concerning the administrative action recommended hereinafter, there is the possibility that the Presidential Commission investigating instant matter will subpoena the investigating Agents. If this occurs, the possibility then exists that the Agents may be questioned concerning whether administrative action had been taken against them. However, it is felt these possibilities are sufficiently remote that the recommended action should go forward at this time. It appears unlikely at this time that the Commission's subpoenas would go down to the Agent level.

RECOMMENDATIONS:

1. ~~_____~~ (Veteran), Dallas - Censure and probation for inadequate investigation including earlier interview of Oswald's wife, delayed reporting, failure to put subject on Security Index, and for holding investigation in abeyance after being in receipt of information that subject had been in contact with Soviet Embassy, Mexico City. If approved, to be handled by the Administrative Division.

JLB

V. K. H.

yes.

S.P. 1.1

All Exclusions are
Bureau
Personal

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Memo for Mr. Tolson
Re: Lee Harvey Oswald

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2. Field Supervisor ~~██████████~~ (Nonveteran), Dallas - Censure and probation for failing to insure that case more fully investigated and reported, for not placing subject on the Security Index and for concurring in decision to hold investigation in abeyance. If approved, to be handled by the Administrative Division.

JLB

V. K. [unclear]

[Handwritten signature]

3. ~~██████████~~ (Veteran), Dallas - Censure for failing to have Oswald case reopened after Dallas informed that he subscribed to "The Worker," east coast Communist newspaper, 9/23/62. If approved, to be handled by the Administrative Division.

JLB

V. K. [unclear]

[Handwritten signature]

4. ~~██████████~~ (Veteran), New York - Censure for failing to promptly disseminate Fair Play for Cuba information to Dallas concerning subject Oswald. If approved, to be handled by the Administrative Division.

JLB

V. K. [unclear]

[Handwritten signature]

5. ~~██████████~~ (Veteran), New York - Censure for failure to insure that Fair Play for Cuba information concerning Oswald more promptly disseminated to Dallas. If approved, to be handled by the Administrative Division.

JLB

V. K. [unclear]

[Handwritten signature]

All Exclusions are Bureau Personnel

Memorandum for Mr. T. on
Re: Lee Harvey Oswald

6. ~~██████████~~ (Nonveteran), New Orleans - Censure for delayed reporting and failure to put on Security Index. If approved, to be handled by the Administrative Division.

7. ~~██████████~~ (both Nonveteran) in San Francisco - ~~██████████~~ in Dallas) - Censure for over-all responsibility in this matter. If approved, Administrative Division to handle.

8. ~~██████████~~ (Nonveteran), New Orleans - Censure for failing to insure that there was no delay in reporting this matter and for failing to put subject on the Security Index.

9. Seat of Government ~~██████████~~ (Veteran) - Censure and probation for failing to instruct the field to conduct background investigation concerning Oswald, upon Oswald's return from Russia; failing to have Oswald's wife interviewed; also for removing stop on Oswald in Ident on 10/9/63; failing to put Oswald on Security Index and for not reopening Bureau file to follow on Dallas after Dallas sent out letter on 3/25/63 to consider interview of Oswald's wife. If approved, to be handled by the Administrative Division.

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Bureau Personnel

Memo for Mr. Tolson ()
Re: Lee Harvey Oswald

10. Seat of Government Supervisor [REDACTED] (nonveteran) -
Censure and probation for failing to take action on CIA teletype 10/10/63; failing to completely review file until after assassination; failing to instruct field to press more vigorously after subject made contact with Soviet Embassy, Mexico, and failure to have subject placed on Security Index. If approved, to be handled by the Administrative Division.

11. Seat of Government Supervisor [REDACTED] (Veteran) -
Censure for failing to place Oswald on Security Index, in spite of considerable Fair Play for Cuba Committee activity coupled with previous Soviet defection background.

12. Seat of Government Supervisor [REDACTED] (Veteran) -
Censure for delay in handling incoming 10/18/63 cablegram from Mexico City and for not putting subject on Security Index.

13. [REDACTED] (all Nonveterans)
Censure for over-all responsibility in this matter.

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SEE ADDENDUM ON PAGE 11

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Memo for Mr. Tolson
Re: Lee Harvey Oswald

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With respect to the individuals listed above who are veterans, they have had more than a year of Bureau service. Accordingly, they should be entitled to 30 days' written notice in the event they should be involuntarily separated, reduced in grade or salary or suspended for more than 30 days. They would also have a right of appeal to the Civil Service Commission for any of these actions.

Retained and handled separately
Statements of the following individuals are attached: [REDACTED]

[REDACTED] as well as statements of the personnel involved who are assigned to the Dallas Office. In addition, copies of explanations of Lundquist and Hoeg are attached.

PERSONNEL BRIEFS OF [REDACTED]

ATTACHED

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Bureau Personnel*

~~SECRET~~ ~~SECRET~~

Call

Secret.

Memorandum Mr. Gale to Mr. Tolson
Re: LEE HARVEY OSWALD
INTERNAL SECURITY - R

ADDENDUM: C. D. DeLoach:hif 12/10/63 ~~SECRET~~

I recommend that the suggested disciplinary action be held in abeyance until the findings of the Presidential Commission have been made public. This action is recommended inasmuch as any "leak" to the general public, or particularly to the communications media, concerning the FBI taking disciplinary action against its personnel with respect to captioned matter would be assumed as a direct admission that we are responsible for negligence which might have resulted in the assassination of the President. At the present time there are so many wild rumors, gossip, and speculation that even the slightest hint to outsiders concerning disciplinary action of this nature would result in considerable adverse reaction against the FBI. I do not believe that any of our personnel will be subpoenaed. Chief Justice Warren has indicated he plans to issue no subpoenas. There is, however, the possibility that the public will learn of disciplinary action being taken against our personnel and, therefore, start a bad, unjustifiable reaction.

*I do not
concur. H* *P. J. 10* *12/10*

ADDENDUM (AHB:csh), 12/10/63:

It is significant to note that all of the supervisors and officials who came into contact with this case at the seat of government, as well as agents in the field, are unanimous in the opinion that Oswald did not meet the criteria for the Security Index. If this is so, it would appear that the criteria are not sufficiently specific to include a case such as Oswald's and, rather than take the position that all of these employees were mistaken in their judgment, the criteria should be changed. This has now been recommended by Assistant Director Gale.

Aside from the above, I agree with Mr. DeLoach's observations.

A. B. Belmont

Secret

DO-7

FROM

OFFICE OF DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

TO

OFFICIAL INDICATED BELOW BY CHECK MARK

MR. TOLSON ☒ *Mr. Tolson*

MR. BELMONT ☒ *Mr. Belmont*

MR. MOHR ☒ *Mr. Mohr*

MR. CASPER ☒ *Mr. Casper*

MR. CALLAHAN ☒ *Mr. Callahan*

MR. CONRAD ☒ *Mr. Conrad*

MR. DELOACH ☒ *Mr. DeLoach*

MR. EVANS ☒ *Mr. Evans*

MR. GALE ☒ *Mr. Gale*

MR. ROSEN ☒ *Mr. Rosen*

MR. SULLIVAN ☒ *Mr. Sullivan*

MR. TAVEL ☒ *Mr. Tavel*

MR. TROTTER ☒ *Mr. Trotter*

MISS HOLMES ☒ *Miss Holmes*

MISS GANDY ☒ *Miss Gandy*

SEE ME ☒ *See me*

NOTE AND RETURN ☒ *Note and return*

PREPARE REPLY ☒ *Prepare reply*

SEND MEMO TO ATTORNEY GENERAL ☒ *Send memo to Attorney General*

FOR YOUR RECOMMENDATION ☒ *For your recommendation*

WHAT ARE THE FACTS? ☒ *What are the facts?*

HOLD ☒ *Hold*

REMARKS: *is what I am describing*
inverted. That is to say the letter
AP 1 1/2 is AP 2 1/2 the English
language is not the same
and I think it
could be indicated at the end of
the letter.

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June 4 1961

Chairman STOKES. Do you also want it displayed?

Mr. GENZMAN. No.

Mr. Gale, can you identify JFK exhibit F-460?

Mr. GALE. Yes, JFK exhibit F-460 is a memorandum which I prepared on December 10, 1963, to Mr. Tolson, who is the associate director.

Mr. GENZMAN. What was the subject of this memorandum?

Mr. GALE. The subject matter was Lee Harvey Oswald, Internal Security-R.

Mr. GENZMAN. What does the "R" denote?

Mr. GALE. Russian.

Mr. GENZMAN. Can you identify the distinctive handwriting which appears throughout JFK exhibit F-460; on page 3, for instance?

Mr. GALE. On page 3, there are several handwriting statements which were made in the handwriting of J. Edgar Hoover.

Mr. GENZMAN. Thank you.

Mr. Gale, why did you write this report?

Mr. GALE. The day after the President was assassinated, Mr. Hoover called me into his office and told me that undoubtedly a commission would be appointed to check into all facets of the assassination of the President and he indicated that he wanted us, wanted me, to make a thorough scrutiny of all the material which we had on Lee Harvey Oswald to determine whether we had properly fulfilled all of our investigative responsibilities and to make any necessary changes in our procedures regarding the handling of cases of this type.

Mr. GENZMAN. Would you read aloud the first paragraph of this report?

Mr. GALE.

Director instructed that complete analysis be made of any investigative deficiencies in the Oswald case, an analysis made concerning any necessary changes in our procedures; re, handling cases of this type. An analysis, re, procedure changes and dissemination policies handled separately.

Mr. GENZMAN. Does this paragraph adequately reflect the purpose of this report?

Mr. GALE. I think it does.

Mr. GENZMAN. How did you investigate the handling of the Oswald security case?

Mr. GALE. The first thing I did was pull all the files that we had down at the seat of Government. I made a thorough review of all the material which we had on Lee Harvey Oswald, all the cases, investigative cases that we had opened on him.

I thereafter interviewed certain personnel in the Internal Security Division, and I also sent out teletypes and made telephone calls to various field offices which were involved to obtain explanation from pertinent personnel as to what were considered as possible deficiencies in the investigation of Lee Harvey Oswald prior to the assassination.

Mr. GENZMAN. Did you travel to any FBI field offices?

Mr. GALE. No, I did not.

Mr. GENZMAN. Were the steps which you undertook adequate for this type of investigation?

Mr. GALE. The steps which I took, in my judgment, were definitely adequate, and fulfilled the purpose of this investigation.

Mr. GENZMAN. What conclusions did you reach as a result of your investigation?

Mr. GALE. I reached conclusions that there were certain investigative and reporting delinquencies in the investigation for which administrative action should be taken against the responsible personnel.

Mr. GENZMAN. Directing your attention to page 6, would you read the second sentence?

Mr. GALE. "As indicated above, there were a number"——

Mr. GENZMAN. The second sentence, Mr. Gale.

Mr. GALE [continuing]. "Oswald should have been on the security index. His wife should have been interviewed before the assassination and investigation intensified, not held in abeyance, after Oswald contacted Soviet Embassy in Mexico."

Mr. GENZMAN. Does this sentence adequately summarize your conclusions?

Mr. GALE. Yes, it does.

Mr. GENZMAN. Did J. Edgar Hoover agree with your conclusions?

Mr. GALE. Yes, he did.

Mr. GENZMAN. Directing your attention to page 3, can you find any indications there that Mr. Hoover agreed with you?

Mr. GALE. He made several observations concerning excuses made by Dallas personnel that they had not interviewed Mrs. Lee Harvey Oswald. "Oswald had been drinking to excess and beat up his wife on several occasions. The agent indicated there should be a 60-day cooling-off period and Mr. Hoover said that was certainly an asinine excuse."

Mr. GENZMAN. Are you reading his handwriting?

Mr. GALE. Yes, I am.

Mr. GENZMAN. Continue, please.

Mr. GALE. "And also after Oswald returned from Dallas, no interview was conducted of Mr. Oswald because they said that they were trying to avoid giving the impression that she was being harassed or hounded because of her immigrant status."

In order that the interview when conducted might be as productive as possible, Mr. Hoover said I just don't understand such solicitude. Then I indicated I felt this entire facet of the investigation was mishandled. I felt that Mrs. Oswald definitely should have been interviewed, and I felt the best time to get information from her was after she had been beaten up by her husband. It was felt she was far more likely to cooperate when she was angry at Oswald than otherwise, and Mr. Hoover indicated this certainly made sense.

Mr. GENZMAN. Mr. Gale, earlier you testified that Lee Harvey Oswald should have been on the security index. What is the security index?

Mr. GALE. The security index was a list of names of individuals who are participants in activities of subversive organizations, had anarchist or revolutionary beliefs, and were likely to seize upon the opportunity presented by a national emergency to endanger the public safety, as shown by overt acts or statements within the last

3 years established through reliable sources, informants or individuals.

Mr. GENZMAN. Directing your attention to the last paragraph on page 1, would you read that paragraph?

Mr. GALE. Field and seat of government employees who handle instant case maintain subject did not come within the security index criteria. Inspector does not agree claiming that Oswald came within the following category. Investigation has developed information that individual, though not a member of or participant in the activities of subversive organizations, has anarchist or revolutionary beliefs and is likely to seize upon the opportunity presented by a national emergency to endanger the public safety as shown by overt acts or statements within the last 3 years established through reliable sources, informants or individuals.

Mr. GENZMAN. Why did you think Oswald came within this category?

Mr. GALE. I felt that Oswald came within this category because of his contact with the Fair Play for Cuba Committee. He passed out pamphlets; had a placard around his neck reading "Hands off, viva Fidel." He had also engaged in certain other activities which I felt came within the purview of the security index. He defected to Russia. He stated he would never return to the United States for any reason. He stated that he was a Marxist and had advised the Department of State that he would furnish the Soviets any information he had acquired as a Marine aviation electronics expert.

He also affirmed in writing allegiance to the Soviet Union and said the service in the Marine Corps gave him a chance to observe American imperialism. According to the State Department, he displayed the air of a new "sophomore" party liner at the time.

Upon returning to the United States, he displayed a cold, arrogant, and generally uncooperative attitude and refused to take the Bureau polygraph test to determine if he had cooperated with the Soviets or had a current intelligence assignment.

And he also subscribed to the Worker, east coast Communist newspaper, and he had also written a letter to the Worker asking for literature saying that he was forming a Fair Play for Cuba Committee in New Orleans and he sent honorary membership to those fighters for peace, Mr. Gus Hall and Mr. Ben Davis and he was arrested August 9, 1963, for passing out Fair Play for Cuba pamphlets on the street, and shortly thereafter, he was interviewed on radio and said Russia had gone soft on Communism and that Cuba was the only revolutionary country in the world today.

So, for those reasons, I felt he should be on the security index.

Mr. GENZMAN. Thank you.

Did J. Edgar Hoover agree with you that Oswald met the criteria of the security index?

Mr. GALE. Yes, he did.

Mr. GENZMAN. Directing your attention to the routing slip following page 11, can you find any indication there of Mr. Hoover's position? It is the last page.

Mr. GALE. Frankly, the copy I have here, I could read Mr. Hoover's handwriting very well on an original copy, but the handwriting here is such that I am having a difficult time reading it.

Mr. GENZMAN. Let me read it, correct me if I am wrong.

"If the English language means anything, it certainly included a character like Oswald," at the bottom of the page.

Mr. GALE. Yes, I think that's correct.

Mr. GENZMAN. Did the FBI supervisors and field agents who were actually involved in the Oswald security case think that Oswald met the security index criteria?

Mr. GALE. No, they did not.

Mr. GENZMAN. None of them did?

Mr. GALE. None admitted to me that he did. Of course, if he did, then it would not be a very wise thing for them to do probably because it would be self-serving; it was self-serving for them to maintain that he should not be on the security index because if he should be on the security index and was not, then, of course, they were culpable of not having put him on the security index.

Mr. GENZMAN. What would have been the result if Oswald had been on the security index?

Mr. GALE. I don't think it would have had any result insofar as the assassination was concerned. I don't think it would have prevented the assassination. I don't think it would have had any material effect insofar as the assassination was concerned at all. It was an internal error. They did not have him on there, and I felt he definitely met that criteria and that he should have been on there.

Mr. GENZMAN. Based on your findings, what recommendations did you make?

Mr. GALE. I made recommendations for certain administrative action against the agents involved for the different investigative and reporting delays.

Mr. GENZMAN. How many employees at the FBI were disciplined?

Mr. GALE. There were 17 employees disciplined as a result of my inquiry.

Mr. GENZMAN. Did these 17 employees include supervisors as well as field agents?

Mr. GALE. Yes, they did.

Mr. GENZMAN. Can you explain how they were disciplined in general terms?

Mr. GALE. Some were censured and some were censured and put on probation.

Mr. GENZMAN. Were any employees suspended or transferred at this time.

Mr. GALE. Not to my recollection.

Mr. GENZMAN. Directing your attention to page 6, would you read the middle paragraph, beginning with the word "concerning"?

Mr. GALE. Concerning the administrative action recommended hereinafter, there is a possibility the Presidential Commission investigating instant matter will subpoena the investigating agents. If this occurs, the possibility then exists the agents may be questioned concerning whether administrative action had been taken against them.

However, it is felt these potentialities are sufficiently remote, that the recommended action should go forward at this time. It appears unlikely at this time that the commission subpoena would go down to an agent level.

Mr. GENZMAN. Would you explain what you meant in this paragraph?

Mr. GALE. What I meant was that it was unlikely that any of the agents would be subpoenaed by the Commission——

Mr. GENZMAN. By the Warren Commission?

Mr. GALE [continuing]. By the Warren Commission and there was considerable feeling among some people in the Bureau that the administrative action should not be taken at this time for fear of the fact that it might come out publicly, and I was opposed to that.

I felt the administrative action should be taken and Mr. Hoover agreed that this matter should not be overlooked nor administrative action postponed.

Mr. GENZMAN. Are you reading from his handwriting below the paragraph?

Mr. GALE. I am interpolating that.

Mr. GENZMAN. Thank you.

Mr. GALE. I can't read the copy I have.

Mr. GENZMAN. Would you explain again why you were concerned about this information getting to the Warren Commission?

Mr. GALE. I said here that there is a possibility the Presidential Commission investigating instant matter will subpoena the investigating agent. If this happens, the possibility then exists that the agents may be questioned concerning whether administrative action had been taken against them.

However, whether the Commission would subpoena him and they would testify to that or not, I still felt they should be disciplined.

Mr. GENZMAN. Mr. Chairman, at this time, I would ask that the exhibit marked as JFK F-461 be entered into the record.

Chairman STOKES. Without objection, it may be entered into the record.

[The above-referred-to exhibit, JFK F-461, follows:]

Memorandum - JFK EXHIBIT # F 461

TO: MR. TOLSON

DATE: September 30, 1964

FROM: J. H. GALE

SUBJECT: SHORTCOMINGS IN HANDLING LEE HARVEY OSWALD
MATTER BY FBI PERSONNEL

With regard to Warren Commission report Director noted, "I want this carefully reviewed as pertains to FBI shortcomings by Gale. Chapter 8 tears us to pieces. Also I want memo of what we have done to plug our gaps. I also want to make certain we check and make certain proper disciplinary action has been taken against those responsible for derelictions charged to us."

Memorandum dated December 10, 1963, Mr. Gale to Mr. Tolson, recommended the following administrative action, which was approved, as a result of a review of Oswald's file by Inspector which reflected serious shortcomings:

DALLAS

1. [REDACTED] (Veteran) - Censure and probation for inadequate investigation including failure to interview Oswald's wife until after assassination, delay reporting, failure to put subject on Security Index, and for holding investigation in abeyance after being in receipt of information that subject had been in contact with Soviet Embassy, Mexico City.
2. Field Supervisor [REDACTED] (Nonveteran) - Censure and probation for failing to insure that case more fully investigated and reported, for not placing subject on the Security Index and for concurring in decision to hold investigation in abeyance.
3. [REDACTED] (Veteran) - Censure for failing to have Oswald case reopened after Dallas informed that he subscribed to "The Worker," east coast Communist newspaper, 9/28/62.
4. [REDACTED] (Nonveteran) - Censure for over-all responsibility in this matter.
5. [REDACTED] (now in San Francisco) (Nonveteran) - Censure for over-all responsibility in this matter.

NEW YORK

1. [REDACTED] (Veteran) - Censure for failing to promptly disseminate Fair Play for Cuba information to Dallas concerning subject Oswald.
2. [REDACTED] (Veteran) - Censure for failure to insure that Fair Play for Cuba information concerning Oswald more promptly disseminated to Dallas.

JHG:wmj (4)

1 - Mr. Callahan

Enclosures

OCT 15 1964

Bureau Personnel

Memorandum for Mr. Tolson
Re: Lee Harvey Oswald

NEW ORLEANS

1. [REDACTED] (Nonveteran) - Censure for delayed reporting and failure to put on Security Index. [REDACTED] is now retired.
2. [REDACTED] (Nonveteran) - Censure for failing to insure that there was no delay in reporting this matter and for failing to put subject on the Security Index.

SEAT OF GOVERNMENT

1. [REDACTED] (Veteran) - Censure and probation for failing to instruct the field to conduct background investigation concerning Oswald, upon Oswald's return from Russia; failing to have Oswald's wife interviewed; also for removing stop on Oswald in Ident on 10/9/63; failing to put Oswald on Security Index and for not reopening Bureau file to follow on Dallas after Dallas sent out letter on 3/25/63 to consider interview of Oswald's wife.
2. [REDACTED] (Nonveteran) - Censure and probation for failing to take action on CIA teletype 10/10/63; failing to completely review file until after assassination; failing to instruct field to press more vigorously after subject made contact with Soviet Embassy, Mexico, and failure to have subject placed on Security Index.
3. [REDACTED] (Veteran) - Censure for failing to place Oswald on Security Index, in spite of considerable Fair Play for Cuba Committee activity coupled with previous Soviet defection background.
4. [REDACTED] (Veteran) - Censure for delay in handling incoming 10/18/63 cablegram from Mexico City and for not putting subject on Security Index.
5. [REDACTED] (all Nonveterans) - Censure for over-all responsibility in this matter.

The Commission has now set forth in a very damning manner some of the same glaring weaknesses for which we previously disciplined our personnel such as lack of vigorous investigation after we had established that Oswald visited the Soviet Embassy in Mexico. The Commission specifically criticizes [REDACTED] for not making more vigorous efforts to locate and interview Oswald regarding unresolved matters and Inspector feels this criticism certainly is valid. [REDACTED] testified that certain information furnished by New York on Oswald's contact with the Fair Play for Cuba Committee was "stale" when he received it and this statement is set forth in the Commission's report. As indicated above, a New York Agent and Supervisor were censured for this delay. [REDACTED] certainly should not have testified that information from New York was "stale." [REDACTED] testified concerning his failure to conduct investigation from November 5, 1963.

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until after the assassination. [redacted] stated that on November 1, 1963, he received a copy of the New Orleans report which reflected that Oswald had given false biographic information and [redacted] stated he knew he would eventually have to investigate this and was "quite interested in determining the nature of his contact with the Soviet Embassy in Mexico City." When asked what his next step would have been [redacted] replied:

"Well, as I had previously stated, I have between 25 and 40 cases assigned to me at any one time. I had other matters to take care of. I had now established that Lee Oswald was not employed in a sensitive industry. I can now afford to wait until New Orleans forwarded the necessary papers to me to show me I now had all the information. It was then my plan to interview Marina Oswald in detail concerning both herself and her husband's background.

"Q. Had you planned any steps beyond that point?

"A. No. I would have to wait until I had talked to Marina to see what I could determine, and from there I could make my plans.

"Q. Did you take any action on this case between November 5 and November 22?

"A. No, sir."

When questioned by Commission concerning why he did not disseminate the information on Oswald to Secret Service, [redacted] testified he interpreted his instructions as requiring some indication that the person planned to take some action against the safety of the President or Vice President before making such dissemination. He testified he participated in transmitting two pieces of information to Secret Service pertaining to President's visit. He further stated he did not realize the motorcade would pass the Texas School Book Depository Building. He testified he did not read the newspaper article describing the motorcade route in detail since he was interested only in the fact that the motorcade was coming up main street "where maybe I could watch it if I had a chance." Inspector feels that [redacted] testimony as quoted in the Commission report makes the FBI look ridiculous and definitely taints our public image for efficiency. If we had made a proper investigation of Oswald we would not have been so vulnerable.

*Bureau
Personnel*

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In connection with interview of Mrs. Ruth Paine on November 1 and 5, 1963, the Commission indicates that Mrs. Paine advised a Bureau Agent that she did not know Oswald's address. She was not asked nor did she volunteer Oswald's telephone number, which she did know. The Commission intimates that Agent should have asked her specifically re phone number so Oswald's current residence could be located. This interview was conducted by [REDACTED] [REDACTED] advised he did not ask Mrs. Paine re Oswald's telephone number inasmuch as Mrs. Paine informed [REDACTED] she did not know Oswald's address or how he could be located. Inspector feels [REDACTED] should have been more specific in his interrogation and asked Mrs. Paine if she had Oswald's telephone number.

[REDACTED] also testified that conditions in the Dallas police station at time of detention and interrogation of Oswald were "not too much unlike Grand Central Station at rush hour, maybe like the Yankee Stadium during the World Series games. It is questionable whether [REDACTED] should have described conditions in such an editorializing and flamboyant manner but rather should have indicated conditions were crowded and if called upon to give an estimate of how many people were located therein, to give said estimate.

The Commission's report reflects that after the assassination a number of boxes which appeared to be used as a gun rest by Oswald in the Texas School Book Depository Building were processed for fingerprints by both the Dallas Police Department and the FBI. Some of Oswald's prints were found thereon, but the Commission noted that "most of the prints were found to have been placed on the carton by an FBI Clerk and a Dallas Police Officer after the carton had been processed with powder by the Dallas police." Special Agent [REDACTED] advised he instructed [REDACTED] that the cardboard boxes were evidence, had to be processed for fingerprints, and under no circumstances was he to touch them with his bare hands in wrapping same so [REDACTED] could personally carry them to the Bureau. [REDACTED] denies [REDACTED] told him to wear gloves or any covering on his fingers. He is an experienced Clerk and states he is well aware that his hands are not to come in contact with evidence to be examined for fingerprints. [REDACTED] advised he has never previously wrapped original evidence but only evidence package

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which had been prepared with evidence sticker by Agents. He states instant package did not have any label indicating it was going to the Latent Fingerprint Section and only information he had was that it was to be handcarried to Bureau headquarters. Inspector feels Special Agent [redacted] culpable for not more closely handling and supervising this matter to insure that the Clerk's fingerprints were not placed on the evidence, particularly in view of the importance of this case.

The Commission report indicates that we did not have a stop on Oswald's passport with the Department of State and did not know Oswald applied for a passport in June, 1963, to travel to Western European countries, Soviet Union, Finland and Poland. This is another specific example of how this case was improperly investigated. The same personnel are responsible for this example as were previously criticized for not using appropriate techniques and making a more vigorous and thorough investigation, to determine with whom Oswald in contact or whether he had intelligence assignment.

The Bureau by letter to the Commission indicated that the facts did not warrant placing a stop on the passport as our investigation disclosed no evidence that Oswald was acting under the instructions or on behalf of any foreign Government or instrumentality thereof. Inspector feels it was proper at that time to take this "public" position. However, it is felt that with Oswald's background we should have had a stop on his passport, particularly since we did not know definitely whether or not he had any intelligence assignments at that time.

The Commission has criticized the FBI for taking too restrictive a view of its responsibilities in preventive intelligence work and that even though there were Secret Service criteria which specifically requested the referral of Oswald's case, nor was there any requirement to report the names of defectors, there was much material in the hands of the FBI about Oswald, the knowledge of his defection, his arrogance and hostility to the United States, his pro-Castro tendencies, his lies when interrogated by the FBI, his trip to Mexico, and his presence in the school bus depository job and its location on the route of the motorcade which should have been enough to induce an alert agency, such as the FBI, to list Oswald as a potential threat to the safety of the President.

OBSERVATIONS:

We previously took administrative action against those responsible for the investigative shortcomings in this case some of which were brought out by the Commission. It is felt that it is appropriate at this time to consider further administrative action against those primarily culpable for the derelictions in this case which have now had the effect of publicly embarrassing the Bureau. It is felt that SA Hosty had the primary investigative responsibility in this case, [redacted] the primary field supervisory responsibility, and Special Agents [redacted] the primary Bureau supervisory responsibility.

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Re: Lee Harvey Oswald

It is also felt that the information on Oswald should have been disseminated to the Secret Service. Oswald should have been on the Security Index but was not. In this regard it appears that prior to the assassination we were unduly restrictive in making available the names of Security Index subjects to Secret Service. It is felt that Inspector [redacted] who has over-all charge of the Security Index in the Domestic Intelligence Division, should be censured for not having sufficient imagination and foresight to initiate action to have such material disseminated to Secret Service. It is likewise felt Assistant to the Director [redacted] should be censured for the same reason as [redacted] as well as for his over-all responsibility in the entire matter.

In regard to [redacted], the Director said, "I want [redacted] case shown the Civil Service Board since he is a veteran and ascertain whether they will sustain a dismissal since his derelictions have now publicly disgraced the Bureau." The Administrative Division has thoroughly explored this case with its Civil Service Commission (CSC) contact, E. H. Bechtold, head of the Veterans Service Staff. Bechtold feels in all probability we would not be sustained. In his view, [redacted] main offense is his mis-handling of the Oswald investigation, and that this is the only possible basis for a successful adverse action against [redacted]. However, [redacted] was censured and placed on probation 12/13/63 for his grossly inadequate investigation of the case. Bechtold said to take action against [redacted] again for such offense would place [redacted] in double jeopardy. He said CSC has always ruled that after administrative action has once been taken, the same offense cannot serve over again as the basis for further action. He considers it very unlikely that the after-acquired bad publicity would persuade CSC to depart from this precedent.

RECOMMENDATIONS:

1. SA [redacted] (Veteran), Dallas, be censured, placed on probation and suspended for 30 days for his derelictions in this matter. (As noted above, he was censured and put on probation in December, 1963, and removed 3/25/64. He was ordered transferred from Dallas 9/28/64.) If approved, to be handled by the Administrative Division.

2. SA [redacted] (Nonveteran), Dallas - Censure, Probation and transfer from his office of preference for failing to insure that case more fully investigated and reported, for not placing subject on the Security Index and for concurring in decision to hold investigation in abeyance. (It will be noted that [redacted] was removed from supervisory duties on 4/9/64 as a result of his derelictions in the Oswald case.) If approved, to be handled by the Administrative Division.

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- 6 Transmitted to
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3. [REDACTED] (Veteran), Dallas - Censure and probation for failing to have Oswald case reopened after Dallas informed that he subscribed to "The Worker" east coast Communist newspaper, 9/28/62. If approved, to be handled by the Administrative Division. ✓

Shf

Yes

4. [REDACTED] (Veteran), Domestic Intelligence Division - Censure probation, and transfer to the field for failing to instruct the field to conduct background investigation concerning Oswald, upon Oswald's return from Russia; failing to have Oswald's wife interviewed; also for removing stop on Oswald in Ident on 10/9/63; failing to put Oswald on Security Index and for not reopening Bureau file to follow on Dallas after Dallas sent out letter on 3/25/63 to consider interview of Oswald's wife. It will be noted that on 4/8/64 [REDACTED] was ordered transferred, because of his derelictions in the Oswald case, to Indianapolis, which transfer and prospective demotion from GS-14 to GS-13 were subsequently cancelled in view of the opinion of CSC that the demotion would not be sustained if he appealed. The CSC opinion was based on its "double jeopardy" policy above-mentioned in the Hosty case. It is, therefore, recommended [REDACTED] transfer not be accompanied by demotion. This kind of action was recently taken with respect to former [REDACTED], and [REDACTED] of San Francisco. If approved, to be handled by the Administrative Division. (Field should be advised not to use as Supervisor.) ✓

Shf

Yes

Transfer to Detroit
April 1972

5. [REDACTED] (Veteran), Domestic Intelligence Division - Censure and probation for failing to place Oswald on Security Index, in spite of considering Fair Play for Cuba Committee activity coupled with previous Soviet defection background. ✓

Shf

Yes

Bureau Personnel

over

6. ~~REDACTED~~ (Veteran), Domestic Intelligence Division - Censure and probation for delay in handling incoming 10-18-63 cablegram from Mexico City and not putting subject on Security Index. If approved to be handled by the Administrative Division. *ll*

7. ~~REDACTED~~ (Nonveteran), New Orleans - Censure and continue on probation for failing to insure that there was no delay in reporting this matter and for failing to put subject on the Security Index, it being noted he was put on probation result of the inspection letter dated 6-22-64 for shortcomings detected during the inspection of the office. If approved, to be handled by the Administrative Division. ✓

8. ~~████████████████████~~ (Nonveteran), Dallas - Censure and placed on probation for failing to properly handle and supervise this matter to insure that the Clerk's fingerprints were not placed on the evidence. If approved, to be handled by the Administrative Division.

9: ~~XXXXXXXXXX~~ (Nonveteran), Domestic Intelligence Division - Censure for not exercising sufficient imagination and foresight to initiate action to have Security Index material disseminated to Secret Service. If approved, to be handled by the Administrative Division.

10. ~~REDACTED~~ (Nonveteran) - Censure for his over-all responsibility in this entire matter. If approved, to be handled by the Administrative Division.

Memo for Mr. Tolson
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11. [REDACTED] (Nonveteran), Domestic Intelligence Division - Censure, probation, removal from supervisory duty, demoted from GS-14 to GS-13, and transfer to the field for failing to take action on CIA teletype 10/10/63; failing to completely review file until after assassination; failing to instruct field to press more vigorously after subject made contact with Soviet Embassy, Mexico, and failure to have subject placed on Security Index. If approved, to be handled by the Administrative Division.

*Suggest no demotion.
Since we are not demoting
veteran. J.M.*

*Thompson
J.M.
J.D.
J.B.*

12. No action is being recommended against [REDACTED] because he retired as of 5/1/63 which retirement was brought about by his transfer to Springfield as a result of this case. (Transferred 4/10/64).

J.M.

*OK
J*

13. No further action being recommended concerning [REDACTED]

who were in charge of the Dallas Office during the pertinent period as they have previously been censured for their over-all responsibility and did not personally see or handle the investigation as it developed prior to assassination. The primary responsibility for the investigative delinquencies rests with the investigating Agents as well as field and Seat of Government supervisors. Also, no action be taken against [REDACTED], Dallas, for having his fingerprints on the cartons as it is felt this was primary fault of the Agent for not properly overseeing this important assignment.

J.M.

OK

14. Action with respect to determining if changes Director ordered in dissenting material concerning Security Index subjects and defectors to Secret Service were put into effect and are being handled separately as is inquiry re status of new criteria of Secret Service concerning information to be furnished them. Also being handled separately is determining whether Security Index sufficiently liberal so as to insure Secret Service receiving names of all individuals who may present a danger to President.

J.M.

*Bureau
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- 9 -

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15. No further action is being recommended concerning Special Agents ~~_____~~ in New York inasmuch as they were previously censured concerning this matter and they were merely disseminating information from a "~~_____~~" where they obtained and photographed approximately 200 pieces of information. Oswald's name had no significance to processing Agent and he processed patently urgent material first. This information obtained by New York on 4/21/63 sent to Dallas 6/27/63 and Hosty did not report same to Bureau until 9/10/63. Hosty previously admitted "possibly" would have been better to have reported earlier. The New York delay did not affect the merits of the investigation.

It is noted that SAs Hosty, ~~_____~~ are veterans with more than a year of Bureau service. Accordingly, they should be entitled to 30 days' written notice in the event they should be involuntarily separated, reduced in grade or salary or suspended for more than 30 days. They would also have a right of appeal to the Civil Service Commission for any of these actions.

Enclosures: Attached hereto is memorandum J. H. Gale to Mr. Tolson dated December 10, 1963 re Lee Harvey Oswald reflecting previous inquiry and action taken.

Memoranda to SAC, Dallas, dated September 29, 1964, ~~_____~~

PERSONNEL BRIEFS OF HOSTY, ~~_____~~

- 10 -

from 52 pgs

Bureau
Personnel

Mr. GENZMAN. Mr. Gale, can you identify, JFK exhibit F-461, Mr. GALE. Yes; JFK F-461 is a memorandum from me to Mr. Tolson dated September 30, 1964.

Mr. GENZMAN. What is the subject of that memorandum?

Mr. GALE. It is captioned "Shortcomings in Handling Lee Harvey Oswald Matter by FBI Personnel."

Mr. GENZMAN. Why did you write this report?

Mr. GALE. I wrote this report because Mr. Hoover had noted that he wanted this matter carefully reviewed insofar as it pertains to FBI shortcomings by Gale. He said that the Warren Commission report tears us to pieces.

He also wanted a memorandum as to what had been done to plug our gaps, and he also wanted to make certain that we check and make certain that proper disciplinary action had been taken against those responsible for derelictions charged to us.

Mr. GENZMAN. Were you just now reading from the first paragraph of this report?

Mr. GALE. Yes, sir.

Mr. GENZMAN. I direct your attention to the bottom paragraph at page 5. Would you read the first two sentences?

Mr. GALE [reading]:

We previously took administrative action against those responsible for the investigative shortcomings in this case, some of which were brought out by the Commission. It is felt that it is appropriate at this time to consider further administrative actions against those primarily culpable for the derelictions in this case, which have now had the effect of publicly embarrassing the Bureau.

Mr. GENZMAN. What conclusion did you reach concerning the testimony of FBI witnesses before the Warren Commission?

Mr. GALE. The conclusion reached by me was that some of this testimony was not adequately handled. We felt that they were testifying in too flamboyant a fashion and were not confining themselves to the facts and testifying the way they were supposed to as FBI personnel.

Mr. GENZMAN. Directing your attention to page 5, would you read in the middle of the page the three sentences beginning with "The Bureau"?

Mr. GALE [reading]:

The Bureau by letter to the Commission, indicated that the facts did not warrant placing a stop on the passport as our investigation disclosed no evidence that Oswald was acting under the instructions of or on behalf of any foreign government or instrumentality thereof. Inspector feels that it was proper at that time to take this public position. However, it is felt that with Oswald's background we should have had a stop on his passport, particularly since we did not definitely know whether or not he had any intelligence assignments at that time.

Mr. GENZMAN. Why was this public position taken?

Mr. GALE. I don't know. I didn't write that particular letter to the Commission. However, I might say that in analyzing this, this was not something that was black and white. Whether or not we should have had the passport or the stop on his passport was subject to interpretation. In other words, there were shades of gray involved here and apparently those that wrote the letter to the Commission took a different view than I took, and I felt that there should have been a stop placed on that, but apparently the people who wrote the letter to the Commission did not feel that there was a—did not warrant placing a stop on his passport when they sent

that to the Commission, the same as they felt that, I guess, that it was not proper to have him on the security index, and I differed and I felt that he should be on the security index.

Mr. GENZMAN. Would you reread the last sentence of that paragraph?

Mr. GALE [reading]:

However, it is felt that with Oswald's background we should have had a stop on his passport, particularly since we did not know definitely whether or not he had any intelligence assignments at that time.

Mr. GENZMAN. Mr. Gale, according to some individuals, this sentence implies that the FBI did at some point determine that Oswald had connections with some U.S. intelligence agency.

Mr. GALE. That is not what I meant. What I meant in writing that sentence was that we did not know definitely whether he had any intelligence assignments at that time, but I felt in my mind that he possibly could have had intelligence assignments based on his Russian background, his defection to Russia, and the fact that he would not take the polygraph examination, and also because of his activities with the Fair Play for Cuba Committee. However, I had no concrete information to establish any of those possibilities.

Mr. GENZMAN. Thank you.

As a result of your memorandum were additional disciplinary actions taken against various agents?

Mr. GALE. Yes, they were. I want to say at this time that disciplinary action was not unusual in the Bureau. As I said before, I had the responsibility, and inspectors before me had the responsibility, of making inspections of the field as well as the seat of government, and where investigative shortcomings were found, in almost every inspection that was made, there would be administrative action taken against agents in the field or at the seat of government, and very seldom did any inspection go by whereby some administrative action was not taken.

Mr. GENZMAN. Mr. Gale, was there every any internal inspection of the Bureau's investigation of the assassination of President Kennedy?

Mr. GALE. No; I was never called upon to make any investigation of the Bureau's investigation of President Kennedy. All of my investigation here was confined to the presecurity investigation of Mr. Oswald and I conducted no investigation of anything that was done insofar as the investigation of the assassination.

Mr. GENZMAN. Thank you, Mr. Gale.

Mr. Chairman, I have no further questions.

Chairman STOKES. Thank you, counsel.

At this point, the Chair will yield himself such time as he may consume, after which we will operate under the 5-minute rule.

Mr. Gale, I understand you to say that disciplinary action within the Bureau was not unusual?

Mr. GALE. No; it was not.

Chairman STOKES. And would disciplinary action always be taken for, what you have described here today, as deficiencies?

Mr. GALE. Sometimes. We had a rule in the FBI, Mr. Chairman, and some of the orders of censure that were sent out in this case, we had a rule that all leads had to be covered in 30 days and a report had to be submitted in 45 days.

Now, this particular investigation, a number of instances, as I recall, were not handled properly. It was not obeyed.

Chairman STOKES. How much time did you devote to the investigation that you made that resulted in your report finding these deficiencies?

Mr. GALE. I can't recall exactly, but it must have been approximately 1½ or 2 weeks.

Chairman STOKES. I see. You have made some mention of agents being flamboyant and not—let's see what language you used—not acting as FBI agents should, or testifying as they should.

Tell us what you mean by that?

Mr. GALE. The memorandum reflects that one of the agents testified that conditions in the Dallas police station at the time of detention and interrogation of Oswald were not too much unlike Grand Central Station at rush hour, maybe like Yankee Stadium during the World Series games, and I said it was questionable whether the agent would have described in such an editorialized and flamboyant manner, but rather should have indicated conditions were crowded and if called upon to give an estimate of how many people were located therein to give such an estimate.

Chairman STOKES. Now, can you tell us, Mr. Gale, having conducted this investigation, and having made the kind of findings that you made here, and the conclusions which appear in your report, tell us why these type of deficiencies occurred, how did this type of thing come about?

Mr. GALE. Well, of course, they gave explanations. The agents in their expansions said it was due to the pressure of other work, and so forth.

I might say that, in the light of Presidential assassination, if you were to take any investigation, and a lot of investigations and scrutinize them, you would find errors in them that you wouldn't ordinarily find unless you scrutinized them so carefully.

Chairman STOKES. Did any of the deficiencies come about as a result of a man just disregarding rules and regulations of the Department?

Mr. GALE. Of course, these rules, the 45th day reporting deadline, for example, the 30-day investigative coverage deadline, were disregarded. Also we felt that good judgment was not used in a number of instances in the failure to take prompt investigative action after they had received information. Of course, I cited that in this memorandum that I wrote.

Chairman STOKES. When disciplinary action of this type is taken, does news of that spread throughout the Department pretty rapidly?

Mr. GALE. Sometimes it did and sometimes it didn't. It all depends on what it was. The Bureau, as I indicated before, Mr. Chairman, took disciplinary action with considerable regularity over violations of rules and regulations, over investigative delinquencies, and scarcely any inspection went by without our taking some sort of administrative action against somebody for not doing what we felt should have been done.

We felt, Mr. Hoover felt, and no one likes to be inspected, I might add. I was a clerk, I was an agent, I was assistant agent in charge and a special agent in charge. At no time did I ever relish

being inspected. However, the inspection system, I feel, and even though I disliked being inspected, and when I no longer was an inspector I was in charge of a division, I didn't like being inspected then either.

Nevertheless, it was a catalyst that made the FBI at that time a highly efficient organization because it made you go to that extra step. Rather than go home maybe at 6 o'clock at night, you would stay until 8 o'clock at night to do what you should have done in order to achieve a high degree of efficiency.

Chairman STOKES. Well, would it also be fair to say that no one likes being disciplined?

Mr. GALE. That is exactly right.

Chairman STOKES. And had it not been for your inspection, many of the things which you brought out, perhaps would have never been brought out, relative to deficiencies, isn't that true?

Mr. GALE. They might have been brought out on another inspection. In other words, a routine inspection. If someone picked up this file, if I pick up the file on a routine inspection I am sure I would have picked up some of the same deficiencies. But, of course, you couldn't review ever single file in the FBI. It was a random thing.

Chairman STOKES. Couldn't some of these deficiencies have been detected or picked up by those in a supervisory position over those men?

Mr. GALE. Absolutely. That is why they were disciplined, for not picking them up.

Chairman STOKES. And wouldn't you say that Mr. Hoover was feared by the men in the Department?

Mr. GALE. No; I would say he was respected by the men.

Chairman STOKES. Well, in the field?

Mr. GALE. In the field, I would say that they had a degree of reverence for him when I was there.

Chairman STOKES. But didn't he also have a reputation for being able to bring down his wrath upon anyone whom he felt did not perform in a certain way?

Mr. GALE. Mr. Hoover was a perfectionist. He demanded a very high degree of performance and it was always my contention that if you demand an average performance you will probably get a degree of mediocrity. Mr. Hoover demanded perfection. He never got perfection but he got excellence, and if he had only expected something to be average, he would have gotten mediocrity.

Chairman STOKES. And where he did not get the standard of perfection that he demanded, he dealt with that in a very wrathful manner?

Mr. GALE. He dealt with it in a firm but fair manner. You knew what you were going to get if you didn't do your work right. You knew precisely. The word was around. The agents knew very well from training school on that if they did not handle their investigations in an efficient manner that their promotions would be denied and that they would not receive salary increases, and so forth, which I think is entirely proper. I don't think that those individuals who were not doing their work properly should be given promotions and get salary increases and so forth.

Chairman STOKES. Now, your finding that Oswald had not been placed on the security index was an important finding, was it not?

Mr. GALE. It was. I felt all the findings were important, but that was one of the important findings.

Chairman STOKES. One of the more important ones, I would say.

How would that have changed Dallas, had he been placed on the security index?

Mr. GALE. In my opinion, it would not have changed Dallas at all.

Chairman STOKES. What is the relative importance of it?

Mr. GALE. Because we had a criteria that individuals of this type should have been placed on the security index and, therefore, the agents and employees handling that should have complied with that.

Chairman STOKES. Then had he been on the security index, in your opinion, the Secret Service or no other agency would have looked at him differently in Dallas at that time?

Mr. GALE. I don't think so. We had an awful lot of people on the security index. I don't believe that would have looked at him any differently.

Chairman STOKES. Do we still utilize the security index today?

Mr. GALE. I understand that we do. I don't know. I have been retired for a period of 7 years.

Chairman STOKES. During the course of your investigation of the assassination, did you find any evidence that Oswald had been an FBI informant?

Mr. GALE. Absolutely not. I had all the files pulled on Mr. Oswald when I made my inquiry and I received no files indicating that he had been an informant. If, of course, I had, I would have taken an entirely different attack on this thing.

Chairman STOKES. I see. So the bottom line is that you have no information?

Mr. GALE. Absolutely none of it.

Chairman STOKES. All right. Now, did you come to find out about the threatening note that Oswald had left at the Dallas FBI office?

Mr. GALE. Only after I had left the FBI and I was interrogated about that by an assistant director in my law office.

Chairman STOKES. Now, was James Hosty one of the men that you recommended disciplinary action on?

Mr. GALE. Yes; he was.

Chairman STOKES. Tell us why.

Mr. GALE. I don't recall offhand. I would have to look at this report. For certain investigative and reporting delinquencies, I believe, the late reporting, failure to put subject on the security index. The report states:

For holding, for failure, including the earlier interview of Oswald's wife, for holding investigation in abeyance after being in receipt of information that subject had been in contact with the Soviet Embassy in Mexico City.

Chairman STOKES. Now, I suppose these findings came about as a direct result of direct contact you had with Hosty himself?

Mr. GALE. No, that wasn't how it was done in the Bureau. Almost on a daily basis, every couple of days anyhow, almost all field offices would receive communications from the headquarters asking for explanations. They would come by teletype or else by

airtel, and they would ask for explanations from the agent as to his investigative shortcomings.

They would send back an explanation to the headquarters. It would go to the individual investigative division. Many times the divisions themselves would raise the question. Other times Mr. Hoover would raise the question on an investigation. Why wasn't this done, why wasn't that done, why didn't we do it this way, why did we do it that way.

A teletype would go out to the field or a telephone call would go out to the field, explanations would be required. And in this instance, if I recall correctly, to the best of my recollection, I either telephoned the agent in charge in Dallas or else I sent a teletype out, I am not sure which, or airtel, probably a telephone call or teletype, asking for certain explanations as to how this case was handled. Thereafter memoranda came in to me and the memoranda reflected what the agent said in his defense.

I asked him for explanation as to why he wouldn't do this and why he did that and why he did the other thing. That was the usual inspection procedure, and all matters of that type we would write up the matter itself, set forth what we felt were delinquencies, and ask for a written explanation. Very seldom was the agent ever interviewed in a situation like this personally.

Chairman STOKES. Well, now, you seem to have found Hosty deficient in several areas, then, as a result of the reports that came in to you?

Mr. GALE. Yes sir.

Chairman STOKES. And when did you learn of the note that had been left for Hosty in the Dallas field office.

Mr. GALE. I only learned of that after I had been retired about 4 years.

Chairman STOKES. Had you learned about such a note, what would have been your reaction to that during the course of your investigation?

Mr. GALE. If I had learned that a note had been left and that nothing had been done with it, or what is the question?

Chairman STOKES. That it had been destroyed.

Mr. GALE. If I had learned that a note had been left and it had been destroyed I would have certainly made an inquiry as to the whys and wherefores and who had been responsible for destruction of it.

Chairman STOKES. Would you have probably at that point also talked directly with that agent?

Mr. GALE. No; I probably would not. Very seldom did an official from the headquarters talk to an agent in the field. We dealt with them through their supervisors or through the agent in charge. We very seldom dealt directly with the agent.

Chairman STOKES. I see. Thank you. I have no further questions. The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Thank you, Mr. Chairman.

Mr. Gale, I want to clarify one thing before I go to the questions I have, and that pertains to JFK exhibit F-460 and not the report that you sent, but a memorandum from you to Mr. Tolson, I believe.

I understand the heading is correct. In any case, it is dated December 10, 1963, and the memorandum also carries in the blank following it between the dates, D. C. DeLoach. Do you have that with you?

Mr. GALE. Yes sir.

Mr. FITHIAN. It is page 11 of your document.

Now, I draw your attention to the last paragraph. Can you tell me something about that, the one that starts: "It is significant to note"?

Mr. GALE. I am not sure I read the same thing that you are, Congressman.

Mr. FITHIAN. Would counsel assist us a little bit?

Mr. GENZMAN. Mr. Gale—

Mr. GALE. My copy here is very bad. That is why I am having a problem with reading it.

Mr. GENZMAN. On page 11 of your December 10, 1963 report there is an addendum with the initials A. H. B., signifying Alan Belmont?

Mr. GALE. Yes.

Mr. GENZMAN. Do you see that paragraph?

Mr. GALE. Yes, I see it here, right.

Mr. FITHIAN. Just read over that last paragraph.

Mr. GALE [reading]:

It is significant to note that all of the supervisors and officials who came into contact with this case at the seat of government, as well as agents in the field, are unanimous in the opinion that Oswald did not meet the criteria for the security index. If this is so, it would appear that the criteria are not sufficiently specific to include a case such as Oswald, and rather than take the position that all these employees were mistaken in their judgment the criteria should be changed. This has now been recommended by Assistant Director Gale.

Mr. FITHIAN. What does that mean?

Mr. GALE. Well, that meant that the other people did not agree with the fact that the security index did not—that Oswald met the security index, and Mr. Belmont took the position that rather than saying all of these employees were mistaken in their judgment, the criteria should be changed. Mr. Hoover took the position that they were more than mistaken.

Mr. FITHIAN. So, if I interpret this correctly, it is the people who are being disciplined, it is their collective judgment that Oswald did not qualify?

Mr. GALE. That was not unusual. Most people being disciplined took the collective judgment that the inspector was wrong.

Mr. FITHIAN. I suspected as much.

Do they usually go so far as putting that in writing?

Mr. GALE. Mr. Belmont was a high official and, therefore, he had that prerogative.

Mr. FITHIAN. So his putting this in writing in a memo is not unusual?

Mr. GALE. No. I reported directly to Mr. Tolson and Mr. Hoover, and so did he.

Mr. FITHIAN. I direct your attention to the last sentence, "This has now been recommended by Assistant Director Gale."

Mr. GALE. Right.

Mr. FITHIAN. Does that mean that you recommended that the security index criteria be expanded, or that you recommended and concurred with that whole paragraph?

Mr. GALE. That does not mean that I recommended and concurred with the whole paragraph. I recommended that if they want to change, let them go ahead and change it, if they felt it should be changed.

Mr. FITHIAN. You held to your feeling that the discipline should go forth?

Mr. GALE. Yes, sir.

Mr. FITHIAN. Is that correct?

Mr. GALE. Yes.

Mr. FITHIAN. Now, you are something of an expert on discipline, obviously, in inspections and infractions of the rules in the FBI. What did you hope to achieve by this sort of collective disciplining of everybody who might have made another judgment in the preassassination handling of Oswald?

Mr. GALE. Let me point this out. That I wasn't necessarily an expert on discipline or an ogre in the Bureau. I was merely fulfilling the responsibilities—

Mr. FITHIAN. I understand that.

Mr. GALE [continuing]. That I had and that many others who held the same job before and since did in the same fashion what the Inspection Division hoped to achieve and, of course, as I said before, no one liked to mete out discipline. I do not get any pleasure out of meting out discipline, and I am sure Mr. Hoover did not either. I would much rather give an agent commendations. On the other side of the coin, inspectors on occasion would pick up an investigation and find that it was particularly well done and commend the agents or recommend the agents or recommend them for an incentive award. So this was a double-edged sword. We weren't just meting out discipline, we were also recognizing superior performance.

Mr. FITHIAN. I understand that and I apologize for the lack of clarity of my question.

Chairman STOKES. Time of the gentleman has expired.

The gentleman from Ohio, Mr. Devine.

Mr. DEVINE. And the Inspection Division is not necessarily a new division, it wasn't organized following the Kennedy assassination, was it?

Mr. GALE. No, it was not; it has been in existence since Mr. Hoover took over the FBI and, of course, the reason, one of the reasons that he put the Inspection Division in the FBI was because when he took it over it was in such a terrible state of disarray with crooks and so forth permeating its ranks.

Mr. DEVINE. That dates back to 1924?

Mr. GALE. That is right.

Mr. DEVINE. Mr. Gale, I think you earlier stated that the Director sought perfection and demanded excellence among the agents, and those that failed to measure up to those standards or for one reason or another didn't reach that pinnacle faced disciplinary action; is that correct?

Mr. GALE. If their performance was bad enough, yes.

Mr. DEVINE. Back in my day and I think it continued through your day and probably still yet, you were either censured or reduced in salary and transferred to a much less desirable office.

Mr. GALE. That is correct.

Mr. DEVINE. I know in my time if a fellow was in Miami, he would probably be transferred to Butte, or if he was in Los Angeles, he would go to Sioux Falls.

Mr. GALE. That is right.

Mr. DEVINE. This was part of the overall disciplinary action that was followed back in those days and continued through the Kennedy assassination disciplinary action into today.

Mr. GALE. That is correct.

Mr. DEVINE. So the thing I am trying to bring out is the fact that disciplinary action was taken in this major case, it was not unusual as it relates to any major case, if there were what you as an inspector considered a dereliction of duty?

Mr. GALE. That is exactly right. That is what I was trying to point out insofar as the field inspections we made in the field offices. There was scarcely a field office inspection that went by without somebody not being disciplined as a result of some error in judgment or some violation of the investigative rules or reporting rules. It was not at all unusual.

Mr. DEVINE. Thank you, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Michigan, Mr. Sawyer.

Mr. SAWYER. What happens when somebody is put on the security index; what does that do?

Mr. GALE. It doesn't do much of anything until Congress and the President, in a national emergency would declare a national emergency, and in World War II I can tell what it did. The President and Congress decreed that the individuals on the security index should be detained, and they were detained, picked up for custodial detention at that time, and there were hearings held.

Mr. SAWYER. If a President, let's say, is going to visit an area, such as Dallas in this case, would anybody check the security list for people who were on it in that area?

Mr. GALE. I don't know what was done in that regard. That was not in my particular sphere of expertise, so I don't know.

Mr. SAWYER. You actually don't even know that, whether they do or not?

Mr. GALE. I don't know whether they do it now, I don't know whether they did it then.

Mr. SAWYER. So then whether somebody goes on the security index is just kind of put in the bank against a national emergency or something, and nothing happens, the person isn't—

Mr. GALE. Right. In case we have a national emergency tomorrow, if they weren't on the security index, certain investigative actions would not be taken against them, and it is possible that they could do great damage because they would not be receiving investigative scrutiny in a national emergency and, of course, nobody knows when a national emergency is going to occur.

Mr. SAWYER. But no reference was ever made to the security index absent a national emergency, it was just filed away, nothing was done with—

Mr. GALE. There were certain investigative, as I recall, there were certain investigative requirements if you were on the security index, where they took investigative steps periodically to see where you were and what you were doing. You weren't left in a dormant status. They would keep better track of your activities if you were on the security index than if you were not.

Mr. SAWYER. If I understand you to say before nothing happened, when you went on the security index, I misunderstood, there is a surveillance followup?

Mr. GALE. I told you before, I was not assigned to the Domestic Intelligence Division, my primary background in the FBI was in the criminal field, and I frankly am not the person to be talking insofar as the security index is concerned. I don't have any great expertise in that.

Mr. SAWYER. I am not asking you for great expertise. You spent 32 years in the Bureau. Certainly you can't sit there and tell me you don't know what happens when somebody is on the security index. Are you telling me that?

Mr. GALE. I just told you what happened when they were on the security index. I told you that in the event of a national emergency some action would be taken against them.

I also told you that periodically their cases would be reviewed if they were on the security index. So I did not tell you I did not know anything about it. I told you that when it came down to the fine technicalities of the security index there were others who were more qualified than I to testify about that.

Mr. SAWYER. How often would they be checked if they were——

Mr. GALE. I don't know.

Mr. SAWYER. You don't know?

Mr. GALE. No.

Mr. SAWYER. Would it be as often as once a year?

Mr. GALE. Possibly. I don't know. I think maybe it might have been. I have forgotten since I have been out 15 years, and frankly, I don't remember how often we checked them at that time.

Mr. SAWYER. You said something about checking where they are located. Were they kept track of as to location?

Mr. GALE. I don't recall the details at this time as to how we did that.

Mr. SAWYER. But do you know whether you did that or not?

Mr. GALE. I think we did. To the best of my recollection, I think that was done.

Mr. SAWYER. And you wouldn't have any knowledge as to whether people like the Secret Service would check on people in the localities who were on the security index?

Mr. GALE. I don't know what procedure they were following after the assassination. I can't recall at this time the recommendations that I made. I don't have any memoranda in front of me concerning that. I know I made another inquiry concerning the security index and those procedures, but I have forgotten that now in the 15 years that have elapsed.

Mr. SAWYER. Would they have or would the Secret Service have access to the security index?

Mr. GALE. I don't know whether they would or not.

Mr. SAWYER. Was it disseminated outside of the FBI, or was that something strictly internal in the FBI, the security index?

Mr. GALE. I think it would be disseminated to the Department of Justice, too, I don't recall.

Mr. SAWYER. You don't know whether the Secret Service would have access?

Mr. GALE. I don't recall.

Mr. SAWYER. Thank you.

I have nothing further, Mr. Chairman.

Chairman STOKES. Time of the gentleman has expired.

The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Thank you, Mr. Chairman.

What did you hope to achieve by recommending the disciplining of these 17 people?

Mr. GALE. As I indicated before, disciplinary action was recommended against Bureau personnel from time to time in order to achieve a higher standard of performance in the organization.

Mr. FITHIAN. It had nothing to do—

Mr. GALE. I know from my own experience the fact that disciplinary action was taken for mistakes and for shortcomings made you work harder and made you do the job better because you did not want to be the subject of discipline.

Mr. FITHIAN. Well, I have conducted a few Navy inspections myself, so I understand that part of the philosophy. My basic question drives to the question as to whether or not you thought that by recommending these disciplinary actions the Bureau would in some way look in a better light with regard to its conduct of the post-assassination handling of Oswald?

Mr. GALE. I don't feel that this had anything to do with the post-investigative handling of Oswald.

Mr. FITHIAN. Thank you.

Do you have any idea how many people would have been on the security index in Dallas?

Mr. GALE. No, I have no idea.

Mr. FITHIAN. I asked Mr. Malley earlier this morning about some other kinds of infractions which seemed more serious than the ones you recommended discipline for.

What would you have recommended, had you conducted an investigation and found that a subordinate had concealed from his superior certain pertinent evidence?

Mr. GALE. I have no idea what I would have recommended at this stage of the game. That is a highly speculative question, I think.

Mr. FITHIAN. In all of your inspections—

Mr. GALE. I am sitting here in 1978 and you are asking me what I would have recommended in 1963.

Mr. FITHIAN. I understand that. You had some standards for inspection, didn't you?

Mr. GALE. Of course we had standards, yes sir.

Mr. FITHIAN. In your inspections, in any inspection you ever covered, did you ever uncover a situation in which a subordinate had intentionally concealed from his superior any pertinent evidence?

Mr. GALE. I don't recall anything like that.

Mr. FITHIAN. And did you ever uncover in any inspection you conducted a situation where anyone had destroyed evidence?

Mr. GALE. No, I don't recall ever discovering in any inspection that I conducted anything where anybody destroyed any evidence.

Mr. FITHIAN. And did you ever discover a case where an FBI employee's personnel had altered evidence?

Mr. GALE. I have no recollection of ever discovering anything like that in any of my inspections.

Mr. FITHIAN. So that if you never discovered that in all of your inspections, may we now, 15 years later, say that any one of those actions would be considered very serious?

Mr. GALE. I would say yes.

Mr. FITHIAN. And would we conclude properly that some kind of significant discipline might be in order?

Mr. GALE. Yes, I would say so.

Mr. FITHIAN. Mr. Gale, you are generally familiar with the policies followed by the FBI, aren't you, with regard to the dissemination of information contained in the FBI security index?

Mr. GALE. No, I am not too familiar with that at this time. I do not recall that at this time, I said before.

Mr. FITHIAN. Do you know whether it was the policy of the FBI to share the information contained on the security index with any other Federal agency?

Mr. GALE. I don't recall that offhand, no.

Mr. FITHIAN. You don't know whether it would have been policy to share that with the Secret Service?

Mr. GALE. I don't have any present recollection of that.

Mr. FITHIAN. Is it your judgment that the FBI should have shared that information with the Secret Service when the President was going to Dallas, or at any other time?

Mr. GALE. I think that there should be a free exchange of information between the FBI and the Secret Service concerning any individuals who have a subversive background. I believe that is being done now.

Mr. FITHIAN. So it would not surprise you then that the Secret Service felt that it should have indeed had that information from the FBI?

Mr. GALE. I wouldn't know what the Secret Service would be surprised at or what they wouldn't be surprised at.

Mr. FITHIAN. I have no further questions, Mr. Chairman.

Chairman STOKES. Mr. Gale, is it not conceivable that when we take the deficiencies that you found relating to Oswald, and in particular the deficiencies surrounding the deficient manner in which James Hosty treated the Oswald case, is it not conceivable that had he been handled in accordance with the rules and regulations that Oswald would have been then known he was under close surveillance by the FBI and, therefore, that might have been a deterrent to his actions in Dallas on November 22, 1963?

Is that not conceivable?

Mr. GALE. Well, of course, anything is conceivable, Mr. Chairman, and I think that is strictly speculative as to whether or not that would have taken place. I don't know whether the investigative deficiencies here would have caused him to reach that conclusion or not, because undoubtedly one of the things that you are

doing in making an investigation is trying to handle it in such a way that the person does not know that he is under such intensive scrutiny, and most of the investigations of subversives are done in a manner whereby you do not place them under close surveillance or don't let them know that they are under investigation. You are not advertising to people you have under investigation that they are under investigation.

Chairman STOKES. Yes, but according to Hosty, he said he was waiting until a certain time had elapsed after the beating or whipping, or something.

Mr. GALE. Of his wife.

Chairman STOKES. His wife, before he would contact him further. It is just conceivable to me and since you felt that was improper action, did you not?

Mr. GALE. Yes.

Chairman STOKES. You felt the proper time to have talked with Marina was when she was angry.

Mr. GALE. Yes.

Chairman STOKES. With Oswald, and she might have told them something of value; isn't that true?

Mr. GALE. If they knew anything about it. Whatever she knew, she might have told them, yes.

Chairman STOKES. Whatever she knew, she would have told them, and that is what you felt should have been done?

Mr. GALE. Right.

Chairman STOKES. Is it not also conceivable that had Hosty done his job properly, he would have been able to advise the Secret Service that Oswald was working at the Texas Book Depository which was on the direct parade route.

Mr. GALE. I don't know whether he would have done that. Just the fact that he would have discovered that, I don't know whether he would have advised them of that or not. I don't know what he would have done. In other words, I am not the proper person, I don't think, to ask what Hosty would have done.

Chairman STOKES. You see, I don't think we are dealing entirely in speculative matters because, as a result of J. Edgar Hoover feeling that the FBI had not performed their responsibilities properly, he sent you in and gave you the direct responsibility of ascertaining whether or not they had done their job properly.

Mr. GALE. Correct.

Chairman STOKES. Pursuant to his direction, you investigated, found deficiencies, reported them back to the Director and then your recommendations relative to censure were carried out; isn't that correct?

Mr. GALE. That's right.

Chairman STOKES. So, then the purpose, it would seem to me, of his having taken that action and your having taken your action, was for the purpose of saying what had been done improperly and if it had not been done in this way, things might have been different.

Mr. GALE. No, I don't think that is what we were saying because I reached a conclusion that even if the investigative shortcomings and reporting shortcomings, which I had found, had been carried

out that it would not have made any difference in Dallas. That was my conclusion. That is still my conclusion.

What we were trying to do here was to insure that agents throughout the Bureau and these agents did not make similar mistakes in the future.

Chairman STOKES. Well, then, how do you come to the conclusion that if the Bureau had performed on par with the excellence demanded by the Director that this still would have occurred? I don't understand how you arrive at that conclusion.

Mr. GALE. Of course, if Hosty knew that Oswald was going to go to the book building with a gun, naturally, he would have advised Secret Service. But he didn't know that. We are sitting back here after the fact and it is much easier to see what you would have done after the fact than it is before the fact.

I frankly do not feel that these investigative shortcomings play any part in the Dallas assassination. They were investigative errors—if we felt they had played a part in that, believe me, the disciplinary action would have been much stronger.

Chairman STOKES. Isn't it conceivable that if they had talked with Marina, when they should have talked with Marina, they might have found out that he had shot at General Walker.

Mr. GALE. I don't know what she would have told him.

Chairman STOKES. But it is conceivable, isn't it?

Mr. GALE. Anything is conceivable.

Chairman STOKES. Thank you. The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Thank you, Mr. Chairman. I want to go back to one part of your testimony earlier today where you stated there was no stop put on Oswald's passport; isn't that what you said?

Mr. GALE. Yes.

Mr. FITHIAN. If there had been any suspicion of Oswald somehow being associated with foreign intelligence ties, would that have altered the recommendation on putting a stop on the passport?

Mr. GALE. Yes. Of course, I thought there should have been a stop placed on the passport anyhow.

Mr. FITHIAN. I am sorry.

Mr. GALE. I felt there should have been a stop placed on the passport anyhow.

Mr. FITHIAN. It certainly would have increased the probability they would have put a stop on his passport if they had any thoughts he was somehow associated with either Russia or Cuba, right?

Mr. GALE. Yes, I would think so.

Mr. FITHIAN. What effect would any information that he had ties, let's say, to our own domestic intelligence system, what effect would that have had on your recommendation?

Mr. GALE. Well, that never crossed my mind in any way, shape, manner or form.

Mr. FITHIAN. But it would be kind of inverse of the other?

Mr. GALE. The fact that he would have any ties to any of our domestic intelligence or—of course, I would have known if he had been a Bureau informant because I had that information from the files. But if I had any idea that he had been with any other

agency—I had no idea, it never crossed my mind he possibly would be involved in that and I still don't think he was.

Mr. FITHIAN. One last question, Mr. Chairman. Mr. Gale, are you satisfied with the post-assassination handling of the investigation by the FBI? Basically, we have concentrated on sort of pre-handling of Oswald.

Mr. GALE. I had nothing to do with the post-investigative assassination, whatsoever. I was still assigned to that when Mr. Malley completed that investigation. I was still assigned to the Inspection Division and at no time did Mr. Hoover ever ask me to make any inquiry concerning the post-assassination of Oswald and so, therefore, I was occupied doing other things with regard to my responsibilities as assistant director in charge of the Inspection Division and did not again come in contact with the investigation of the Oswald matter after I had completed this.

Mr. FITHIAN. And have not given any more thought to it?

Mr. GALE. Not particularly.

Mr. FITHIAN. Thank you, Mr. Chairman.

Mr. GALE. I have not read the reports. I have not read the reports that Mr. Malley wrote. I did not read any memorandum. I read certain newspaper accounts, of course. I followed the Oswald and Ruby matter, but from the standpoint of official memorandum, I was not reading that at the time. I had no official interest in that.

Mr. FITHIAN. And before we close, would you repeat for me why you were dissatisfied with Hosty's performance in Dallas? I know what it says in the report. We have gone over that.

Mr. GALE. That's why.

Mr. FITHIAN. Is that it, the whole 9 yards?

Mr. GALE. That is as much as I can recall now. I only can recall why I was dissatisfied with anybody's performance at this point from reviewing the record. I certainly have no personal recollection of anything like this as to an individual agent as to why a certain course of action was taken against him 15 years later.

Mr. FITHIAN. What I am saying is, does your written recommendation reflect your total thinking on Hosty's performance at that time?

Mr. GALE. There possibly—at the time? To the best of my recollection, yes.

Mr. FITHIAN. And you started to say something else.

Mr. GALE. It is possible there is some memoranda, other memoranda in the file concerning this, I don't know. There must be some explanations from him, and I don't know if there is something else written by me or not. All I know right now is what I have here in front of me. That is all I recall about the matter. If there is anything else in the file, it could possibly refresh my recollection, but I don't have any recollection of this other than what I have here.

Mr. FITHIAN. I have no further questions, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired. The gentleman from Michigan, Mr. Sawyer.

Mr. SAWYER. I am a little puzzled, as I understand your testimony, that these deficiencies in the pre-assassination investigation had really nothing to do with the ensuing result in Dallas.

Mr. GALE. I didn't think so; no, sir.

Mr. SAWYER. And yet, your report devotes itself to some speculation whether the administrative punishment ought to be withheld because it might get to the Warren Commission or whether you should go ahead because the subpoenas probably wouldn't reach down to the agent level and, therefore, they wouldn't find out about it.

If it had nothing to do with the result in Dallas, why were you so concerned about the Warren Commission finding out about it since that was all they were concerned with?

Mr. GALE. I wasn't particularly concerned about it. There were other officials who were concerned about the administrative action being made public, I think, and embarrassing the Bureau.

Mr. SAWYER. You make mention in your recommending or suggesting you go ahead with it, you say the subpoenas of the Warren Commission probably would not reach down to the agent level.

So, apparently, you were concerned, or——

Mr. GALE. I didn't feel it would and I didn't particularly care if it did. I felt the administrative action should go forward and so did Mr. Hoover. No matter who found out about it, I thought the chips should fall where they may, no matter who found out about it.

Mr. SAWYER. Yes, but you were saying they probably wouldn't find out about it which was an argument in favor of going ahead.

Mr. GALE. That is exactly right, because there were others who were opposed to it.

Mr. SAWYER. So, why would it be an argument of going ahead or not going ahead if it had nothing to do with the result in Dallas.

Mr. GALE. Because there were others in the Bureau who were opposed to that.

Mr. SAWYER. Well, then, they apparently felt differently than you did about whether it would have affected the results in Dallas; is that correct?

Mr. GALE. I don't think so. They may have felt the Warren Commission should not have had it because they didn't want it to become public at that time. They were concerned about adverse publicity insofar as our mishandling the case. It was not the practice and policy of the FBI to be airing its dirty linen in public.

Mr. SAWYER. The Warren Commission weren't interested in the procedural operations of the FBI in particular if they were connected with their charge; namely, to investigate the assassination in Dallas; isn't that correct?

Mr. GALE. You might be interested in knowing, Mr. Sawyer, that the Warren Commission found the same deficiencies that I found on the same things and right down the line. As a matter of fact, Mr. Tolson called me on two of the agents in New York that they found had, they felt, were derelict in the way they had reported the matter, and he asked me if we had found those and I told him, the Director wants to know if you found those and I told this, the Director wants to know if you found those and I told him, that, yes, we had found those. And so, the Warren Commission apparently didn't feel that these errors made any difference in Dallas, and I don't feel they did, either.

They had the same errors in front of them. They found the same exact errors that I found.

Mr. SAWYER. Thank you, Mr. Chairman.

Chairman STOKES. I have just one final question, Mr. Gale. A part of the mandate given this committee by the House of Representatives is that we assess and evaluate the performance of the agencies as they related to the assassination of the President. And based upon your testimony here today with reference to the pre-assassination performance of the agency, your findings, your recommendation, if you were asked to rate the performance of the FBI on a scale of zero to ten, with ten representing the highest performance of the agency, what rating would you give the FBI?

Mr. GALE. Of course, insofar as the post-assassination investigation is concerned, as I indicated, I have not read that investigation.

Chairman STOKES. My question to you, I am sorry to interrupt you, my question is with reference to your inspection, your findings relative to the pre-assassination performance of the FBI.

Mr. GALE. Insofar as the investigation of Oswald, insofar as the pre-assassination investigation of Oswald, obviously would not give the agents who conducted the investigation a rating of ten.

I possibly would give them a rating of maybe six or seven, insofar as the investigation of Oswald was concerned, the pre-assassination of Oswald.

Further than that, I cannot comment because I was not involved in any other aspect of the situation.

Chairman STOKES. Thank you.

Does anyone have anything further?

Mr. Gale, as a witness before our committee, you are entitled at the conclusion of your testimony to have 5 minutes in which you may explain or comment in any way upon your testimony before our committee.

I extend to you at this time 5 minutes for that purpose.

Mr. GALE. I have no further observations or comments to make, and I thank the committee for their courtesy.

Chairman STOKES. We thank you very much for having appeared here and been a witness before our committee. Thank you very much. You are excused.

[Witness excused.]

Chairman STOKES. There being no further business to come before the committee at this time, the committee will adjourn until 9 a.m. tomorrow morning.

[Whereupon, at 1:25 p.m., the committee recessed, to reconvene at 9 a.m., Thursday, September 21, 1978.]

