

Office Memorandum - UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE 3-15-56

FROM : L. B. Nichols

SUBJECT: UNKNOWN SUBJECT
STEPHEN DAMMAN - VICTIM
POSSIBLE KIDNAPING

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-30-90 BY SP1

WARREN

I went to Mr. Rogers' Office at 4:00 p. m. in line with his request for the conference with Olney and him on the Damman kidnaping case and the memorandum of February 8 which Olney had delivered to the Bureau and which had been recalled by Rogers. Rogers had gotten tied up and he asked Olney and me to discuss the matter. Olney started making the point that on a criminal case it seemed to him that the responsibility as to whether there should be an investigation was that of the Bureau, that if there were questions or problems raising legal questions, then the Criminal Division would be glad to advise us and that as far as he can see had followed this policy in the past. I told him that this was correct except in a limited area involving a small number of cases such as Civil Rights cases. Mr. Olney then made the point that he could not see any problem on kidnaping cases involving the Seven-day Presumptive Clause. I told him that we couldn't either and that was why we had come to Rogers after we had received his memorandum because his memorandum simply didn't make sense. It then developed that Olney took offense at our memorandum to the Attorney General of January 9 wherein we had a check on the Seven-day Presumptive Clause and wherein we referred to the position taken by the Criminal Division in the Hartley case. Olney walked around with a chip on his shoulder. The Criminal Division stated that he didn't think that it was proper for us to use them as an excuse as to why we didn't do something. I challenged Olney on this and told him that this was ridiculous, that our memorandum of 1-9-56 to the Attorney General was wholly informative, that our memorandum of 1-9-56 to the Attorney General was wholly informative. It didn't call for any reply and was intended to give the Attorney General information to utilize should he have colored delegations who would raise the question as to why we didn't investigate the case. Olney stated that he interpreted it differently and that he was very much concerned by the phraseology of our memorandum pointing out that we hadn't done certain things because of rulings of the Criminal Division. It so happened that I had the memorandum with me and I read him the pertinent portion. I told him that we didn't see how he could come to such a conclusion, that if he did come to such a conclusion then it was erroneous, that we had no such intantion and that had he been concerned, it seemed to me that the decent thing for him to have done would have been to pick up the telephone and inquire and that if at any time in the

cc - Mr. Boardman
cc - Mr. Rosen

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future he gets a similar memorandum wherein he thinks that we are blaming the Criminal Division that I wish he would call us so that we might have the satisfaction of telling the Criminal Division to their face if we are trying to blame them and so that we might also have the satisfaction of clearing up a misunderstanding if one existed. He then asked who should he talk to. I told him that such matters would ordinarily involve investigative problems. He then stated that he had been to Rosen, [redacted] and Boardman on occasions and that he didn't seem to get complete satisfaction. I told him that I couldn't understand this because Boardman, Rosen and [redacted] would seek to give satisfaction. I told him, however, that in a case such as this, if he wanted to call me, it might not be in my balliwick but, nevertheless, I would inquire into the matter and get the answer and let him know. He then stated that he could see no reason why there should be any problem or any difficulty or why things couldn't be ironed out.

He then got to talking about the difficulties we have had in the past with the Criminal Division. He stated that he would like to think that there has been an improvement. He would like to bring about a greater improvement. He would like to know what he could do personally to be more cooperative and more helpful. I commented on the difficulties we have had with the Criminal Division over the years but did not get down to specifics purposefully. I told Olney we had so much work to do that we would prefer to have an amiable relationship. I kept harping upon the point as to why he didn't call us if he had any question as to the intention of our memorandum of the ninth. He stated at one point that he did think that Irons and somebody else in the Criminal Division had talked to [redacted] about the [redacted] of handling kidnaping cases. I asked specifically if they had inquired of [redacted] as to the intention of our memorandum of 1-9. He stated he didn't think so. I told him that that was the crux and that should have been done. He then stated that so far as kidnaping is concerned, he thinks we should make the decisions as to whether we should or should not investigate it. I told him that we would be happy to do this but that if questions were to be raised the thing to do would be on each kidnaping report to call the facts to his attention. He thought this was cumbersome, unnecessary and commented on the superb job the Bureau has done in picking the cases to handle and being able to stay out of cases.

The situation is moral today, they never have been & we ought to change our captenious attitude

He then made the point that he did think that where we make the decision as to doing something or not doing it that we should handle the correspondence and I told him that we were perfectly willing to do this within the scope of our responsibility but that there would be types of correspondence wherein we couldn't handle it. For example, I referred to the [redacted] case and stated that we had told Senator Holland that we could not enter in this because we did not have any jurisdiction, that we had not blamed it upon any ruling of the Criminal

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Division, that I didn't know whether Senator Holland had taken it up with the Department, but that if Senator Holland had taken it up with the Department, then it would be insulting to the Senator for the letter to have been referred to the Bureau to answer. He stated that he agreed that in a case like that they should answer it but they should get the facts from the Bureau. I asked him if he could cite me any instance wherein we had not willingly given facts to the Department. He stated that he couldn't but that the point he was making was that we should give him the information why we are not entering a certain case so that he could take the same position. I told him that at any time the question arose to let us know and we would give him the facts. In the meantime Rogers came back to the office and I pointed out that we had learned for the first time Olney's erroneous interpretation of our memorandum of 1-9, that there was no such intention as Olney had attributed to it, that had he called us on the telephone we would have so informed him and that we had worked out an agreement about this to be done in the future. Rogers stated that, of course, this always should be done.

The question then came up about kidnaping generally and I pointed out that the interpretation which the Department had given on the Seven-day Presumptive Clause up to and including the Hartley case was sound and we had no complaint. I pointed out that as a matter of fact the Director was so favorably impressed with Olney's letter of 3-16-54 to [redacted] that he had noted on the routing slip "A very good letter" and had checked it all over the Bureau. I pointed out the policy set forth therein was the policy which had been tried and tested for 20 years and we saw no need to depart from that policy. He then made the point that the question should turn on who arrived at the judgment that a kidnaping had been established. Rogers stated that he thought that the Bureau should do this as we had done. I pointed out that the Bureau would be glad to exercise this power and take responsibility in such cases with the understanding that in any case where there were problems concerning responsibility or complications we would naturally want to refer the matter to the Department for guidance. Rogers stated that this was as it should be.

It then came out that [redacted]

[redacted] had written to the President and Mrs. Eisenhower, respectively. Their letters were very touching and were dated last November and had not been answered. Olney stated he did not know how to handle the matter. Rogers stated that they had to do something or they were going to get in trouble and he thought the thing to do was for someone to call upon these people. He suggested that an Agent do this. I flatly vetoed the matter and stated that these people had written to the President and were entitled to an answer from [redacted]

Absolutely right

Memorandum for Mr. Mason

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a policy level and we are on the operating level, and furthermore we had told the Damman family in Nassau County why we could not enter the case. I am certain I am right on this, however, Mr. Rosen is checking. We did.

I then raised the question why didn't Olney write them a good letter like he did in the Hartley case. Olney stated he would and then Rogers stated that we should furnish Olney with full facts on what we had done in the Damman case, whether we had offered our facilities in cooperation with the Nassau County Police, give Olney as many facts of an affirmative nature as to what we had done which he might work into the letter. I told Rogers that we would get up a prompt memorandum and send it to Olney. As the matter now stands, we are to send a summary on the Damman case to Olney pointing out what we did in the Damman case with emphasis upon getting out a memorandum of an affirmative and cooperative nature and we should point out what statements we have made both publicly and to the Damman family. Secondly, Olney is going to write us a memorandum which will restate the interpretation of the Seven-day Presumptive Clause and will state that it is up to the Bureau to determine whether kidnaping is established from the standpoint of determining whether or not an investigation should be made. Mr. Olney again offered to be of every possible assistance and I again reiterated that whenever he gets another idea like he had on the 1-9 memorandum to please get in touch with us so we might tell him that we are "throwing the hooks into him" if this be the fact or we might point out exactly what our intentions were.

Done 3/16/56 // Memo to 3-16-56

We will want to analyze any memo. from most all fully

You can always get past covered balls from Olney.