Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: April 13, 1955

FROM : Mr. A. H. Belmont

[redacted]

SUBJECT: REVIEW OF TESTIMONY OF WARREN OLNEY III AND WILLIAM F. TOMPKINS, DEPARTMENT OFFICIALS, BEFORE COMMITTEE ON APPROPRIATIONS - 1956

This memorandum is based on the Director's instructions that a prompt review be made of the testimony of Warren Olney and William F. Tompkins, Department officials, before the House Appropriations Committee to be sure that no inaccurate statements were made regarding the FBI. The testimony of Olney and Tompkins contained in the report of hearings before the Subcommittee of the House Committee on Appropriations as it relates to the Domestic Intelligence Division has been reviewed and there do not appear to be any inaccurate statements with reference to matters handled by this Division.

Pages 101 and 102 of the report reflect the testimony concerning the Department's decision not to prosecute Thad Mason for perjury and the reasons therefor. Mason in 1953 testified for the so-called Jenner Committee concerning alleged espionage in a General Motors Corporation plant at Cleveland, Ohio, in 1943 to 1945. Thereafter, when he was interviewed by the FBI, he admitted that his testimony before the committee was fabricated in certain respects. A review of this testimony reflects no inaccuracy so far as our work is concerned and deals entirely with the Department's reasons for not prosecuting him.

In the preliminary remarks of Tompkins before the Committee reflected on pages 281 and 282 of the report, he discusses the work of the newly created Internal Security Division of the Department and points out that it carries on in matters relating to subversive activities and the internal security where the investigative activities of the FBI cease. It is stated that the work load of that division is, therefore, in proportion to the activity of the FBI in the internal security field. On pages 283 - 291 of the report there is reflected

cc - L. V. Boardman
A. H. Belmont

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Tompkins' testimony and questioning by the Committee regarding Smith Act indictments and prosecutions. No inaccuracies regarding us or our work are contained therein.

Tompkins is questioned on pages 291 and 292 concerning the Department's plan for further action in the Judy Coplon case and Tompkins advises it is still under study by the Department.

On page 293 of the report, Tompkins discusses the policy of the Department in the selection of witnesses in Smith Act prosecutions and makes the statement that these witnesses are selected by the Department through a thorough digest of many, many FBI reports that come in. The witnesses are thereafter interviewed and material in the reports must be collated with their recollection and if there is any doubt concerning the reliability of the witness - he is not used. Tompkins, on page 309 of the report, goes on to say that you have to use the best witnesses available and if the Department is going to be required to produce witnesses of absolutely impeccable and unassailable character it is going to have a terrific impact on our prosecutions.

Testimony of the Departmental officials concerning Harvey Matusow appears on pages 13, 69, 253, 293 and 307 of the report. There does not appear to be any inaccurate statements made concerning the FBI. Briefly, Department officials, including the Attorney General, Olney, Tompkins and General Swing, of the Immigration and Naturalization Service (INS), furnished information to the Committee concerning cases in which Matusow testified, how much Matusow was paid by the Department, efforts of INS to develop Matusow as an informant, the psychoneurotic background of Matusow as it applied to his use as a witness and the effects the Matusow case has had on testimony of other individuals. On pages 293 and 294 for instance, Tompkins is asked if he had occasion to go into Matusow's neurological record last June when they were considering using him as a witness in the Jencks case in Texas and Tompkins testified that he did not think the Department had this record at that time. He testified that since the Matusow controversy started a copy of the letter which was sent by the New York Office of the Bureau to former United States Attorney Myles Lane in January, 1952, had been found in the files of the United States Attorney's office in New York. This letter included information concerning the fact that Matusow had been diagnosed as suffering from a mild but acute form of psychoneurosis. Tompkins

was asked when he received the copy of it from the Bureau and he stated he received it under date of February 23, 1955. Tompkins goes on to say that although Matusow had been diagnosed as having a psychoneurosis of a mild but acute form Tompkins still would have used Matusow as a witness in spite of this background.

On page 295 it is reflected that Tompkins stated approximately 200 potential treason cases arising out of the activities of prisoners of war in the Korean conflict have been referred to the Department of Justice. This was substantially correct as of the date his testimony was given.

ACTION:

This is furnished for your information.

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