

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: June 11, 1957

FROM : L. B. Nichols

SUBJECT: [REDACTED], was., et al
THEFT FROM INTERSTATE SHIPMENT

Tolson
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I saw Mr. William Rogers this morning. I pointed out to him that we had thought over the years that we had witnessed every tactic of obstruction and every conceivable outrageous action within the Department, but that we had now found that we had more lessons to learn. I then outlined the developments leading up to the subpoena of SA [REDACTED] in New York. I told Rogers of Williams' call to SAC Kelly and of Williams statement that he had been ordered by Olney to serve the Agent with a subpoena requesting that he appear in court; that Olney desired this matter to be brought to a head; that he had told Williams he had written a memorandum to the Bureau concerning the question of Agents sitting at the counsel table; and that he had not received any answer.

I further told Rogers that the original request had come from Christy and for his confidential information Christy was the individual who had made the claim in the Lev case that he didn't get much help from the Agent sitting at the trial table and that under no circumstances would we ever permit an Agent to sit at the trial table with Christy in the future, and that we hoped the Attorney General and he did not put us in this embarrassing position.

I told Rogers that Olney's actions were outrageous; that he had not taken up the [REDACTED] case with us; that if he had sent us a memorandum he had sent it by slow freight as it had not arrived and that this was just about the straw that broke the camel's back. I pointed out what our policy was in letting Agents sit at the trial table. I told him that when we had checked into the matter this spring we found that the first 5 months in 3 offices 139 Agent days alone had been diverted from investigative duties; that we had no objection to helping out where there was a complicated and involved case, but that we just were not going to be glorified flunkies for U.S. Attorneys who didn't do their work and then passed the buck when they were called to book.

Rogers kept expressing amazement and disagreement and got quite worked up and was angry to the point where his eyes began to water, which

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cc - Mr. Boardman
Mr. Rosen

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is always a sure sign of his feeling. He stated this was unheard of, uncalled for and he would do something but he didn't know yet what he would do. He said, of course, he was going to talk to the Attorney General and would let us know. I told him that we sympathized for him because, no doubt, he had to put up with a lot of stuff from Olney that we never heard about and if Olney's behaviour with us was any criteria or any indication of behaviour elsewhere, then the Attorney General and he had our deepest sympathy. I stated for this reason the Director didn't want to start a paper war and start writing memoranda on this matter, thus putting the Attorney General and Rogers in an untenable position.

Be certain we keep such a record.

I told Rogers, in regard to his question, that the Agent at this very moment was languishing in court under subpoena and we were keeping book on the amount of lost time, although we hoped we never had to account for the improper use of an Agent's time such as we are now experiencing in New York. Rogers stated that there never has been a time when they took a matter up with the Director that the Director didn't ~~agree~~ and cooperate with their request even though he had a very strong contrary feeling, and that Olney's actions could be very humorous if it didn't have such serious portentions. I told him he was certainly right.

I made the specific point with Rogers that in the case in issue it involved the theft of 224 rolls of woolen goods and we had recovered 216 rolls of woolen goods; that 8 individuals had been indicted and 4 had already pled guilty, so that you did not have in this case any elements of a complicated or involved nature dealing with evidence. Rogers stated that even so it was the Department lawyers' place to try cases.

*File Case
Mr Boardman
6-13-57*

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Well handled

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