

Handwritten initials
Office Memorandum • UNITED STATES GOVERNMENT

DATE: 2/17/56

TO : Mr. Tolson

FROM : L. B. Nichols

SUBJECT: UNKNOWN SUBJECT;
STEPHEN DAMMAN - VICTIM
POSSIBLE KIDNAPING

Handwritten initials
Tolson _____
Boardman _____
Nichols _____
Belmont _____
Harbo _____
Mohr _____
Parsons _____
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Tele. Room _____
Holloman _____
Gandy _____

Emmett
With reference to Olney's memorandum of 2/6/56, I wish to advise that I saw William Rogers on the late afternoon of 2/16/56. I pointed out to Rogers that one of the Negro delegations calling upon the Attorney General had sought to raise an issue on our failure to investigate the Till case and our investigation of the Damman case. The fact was that we had not investigated the Damman case; that this came up in a conference in the Attorney General's office on 1/5/56; that as a result, we furnished a memorandum to the Attorney General dated 1/9/56, furnishing complete background of the Damman case and in discussing the Damman case, we pointed out the attitude of the Nassau County Police who had taken the position that it was their duty and responsibility to investigate the Damman case and that unless the FBI was prepared to assume full responsibility the Nassau County Police wanted no interference in the investigation by the FBI.

I further told Rogers that to further bulwark the Attorney General's position we had furnished details on the Chillingworth case, the Ferri case, and pointed out numerous instances where there had been disappearances wherein bodies were found which were clearly state violations involving murder and related offenses; that we had further pointed out in the memorandum, in an attempt to give the Attorney General a well-rounded picture, the Departmental policy on the Seven-day Presumptive Clause in the Kidnaping Act. I stated that this memorandum was intended solely to furnish information to the Attorney General; that since it involved a subject matter in which he, Rogers, and Olney would be interested in we had sent them copies; that despite the fact that the memorandum called for no action nevertheless, Olney had written a six-page memorandum wherein for all intent and purposes he reversed the Departmental policy, which had been in operation for 21 years and the wisdom and validity of which had been tested, and set up a new policy which would now necessitate our going into the Damman case, probably the Chillingworth case and if there were a Till case today, it would require us to go into such a case; that this new policy now ingenerated by Olney in his memorandum

Enclosures
cc - Mr. Boardman
Mr. Rosen

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of 2/6/56, to the Attorney General had far-reaching ramifications; that a memorandum had been prepared dated 2/16/56, addressed to the Attorney General pointing out that we would go into the Damman case and requesting advice on the Chillingworth case; that we knew that if we sent this memorandum to the Attorney General and started investigating the Damman case the Attorney General would be put in an untenable position after having advised large delegations of Negro newspapermen and others that we treated the Till case exactly as we did the Damman case and that sooner or later the whole situation would probably be placed in his lap whereupon we wanted to go over the matter with him before sending through our memorandum; that we simply could not understand why Olney would change a Departmental policy which had worked satisfactorily for 21 years and which had carried out the intent of Congress without at least a consultation and that in addition to changing this policy, he had adjudged the Bureau's judgment in handling kidnaping cases as being faulty and wrong; that we, of course, were human and could make mistakes but we would not accept a guilty charge when we knew this was erroneous and unfair without fighting back; that if the Department saw fit to change its policy we, of course, would be happy to abide by the Department's rules but we wanted our position thoroughly documented in the record which we purported to do with our memorandum of 2/16/56, and we wanted to alert him as to the repercussions which I went into so that he could be squared away to meet them.

Rogers stated that he could see no need to change a practice or policy that had been followed for 21 years; that if the Bureau wanted the policy reviewed and a legal ruling that he thought that would be one thing but such a ruling should not reopen cases that occurred in the past but should be directed to future cases; that it would be much better had there been a consultation. I pointed out again that this was gratuitous since our memorandum of 1/9/56, was intended to be informative and that if informative memoranda were to be seized upon by Olney then we would just have to stop sending copies of such memoranda to Olney; that this, of course, would not be good for the Department because Olney could be put in an untenable position should the Attorney General raise some question about the content. Rogers thoroughly agreed with this. Rogers then requested that I return to him Olney's memorandum of 2/6/56, and also suggested that I put a memorandum in our files pointing out that I had discussed with Mr. Rogers this matter and Mr. Rogers was going to take the matter up with the Attorney General and the Bureau should take no further action unless advised to the contrary at a later date.

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There is attached a typed copy of the Olney memorandum for future reference and the Bureau's memorandum of 2/16/56, which now should not be sent to the Department because we have nothing to answer in view of the Department's recalling Olney's memorandum to the Attorney General; however, this has been placed in an envelope and is attached for future reference should the necessity arise.

✓ *for*