

*Mr. Katzenbach*

NdeBK:CMM

*129-11*

January 6, 1964

RECORD

Honorable J. Lee Rankin  
Veterans of Foreign Wars Building  
Second Street and Maryland Avenue, N. E.  
Washington 25, D. C.

Dear Mr. Rankin:

I am enclosing a copy of a paper with respect to the assassination which was sent to me by Ralph Dungan. In general, it is based on speculation. It does contain one interesting factual allegation on Page 12. The FBI has already been informed of this and is making efforts to verify it.

Sincerely,

Nicholas deB. Katzenbach  
Deputy Attorney General

Enclosure

*Original  
1/6/64*

*File  
NdeBK*

NAS: HFR: ags

cc: Files  
Schiel  
Reis  
Copeland

Assistant Attorney General, Criminal X

Attached is a copy  
of a letter dated  
January 9, 1964, from  
Jack Ruby's attorneys  
addressed to J. Edgar  
Hoover and Lee Rankin,  
requesting "all  
evidence of the Com-  
mission" including  
FBI reports for use  
in Ruby's defense.  
There are also attached  
copies of a relevant  
memorandum and letters  
prepared by Mr. Hoover.

I should like to  
discuss this matter  
with you at your  
earliest convenience.

M.A.S.

Attachments

1-29-64 ERS

*Assassination*

PLEASE ADDRESS ALL MAIL TO  
UNITED STATES ATTORNEY  
FORT WORTH 2, TEXAS

United States Department of Justice

UNITED STATES ATTORNEY

NORTHERN DISTRICT OF TEXAS  
FORT WORTH 2, TEXAS

*Jack Miller*

January 8, 1964

VIA AIR MAIL  
PERSONAL ATTENTION

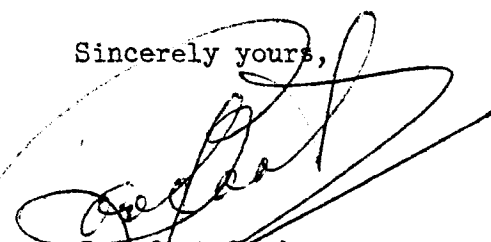
Mr. Nicholas Katzenbach  
Deputy Attorney General  
Department of Justice  
Washington, D. C.

Dear Nick:

Enclosed please find newspaper clipping from the Fort Worth Star Telegram of January 8th which indicates that the defense in the Ruby case intends to demand all F.B.I. reports relating to Ruby, as well as all information on Ruby submitted to the Warren commission. This may indicate that Joe Tonahill, one of Ruby's lawyers, plans to go beyond what he told me last week over the telephone. Of course, he still may intend to limit the questions to the two F.B.I. agents subpoenaed and attempt to secure the reports in another way.

The Ruby habeas corpus hearing is now scheduled for Monday, January 20th. You were to let me know what instructions would be given to the F.B.I. agents concerning their testimony and I will look forward to hearing from you.

Sincerely yours,



Barefoot Sanders  
United States Attorney

BS:pb  
Enclosure

129-11	
DEPARTMENT OF JUSTICE	
11	JAN 30 1964
REC'D	

## Defense To Ask Ruby File

DALLAS, Jan. 7 (AP)—A lawyer for Jack Ruby, who is charged with killing the man accused of assassinating President John F. Kennedy, said Tuesday the defense will demand every scrap of evidence now in official hands.

Lawyer Joe Tonahill made the statement as Judge Joe B. Brown reset Ruby's bond hearing for Jan. 20. It had been set for Jan. 24 after a recess and a postponement.

The defense sought the earlier date and it was agreed to by the prosecution.

Tonahill said, "We want him out."

Ruby, a night club operator, is charged with slaying Lee Harvey Oswald, the man accused of killing Kennedy.

The lawyer, from Jasper, said he will ask FBI Director J. Edgar Hoover to hand over to defense lawyers all FBI reports on the assassination of Kennedy and Oswald.

He said he also will ask the special presidential commission investigating the assassinations to submit complete reports on its findings.

He also will ask the state to turn over the report by Dallas Police Chief Jesse Curry on Oswald's slaying in the basement of city hall.

"The defendant is entitled to these reports," Tonahill said.

Tonahill said he will take action in state and federal courts to obtain the investigative re-

HJM:SRP: mrms  
re-typed 1/28/64

129-11  
D. A. K.

January 28 1964

Mr. Joe H. Tonahill  
Tonahill Building  
Jasper, Texas

Dear Mr. Tonahill:

I am in receipt of your letter of January 9, 1964, addressed to the Director of the Federal Bureau of Investigation and to the Chief Counsel of the President's Commission to report upon the assassination of President Kennedy. The letter has been referred to me by them for response.

Your letter requests, on behalf of the counsel representing your client, Jack Ruby, in the prosecution instituted by the State of Texas for the killing of Lee Oswald that you be furnished with "the reports, minutes and all evidence" in the possession of the President's Commission. There is excluded from the request, however, material of a recognized confidential character.

WEF  
At the outset, it should be emphasized that discovery and disclosure of all of the facts surrounding the assassination of President Kennedy are of the greatest importance to the nation. As was stated by a spokesman for the White House on November 29, 1963, in announcing the appointment of the Special Commission,

The President is instructing the Special Commission to satisfy itself that the truth is known as far as it can be discovered, and to report its findings and conclusions to him, to the American people, and to the world.

Records ✓  
Chron  
Mr. Pollak  
Mr. Foley  
Mr. Miller

USA Barefoot Sanders  
Mr. J. Lee Rankin  
FBI  
Deputy Attorney General

RECEIVED FROM  
CRIMINAL DIVISION MAIL ROOM  
DATE 1-28-64  
BT

The Commission established by Executive Order No. 11130 is, of course, intended to effectuate this purpose. It is directed

to examine the evidence developed by the Federal Bureau of Investigation and any additional evidence that may hereafter come to light or be uncovered by federal or state authorities; to make such further investigation as the Commission finds desirable; to evaluate all the facts and circumstances surrounding such assassination, including the killing of the alleged assassin; and to report to me its findings and conclusions.

Obviously, the work of the Commission may be seriously hampered by any premature disclosure of FBI reports or other information turned over to it. It would also be quite unusual, if not altogether unprecedented, for a federal agency which has conducted an investigation into the subject matter of a state prosecution to supply directly to the defendant materials gathered during the course of a federal investigation. Moreover, in such circumstances the federal agency is not under any legal obligation to turn over materials either to the state or the defense. Any information in the hands of the prosecution will be available to you under the provisions of the law of the State of Texas. Consequently, any request for information which the prosecution may have should be directed to the District Attorney.

Due to the special circumstances of this case neither the Department of Justice nor the Commission has any wish to stand upon legal technicalities, and, at the same time we recognize the importance of insuring that Mr. Ruby receives a full and fair defense in his forthcoming trial. Moreover, we believe that subject to the limitations you have recognized in your request it will in fact be possible to make information available in the possession of the Government which may be helpful to the defense without impairing the effectiveness of the Commission's own investigation.

- 3 -

The information you request is stated in your letter to be essential to establish the defense of insanity, that your client's offense was at most "murder without malice," and that Mr. Oswald "was a dangerous man of bad character and reputation and a professed Communist." The point is also made that the information is necessary to counteract an impression assertedly created by the press to the effect that your client and not Oswald "is the guilty party that has put Dallas on trial."

We recognize, of course, that as counsel for Mr. Ruby his defense is entirely a matter for your judgment. Since you have deemed that his state of mind at the time is material to his defense, we will be glad to furnish you with such information as we can on that issue. Information concerning Oswald's assassination of the President will not be made available as it does not appear to be relevant. It would seem that the issue in your case is not whether Oswald assassinated the President but whether Ruby thought he did.

In view of the defenses you are asserting, you are no doubt also attempting to familiarize yourself with the background of your client's life and state of mind at the time of the killing. Locating all those persons who are familiar with one or another aspect of his past is a large task. Since the Federal Bureau of Investigation has conducted an extensive investigation among Jack Ruby's prior acquaintances, you may wish access to the fruit of its labors in this respect. Should you feel this might be helpful, we will prepare for you a list of those persons who have been contacted by the Federal Bureau of Investigation during the course of its investigation and who have known or met Jack Ruby some time during the course of his life. Consistent with our other obligations, we could provide you the names and present addresses of these persons--thus enabling you to locate them quickly. We would also be willing to indicate to you the extent of each person's relationship with Ruby, those persons who expressed to us opinions as to Ruby's character or personality, and those persons familiar with particular incidents in Ruby's life which might be of importance in evaluating Ruby's

route of mind at the time of the killing. We would supply you with this information with the understanding that it may be incomplete, that it may contain inaccuracies, and that it often reflects personal opinions.

The Federal Bureau of Investigation has also investigated other related matters which may be relevant to the preparation of your case, as, for example, persons known to the Department who contacted Ruby after the assassination and prior to the killing of Oswald, and persons known to have been present at the Dallas City Jail at the time Oswald was shot. We will also make this information available to you, if you so request.

Sincerely yours,

Herbert J. Miller, Jr.  
Assistant Attorney General



HJM:SRP:am  
129-11  
(typed 1/22/64) D. A. K.

Mr. Joe H. Tonahill  
Tonahill Building  
Jasper, Texas

Dear Mr. Tonahill:

I am in receipt of your letter of January 9, 1964, addressed to the Director of the Federal Bureau of Investigation and to J. Lee Rankin, Chief Counsel of the President's Commission. Both letters have been referred to me for response. This letter reflects the views of the Department of Justice but I am not, of course, writing on behalf of Mr. Rankin or the President's Commission.

Your request that you be furnished the results of the investigation into the assassination of President John F. Kennedy and into the subsequent killing of Lee Harvey Oswald has been given careful attention. Although your January 9 letter contains numerous statements of fact and of law which I believe in error or misconceived, I wholeheartedly concur with your evaluation of the importance of insuring that Jack Ruby receives the full and fair defense to which he is entitled in his forthcoming trial for the killing of Lee Oswald.

Despite the national and international repercussions of this case, Mr. Ruby is, however, being prosecuted by state authorities in a state court for the violation of Texas State law. Under these circumstances, as you are no doubt aware, it would be quite unusual, if not altogether unprecedented, for a federal agency which has conducted an investigation into the subject matter of the state prosecution, to supply directly to the defendant materials gathered during the course of the federal investigation. Certainly the federal agency is under no legal obligation to provide such material to the defense. If, in furtherance of the policy of cooperation between federal and local law enforcement agencies,

cc: Records ✓ Mr. Foley  
Chrono Mr. Miller  
Mr. Pollak

- 2 -

evidentiary materials are provided the local authorities by the federal agency, the rights of the defendant to inspect this material in the course of the criminal proceedings, or to use the material for purposes of impeachment, are governed by the law of the State in which the proceedings are conducted, subject only to overriding dictates of the Federal Constitution. Hence, the production of any evidentiary materials obtained by the Dallas authorities from the Federal Bureau of Investigation in this case will be producible to you in accordance with the normal rules of Texas procedure. The termination by the Attorney General of Texas of the independent investigation into the facts surrounding the assassination thus should not impede the avenues normally open to you for the preparation of Mr. Ruby's defense.

Moreover, the investigation conducted by the Federal Bureau of Investigation has disclosed very little material which is susceptible of introduction in evidence. Agents of the Bureau have, to be sure, interviewed many persons present at the time of the Oswald slaying or familiar with the background of Jack Ruby. The interview notes taken by the federal agents are, of course, not admissible evidence. Moreover, since many persons contacted by the Federal Bureau of Investigation spoke with the federal agents in strict confidence, almost all of the material in our possession is, in your words, "confidential in nature," which you have quite properly excepted from your request.

Nonetheless, despite these limitations, the Department persists in its desire to be of all possible assistance to you in gathering information necessary to lay the relevant facts before the court in Ruby's trial. You indicate that Mr. Ruby's defense will be based on the ground of legal insanity so that you are no doubt attempting to familiarize yourself as thoroughly as possible with the full background of Ruby's life. As you are perhaps finding, locating all those persons who are familiar with one or another aspect of his past is a large task. Since the Federal Bureau of Investigation has conducted an unusually extensive investigation among Jack Ruby's prior acquaintances, the fruit of our labors in this respect can perhaps be of considerable assistance to you. Should you feel this helpful, we would be pleased to prepare for you a list of those persons who have been contacted by the Federal Bureau of Investigation during the course of its investigation and who have known or met Jack Ruby

sometimes during the course of his life. Consistent with our other obligations, we could provide you the names and present addresses of these persons - thus enabling you to locate them quickly and by mail. In order to expedite your research further, we would also be willing to indicate to you the extent of each person's relationship with Ruby, those persons who expressed to us opinions as to Ruby's character or personality, and those persons familiar with particular incidents in Ruby's life which in our judgment would be of particular importance in evaluating Ruby's state of mind at the time of the killing. We would supply you with this information with the understanding that it may be incomplete, that it may contain inaccuracies, and that it often reflects personal opinions. The names of persons who asked that their identity be kept confidential would not be disclosed.

The Federal Bureau of Investigation has also investigated other related matters which may be material to the preparation of your case, for example, persons known to the Department who contacted Ruby after the assassination and prior to the killing of Oswald, and persons known to have been present at the Dallas City Jail at the time Oswald was shot.

Material bearing on the background of Lee Oswald would not be included since it is of no apparent relevance to Mr. Ruby's trial.

Though the transfer of this material to you would be considerably beyond the scope of our obligations and although in most circumstances such a practice would be unwarranted, we are moved by the special considerations of this case to make the material described above available to you. If you so request.

Sincerely,

Herbert J. Miller, Jr.  
Assistant Attorney General





100-100000-100000  
100-100000-100000  
100-100000-100000

The defense team has been charged with the task of proving that the late President was not the author of the assassination and that the assassin was not a member of the defense team.

It is the duty of the defense team to prove that the late President was not the author of the assassination and that the assassin was not a member of the defense team. The defense team has been charged with the task of proving that the late President was not the author of the assassination and that the assassin was not a member of the defense team.

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In order to prove that the late President was not the author of the assassination and that the assassin was not a member of the defense team, the defense team must prove that the late President was not the author of the assassination and that the assassin was not a member of the defense team.

Further, the defense is entitled to offer and prove under Texas law that the assassin Oswald was a dangerous man of bad character and reputation and a proven Communist.

The defense team has been charged with the task of proving that the late President was not the author of the assassination and that the assassin was not a member of the defense team. The defense team has been charged with the task of proving that the late President was not the author of the assassination and that the assassin was not a member of the defense team.

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The Honorable Wm Edgar Hoover  
Honorable J. Lee Rankin  
January 9, 1964  
Page 4

In the interest of American law, truth and justice, and under the process of law under the Texas and United States Constitutions, the Commission should, and we so respectfully request of it, make the facts of the investigation probably by public inquirers to the Texas Attorney at the earliest possible date for the public review and evaluation.

Under all the facts and circumstances, particularly in view of the fact that the trial of Roby's case will attract worldwide attention, Roby's rights, and American due process of law, will be forever prejudiced and denied if such true facts and findings are not made available to Roby's defense counsel.

Too, if we are not readily provided the privilege of inspecting and copying the pertinent material contained in the Commission's investigative product prior to the trial of his case, Roby will simply be denied due process in an American court for the alleged shooting of Lee Harvey Oswald, who assassinated the late President John F. Kennedy, Officer J. D. Tippett of Dallas, Texas, and for the near fatal wounds of Governor John Connally of Texas.

In this connection, allow us to further observe that a hostile press of much power and influence in Dallas has at all times attempted to influence and inflame the public against Roby to the extent that it is almost impossible for him to receive a fair trial and be accorded his legal rights there.

Allow us to illustrate the bewildering power of that powerfully slanted press. We do not at all accept or dignify with any shred of credibility whatsoever press releases that Lee Harvey Oswald could have been in the pay of the Federal Bureau of Investigation. This was indicated in a press release originating in Dallas and contained in the Houston Post January 1, 1964. The lead line of that release read: "Oswald thought he had found a job." That story had a Dallas News line and was written by Houston Post Staff Correspondent Leslie Hopkins.

From the release it seems that some reporter interviewed Dallas Chief of Police Jesse E. Curry on November 21, 1963 and stated that the FBI knew that Oswald was in Dallas but had not given his name to them as the police would have interviewed anyone involved in President Kennedy's assassination. The January 1, 1964 Houston Post story says that Chief Curry had interviewed the assassin.









The Honorable Earl Warren  
Honorable J. Lee Rankin  
January 9, 1964  
Page 8

"There appears to be no doubt that they will talk at great length with Ruby, the wacky killer of the alleged assassin. This will come after the trial, it is presumed. About the time we expect a swift court session for Ruby. Then, Ruby will be placed under oath by the Commission and will testify as a regular witness."

"Further, in the Dallas Morning News for January 7, 1964, the Dallas District Attorney is quoted as saying the Commission would make two reports of its findings: "I anticipate there will be one report on the deaths of President Kennedy and Officer J. D. Tippett and the wounding of Governor John Connally, and a second report on the shooting of Oswald." Wade said.

"If this second report is ready before Ruby's trial, I expect the Commission to withhold it until the trial is over."

Please be assured that Mr. Jack Ruby, the defendant, Mr. Dalli, Mr. Brody, and I are all agreeable to the Commission conducting interviews now or at any time you prefer with the defendant, Jack Ruby. In addition, you may have such scientific tests on Mr. Ruby of your choosing, including, but not limited to, truth tests by sodium penicillin and polygraph and otherwise.

Finally, we urge you to consider this request for the investigative products of the Commission with the view of making same available to us at the earliest possible date for inspection and copying in order that the Ruby defense will be able to give Ruby, Texas, and America the defense in this trial that will add vitality and strength to the path and growth of due process.

By this means we petition and formally move you and through you the President's Commission which proceeds under Executive Order 11136 of November 29, 1963 and Public Law 88-202, 88th Congress, S. J. Resolution 117 of December 11, 1963, to provide instant the defendant Jack Ruby's defense team the right and privilege of inspecting and copying the investigative effects and products in the Commission's possession growing out of its duty and function of ascertaining, evaluating, and reporting to President Lyndon B. Johnson upon the facts relating to the assassination of the late President John F. Kennedy and the subsequent shooting of Lee Harvey Oswald.

CD-100319  
JAN 14 02 31 PM '64  
21 CAP BUREAU  
331201152013

It shall be pleased to appear before the Commission personally  
in this matter if the Commission so directs.

Very respectfully submitted,

WILLIAM M. SKILL  
Rm 1111  
112 Montgomery Street  
San Francisco, California

SAUL BRADY  
Suite 204, 6505 Wilshire Boulevard  
Los Angeles 48, California

JOE H. TENAHILL  
Tenahill Building  
Inspector General

By   
Joe H. Tenahill

JHT:wm  
cct The President  
The White House  
Washington, D. C.

The Chief Justice  
of the Supreme Court  
of the United States  
Washington, D. C.

The Honorable Robert F. Kennedy  
Attorney General  
Department of Justice  
Washington, D. C.

The Director, Federal Bureau of Investigation

January 9 1964

Herbert J. Miller, Jr., Assistant Attorney General,  
Criminal Division

ACL  
RECORD  
HJM:WEF:am:RD  
129-11  
(typed 1/9/64)

Letter Relating to the Assassination of  
President Kennedy.

Forwarded for information is a letter dated  
December 20, 1963, from one [REDACTED]  
addressed to one [REDACTED]

Enclosure (orig. sent - copy not made for our files  
per WEF advice)

cc: Records ✓  
Chrono  
Mr. Foley

SENT BY MESSENGER  
COMMUNICATIONS SEC.  
JAN 9 1964 UH

Form No. DJ-96a  
(Rev. 4-13-61)

DEPARTMENT OF JUSTICE  
ROUTING SLIP

TO	
NAME	BUILDING AND ROOM
1.	
2. <i>Howard Willens</i>	<i>Room 2111</i>
3.	
4. <i>Files</i>	
5.	

- SIGNATURE
- APPROVAL
- SEE ME
- RECOMMENDATION
- ANSWER OR ACKNOWLEDGE ON OR BEFORE \_\_\_\_\_
- PREPARE REPLY FOR THE SIGNATURE OF \_\_\_\_\_
- COMMENT
- NECESSARY ACTION
- NOTE AND RETURN
- CALL ME
- PER CONVERSATION
- AS REQUESTED
- NOTE AND FILE
- YOUR INFORMATION

REMARKS

Please leave on Mr. Willens' desk.

Do not take to commission.

*12*

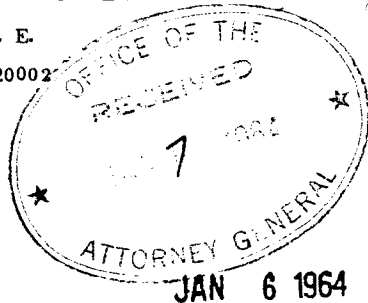
FROM	BUILDING, ROOM, EXT.	DATE
<i>Charles Sheffer</i>		

PRESIDENT'S COMMISSION  
ON THE  
ASSASSINATION OF PRESIDENT KENNEDY

200 Maryland Ave., N. E.  
WASHINGTON, D. C. 20002

EARL WARREN, *Chairman*  
RICHARD B. RUSSELL  
JOHN SHERMAN COOPER  
HALE BOGGS  
GERALD R. FORD  
JOHN J. MCCLOY  
ALLEN W. DULLES

J. LEE RANKIN,  
*General Counsel*



Mr. Andrew F. Oehmann  
Executive Assistant to  
the Attorney General  
Department of Justice  
Washington, D. C.

Dear Mr. Oehmann:

Mr. Chief Justice Warren has requested that I respond to your three letters dated December 11, 1963 to Mrs. McHugh regarding three candidates for employment with the President's Commission.

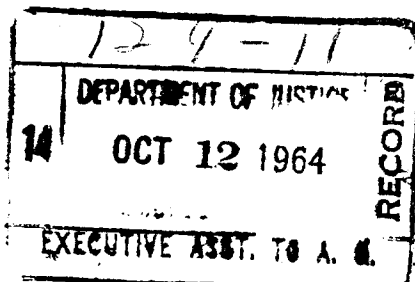
As I am sure you appreciate, since the appointment of the Commission, many highly qualified lawyers have written to Mr. Chief Justice Warren or myself requesting a position on the Commission staff. I am currently in the process of reviewing these applications in order to select a small staff to assist the Commission in its assignment. I recently wrote to Miss Appel thanking her for her interest and advising her that I did not believe that we were in a position to accept her offer of assistance at this time. Since I have not yet completed the selection of the members of my staff, I can assure you that the applications of Mr. McKeon and Mr. Donlan will receive my most careful consideration.

Thank you for bringing these applications to the attention of the Commission.

Sincerely,

*JLR*

*J. Lee Rankin*  
J. Lee Rankin  
General Counsel



S. M.

Typical 12-30-63

RECEIVED  
DEC 31 1963

Federal Bureau  
of Investigation  
Special Agent in Charge  
Criminal Division

THE SERIAL FROM [REDACTED] SECTION

Attached for your information which the Attorney General  
has received from subject individual.

*[Handwritten signature]*

Enclosure

Records  
Chrono  
Mr. Foley

SENT BY MESSENGER  
COMMUNICATIONS SECTION  
DEC 30 1963 JH



WUTO40 WUBO13 CTA016

(COPY)

[REDACTED] 25

ATTY GENL USA

WASH DC

MR. ROBERT KENNEDY DEAR SIR: PLEASE HAVE  
KNOWLEDGABLE AGENT CONTACT ME COLLEVT BY  
PHONE AT [REDACTED] CONVERNING  
RUBY VS TEXAS WITH POSSIBLE FEDERAL SUPERAUTHORITY

[REDACTED]  
[REDACTED]  
908A EST DEC 26 63

129-11

17	DEPARTMENT OF JUSTICE	RECORDS SECTION
	DEC 31 1963	
	RECORDS BRANCH	
	CRIMINAL-GEN. CRIME SEC. 7	

129-11

(COPY)