

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JAN 14 1964

TELETYPE

Mr. Tolson	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. DeLoach	_____
Mr. Evans	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

FBI WASH DC

FBI DALLAS

6-27 RGENT 1-14-64 LJH

TO DIRECTOR, 44-24,016 - ATTN. CIVIL RIGHTS SECTION

FROM SAC, DALLAS 44-1639. 5-P.

JACK L. RUBY, ^{also known as} AKA, LEE HARVEY OSWALD, ^{also known as} AKA - VICTIM - DECEASED. ^{Civil Rights} CR.

RE DALLAS ^{Teletype} DE. JAN. EIGHT LAST, BUREAU AIRTEL JAN. NINE

LAST, DALLAS ^{Teletype} TEL JAN FOURTEEN, SIXTYFOUR, ALL RELATIVE TO DEMANDS

OF BOTH PROSECUTION AND DEFENSE FOR PRODUCTION OF FBI REPORTS, AND

TESTIMONY OF ^{Special Agents} SAS AT RUBY BOND HEARING JAN. TWENTY NEXT.

^{Special Agents} SAS CONFERRED TODAY WITH ^{United States Attorney} USA BAREFOOT SANDERS AND ^{Assistant United States Attorney} AUSA B. H.

TIMMONS, JR., DALLAS. LATTER WAS PRESENT SINCE ^{United States Attorney} USA STATED THERE IS

A POSSIBILITY HE CANNOT BE PERSONALLY PRESENT AT BOND HEARING IN

WHICH CASE HE WILL BE REPRESENTED BY ^{Assistant United States Attorney} AUSA.

^{United States Attorney} USA STATED HE TALKED WITH DEFENSE ATTORNEY TONAHILL ^{December} DEC.

¹⁹⁶³ TWENTYFOUR LAST RELATIVE TO WHAT TESTIMONY WOULD BE EXPECTED OF

AGENTS AT BOND HEARING. TONAHILL STATED HE ANTICIPATED QUESTIONS

OF DEFENSE WOULD BE RESTRICTED TO ^{Information} INFO SUPPLIED BY RUBY TO

AGENTS ON ^{November} NOV. TWENTYFOUR ¹⁹⁶³ LAST AT DALLAS ^{Police Department} PD HEADQUARTERS AND

^{December} DEC. TWENTYONE AT DALLAS ^{County} CO. JAIL. ^{United States Attorney} USA OBSERVED THAT DEFENSE

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MR. BELMONT FOR THE DIRECTOR

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COULD THUS GET SELF-SERVICE STATEMENTS OF RUBY IN EVIDENCE WITHOUT PUTTING RUBY ON STAND.

^{United States Attorney} USA STATED HE FURNISHED ABOVE ^{Information} INFO TO ^{Assistant Attorney General} AAG KATZENBACH

^{January 1964} JAN. TWO LAST WITH HIS OBSERVATION ABOVE WOULD NO DOUBT BE

OBJECTIONABLE TO PROSECUTION UNLESS THEY HAD IN TURN BEEN ^{Information} FURNISHED ^{Assistant Attorney General} INFO. FROM FBI FILES. HE ADVISED ^{United States Attorney} AAG NO COMMITMENT

HAD BEEN MADE TO TONAHILL RE TESTIMONY OF AGENTS. ^{Assistant Attorney General} USA SAID DURING ^{Information} PAST WEEK HE ADVISED ^{United States Attorney} AAG OF PRESS ^{Assistant Attorney General} INFO THAT DEFENSE WAS NOW

DEMANDING ALL FBI REPORTS.

^{United States Attorney} USA STATED HAD HEARD PRESS INTERVIEW OF TEXAS ^{Attorney General} AG WAGGONER

^{January} CARR NIGHT OF JAN. THIRTEEN TO EFFECT CARR HAD BEEN ASSURED OF GETTING FILES OF FBI AND PRESIDENT-S COMMISSION FOR DELIVERY TO DISTRICT ATTORNEY WADE, DALLAS.

^{United States Attorney} USA STATED HE HAD TODAY, PRIOR TO INTERVIEW WITH ^{Special Agents} SAS, ^{Attorney General} ATTEMPTED TO TALK WITH ^{Assistant Attorney General} AG KENNEDY, ^{Assistant Attorney General} AAG KATZENBACH AND ^{Assistant Attorney General} AAG MILLER,

ALL DETERMINED UNAVIALABLE, AND THEREAFTER TALKED TO MR. FOLEY,

^{Assistant} ASST. TO ^{Assistant Attorney General} AAG MILLER. ^{United States Attorney} USA SAID HE INFORMED FOLEY HE FEELS IF

FBI RECORDS ARE FURNISHED TO PROSECUTION, DEPARTMENT AND FBI WOULD BE IN EXTREMELY BAD POSITION TO REFUSE TO FURNISH SAME TO DEFENSE.

^{United States Attorney} USA SAID HE LEARNED TODAY CHIEF JUSTICE WARREN HAS TODAY RECEIVED

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REQUEST FROM DEFENSE ATTORNEY FOR ALL FILES.

^{United States Attorney}
USA STATED FOLEY AGREED TO LET HIM KNOW ~~QUOTE~~ THIS WEEK ~~UNQUOTE~~.
THE DEPARTMENT-S DESIRES AND INSTRUCTIONS AS TO TESTIMONY OF AGENTS
AT BOND HEARING, PRODUCTION OF RECORDS TO DISTRICT ATTORNEY WADE,
WHETHER RECORDS ARE TO BE MADE AVAILABLE ALSO TO DEFENSE. ^{United States Attorney} USA SAID
IF RECORDS ARE FURNISHED TO WADE BUT NOT TO DEFENSE AND AGENTS ARE
INSTRUCTED NOT TO TESTIFY, HE WILL SUGGEST STRONGLY AGAINST SUCH
PROHIBITION. HE SAID HE FEELS, AND FOLEY CONCURRED, THIS IS NOT
TYPE OF TESTIMONY ON WHICH PRIVILEGE OF FBI AGAINST TESTIFYING
SHOULD BE CLAIMED.

^{United States Attorney}
USA STATED HIS VIEW TESTIMONY OF ^{Special Agents} SAS AT BOND HEARING SHOULD
BE RESTRICTED TO ^{Information} INFO. OBTAINED THROUGH INTERVIEWS WITH RUBY
AND THAT, SINCE INVESTIGATION WAS CONDUCTED AT PRESIDENT-S REQUEST,
IT MIGHT WELL BE ARGUED FURNISHING OF ^{Information} INFO. FROM FILES IN
THIS CASE WOULD NOT SET A PRECEDENT IN RELAXATION OF DEPARTMENTAL
ORDER TWO SIX ZERO - SIX TWO.

^{United States Attorney}
USA OPINED THAT IF AGENTS TESTIFY TO ^{Information} INFO. OBTAINED
FROM RUBY INTERVIEWS, THIS OPENS DOOR FOR OTHER QUESTIONS RELATIVE
TO BOTH RUBY AND OSWALD INVESTIGATIONS. HOWEVER, IT IS HIS VIEW
^{Special Agents} SAS COULD BE REQUIRED TO TESTIFY ONLY AS TO PERSONALLY CONDUCTED

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INVESTIGATION AND COULD NOT BE REQUIRED TO TESTIFY ^S TO OTHER
~~QUOTE~~ HEARSAY ^{UNQUOTE} INVESTIGATION.

WITH REGARD TO MATTERS WHICH ^{Special Agents} SAS MAY OR MAY NOT TESTIFY TO
^{United States Attorney} USA OBSERVED SAME MIGHT BE LEFT TO DISCRETION OF TRIAL JUDGE OR
^{Special Agents} PRESIDENTIAL COMMISSION, OR SAS MIGHT BE INSTRUCTED TO TESTIFY TO
NOTHING, ON GROUNDS COMMISSION HAS NOT AUTHORIZED RELEASE OF
INFORMATION.

^{United States Attorney} USA STATED SINCE HE HAS RECEIVED NO INSTRUCTIONS FROM
^{Department} DEPT. HE CANNOT INTERPRET PARAGRAPH TWO OF BUREAU AIRTEL
^{January 1964} JAN. NINE LAST, ^{United States Attorney} ~~QUOTE~~ HIS ATTORNEY SHOULD INSURE THAT THE QUESTIONING
OF BUREAU AGENTS IS LIMITED TO THE FACTS SURROUNDING THE AGENTS
INTERVIEWS OF RUBY ^{UNQUOTE}.

BUREAU REQUESTED TO CLARIFY WITH THE DEPARTMENT WHETHER THIS
MEANS AGENTS ARE INSTRUCTED TO TESTIFY TO ^{Information} INFO. FURNISHED BY
RUBY DURING INTERVIEWS AS SET OUT IN THREE ZERO TWOS PREVIOUSLY
FURNISHED TO BUREAU OR WHETHER THIS MEANS THAT THEY SHALL ONLY
TESTIFY TO THE FACT THAT THEY DID CONDUCT INTERVIEWS BUT NOT AS
TO RESULTS.

^{Referenced Bureau Airtel}
WITH FURTHER REGARD TO REBUAIRTEL, IT IS UNDERSTOOD AGENTS
ARE TO RESPECTFULLY DECLINE TO TESTIFY WITH REGARD TO ^{Information} INFO.
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TH ORDER THAN THAT SUPPLIED BY RUBY IN INTERVIEWS.

Returned Bureau Airtel
RE PARAGRAPH THREE REBUAIRTEL. AT TIME OF INTERVIEW WITH RUBY
December
1963
DEC. TWENTYONE LAST, DEFENSE ATTORNEY BELLI STATED THEY WERE
WILLING TO MAKE RUBY AVAILABLE FOR POLYGRAPH EXAMINATION AND TESTS
WITH TRUTH SERUM TO FBI. MR. BELLI WAS RESPECTFULLY
ADVISED THAT FBI DID NOT DESIRE AT THIS TIME TO CONDUCT POLYGRAPH
EXAMINATION OF RUBY.

Unless Advised to Contrary by Bureau

UACB, AGENTS WILL APPEAR FOR TESTIMONY WITHOUT NOTES OR FD
United States Attorney
THREE ZERO TWOS, SUCH PROCEDURE HAVING BEEN SUGGESTED BY USA TODAY.

United States Attorney

USA ADVISED THAT DEFENSE ATTEMPTED TO ELICIT FROM PREVIOUS
WITNESSES AT BOND HEARING OPINIONS OF WITNESSES AS TO MENTAL AND
EMOTIONAL STATE OF RUBY. TRIAL JUDGE DID NOT PERMIT SUCH OPINIONS
United States Attorney
TO BE VOICED BY WITNESSES. USA THEREFORE IS OF OPINION ANY
QUESTIONS TO AGENTS IN THIS REGARD WILL NOT BE ADMITTED.

IN EVENT SUCH QUESTIONS ARE ASKED OF AGENTS AND COURT ORDERS
ANSWERS, REQUEST OBTAIN DEPARTMENT-S INSTRUCTIONS AS TO WHETHER
AGENTS SHOULD FURNISH SUCH OPINIONS.

PENDING

END

WA- RM

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DSC.P

CC-MR. ROSEN