

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. Belmont

DATE: 1/16/64

FROM : A. Rosen

SUBJECT: JACK L. RUBY, AKA.  
LEE HARVEY OSWALD, AKA. - VICTIM  
CIVIL RIGHTS

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

U. S. Attorney Barefoot Sanders and his assistant B. H. Timmons, Jr., Dallas, conferred with Special Agents 1/14/64 concerning demands of prosecution and defense for production of FBI reports and the testimony of Special Agents at Ruby's bond hearing January 20, 1964.

Joe Mr. Sanders advised that he had talked with Defense Attorney Tonahill on 12/24/63 relative to the testimony which would be expected of the Agents at the bond hearing. Tonahill said he anticipated questions of the defense would be restricted to information supplied by Ruby to Agents at interviews on 11/24/63 at Dallas Police Department and on 12/21/63 at the Dallas County Jail. Mr. Sanders furnished this information to the Department.

Mr. Sanders also said he had advised the Department of press reports that the defense was now demanding all FBI reports and of a press interview of Texas Attorney General Waggoner Carr to the effect that Carr had been assured of getting files of the FBI and the President's Commission for delivery to District Attorney Wade at Dallas.

U. S. Attorney Sanders also advised that on 1/14/64 he had talked to Mr. Foley, who is assistant to Assistant Attorney General Miller, and advised Foley he feels if FBI records are furnished to the prosecution, both the Department and the FBI would be in an extremely bad position to refuse to furnish same to the defense. Mr. Foley said that he would advise Sanders of the Department's desires and instructions as to the testimony of the Agents at the bond hearing and regarding furnishing of FBI records to District Attorney Wade and to the defense.

- 1 - Mr. DeLoach
- 1 - Mr. Sullivan
- 1 - Mr. Evans

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Memorandum to Mr. Belmont  
RE: JACK L. RUBY, AKA.

It is noted that a request has been received both from the prosecution and the defense in this matter for all FBI reports and records concerning both Ruby and Oswald. The requests have been discussed with Assistant Attorney General (AAG) Miller of the Department and with Mr. Rankin of the President's Commission who presently have the matter under consideration as to specifically what records will be furnished to whom. District Attorney Wade and Texas Attorney General Waggoner Carr have been advised that the matter of furnishing records is under consideration by the Department and the President's Commission.

The defense request that two Agents testify at Ruby's bond hearing on 1/20/64 as to statements made by Ruby in their presence immediately subsequent to his arrest on 11/24/63 and at their interview with Ruby on 12/21/63 was previously discussed with AAG Miller on 1/8/64 and he was advised that the Bureau would defer to his views as to whether or not the Agents would be allowed to testify. Miller said that he desired the Agents to testify and that he would insure that the U. S. Attorney or one of his representatives was present to protect the Government interest. Dallas was instructed on 1/9/64 that the Agents who interviewed Ruby should testify at the bond hearing with the U. S. Attorney present and that the testimony should be limited to the facts surrounding the interview of Ruby. Dallas has requested specific instructions as to whether or not they should testify only to the fact that they interviewed Ruby or as to information furnished to them by Ruby.

Dallas stated that unless advised to the contrary, the Agents will appear for testimony without notes or interview reports regarding their interviews with Ruby as suggested by U. S. Attorney Sanders. Dallas did prepare interview reports regarding their three interviews with Ruby and if a demand is made by the defense the Agents would be obligated under the Jencks Law to produce these interview reports. Dallas also has retained possession of the Agents' notes made at the time of the interviews.

This question was discussed by SAs Hines and Martindale with AAG Miller 1/16/64, who stated that when the Agents were called to testify that it would be entirely appropriate that they take with them the interview reports or notes of interviews and produce them if called upon to do so. He telephonically contacted U. S. Attorney Sanders with the Agents present and told him that the Agents would take with them the interview reports and notes re the interviews and produce them if called upon and U. S. Attorney Sanders agreed that this would be proper.

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They also asked to be advised as to whether or not, if questioned, they should furnish an opinion as to Ruby's mental or emotional state during the time of the interview.

ACTION

1. Dallas has been instructed in accordance with the previous request of AAG Miller on 1/8/64 to testify specifically as to the facts of the interviews with Ruby on 11/24/63, 11/25/63 and 12/21/63, statements made by Ruby in their presence and any information furnished by Ruby to the Agents. (It is noted that Agents actually interviewed Ruby on three occasions, 11/24/63, 11/25/63 and 12/21/63, rather than two as mentioned by Defense Attorney Tonahill on 11/24/63 and 12/21/63.)

G.K.  
X

2. Dallas has been informed of the discussion with Mr. Miller, of Mr. Miller's discussion with U. S. Attorney Barefoot Sanders. Dallas has been instructed that Agents should take interview report forms and notes with them when they testify and produce them if they are requested to do so.

G.K.  
X

3. Dallas has been instructed that the Agents must confine their testimony specifically to the facts of the interviews, statements made by Ruby in their presence and information furnished by Ruby to the Agents and that, under no circumstances, are they to furnish any opinion or conclusion as to Ruby's mental or emotional state at the time of their contacts with Ruby.

G.K.  
X

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