

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Belmont

DATE: January 14, 1964

FROM : A. Rosen

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

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

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TEXAS

A letter dated 1/9/64 has been received from Joe Tonahill, one of Ruby's attorneys. It is addressed to the Director and J. Lee Rankin with copies designated for the President, the Chief Justice and the Attorney General.

Handwritten notes and signatures:
F.C.P.
Rosen
Sullivan
Trotter

Tonahill requests that the President's Commission make available for inspection and copying all information in possession of the Commission relating to Oswald and Ruby including the Bureau's investigative reports. Tonahill makes no direct request of the Bureau.

In support of his request Tonahill alleges that, for the most part, the FBI is the only investigative agency doing work for the prosecution and that the Bureau submits material daily to the local District Attorney. We, of course, have not conducted investigation for the prosecution and the District Attorney's request for the results of our investigations has been referred to the President's Commission and the Department for a determination as to what information should be furnished. The FBI Laboratory and the Identification Division have examined physical evidence submitted by the Dallas Police Department and the police department has been furnished the results of such examinations.

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Tonahill attempts to justify his request with the following allegations:

1. The State of Texas yielded to President's Commission by halting the convening of a special court of inquiry thus depriving Ruby of much evidence which would have been available to him under Texas process.

- 1 - Mr. Mohr
- 1 - Mr. DeLoach
- 1 - Mr. Evans
- 1 - Mr. Sullivan
- WLM:ers:pab (10)
- Enclosures (3)

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2. The prosecution is seeking a death sentence for murder with malice but Ruby is guilty of no offense greater than murder without malice which is not a capital offense.
3. It is necessary for the defense to prove that Oswald assassinated President Kennedy and the defense is entitled to prove Oswald was a dangerous man of bad character and reputation as well as a professed communist.
4. Among other things, Ruby's defense will be that he is not legally responsible for the alleged offense because of mental disease and defect.
5. The facts in possession of the Commission will indubitably prove Ruby's defensive elements and it would violate Ruby's civil rights to withhold the Commission's information from Ruby.

Tonahill makes reference to a newspaper story, which he indicates he does not believe, alleging that Oswald was a Bureau informant. This allegation has previously come to our attention and it is completely false. Oswald was interviewed on three occasions (6/26/62, 8/16/62 and 8/10/63) but no attempt was made to develop him as an informant during any of these interviews.

ACTION:

1. Attached is a letter to Tonahill advising him this is a matter within the discretion of the President's Commission.
2. Attached are letters to Rankin and the Attorney General enclosing a copy of the letter to Tonahill and advising them that Oswald was not a Bureau informant and that we have not conducted investigation for the prosecution or furnished information to local authorities except the results of examinations of physical evidence submitted by the Dallas Police Department.

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3. No letter to the Chief Justice or the White House is considered necessary since we are writing Rankin who is Chief Counsel for the President's Commission of which the Chief Justice is Chairman.

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W. J. ...

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W. J. ...