

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Belmont *Mod* DATE: 1/9/64

FROM : A. Rosen *Jim*

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

Request of Henry Wade, District Attorney, Dallas, Texas

Dallas has advised that Henry Wade, District Attorney, Dallas County, Texas, has expressed a desire to have copies of a number of the reports of interviews, particularly those reflecting interviews with Ruby, background information furnished concerning Ruby and those reflecting Ruby's activities during the pertinent period (11/21-24/63). Wade pointed out that he would keep the information confidential but would find it most helpful in possible connection with cross-examination of witnesses. He also indicated he might subpoena some of our Agents should a witness tell a different story on the stand from the story related to the Agents.

The Dallas Office reviewed interviews in connection with the phases mentioned by Wade and set forth three interviews of Ruby and 141 interviews of relatives, associates and other persons covering the desired information. It was requested that Bureau permission be granted to make the reports of these interviews available to Wade.

Request of Defense Attorney for Agent Testimony

It is noted that the defense attorneys for Ruby have already made a request for two Agents to testify at a bond hearing 1/24/63 as to statements made by Ruby in their presence immediately subsequent to his arrest on 11/24/63. District Attorney Wade did not feel that the Agents' testimonies would be detrimental to the State's case and did not object to their testifying. Assistant Attorney General Miller asked that the Bureau consider allowing the Agents to testify as to refuse might create the impression that the Federal Government had something to hide. With the Director's approval Miller was advised 1/8/64 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 for the defense and that he would insure that the U.S. Attorney was present in State court if the Agents testified.

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

JWH:ras/ers
(9)

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5 JAN 24 1964

EX-114

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Request of Attorney General, Texas:

Mr. J. Lee Rankin of the President's Commission, by letter dated January 7, 1964, forwarded a letter to the Commission from Mr. Waggoner Carr, Attorney General of Texas, in which Carr indicated that the District Attorney of Dallas County, Henry Wade, is presently handicapped in the preparation of the case against Jack L. Ruby by the fact that certain records, including written statements, are in possession of the FBI. Mr. Carr also states that Mr. Wade is concerned about repeated statements made in the press to the effect that there is no connection between Oswald and Ruby. Carr states Wade's point is that such press reports should say that no connection has thus far been established. He advises Wade is aware that such press statements are not based on any statements or activities of the Commission or anyone connected with the Commission.

Mr. Rankin requested advice concerning the nature of the records in possession of the FBI, if any, which Mr. Wade does not have and which he feels are necessary to the preparation of his case. He requested that he be advised of any arrangements which can be made to assist Wade without impairing the investigative responsibilities of the FBI or the assignment of the President's Commission.

Facts to be Considered

The Federal Government has no direct interest in or responsibility for the State murder prosecution of Ruby but any direct statements or admissions made by Ruby to Agents would be pertinent. Since we have already agreed, as Miller desires, to furnish Agents to testify for the defense as to statements made by Ruby in the presence of Agents, there is no objection to furnishing the State reports of Agents' interviews with Ruby.

It will be noted that Mr. Rankin points out the Commission is anxious to cooperate with the Texas authorities. From the Bureau's standpoint, we see no objection to advising the District Attorney of the names of the police officers and others to whom Ruby made statements after his arrest and who we subsequently interviewed. We could orally furnish the essence of the information so state authorities could conduct their own interviews. We could

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do the same as to persons who furnished us information about Ruby's movements during the pertinent period, 11/21 through 11/24/63.

We think it would be undesirable to furnish the full results of our investigation to the State reflecting interviews of approximately 3,000 persons contained in investigative reports totaling approximately 3,307 pages. Our investigation covers all facets of Ruby's life, including the running out of numerous rumors and false allegations. We should not be in a position that the Bureau has selected from this mass of interviews that which should be turned over to the District Attorney bearing in mind that the defense may also request such information.

It should be noted that the Dallas Police have conducted an investigation of the murder and furnished copies of their report to Wade and the President's Commission and the trial should be based on the Dallas Police investigation.

Possible Request for FBI Reports by Defense

In connection with a possible request from the defense for our investigative reports, a United Press International release of 1/7/64 quoted J. H. Tonahill of Jasper, Texas, one of Ruby's defense attorneys, as stating that he would go to Federal court if necessary to make the FBI and the President's Commission turn over to him reports of their investigations of the Oswald killing. He said the reports no doubt would contain fine defensive material and "we are entitled to it under several Supreme Court decisions." The Bureau has not as yet had a specific request from Ruby's defense attorneys for our investigative reports.

Thinking of Assistant District Attorney Dallas re Conspiracy

In addition to the above, Dallas advised that Assistant District Attorney William Alexander has stated that the State prosecution would "make no effort to correct impressions" a jury may receive that Oswald and Ruby were part of a communist conspiracy and inferred that he felt a jury would be most likely to convict and give Ruby a substantial sentence with the belief that there was an Oswald-Ruby connection. Dallas requested that they be

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allowed to advise District Attorney Wade that Ruby has denied any connection with Oswald and that no reliable information has been developed in our investigation to indicate that Ruby and Oswald had ever known each other or had any association whatever. While this is true, we do not think the FBI should make such a statement to state authorities as this is a function of the President's Commission.

ACTION:

Basically, we feel that the decision as to what should be turned over to the State rests with the Department and the President's Commission. We recommend:

1. That Mr. Malley see Mr. Rankin and discuss with him the request made by Attorney General Carr of Texas, that it be suggested to Rankin that it would be desirable to obtain the Department's views relative to what information should be given to Mr. Carr in view of the fact the Department requested the Bureau to conduct a civil rights investigation relative to Ruby's shooting of Oswald. Mr. Rankin will also be advised that the Bureau has not up to this point furnished any reports concerning the Ruby investigation to the Department inasmuch as the President also requested the Bureau to conduct investigation relative to the shooting of Oswald by Ruby and in view of the President's request all reports thus far have been made available only to the President's Commission. Mr. Rankin will be advised that the Commission has all of the reports prepared by the Bureau in the Ruby matter and that they are, therefore, aware of what information we have. Mr. Rankin will also be advised that the Bureau defers to the Commission as to what information is to be furnished to the District Attorney. For Rankin's assistance, we can point out the feasibility of furnishing interviews with Ruby and orally identifying for the District Attorney those people whom we have interviewed who talked to Ruby after his arrest and those people whom we interviewed who furnished information regarding Ruby's movements during the pertinent period. In addition to identifying these persons, we can orally advise the District Attorney as to the nature of information he can expect from them.

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2. After discussing this matter with Mr. Rankin, if Rankin agrees, the request of Waggoner Carr will then be discussed with Assistant Attorney General Miller of the Department and his opinion solicited as to what if any information should be furnished to the Dallas District Attorney. We can point out the logical cut-off line of furnishing the District Attorney specific reports (there are three) reflecting results of Agents' interviews with Ruby, the names of police officers and persons whom we interviewed who talked to Ruby subsequent to the arrest, and names of persons we interviewed who can furnish information as to Ruby's movements during the pertinent period.

to
4/11/68
Chad
R
John

I will go along with this but I think we are being rather "stiff" about it. Certainly we should want to help the state authorities in their prosecution of Ruby. I see in this memo a delay on part of Rankin & Miller in reaching a decision. The state authorities will blame FBI for hedging - and Rankin for it. D. J. J.