

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	
Miss Holmes	
Miss Gandy	

Terrell

January 29 1964

Mr. Joe H. Tonahill
Tonahill Building
Jasper, Texas

Dear Mr. Tonahill:

Jack Ruby

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.

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.

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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.

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

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 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