

9-12-64

① - Mr. Raupach

Airtel

To: SAC, WFO

From: Director, FBI (105-82555); (44-24016)

LEE HARVEY OSWALD, AKA.
IS - P - CUBA
ATTENTION: CRIMINAL SECTION

JACK L. RUBY
LEE HARVEY OSWALD - VICTIM
CIVIL RIGHTS

By letter dated September 10, 1964, the President's Commission requested that in conducting the investigation concerning the leaks of the Lee Harvey Oswald diary, the Jack L. Ruby polygraph examination and the Jack L. Ruby testimony before Chief Justice Warren, that Mr. Sol A. Damm of Detroit and Mr. Melvin Belli of San Francisco, the members of the Commission staff and the Commission be interviewed and report the results of those inquiries.

Enclosures comprising reports and memoranda are being furnished to WFO only as WFO will be handling the bulk of this investigation. In this respect WFO is to assign mature, experienced personnel to this matter. The fact that the Commission has requested the investigation must not lend itself to any reluctance on the part of the investigative Agents to fully explore and pin down any and every possibility that the questioned leaks might have occurred within the Commission. The results of the investigation must meet the highest Bureau standards. All interviews are to be thorough, business like and conducted with circumspection.

Enclosures (14)

1 - Detroit

1 - San Francisco

1 - Dallas

1 - 44-24016 (Jack L. Ruby)

KMR:las (8)

NOTE: See memo Rosen to Belmont, 9-11-64, captioned as above, KMR:las. This matter is being coordinated between Civil Rights Section and the Criminal Section, Division 6.

Airtel to SAC, WFO
RE: LEE HARVEY OSWALD

Personnel assigned are to thoroughly review the enclosed memoranda and reports which reveal previous investigation conducted in this matter before instituting investigation.

For the information of all offices, results of investigation for each phase must be submitted separately by a letterhead memorandum suitable for dissemination as follows:

Pertaining to the leak of Oswald's diary, this information is to be contained in a letterhead memorandum under the caption "Lee Harvey Oswald, Internal Security - Russia - Cuba."

Pertaining to the Ruby interview and polygraph examination, results of this investigation are to be reported under "Jack L. Ruby, Lee Harvey Oswald - Victim, Civil Rights."

For the information of Detroit and San Francisco following is a summary of investigation previously conducted concerning the leaks:

By letters dated June 30, 1964, and July 10, 1964, the President's Commission requested the Bureau to conduct investigation of the publication of Lee Harvey Oswald's diary by "The Dallas Morning News" and "Life" magazine.

On June 27, 1964, "The Dallas Morning News," Dallas, Texas, carried an article by Carl Freund concerning information furnished by Jack Ruby at the time of his interview by Chief Justice Earl Warren at Dallas, Texas, on 6-7-64. A copyrighted article by Hugh Aynesworth concerning Oswald's diary together with a photograph of a page of this diary also appeared. On June 23, 1964, the same paper carried the second article by Hugh Aynesworth concerning the diary, also a photograph of a CP U. S. A. letter dated 7-31-63, addressed to Oswald, a photograph of Oswald's undesirable discharge from the U. S. Marines dated 8-13-60 and a photograph of an International Certificate of Vaccination in the name of Oswald bearing the signature "A. J. Hideoel" bearing date stamp 6-8-63. These items were among materials seized by

Airtel to SAC, WFO
RE: LEE HARVEY OSWALD

the Dallas Police Department on 11/22 - 23/63, in a search of Oswald's room at 1026 North Beckley Street, Dallas, Texas, and his effects at the residence of Ruth Paine, 2515 West Fifth Street, Irving, Texas.

The investigation indicated Assistant District Attorney William F. Alexander, Dallas, Texas, was the possible source of material published. It was determined Alexander obtained film of the above-mentioned documents from Dallas Police Department on June 1, 1964, and had copies of the film and hard copy photographs made at the Dallas Recordak Corporation in Dallas, Texas. Officials at "The Dallas Morning News" refused to divulge the source of the material for their articles. Interviews with officials of the Dallas Police Department failed to establish the source of material published, although Chief of Police, Jesse E. Curry, had the immediate reaction the information was made available by Alexander. Also Mr. Henry Wade, District Attorney, Dallas, Texas, indicated he suspected Alexander but could furnish no specific proof.

When Alexander was interviewed by Agents of the Dallas Office, he denied being the source of the material published. However, Alexander alleged that Representative Gerald R. Ford, a member of the President's Commission, leaked the information to "Life" magazine. Alexander made other allegations which he stated he obtained from a source that he would not identify.

Mr. Henry Wade, District Attorney, made available for examination a folder containing hard copy prints of the evidence, which folder he stated was obtained from the office of William F. Alexander during late June of 1964.

On July 17, 1964, Mr. Holland McCombs, Dallas correspondent for "Life" magazine advised he contacted Hugh Aynesworth, reporter for "The Dallas Morning News" on June 25 or 26, 1964, concerning the purchase of a copy of Oswald's diary, at which time he was referred to Aynesworth's wife Paula. Mr. McCombs purchased from

Airtel to SAC, WFO
RE: LEE HARVEY OSWALD, AKA.

Paula Aynesworth the copy of Oswald's diary for \$2500. Neither Aynesworth or his wife revealed the source of the diary. Thereafter "Life" magazine obtained permission from Marina Oswald for the publication of the diary for \$20,000 plus one-half share of all foreign sales of the issue containing the diary.

Disposition of the film and prints in possession of the Dallas Police Department were accounted for. The FBI Laboratory conducted an examination of the material obtained from the office of Mr. Henry Wade, Dallas, Texas, and a copy of Oswald's diary obtained from "Life" magazine. The examination established that "Life" magazine's copy which was published, was made from the film obtained from the Dallas District Attorney's Office.

On August 17, 1964, Congressman Gerald R. Ford was interviewed by a representative of this Bureau. He said he desired to unequivocally state, and to furnish a signed statement if necessary, that he did not leak the information in question. He also stated that he did talk to "Life" magazine previously, but under no circumstances had he given "Life" magazine any information concerning Oswald's diary.

Ruby was afforded a polygraph examination at the Dallas County Jail on 7-18-64 by Special Agents Eell Herndon and W. James Wood at the specific request of the President's Commission. Present during various phases of the examination were E. L. Holman of the Dallas Sheriff's Office, Clayton, Fowler and Joe H. Tonahill, Ruby's attorney, Assistant District Attorney William Alexander, Dr. William Robert Beavers, Court Reporter Odell Oliver and Jack Ruby. On 7-22-64, the "Dallas Times Herald" printed an article purporting to be the complete questions and answers from the polygraph examination and on 7-30-64, the Commission requested that we conduct investigation to determine how this information came into the hands of the "Dallas Times Herald."

Enclosed are letterhead memoranda setting forth results of this investigation with the exception of an interview with Arlin Specter of the President's Commission. *who was not interviewed*

Airtel to SAC, WFO
RE: LEE HARVEY OSWALD, AKA.

On June 7, 1964, Chief Justice Warren and members of the President's Commission interviewed Jack Ruby at the Dallas County Jail. On 8-13-64, a copyright story by Dorothy Kilgallen appeared in the "New York Journal-American" which set forth verbatim the transcript of Ruby's testimony. On 8-20-64, the Commission requested that we conduct investigation to determine how this transcript came into the possession of Dorothy Kilgallen, and the Journal-American. Enclosed are letterhead memoranda setting forth results of investigation conducted with the exception of investigation within the President's Commission itself. It will be noted that in addition to persons interviewed who were present, Chief Justice Earl Warren, Congressman Gerald Ford of the Commission, Commission Counsel J. Leo Rankin, Commission Staff Counsel Joseph H. Ball and Arlin Specter and Elmer W. Moore, Special Agent, U. S. Secret Service assigned to the Commission were also present during this interview.

All persons who were present at the interview of Ruby and during the conduct of the polygraph examination who have not been interviewed must be thoroughly interviewed for all information they may have concerning the leaks. Any other indicated investigation within the Commission itself must also be conducted; particularly in connection with the transcript of the Ruby interview, it must be determined how many copies were reproduced by the Commission, what was done with them and all persons having access to them within the Commission must also be interviewed. Every effort must be made to pin down the specific handling and disposition of each and every copy known to exist. It is noted that one copy of this transcript was furnished by the Commission to the Bureau and the Commission has been advised of the security of this copy.

With respect to the interview of Kolvin Bellie, it was noted that he was the attorney who defended Ruby during his trial in Dallas, Texas, however, he was discharged prior to the Commission's interview of Ruby and the polygraph examination and was not present on either occasion. He should be thoroughly interviewed for any knowledge he might have concerning the leaks of the Oswald diary, interview of Ruby and polygraph examination.

Airtel to SAC, WFO
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With respect to Mr. Sol A. Dann, he is a Detroit attorney who was hired by Ruby's family subsequent to Ruby's trial. There has been animosity between Dann and Ruby's Dallas attorneys, Fowler and Tonahill. Dann hired a psychiatrist to examine Ruby prior to the polygraph examination and on the basis of his recommendation was strongly opposed to allowing Ruby to take the examination. This should be considered in the interview of Dann at Detroit and any information he has concerning any of the three leaks in question should be obtained. Leads arising from either of these interviews should, of course, be set out by teletype and promptly pursued to their logical conclusion.

The Bureau has received indications the President's Commission is concluding its investigation. Therefore, this matter is to be handled immediately.

Detroit and San Francisco are to submit the results of their investigation to reach the Bureau on or before September 18, 1964. WFO is to submit results of investigation to reach the Bureau by 9 a.m. September 21, 1964.

All offices are to submit one copy revealing results of investigation to Dallas for their information as office of origin. The Bureau will handle dissemination to the President's Commission.

Persons contacted should be initially and specifically advised that these interviews are being conducted upon the specific request of the President's Commission. In addition, receiving offices are instructed this is a limited investigation restricted to Commission members, Commission staff and the two former Ruby attorneys.

Upon completion of interviews with Commission members and staff, WFO is instructed to advise the Bureau and do not interview Chief Justice Warren pending further instructions.