NO. E-4010-J

THE STATE OF TEXAS \$ IN THE CRIMINAL DISTRICT

VS. \$ COURT NO. 3, IN AND FOR

\$ JACK RUBY \$ DALLAS COUNTY, TEXAS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES JACK RUBY, the Defendant in the above-entitled and numbered cause, and states under oath that there is in this Dallas County, and there exists in this Dallas County where the prosecution is commenced, so great a prejudice against him that he cannot obtain a fair and impartial trial. Besides such general prejudice, there exists especially within Dallas County the following conditions which preclude the possibility of a fair and impartial trial in this Dallas County, to-wit:

- 1. Assassination of President Kennedy on Dallas street;
- 2. Assassination site close to the courthouse where Jack Ruby will be tried;
- 3. Assassination site still visited and flowers are still placed near by;
- 4. Assassination and shooting of Oswald are conceptually intertwined;
- 5. Dallas blamed directly and indirectly for the assassination of the President;
- 6. Dallas blamed for allowing the shooting of Oswald;
- 7. Dallas representatives have expressed feelings of

- 10. Dallas blamed for promoting extremism;
- 11. Dallas County cannot judge Ruby fairly, while State, Nation and World judge Dallas;
- 12. Publicity regarding fear of political and economic reprisals against Dallas;
- 13. Subliminal effect on Dallas jury of the publicity against the Dallas community;
- 14. Dallas District Attorney published pre-trial demand for the death of a citizen who is charged with killing the vicious assassinator of the President;
- Adverse publicity concerning Ruby's legal counsel and clearance by Grievance Committee of District Attorney's press releases;
- 16. Such extreme pressure and publicity that trial judge needed services of public relations expert;
- Necessity of taking extreme security precautions for transfer of Ruby to County Jail, location of jail cell and protection of courtroom for bail bond hearing;
- 18. Adverse local press stories carrying inuendos of conspiracy;
- 19. Threats of physical violence against other citizens of Dallas after assassination of President and shooting of Oswald;
- 20. Adverse local press referring to Ruby as "tough guy, Chicago mobster and strip joint owner";
- 21. Anti-Semitism against Ruby sparked by publicity that name had been changed from Rubenstein;
- 22. Such strong local prejudice that Parkland Hospital, which treated the avowed Marxist, Oswald, refused to permit Ruby to undergo tests by eminently-qualified doctor that were to be made available to defendant's counsel, the State, and the Warren Commission.

Further, the Defendant says that there is a dangerous combination against him instigated by influential persons, by reason of which he cannot expect a fair trial; and further, the Defendant says that the failure to grant a change of venue will result in the denial of a fair trial, and thus violates

counties in Texas where he could receive a fair trial.

WHEREFORE, PREMISES CONSIDERED, your Defendant asks and prays the Court to change the venue of this cause to some county that is free from this and other objections.

JACK RUBY, Defendant

MELVIN BELLI
Belli Building
San Francisco, California

SAM BRODY
Suite 204, 6505 Wilshire Blvd.
Los Angeles, California

JOE H. TONAHILL
Tonahill Building

Jasper, Texas

NOTARY PUBLICA IN AND FOR DALLAS COUNTY, TEXAS

IN THE CRIMINAL DISTRICT COURT NO. 3 OF DALLAS COUNTY
DALLAS COUNTY, TEXAS

THE STATE OF TEXAS

NO. E-4010-J

JACK RUBY

AFFIDAVIT SUPPORTING APPLICATION FOR CHANGE OF VENUE

TO THE	HONORABLE JUDGE OF SAID COU	IRT:	and) (u-1	
and		and	· · ·			and	
	, do	so lemnly	swear t	that we a	re reside	ents of	
Dallas County, Texas, that we are informed by the contents of the Applica-							
tion f	or Change of Venue this date	e filed by	the De	efendant,	Jack Rul	by, in	
the above entitled and numbered cause, and we are cognizant of the matters							
therei	n stated to this extent, to-	-wit:					

That there exists in Dallas County, Texas, where the prosecution is commenced, so great a prejudice against Jack Ruby that he cannot obtain a fair and impartial trial. That there exists especially within Dallas County various conditions as set forth in the Application for Change of Venue which precludes the probability of a fair and impartial trial in this Dallas County. That there is a dangerous combination against him instigated by influential persons by reason of which he cannot expect a fair trial.

By reason of the foregoing, we think the Defendant, Jack Ruby, cannot reasonably expect a fair trial of said cause in this Dallas County.

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IN THE CRIMINAL DISTRICT COURT NO. 3 OF DALLAS COUNTY, TEXAS

THE STATE OF TEXAS		
VS.		NO. E-4010-J
JACK RUBY	Q	

DEFENDANT'S MOTION FOR DISCOVERY, COPYING AND PHOTOGRAPHING DOCUMENTS, REPORTS AND STATEMENTS POSSESSED BY THE STATE

TO THE HONORABLE JOE B. BROWN, JUDGE OF SAID COURT:

Your defendant, Jack Ruby, respectfully moves the Court for an order requiring Henry Wade, District Attorney of Dallas County, Texas, and Jessie Curry, Chief of Police for the City of Dallas, Dallas County, Texas, to produce forthwith and to permit the defendant and his counsel making this motion to inspect and to copy or photograph each and every book, paper, statement, document, report, and other tangible object obtained by them, their assistants, agents, servants, and employees, whether obtained by compulsive process or otherwise, and now in their possession, custody or control, including photographs, which relate to and bear directly or indirectly upon the assassination and worldwide catastrophe produced thereby when Lee Harvey Oswald assassinated President John Fitzgerald Kennedy, assassinated Officer J. D. Tippett, and near fatally wounded Governor John Connally of Texas on November 22, 1963 in the City of Dallas, Dallas County, Texas, as well as such documents above stated relating to 0 the shooting of the assassin Lee Harvey Oswald, who assassinated President John Fitzgerald Kennedy, Officer J. D. Tippett, and near fatal wounds of Governor John B. Connally; that such order should be entered immediately and said order complied with at once in order that defendant Jack Ruby

That said defendant and his attorneys should be permitted at once to receive from Chief of Police Jessie Curry and District Attorney Henry Wade for the purpose of inspecting, copying and photographing each and every book, paper, statement, document, photograph, or other tangible objects obtained by them from others by seizure or by process which they now have in their possession, custody or control relating to the above described and mentioned shootings, including the minutes of the grandjury testimony adduced and heard by the grandjury of Dallas County, Texas, that returned the bill of indictment in this case.

Ш.

That each of the books, papers, documents, photographs, statements and other tangible objects referred to above, and which come within the description therein, is believed to either contain evidence material and relevant to the defense of the prosecution here brought against the defendant; that examination by defendant and his attorneys of such of the same as do not actually contain evidence material and relevant to the defense of the prosecution brought against defendant is essential in order for defendant to properly prepare his defense to the charges laid against him.

IV.

That following the assassination of the late President, The Honorable John F. Kennedy, the shooting of Officer J. D. Tippett and his death, and the near fatal injuries of Governor John B. Connally by Lee Harvey Oswald and the subsequent shooting of said Lee Harvey Oswald on November 24, 1963, was all investigated immediately by the District Attorney's office, Chief of Police, and others of an investigative character,

Attorney Henry Wade his complete report upon the investigations on January 6, 1964, and both of whom have copies of said report of investigation of Chief of Police Jessie Curry in their possession which should be made available immediately to defendant and his counsel.

V.

That it is the belief of defendant and his counsel that the State will rely upon some of the material, a part thereof, or all thereof of the reports contained in their possession in the prosecution of defendant and therefore defendant is entitled to have same delivered to him and his counsel in order that he may properly prepare his defense in said cause in keeping with the constitutional guarantees of the Fourteenth Amendment of the Constitution of the United States.

VI.

That while the defendant is charged by the State of Texas with the offense of "murder with malice" of Lee Harvey Oswald, the assailant of the late President Kennedy, Officer J. D. Tippett, and the near fatal wounds of Governor John Connally, yet defendant verily believes that the evidence will show that the offense, if any, that Ruby is charged with was committed by a person who felt great and deep devotion to President Kennedy and his family and was done under overwhelming provocation, uncontrollable impulses, mental disease, and mental defect of a nature that precluded Ruby from knowing right from wrong at the time of the alleged shooting of Oswald; that under such circumstances and proof a jury could either find that defendant Ruby's mental state requires commitment and mental care for rehabilitation

VII.

Further, it will be contended at the trial by the defendant and his counsel, and this contention will be buttressed by world renowned psychiatrists and clinical psychologists in the area of dynamic psychiatry, that under Texas law that Ruby was legally insane and that, among other things, his defense will be that he is not legally responsible for the alleged offense against him because of such mental disease and defect and because of which he did not or could not appreciate the right from the wrong of the alleged offense.

VIII.

That in order to prove and show that defendant Ruby cannot be guilty as charged it is necessary for his defense to prove and be able to prove that the assassin Lee Harvey Oswald actually did in fact murder and assassinate the late President John F. Kennedy, Officer J. D. Tippett, and near fatally wound Governor John Connally.

IX.

Further, your defendant his counsel are entitled to such data hereinabove moved for for the reason that defendant is entitled to offer and prove under Texas law that the assailant of President John F. Kennedy,

Officer J. D. Tippett, and the near fatal wound of Governor John B. Connally,
to-wit, Lee Harvey Oswald, was a dangerous man of bad and dangerous character and reputation and a professed Communist, and the investigative reports which have been and are being delivered to the District Attorney should contain an abundance of evidence that will undoubtedly tend to establish the facts of the assailant Lee Harvey Oswald's character and general reputation and propensities and likewise establish the defenses of the defendant

e is not a second and the bill of indictment against him: that

copying and photographing defendant Ruby and his counsel; that the proof and facts in possession of the District Attorney and the Chief of Police will indubitably show and prove many of the defensive elements of the defendant Jack Ruby's defense.

X.

That in the interest of American law, truth and justice under the processes of law under the Texas and United States Constitution, particularly the Fourteenth Amendment, and the due process clause therein and the equal protection clause therein, the Chief of Police of Dallas and the District Attorney of Dallas County should make the facts of their investigation producibly available forthwith to the defendant Ruby and his defense counsel at the earliest possible date for adequate review, evaluation, photographing and copying.

XI.

That under all the facts and circumstances, particularly in view of the fact that the trial of defendant Jack Ruby's case will attract worldwide attention, the defendant Ruby's rights, the American due process of law, will all be forever prejudiced and denied if such true facts and findings are not made available to defendant Ruby and his defense counsel for use upon the trial in keeping with the rules of admissibility of legal evidence; that if the defendant Jack Ruby and his counsel are not readily provided the privilege of inspecting and copying the pertinent material contained in the District Attorney's files as an investigative product, as well as the material contained in the Chief of Police of Dallas County files from his investigation, all prior to the trial of this case, defendant Ruby will be

· . . .

That a hostile press of much power and influence in Dallas, Texas, has at all times attempted to influence and inflame the public against Ruby to the extent that it is almost impossible for him to receive a fair trial and be accorded his legal rights in Dallas and elsewhere in Texas; that said press has gone so far as to report from an interview with Chief of Police Jessie Curry on November 22, 1963 that the FBI knew that Lee Harvey Oswald was in Dallas but had not given his name to the police to check, or any other law enforcement agencies involved in President Kennedy's protection, and subsequently the press releases originating in Dallas are to the effect that Chief Curry later retracted the statement; further, there are press releases originating in Dallas to the effect that Lee Harvey Oswald was a stool pigeon of the Federal Bureau of Investigation and such story points out that Dallas District Attorney, who is a former FBI agent himself and "therefore a man who would know how such an agency would operate, does not discount the possibility that Oswald may have been an informant.", the report saying, "It may be true," he said, "but I don't think it would ever be made public if he is.", the article reports; that such incredible news reporting is so highly fantastic and unacceptable to rational minds has been utilized by the prosecution for the purpose of prejudicing the defendant's rights; that the factual reports received by the District Attorney from the investigative agencies, including the FBI, all of which are contained in the District Attorney's files, should be made available forthwith to defendant and his counsel for inspection, photographing and copying in order that defendant will not be denied his constitutional rights and to offset some of the prejudicial news reporting being pressed by one of the news agency's media in Dallas which

Ambassador to the United Nations Adlai Stephenson shortly before the assassination of President John F. Kennedy and the assassination as well of Officer J. D. Tippett and the near fatal wounds of Governor John Connally, as well as a sign situated in the City of Dallas on the morning of the fatal shooting of President Kennedy to the effect that Chief Justice Earl Warren of the Supreme Court of . the United States should be impeached; that such powerfully influential press reporting has been and is geared now to persuade their advertisers, readers and prospective jurors in and out of Dallas County that will try Jack Ruby that he should be given the death sentence because Dallas is on trial for the assaults upon the Johnsons, Mr. Stephenson, and the world wide tragedy of the assassination of President Kennedy. Therefore your defendant and his counsel should be provided all the material evidence that has been gathered and is being gathered by the State, the District Attorney's office, the Chief of Police, the Sheriff and other agencies delivering said evidence to the District Attorney's office, in an effort for the defendant and his counsel to place before the jury the truth and true facts in opposition to the indelible effect of a warped and prejudicial press on the public minds which otherwise would normally follow the members of the jury panel into the jury room that tries Mr. Ruby; that such warping of the facts by the press and news media have constituted not merely a clear and present danger to the administration of justice but an actual obstruction of the administration of justice in that they are depriving the defendant Jack Ruby of his constitutional right to have an impartial jury trial unless he is provided with the documents moved for, and which fair and impartial jury trial can then only be obtained in a great distance from the City of Dallas. The trial of the defendant Jack Ruby without the pertinent

be granted and said officials should be ordered to produce said data forthwith because it has always been the paramount interest of American jurisprudence in criminal prosecutions that justice shall be done--not alone that a case should be won; that the only way defendant and his counsel can know and decide the problems confronting them is to be able to inspect the investigative reports of the Chi ef of Police and District Attorney and then decide whether to use them in defendant's defense. Only then can a trial judge determine their admissibility in the trial court.

Respectfully submitted,

MELVIN BELLI
Belli Building
722 Montgomery
San Francisco, California

SAM BRODY
Suite 204, 6505 Wilshire Boulevard
Los Angeles 48, California

. JOE H. TONAHILL
Tonahill Building

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Joe H. Tonahill

Attorneys for Defendant, Jack Ruby

IN THE CRIMINAL DISTRICT COURT NO. 3 OF DALLAS COUNTY, TEXAS

THE STATE OF TEXAS

vs.

NO. E-4010-J

JACK RUBY

BRIEF IN SUPPORT OF DEFENDANT'S MOTION FOR DISCOVERY

TO THE HONORABLE JOE B. BROWN, JUDGE OF SAID COURT:

Come now the defendant, Jack Ruby, and his counsel and, in support of the Motion for Discovery, Copying and Photographing the Records of the Chief of Police and District Attorney regarding the assassination of the President John F. Kennedy, Officer J. D. Tippett, and the near fatal shooting of Governor John Connally and the subsequent shooting of their assailant, Lee Harvey Oswald, respectfully submit the following authorities in support of granting the Motion and entering an Order to that effect.

Only after inspection of the matters moved for by Ruby's counsel "* * must a trial judge determine admissibility--e.g.,--evidentiary questions of inconsistency, materiality, and relevancy-- of the contents and the method to be employed by the elimination of parts immaterial or irrelevant.

Gordon v. U. S., 344 U. S. 418," Jencks v. U. S., 353 U. S. 657; U. S. v.

Reynolds, 345 U. S. 1, 32 A. L. R. 2d 382; U. S. v. Andolachek, 142 F. 2d

503, 506; Ashley v. State of Texas, 319 F. 2d 80 (July 30, 1963); Wiley v.

State, 332 S. W. 2d 725; Blum v. State, 317 S. W. 2d 931; Funk v. State, 208

S. W. 509; Kilpatrick v. State, 189 S. W. 267, 211 S. W. 230; Smith v. State,

240 S. W. 2d 783; Jackson v. State, 314 S. W. 2d 97; Board v. State, 56 S. W. 2d

464; Green v. State, 110 S. W. 920; Palacio v. State, 301 S. W. 2d 166;

• · · · ·

The gist in the main of the foregoing cases is to the effect that unless the defendant is permitted to obtain access to, copy, photograph and inspect the material contained in the State's files that fundamental unfairness in the trial will exist to such an extent as to constitute a denial of equal protection of the law and due process of law to the defendant under the Fourteenth Amendment to the Constitution of the United States. To the same extent and effect are the cases of Pyle v. Kansas, 317 U. S. 213; 87 L. Ed. 214, 63 S. Ct. 177; Mooney v. Holohan, 294 U. S. 103, 79 L. Ed. 791, 55 S. Ct. 340.

Other cases involving the suppression of evidence by prosecuting attorney as serving the basis for a holding that a denial of due process has occurred to the defendant are U. S. v. Dye, 221 F. 2d 763 and U. S. v. Rutkin, 212 F. 2d 641.

Further in support of the Motion are excerpts from a speech before the Texas Judicial Conference by Chief Justice K. K. Woodley of the Court of Criminal Appeals, who stated:

"In fairness to the defendant, inspection of his confession or the statements of the others which are part of the State's files, should not be arbitrarily denied simply because no statute, court rule or decision requires their production.

* * *

"As a practical matter the prosecution will often find that the motions and demands for the discovery and inspection of statements in the files of the prosecution may be more damaging to the State's case before the jury than a statement could possibly be if produced." Blum v. State, 317 S. W. 2d 931.

Very respectfully submitted,

MELVIN BELLI Belli Building 722 Montgomery San Francisco, California

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ITEMS 1197 thm 1229

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PUBLISHER OF THE CALIFORNIA MODELS DIRECTORY
7417 SUNSET BOULEVARD
HOLLYWOOD, CALIFORNIA

PROBERT CHAVEN MARYIN GARDNER JOSEPH RADUL

Melrose Avenue Angeles, California

r. Jack Ruby 05 Moin Street allas, Texas



February 5, 1964

Dear Jack,

Boy, what a coincidence. I got your letter this morning, and was just thinking Monday that I ought to drop you another note.

Now, I'm a little curious. I got the one letter from you last December, and I wrote an answer to it. Now, if you answered that one (wrote a second letter to me) I never got it. So one of us hasn't been getting our mail. I assume it could have ended up in the dead letter office, but then it also could have been short-stopped by the damn nosy government. If so, the least they could have done was to pass it on along as soon as they were through with it. I have put in a call to my FBI agent (I call him mine. He's the one that interviewed me, when they learned that we knew you) to ask him what the hell's going on, and to forward a complaint on my behalf wherever it may do some good.

Anyway, here I am. I will waste one part of my letter by telling you that our unmentionable friend was picked up last Christmas time on routine drunk-driver checks, and when last heard of, was still in jail.

Herb Eden just called me back. Now I'm getting more and more upset. In our conversation, I looked at the date of your letter. Now I see that you dated it January 7, and yet, the envelope is postmarked February 4. I'm really going to raise hell with the government, post office, FBI and everyone else, unless I hear from you inside of a week saying that you were holding the damn thing.

Anyway, Herb asked if there is anything he can do for you. I told him you didn't ask for anything, and he said he'd be willing to testify for you, send what money he could - do whatever he could that you wanted. Just call him, or do it through me if you want. He's a nice guy to talk to. His phone number, if you need it, is 789-3696, the area code out here is 213.

I also got hold of Chuck Landis. He was pleased you though of him. Earl Norman has been gone for nearly a month. In fact, he's due back there in Dallas any time now. I haven't been able to locate Buddy Turman or Larry Lombard, and don't really know where to start, but I'll try.

Our old gang was glad to hear from you. I haven't seen Bob yet today, but I'll see him later this evening. There's a lot of things to say, so I may not answer everything in proper order. But while we're talking about looking people up, would you tell Joy - if you see her - to write? What I thought was her address was returned to me. So I dropped her a note to the club, when we heard it was reopened, but still didn't get an answer. However, the letter wasn't returned. Then we heard that you sold the club, so I don't know if she's there or what. Anyway, if you see her, I would appreciate it if you would ask her to let me know her address.

Well, Bob and I have a couple of deals we are trying to get off the ground. The one last fall was to take over the Moulin Rouge with a big show. That one never materialized, mainly because we dropped it because it was taking too long to get going. We may go back and start again sometime. Right now Bob and Joe Radula and I have started a registry for models/ (Please excuse all of the errors. I am not very good on an electric, and they sure don't allow any mistakes.) Then, we may also take over a model school out in the valley. We are just talking about that one, and nothing positive has been decided. Then, we are finagling around with a deal to build a bull-ring in Mexico, but that one hasn't

Then, to add to even that, Bob's wife's business moved from the eighth floor of its building to the fifth floor, and we have been working on that and the straightening up on it. Tonight should fairly well finish that off. Harry helped us move last Friday night. He asked after you, but I had nothing to tell him then.

Sam is still just setting hair, Harry is in a movie which is scheduled to start in a couple of days, Joe has been working in a t.v. pilot, and that's about that.

Do you have any suggestions as to where I could look for Buddy Turman? I mean, like what he does, or where he would be likely to hang out, or so on? You say he is an ex-fighter, but what does he do now? I will keep his note to you for a week or two, to see if I can locate him. But I will send it back to you at any rate.

You know, I wonder if you write your own letters. The handwriting has been the same in both letters, so it would seem likely that you wrote your own. But due to the circumstances, it is possible that they could be stupid enough to not even let you write your own letters. At any rate, whoever is doing the writing has a beautiful hand. My father could write beautifully, and so could my older brother, and my younger brother to an extent, but few men seem to have a fine, clear penmanship. God knows I don't. So, if it's you, I envy you.

Also speaking of writing, Bob caught your serialized story running in a Long Beach paper, I think it was. Somebody is going to make one hell of a lot of money from that, by time syndication is over, so I sure hope you're getting enough to pay your expenses, at least. I assume that's why you sold the club.

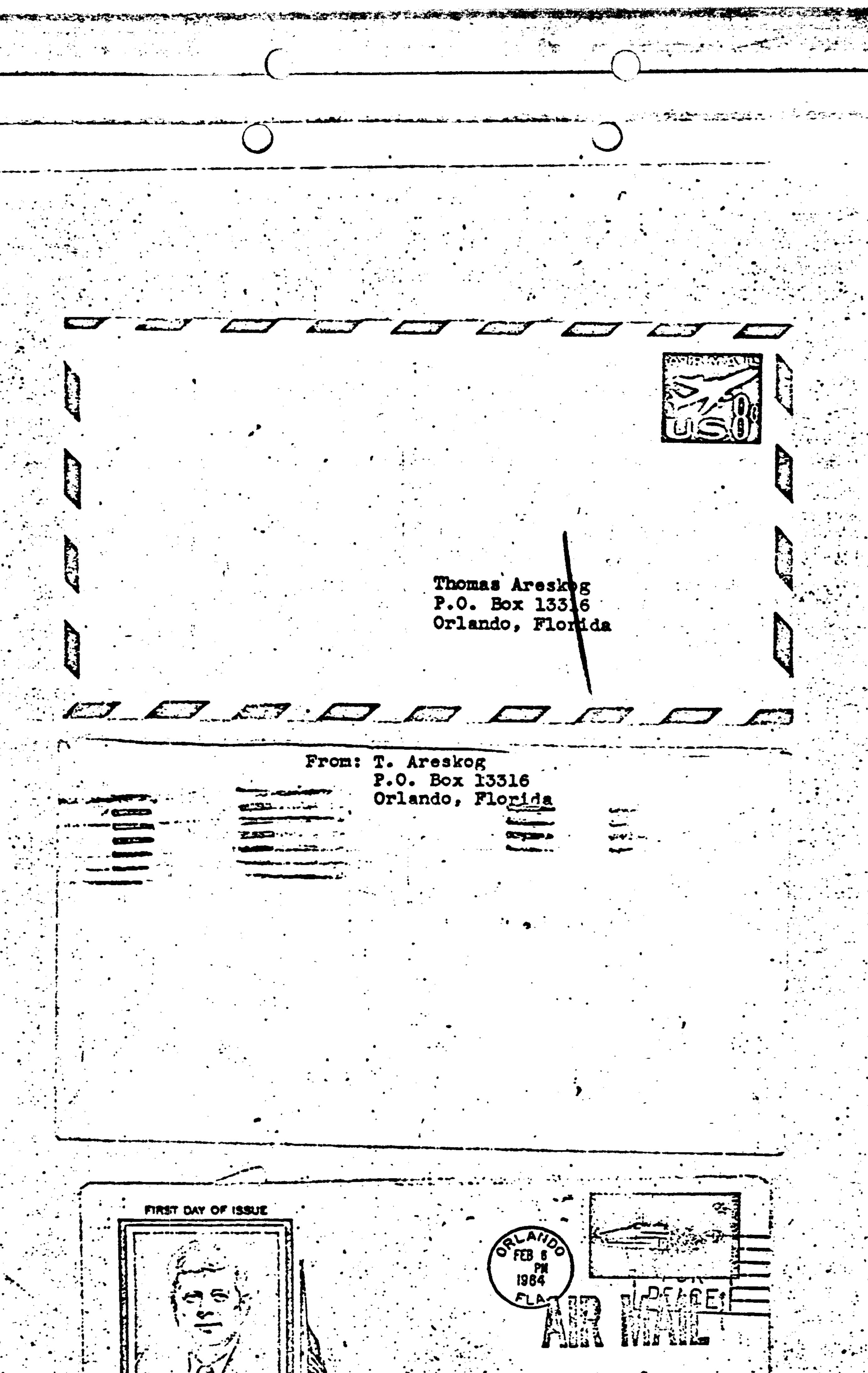
I just got through giving the local head of the FBI hell about the time gap in your letter. He says that he is personally certain that it couldn't have been the FBI, and that such mail is generally read etc. by the parties holding the person, in this case, the County Sherfiff's office, and that, if I find out that there was some delay from the time you mailed it to the time I got it, I should contact the Post Office. So be sure and tell me about when you mailed this last letter, also if you have written two or three letters to me, and if this is the second or third letter you have gotten from me. I don't care what you may have done, or anything else, NOBODY has any right to hold up your mail—legal or moral. Like I told the FBI man, it only costs 8¢ and takes two minutes to make a photostatic copy of it.

With the club sold, what do you plan on doing when you get out? I know that is a presumptive question, but I can't see how anyone could figure other than that it is only a question of when you will get out, not if. Shooting Oswald was such a senseless, unnecessary thing to do, that no one in his right mind could believe that you were in yours at the time.

I guess I'll close for now. I want to get this into the mail, besides which, there's not too much else to mention beyond the weather, and who needs that? We're still all rooting for you, and if there is anything at all that any of us can do to try to help, let me know.

Sincerely,

Six instraid the of the same bould.



P.O. Box 13316
Orlando, Florida
February 5,1964

Dear Mr. Ruby,

I am writing you in the hope that you will please be

kind enough to answer my letter.

Would you please autograph the four enclosed cards,

once each, and in ink? And also-would you include the

date? Then would you mail the cards back to me with

your autograph on them? I have enclosed a stamped,

self-addressed envelope to avoid you any inconvenience.

I would greatly appreciate it on behalf of you if you would

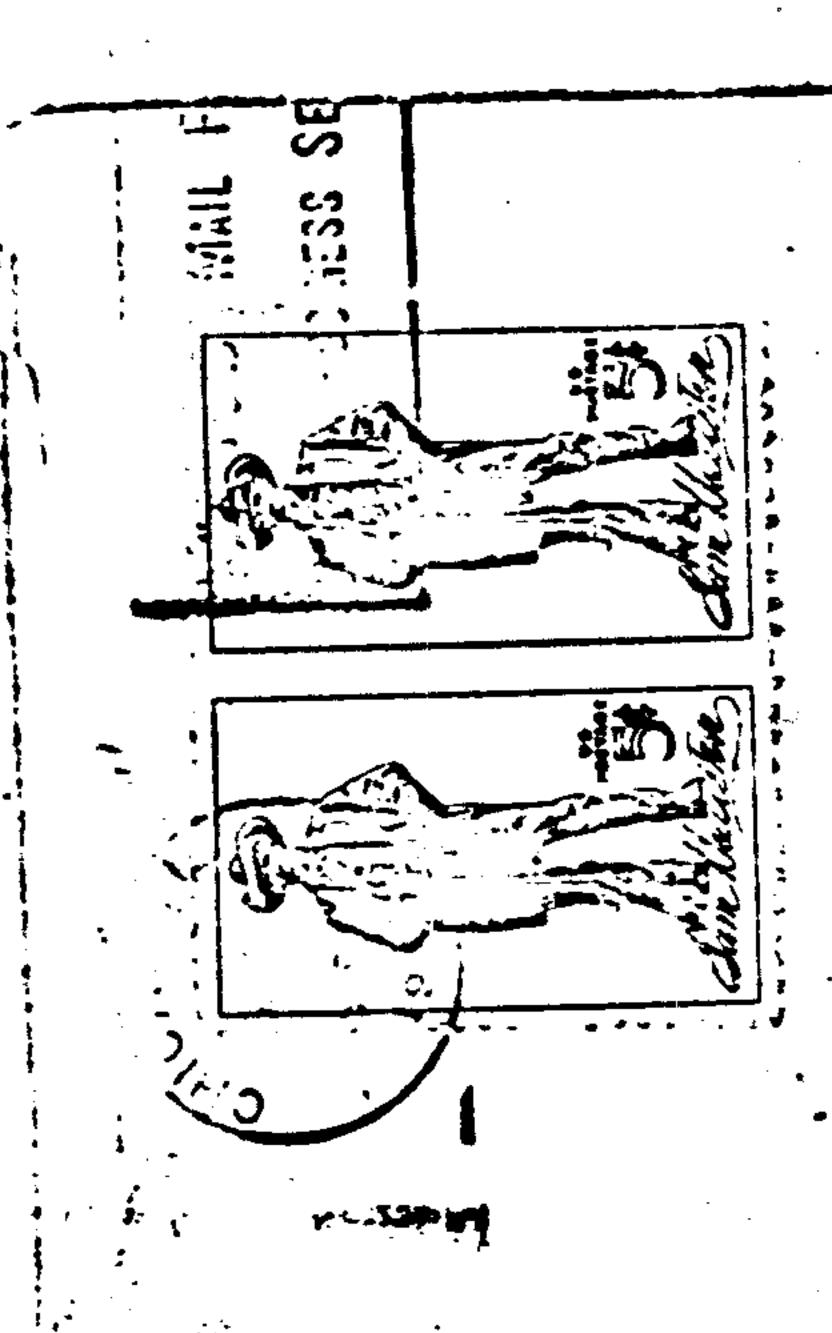
comply with my small request for your autograph. I also

have the autographs of the late President John F. Kennedy,

as well as Mrs. Kennedy. I would certainly welcome your

autograph in addition.

Thank you very much. Sincere Best Wishes Always.



& Mr. Jack Ruby,
Dallas City Jail,

ersonal.

MANSFIELD 6-1142

JOSEPH EARHART RHEA

1145 NORTH LARAMIE AVENUE CHICAGO, ILL. - 60651

Wednesday - February 5, 1964

Mr. Jack Ruby, Dallas City Jail, 505 Main Street, Dallas. Texas.

Christmas 1963 I mailed to you one of my 1964 Greeting Cards 5 Dallas City Jail, Dallas, Texas; and on the front of the envelope below the address, was the following notation:

> (Jack Ruby you deserve a Congressnal Medal of Honor for ending the Lee Oseald - the illedged assasin of our Dear President - John Fitzgerald Kennedy).

Today I received an unsealded letter from you reading as follows:

505 Main Street. Dallas, Texas.

(Air Mail)

Mr. & Mrs. Joseph Earhart Rhea, and family, 1145 North Laramie Avenue, Chicago 51, Illinois.

Dear Mr. & Mrs. Joseph Earhart Rhea:

Received your Christmas greetings, and don't know how to thank you enough for for your sentiments for me-God Bless you and all the Rhea's, and all the grandchildren, and may you all enjoy the best of everthing for the year '64. Thank you again, and want you to know that you have help to give me a lift in spirit and courage.

Sincerely.

Jack Ruby

Your most beautiful - God Is Still On The Throne.

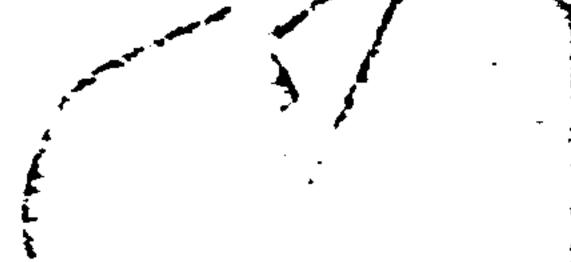
"Thy Will Be Done"

"In His Name"

Two Sons - Two Daughters Five Grandchildren Mr. Robert B. Rhea 1143 N. Laramin Am., Chicago 51 Mr. and Mrs. Don Szopinski 10144 Cabillan Blad Barablia Dank Illimain

Mr. and Mrs. Joseph Earhart Rhes, Sc.

June 4, 1964 - Our 43rd Wedding Anniversary



-Bernard Rascas.

the starry armies

(Curtis Publisbing Company-Philadelphia, Pa.)

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Except the love of God, which

Shall melt with fervent heat-

With the rolling firmament,

And the great globe itself, so the

Holy Writings tell,

ing magazines. She has a large and growing clientele.

Evening Post, Ladies' Home Journal, Holiday, and all lead-

Solicitor for The Curtis Circulation Company, Saturday

for the past '22 years consecutively, a Home Telephone

Mrs. Mabelle L. Rhea (Mrs. J. E. Sr.) is now and has been

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they shall all pass away,

Mr. Joseph Earbart Rhea

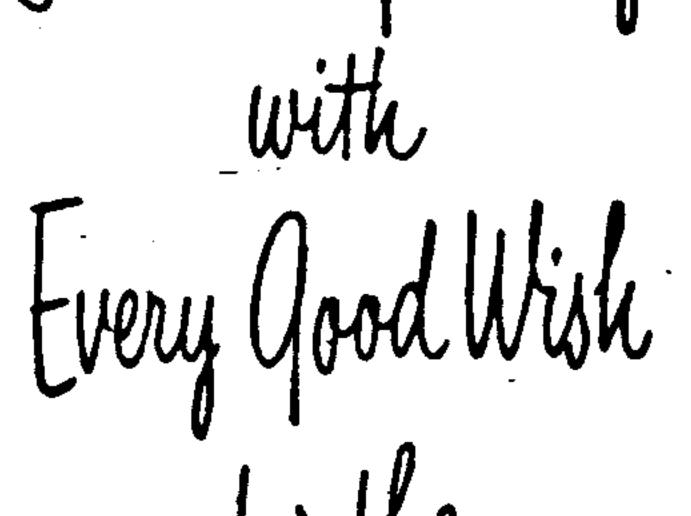






Mrs. J. E. Rhes, Sr.





1964 — My 82nd Year

VETERANS OF WORLD WAR I - of the U.S.A.

Sherman, Texas Austin College, Presbyterian Class of 1903

Angust 3, 1882 Forney, Texas (Dallas)

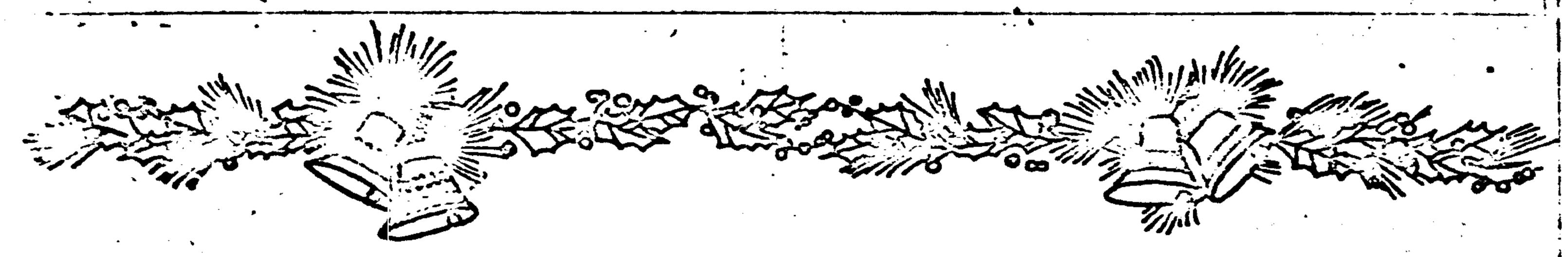
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THE FOOT-PATH TO PEACE.

A Thought for the Opening Year.

To be glad of life, because it gives you the chance to love and to work and to play and to look up at the stars; to be satisfied with your possessions, but not contented with yourself until you have made the best of them; to despise nothing in the world except falsehood and meanness, and to fear nothing except cowardice; to be governed by your admirations rather than by your disgusts; to covet nothing that is your neighbor's except his kindness of heart and gentleness of manners; to think seldom of your enemies, often of your friends and every day of Christ; and to spend as much time as you can with body and with spirit, in God's out-of-doors—these are little guide-posts on the foot-path of peace.

Henry Van Dyke.

THANK GOD EVERY. MORNING.

"Thank God every morning when you get up that you have something to do that day which must be done, whether you like it or not. Being forced to work, and forced to do your best, will breed in you temperance and self-control, diligence and strength of will, cheerfulness and content, and a hundred virtues which the idle never know."

Charles Kingsley.

CROSSET & DUNLAP-INC PUBLISHERS
INF DROADWAY, NEW YORK N. R. Y. (TWENTY-POURTS STREET) CRELING 2-1000



God is Still on the Threne



Fellow Citizens: Clouds and darkness about Him! His pavillion is dark waters and thick clouds of the skies! Justice and judgement are the establishment of His throne! Mercy and truth shall go before His face! Fellow Citizens! God reigns, and the Government at Washington still lives!

General James A. Garfield.





ROLAND V. LIBONATI, M.C.
7th District of Marinett
CHICAGO

COMMITTEEN: JUDICIARY VETERANS' AFFAIRS

Congress of the United States House of Representatives Washington, D. C.

August 22, 1962.

Mr. Joseph E. Rhea, Sr. Circulation Department - Suburban CHICAGO'S AMERICAN 445 North Michigan Avenue Chicago, Illinois.

Dear Rhea:

I could not resist the opportunity to mention your Birthday Party on the Floor of the House of Representatives, making it a part of the Congressional Record.

Enclosed, for your interest, are copies of the same. Hoping to see you soon, I am

As ever, your friend

Roland V. Libonati, M.C.

RVL:bw encls. years before. The Navy Secretary was made sole trustee. Congress appropriated, on July 10, 1832, specific sums out of the fund for the building of hospitals at or near the Navy yards of Charleston, Mass., Brooklyn, N.T., and Pensacola, Pla., and directed the Secretary of the Navy to proceed with the work. Congress also authorized construction of the naval asylum (now the naval home) at Philadelphia in that year and took part of the money from the naval hospital fund.

It is a nice legal question whether the sites of these hospitals were Government owned or were assets of the trust.

A law passed on March 8, 1855, took 10 acres of the land belonging to the naval hospital at Chelsea, Mass., and set it aside for a merchant marine hospital for the Boston and Charleston areas. A law passed June 12, 1858, directed the value of the land—\$50,000—should be placed in the credit of the naval hospital fund. Thus it would seem the Congress recognized the assets of these hospitals belonged to the fund and not to the Government generally. Again in 1890, when Congress sold land belonging to a naval hospital to the city of Brooklyn, N.Y., the value of the land—\$92,-000—was credited to the hospital fund:

The record is not clear as to whether the fund paid all the cost of construction. It would appear that Congress at times made extra appropriations to help complete several hospitals. But it is known that at least three hospitals—those at Portsmouth, N.H., Chelsea, Mass. and Newport, R.I.—were paid for entirely by the naval hospital fund. They cost a total of \$847,000 and were considered models of good hospital construction when built. Their value has appreciated to many times their original cost by now.

An act approved May 4, 1878, provided the first annual appropriation—\$50,000—from Congress to help support the naval hospital fund. From 1878 to 1908 Congress appropriated some money, in varying amounts, to the fund every year. This practice stopped in 1908.

On June 7, 1900, Congress passed a law that added all forfeitures of momey from deserters to the hospital fund.

In 1913, in an appropriation bill rider, the Congress said no hospital could be built or extensions to hospital buildings made unless first authorized by Congress. But the fund swelled during World War I because of the large number of men in service and some of it was used to help with construction projects. By 1943, when Congress abolished the fund, the money was being used solely for operation and maintenance expenses.

How much the fund provided over the years for construction of extensions and additions to hospitals and for repairs and other building projects, is not known, but it ran into the millions. During the time it was in existence the fund was spent for all manner of things, including support of patients in civilian hospitals at home and abroad.

Congress abolished the fund in 1942 at the Navy's request to simplify accounting. The bill as sent to Congress would have continued the contribution on an annual basis—\$2.40—and Representative Carl, Vinson, Democrat, of Georgia, pointed out that the fund would have taken in many millions because of the large number of men in the service during World War II. But Congress stopped the contribution and abolished the fund. As pointed out before, no detailed accounting of the assets of the trust was ever made.

of the Treasury and the Navy had no control of it. The Chief of BuDocks and the Chief of Naval Personnel felt the trust had failed and the matter should be turned over to the Justice Department to see who could do what with the money.

The Navy Judge Advocate General said they were all wrong and the money had to be spent for the purpose the doctor intended. In his decision the JAG said, "neither departmental inaction nor abolition by Congress of the fund has operated to deprive the Secretary of the Navy, as trustee, of any power of disposition he had " " I perceive no basis for concluding that the action of Congress in 1943 negated the authority of the Secretary to-liquidate the real property involved."

In March of this year, \$22,850 of the doctor's bequest was given to the San Diego Naval Hospital for a therapeutic swimming pool. Money from the bequest was also given to the Portsmouth, N.H., Naval Hospital (\$1,800) and the St. Albans, Long Island, Naval Hospital (\$2,500) in March.

The question remains as to whether the abolition of the fund and the subsequent enactment of Public Law 569 of the 84th Congress, which made hospital care for retired servicemen a privilege instead of a right has taken away a right Navy men had by contributing to the fund.

In the letter to the Speaker of the House on May 1, 1943, that asked for the fund to be abolished, the then Secretary of the Navy Frank Knoz wrote, "The proposed legislation would change no existing rights to hospitalization."

It may be argued that no specific law was on the book which said retired men had a right to hospitalization but certainly there was an implied contract. The U.S. Government would not have continued to take contributions from men after retirement if it did not expect to furnish them care. Certainly the Government incurred a moral obligation to provide hospitalization.

For those who contributed to the fund and particularly those who were already retired when contributing how much of a right and how little of a privilege they have is still in doubt. One officer did ask for a ruling on his right to hospitalization. He asked specifically if a retired man who contributed to the Naval Hospital Fund has been deprived of his right to hospitalization by Public Law 569. The Judge Advocate General of the Navy, in an opinion written in February of this year, said the question "must be answered in the negative." In other words, the man hasn't been denied any of his-rights.

But at some time in the future if a Navy hospital has to turn away one of the evergrowing list of retirees there could be an interesting court test of right and privileges.

Joseph E. Rhea, Sr., Honored

EXTENSION OF REMARKS

HON. ROLAND V. LIBONATI

OF ILLDROSS

IN THE HOUSE OF REPRESENTATIVES
Monday, August 20, 1962

Mr. LIBONATI Mr. Speaker, my good friend and comrade, Joseph E. Rhea, Sr., circulation—suburban, of the Chicago's American, was given a sur-

Camp—Veterans of W.W.-1, Inc." was presented to him, along with a large, handsome, 50-star American Chicago-Tribune flag, boxed in red, white, and blue; also a Moroccan-leather pocket secretary.

He was invited the day before, as a surprise. His dear wife and his son, Joseph E. Rhea, Jr., executive vice president of the Segerdahl-Halford Printing Co., Inc., Chicago, were present. He thanked those in attendance, profusely, with deep gratitude. His work among veterans groups marks him as a true patriot and a real American.

We of the Illinois delegation are proud to add our birthday greetings to those of his many friends, to one who has always served others in their troubles and needs.

Pennsylvania Leads Nation in Rehabilitation Record

EXTENSION OF REMARKS

HON. HERMAN TOLL

OF PENNSYLVANIA

in the house of representatives

Monday, August 20, 1962

Mr. TOLL. Mr. Speaker, over a hundred thousand disabled persons were made employable by public aid in the year which ended June 30, 1962. Pennsylvania led the Nation by rehabilitating over 9,000 persons, or 45 percent more than in the preceding year. New York ranks second with over 7,000, and Georgia was third with over 6,000.

I have attached the report contained in the New York Times of August 19 and this very important and interesting subject for all the Members to read.

PENNSYLVANIA LEADS NATION IN REMARKS:
TATION RECORD: 102,396 DIRABLED MADE
EMPLOYABLE BY PUBLIC AID IN YEAR ENDED
JUNE 30

(By Howard A. Rusk, M.D.)

Last Tuesday vocational rehabilitation of the handicapped in the United States passed a historic milestone.

On that day President Kennedy announced that for the first time 100,000 disabled Americans had been rehabilitated into employment in a single year under the public program of vocational rehabilitation.

President Kennedy made the announcement when he greeted Edward A. Priskie, Boswell, Pa., at the White House. Mr. Friskie was selected to represent those who had been rehabilitated.

A former sewing machine operator and mechanic, Mr. Friskie, 36 years old, had been disabled in an automobile accident in 1954.

For 7 years he did not work and with his wife and two children lived off public assistance and a veteran's pension for a non-service-connected disability.

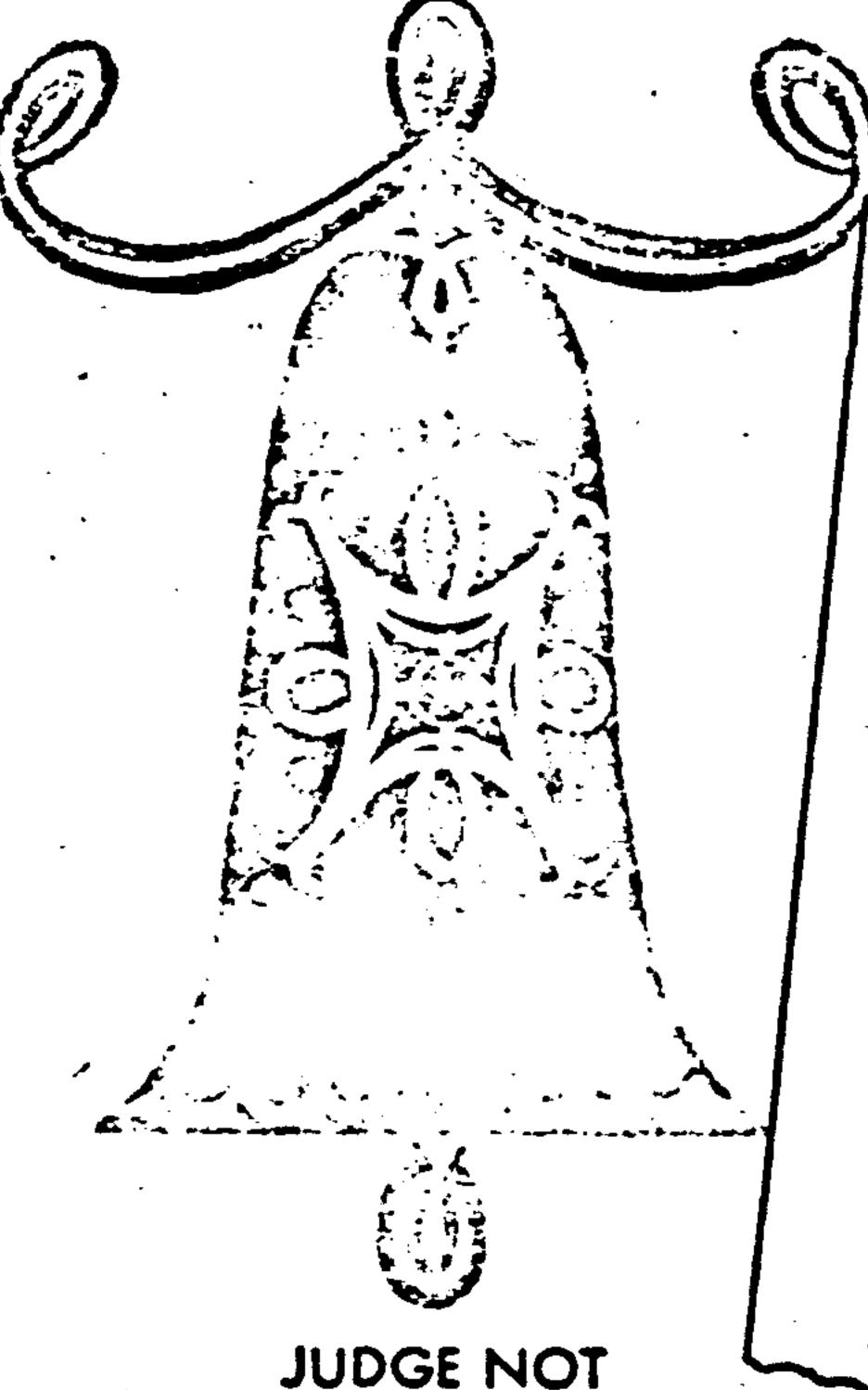
The Pennsylvania Bureau of Vocational Rehabilitation provided him with extensive surgery, prosthetic appliances and a 4-year college education. Since last September, he has been teaching history in the Shanksville



"What is the real good?" I asked in musing mood, "Order," said the law court; "Knowledge," said the school; "Truth," said the wise man; "Pleasure," said the fool; "Love," said the maiden; "Beauty," said the page; "Freedom," said the dreamer; "Home," said the sage; "Fame," said the soldier; "Equity," the seer. Spake my heart full sadly "The answer is not here." Then within my bosom Softly this I heard: "Each heart holds the secret, Kindness is the word."

By permission.

John Boyle O'Reilly



CROSSET & DUNLAP-INC

September 4 man

Mr. Jesoph Berbert Blos. 1145 Borth Lerende Armen Galengo St. Illinois

Door Mr. Ross

These you for your letter of September & the are always pleased to give you permission to quote from "Seart Throbe" in your intermeding and unusual greeting card . in this case MOT.

MOT. OCCO by John Boyle O' Bailly and JUDGE

To stary heart window to you and your family-

COS PARTY

C. E. Lane Relegion

C. Olbeco Schoolfer

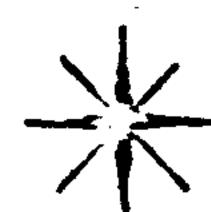
Catol Miltor, Malt Books

In men whom men condemn as ill,
I find so much of goodness still;
In men whom men pronounce divine,
I find so much of sin and blot,

I hesitate to draw a line Between the two, where God has not.

·By permission.

Joaquin Miller



Constituted.

1963 -- My 81st Year

SONS AND DAUGHTERS WORLD WAR II

Forney, Texas (Dallas)

Class of 1903

Robert B. Rhea -- U.S. Navv

Repaired from HEART THROSS

Copyright 1905

The Second Caliph.

The spoken word;

The sped arrow;

Time past;

The neglected opportunity.

THE SYXING OF OMAR IBN, AL HALIF.

Youths Companion

The judge looked into the faces of the men before him. There was not one who was not touched by the song; not one in whom some better impulse was not stirred. He did not call the cases singly—a kind word of advice, and he dismissed them all. No man was fined or sentenced to the workhouse that morning. The song had done more good than punishment could possibly have accomplished.

In an ecstasy of melody the last words rang out, and then there was silence.

"Jerussiem, Jerussiem! Sing, for the night is o'er!
Hossans in the highest! hossans for evermore!"

court, yet the judge gave no order to stop the song. The police sergeant, after an effort to keep the men in line, stepped back and waited with the rest. The song moved on to its climax:

At length one man protested. "Judge," said he, "have we got to submit to this? We're here to take our punishment, but this—" He, too, began to sob. It was impossible to proceed with the business of the

JOSEPH EARHART RHEA

December 3, 1986

Connect & Danley, Int., Publishers, 1187 Breedway, New York 18, E.Y.

Ount leasure

I have always charished by copy of "Boart Throto" and have given a few copies to friends since it was published by you years ago - copyright - 1986.

Total you ploans great as the paraississ to reprint 200 copies of "THE HULF CITY" (Page 268). I wish to excluse the reprints with my Christens—cards this year to friends.

Included berowith to a copy of "A TRIBUTS TO THE BOO" that I enclosed with my cards in 1962 and your lotter of authorization to print this article.

Thank you for your proupt attention and a favorable reply will be greatly approxiated.

Large State of the state of the

The sobs, cutting to the very heart the men who heard, and the song, still welling its way through the court room, blended in the hush.

Meantime the song went on, and every man in the line showed emotion. One or two dropped on their lenes; one boy at the end of the line, after a desperate effort at self-control, leaned against the wall, buried his face against his folded arms, and sobbed, "Oh, mother, mother,"

the song went on. The judge had paused. He made a quiet inquiry. A former member of a famous opera company, known all over the country, was awaiting trial for forgery. It was he who was singing in his cell.

"I stood in old Jerusslem, Beside the Temple there,"

Last night! It had been for them all a nightmare or a drunken stupor. The song was such a contrast to the horrible fact that no one could fail of a sudden shock at the thought the song suggested.

"Last night I lay a-elecping,"
"Ihere came a dream so fair."

Thirty men, red-eyed and disheveled, lined up before a judge of the San Francisco police court. It was the regular morning company of "drunks and disorderlies." Some were old and hardened, others hung their heads in shame. Just as the momentary disorder attending the bringing in of the prisoners quieted down, a strange thing happened. A strong, clear voice from below began singing:

"THE HOLY CITY."



December 4, 1959

Mr. Joseph Earhart Rhoa 1145 North Laramie Avenue Chicago 51, Illinois

Deer Mr. Ebea:

I am happy to echo the words of my colleague, now retired, H.F. Juergens and grant you permission to reproduce 3,000 copies of THE HOLY CITY which appears on page 368 of FEART THROBS.

May I also wish to you and yours the happiest Christmas season.

Sypperely.

Mr. and Mrs. Joseph Earhart Rhea, Sr.

Mrs. Mabelle L. Rhea (Mrs. J. E. Sr.) is now and has been for the past 21 years consecutively, a Home Telephone Solicitor for The Curtis Girculation Company, Saturday Evening Post, Ladies' Home Journal, Holiday, and all leading magazines. She has a large and growing clientele.

(Curtis Publishing Company -- Philadelphia, Pa.)

June 4, 1963 - Our 42nd Wedding Anniversary

Mr. and Mrs. Joseph Earhart Rhea, Sr.. Two Sons - Two Daughters Five Grandchildren

Mr. Robert B. Rhea 1145 N. Laramie Ave., Chicago 51

**

Mr. and Mrs. Don Szopinski 10144 Schiller Blvd., Franklin Park, Illinois New Year-1963

THOUGHT

Thinking is the hardest work there is, which is the probable reason why so few engage in it.

- Henry Ford.

WORK

Nothing is really work unless you would rather be doing something else. - Sir James M. Barrie.

AGE

You take all the experience and judgement of men over fifty out of the world and there wouldn't be enough left to run it. - Henry Ford.

CHURCH

On the boat coming over to America a man said to me: "My Church is 'The Church'." I replied: "Go fill your bath tub with salt water and say, "This is the ocean". - Gipsy Smith.

COMMITTEES

If you want to kill any idea in the world today, get a committee working on it.—C.F. Kettering

EDUCATION

The first thing education teaches you is to walk alone. - Trader Hom

EFFICIENCY

It is more than probable that the average man could, with no injury to his health, increase his efficiency fifty percent. - Walter Dill Scott.

JAZZ

Jazz will endure as long as people hear it through their feet instead of their brains. -John Philip Sousa.

WORK

Feb. 7, 1964 7771. Gulenstein i -- åre leen-fraging for your amore your Insade - Stymil pray to that in the mane of Jesus, his Don, he mill ingine you finan aste in -to-finde-gans-som -and save you he mil Jesus-fingene-themen mhe bring in the cross beside krim. Thats why hi-died, that me might forgive sins, that kingle might the samed and go L'Incirely, le friend nihols grangeng

WE NEVER WRITE A LETTER Phetopley - Holly-wood romance, TV glamour, the beat of the latest dance craze come alive each issue. Rezult Prices By subscription \$5.66

13:13 Co single copy \$5.85

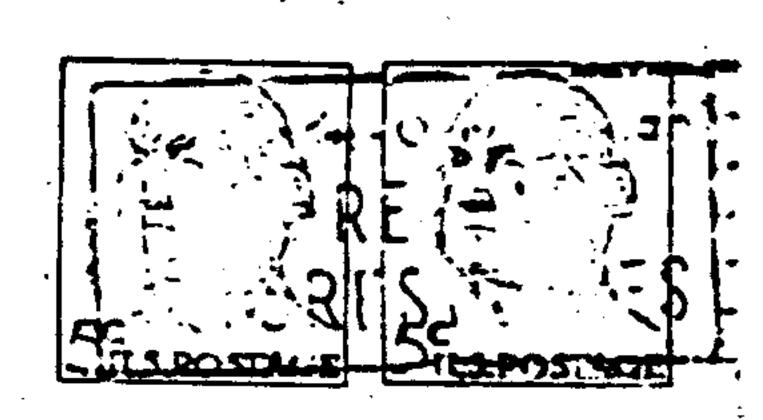
UR PRICE \$3.95

WE NOVER WAITS A LETTER Photopian - Holly-wood romance. TV glamour, the beat of the latest dance craze come alive each issue. 113:13 Ge single copy 55.85
UR PRICE \$3.85

February 7/164 Dear Juis & Vent good gentleman: Tack Ruly Ineceived unimor must herr Withou all Fiville leke You swely benow You're a Lavorite of mine -Just thought I'd tell you In a valentine Nevent une native word. remembere you . Bredsonger entre de grad invento. Elise and wred I could reiting in the distribution Miss May C. Captu ite a such many for the Look of Chen. Thicker But interview with mind the met some of The forestive meen in me en de site of the Meet.

Mise Marye Canter 2716 Hundahrpe A. Sai Antonio 7, Typas.





"AIR MAIL

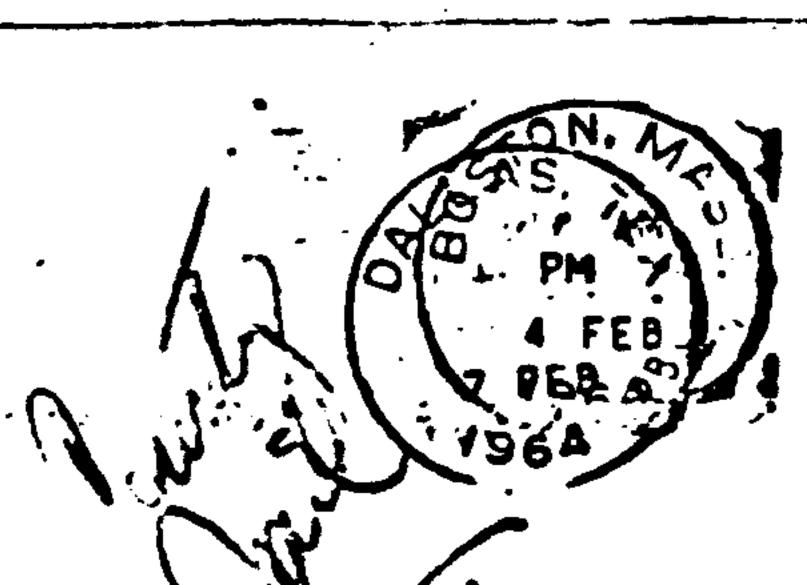
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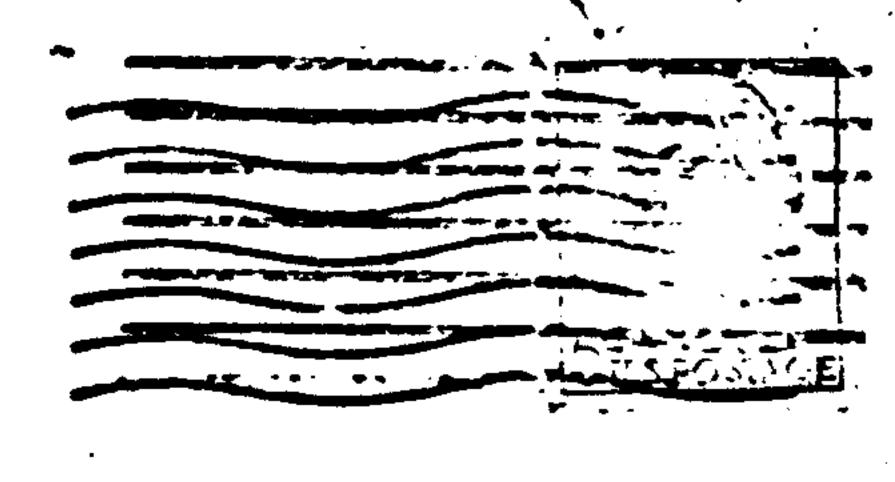
Tackton St. Cant. MASS. Feb. 43, 1964

How had all the hight in the world to shoot Broad. For what the did you 1003 Gerause you in my front are of Justy. you are grand guy a one of These days I coming down what do you need an will bend it to good. Candy name it feed me a picture of yourself to me.

Tank yours 100%. a Pal of yours 100%.

Caw. Mic Cate. At. Carrier St. Cant. MASS.





with any things of Maria 2. Milio Bellini n ingila. M. M. set.

2. Photos



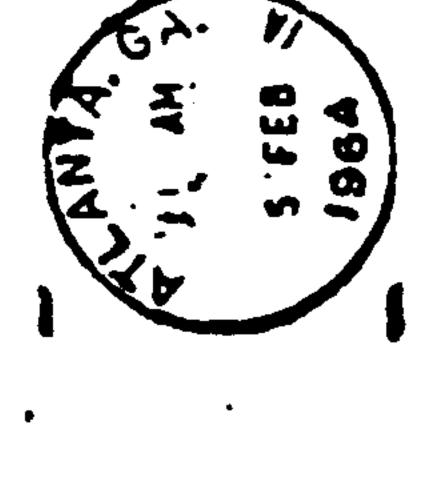
1-5-64. Dear Jack. 1524A Jeffed Boulevard We red your letter. I warn't sure you mould remember us, Its been so lang, and so much hus happind since then. in in asked for a suap. shit. This are of mi int upti dati. Due guind unt, since then. Hu. This one of some + the grile in 2 yrs, old. This allich girl was mine lufur Am + 2 marril. Dene adaped her in 55. shu was 14 och 0/63. Janne takes pride in like hur Daddy, and she She was 10 lush July. My time sure flier. Seems like only a short

I never dreumet then. Til bu living in Mo, mou. We like up here pully will. It's mit like kome. Sut Sine Mas lietter working conditions here to Sere will be aushile it I caused the 7.B. I some leg. work sums. Iky Cum sut to investigate us, on the grounds of the Letter + Card I sent. you X mas. I didn't know any thing. So I wasn't any kelp to you or them, 2 don't imagine. In always sad, to see anyone in trauble, especially sømene I ne known in know. Only time and a lat of luck) and daily prayers. Can kelp you now it seems, I say i player, eurymeght for the people of the weeld,

The Billo sup, not all those who say Bord Ford, will be Sund" But if you say it long enough mughe fullo will privail in the End. We don't go aut dancing like un ince 20, With two daughter, we try to set an unespector them + we do thering together So that is mustly contings & Church. Euryone mudsia speritial lift! The world is in such a fact pace, the days begin + end, de fast it seems. I donate my time to the sich and upung puple + the old fother ham. Trying The help all I can. Sending Cards, skeping to make some ones day a little linghtee. If The made your day a little læighter, mæghe my

Dear Jack. I dien't get this first little. The 7. S.I. took the letter you wrote me lufou. It complete thur file on the investigation They were suspece Duturn it, but I haven't seen ot heard of them since, So as long as ito a free Country les they say. I feel I can write & ricini, mail from whom; I please. I read about you & Dallas in the papers of tim. I sint mis Tippet a small donation. Now I see she has recients about 12 million dellus, I think we live in a - wonduful age, when fellow. Commicano Come Do the ail of those in stress & nucl, Mrs Oswald has a new

I hope her Children grow up. To love this country + its people. and live fue. Kather than Ilivo hekind the iron Curtain. I kope you are well. We are fine. Just had a nice heautiful Show. Sine took the girle sleigh riding, He as much a Rid as they are no the Saw when Dallas had a lug snow also. If you have time townite we'll be glad to hear from you any time. If you closit. we'll undustand! Lood Luck Ike Amith &



THINBY CONTHINS. YEX

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