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Attachment II -- Correspondence re Disclosure of
Investigative Materials to Senator
Attorney Wedo and Attorneys for Baby

11

JOE H. TONAHILL

LAWYER

TONAHILL BUILDING

JASPER, TEXAS

January 9, 1964

DUDLEY 4-2501

JOE BOB GOLDEN

The Honorable John Edgar Hoover
Director
Federal Bureau of Investigation
Department of Justice
Washington, D. C.

Honorable J. Lee Rankin
Chief Counsel
The President's Commission
Veteran of Foreign Wars Building
200 Maryland Avenue, N. E.
Washington, D. C.

Re: No. E-4010-J, The State of Texas vs. Jack Ruby
(Criminal District Court No. 3, Dallas County, Texas)

Sirs:

The defendant, Jack Ruby, in the above captioned action will likely go on trial either February 3 or February 10 unless the Court transfers the case to another county in Texas.

Mr. Ruby is represented by chief defense counsel Melvin M. Belli, Belli Building, San Francisco, California, Sam Brody, Suite 204, 6505 Wilshire Boulevard, Los Angeles 48, California, his associate, and myself as local Texas counsel, having been brought into the case by Mr. Belli.

The purpose of this letter is to request of you and through you the reports, minutes and all evidence of the Commission created by Executive Order 11130 dated November 29, 1963 created by President Lyndon B. Johnson to report upon the assassination of President John F. Kennedy and the shooting of his assailant, Lee Harvey Oswald.

According to press reports, the Attorney General of Texas was in the process of convening an examining court to conduct in Texas an investigation into the assassination of President Kennedy and the shooting by Jack Ruby of his assailant, Lee Harvey Oswald, but this investigation, at the request of the Commission, was halted. This yielding to the request of the Commission by the Attorney General of Texas has deprived the defendant Ruby of much defensive evidence, which otherwise, would have been available to him under Texas process.

To date, our investigation reflects, for the most part, that the special agents of the FBI are the only investigative agency doing work for the prosecution in this case and that their material is being submitted daily to the District Attorney's office in Dallas.

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The Honorable ¹⁰⁸³³Edgar Hoover
Honorable J. Lee Rankin
January 9, 1964
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As you know, the defendant, Jack Ruby, is presently under indictment for the November 24, 1963 shooting of Lee Harvey Oswald, who assassinated the late John F. Kennedy on November 22, 1963 when Mr. Kennedy was President of the United States. Following the assassination of President Kennedy and the worldwide catastrophe that it produced, President Lyndon B. Johnson appointed the Commission composed of the most distinguished men in the United States for the purpose of ascertaining, evaluating and reporting upon the truth and the true facts relating to the assassination of the late President, The Honorable John F. Kennedy, and the subsequent death of the man (Lee Harvey Oswald) charged with the assassination.

We lawyers who are constituting the trial attorneys for Mr. Ruby understand that such Commission immediately entered upon the discharge of its duties and is now in possession of such truth and true facts.

We are advised from the news media that the FBI has turned its investigative report of the Oswald shootings and the shooting of Oswald over to the Commission and is currently submitting further investigative reports to the Commission, along with the joint investigative efforts of Commission personnel and interested Government agencies.

We assume that the finding of the Commission is intended to be relied upon by the whole world as being true and correct. Further, the Commission was directed to examine the evidence developed by the Federal Bureau of Investigation and any additional evidence that may come to light or be uncovered by any Federal or State authorities and to report its findings and conclusions to President Johnson.

As Mr. Ruby's counsel, we desire to observe that while he 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, yet if Ruby is guilty of any offense under Texas law according to the defense we contemplate arguing in his behalf, it could at the very most, for reasons we will discuss, be classed as "murder without malice," which is punishable only by a term of years in the penitentiary, but not by his death, which the Dallas District Attorney's office is seeking, demanding, and attempting to wreak.

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The Honorable John Edgar Hoover
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January 9, 1964
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OHGX

The evidence will show that the offense 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 impulse, and mental disease and mental defect of a nature that precluded Ruby from knowing right from wrong at the time of the shooting of Oswald.

Under such circumstances a jury could either find that Mr. Ruby's mental state requires commitment and mental care, or find that the shooting of Oswald was committed under such extreme provocation, uncontrollable impulses and feelings and circumstances as to be "murder without malice."

It will be contended at the trial, 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 offense alleged against him because of such mental disease and defect.

In order to prove and show that Ruby cannot be guilty of any offense higher than that of "murder without malice" it is necessary for his defense team to prove and be able to prove that the assassin Oswald actually did, in fact, murder and assassinate the late President John F. Kennedy.

Further, the defense is entitled to offer and prove under Texas law that the assailant Oswald was a dangerous man of bad character and reputation and a professed Communist.

The investigative reports which have been and are being delivered to the Commission contain an abundance of evidence that will tend to establish the defenses of the defendant Ruby to the charge against him.

Indeed, much of such proof and facts in possession of the said Commission will be denied the defendant Ruby at his trial unless the Commission releases it forthwith to the defendant Ruby and his counsel for inspection and copying.

The proof and facts in possession of the Commission will indubitably show and prove the defensive elements of Mr. Ruby's defense.

The Honorable John Edgar Hoover
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In the interest of American law, truth and justice, and under due process of law under the Texas and United States Constitution, the Commission should, and we so respectfully request of it, make the facts of its investigation producible available forthwith to the Ruby defense at the earliest possible date for adequate review and evaluation.

Under all the facts and circumstances, particularly in view of the fact that the trial of Ruby's case will attract worldwide attention, Ruby's rights, and American due process of law, will be forever prejudiced and denied if such true facts and findings are not made available to Ruby's defense counsel.

Too, if we are not readily provided the privilege of inspecting and copying the pertinent material contained in the Commission's investigative product prior to the trial of his case, Ruby will simply be denied due process in an American court for the alleged shooting of Lee Harvey Oswald, who assassinated the late President John F. Kennedy, Officer J. D. Tippett of Dallas, Texas, and for the near fatal wounds of Governor John Connally of Texas.

In this connection, allow us to further observe that a hostile press of much power and influence in Dallas 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 there.

Allow us to illustrate the bewildering power of that powerfully slanted press. We do not at all accept or dignify with any shred of credibility whatsoever press releases that Lee Harvey Oswald could have been in the pay of the Federal Bureau of Investigation. This was indicated in a press release originating in Dallas and contained in the Houston Post January 1, 1964. The lead line of that release read: "Oswald rumored as informant for U. S." That story had a Dallas date line and was written by Houston Post Staff Correspondent Lonnie Hudkins.

From the release it seems that some reporter interviewed Dallas Chief of Police Jessie Curry on November 22, 1963 and stated that the FBI knew that Oswald was in Dallas but had not given his name to check to the police or other law enforcement agencies involved in President Kennedy's protection. That January 1, 1964 Houston Post story says that Chief Curry later retracted the statement.

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The Honorable John Edgar Hoover
Honorable J. Lee Rankin
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In the press report writer Hudkins says there is speculation by Police and Sheriff's Deputies in Dallas that Oswald might have been an informant because (as stated in the release), as one put it, "You just wouldn't think to check out one of your own stoolies." The story points out that Dallas District Attorney, a former FBI agent himself and "therefore a man who would know law such an agency would operate, does not discount the possibility that Oswald may have been an informant." "It may be true," he said, "but I don't think it will ever be made public if he is.", the article said.

The article points out that Oswald knew of Joe Hosty, the FBI agent who had handled subversive matters in the Dallas FBI office. The article said, "He had Hosty's home phone, office phone, and car license number.", said Bill Alexander, "Assistant District Attorney to Henry Wade, one of the State's most able prosecutors."

"Alexander was one of the men who got a chance to listen in on the grilling of Oswald on November 22nd, the day the President was killed, and November 23rd, the day before Oswald's life came to an end." This bit of incredible news reporting is just simply too fantastic to be accepted by rational minds.

It points up, however, the extreme lengths to which the District Attorney and some of the press situated at Dallas will go in their effort to whip the Dallas people into a prejudiced mind against Mr. Ruby in the hope of wreaking a death sentence jury verdict there as well as elsewhere.

A portion of the Dallas press, particularly the Dallas Morning News, is now seeking to create an image in Dallas through a death sentence jury verdict of Mr. Ruby that will restore the respect that was lost there by Dallas because of the ignominious assault which occurred in Dallas in 1960 by some of its citizens upon President and Mrs. Lyndon B. Johnson and the assault upon Ambassador to the United Nations Adlai Stephenson shortly before the assassination of President Kennedy, and the assassination as well.

Indeed, such powerfully influential press reporting has been, and is geared to persuade their advertisers and readers and prospective jurors trying Jack Ruby everywhere in and out of the jury box that Jack Ruby and not Oswald is the guilty party that has put "Dallas on trial" for the assaults upon the Johnsons, Mr. Stephenson, and the worldwide tragedy of the assassination of President Kennedy.

The Honorable John Edgar Hoover
Honorable J. Lee Rankin
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We must therefore be provided all the material evidence, that is being gathered by the Commission, in behalf of our effort to place before the jury the truth and the true facts in opposition to the indelible effect of the warped and prejudicial press upon the public mind which, otherwise, is bound to follow the members of the panel into the jury room that tries Mr. Ruby. You can readily envision 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 you provide us with the facts of your investigation. Otherwise, a trial of Jack Ruby without those pertinent facts would violate freedom of speech and of the press under the Fourteenth Amendment of the United States Constitution.

Only you can release Dallas from its bondage of grave and prejudicial error visited upon American law and due process.

Much of the evidentiary material contained in the Commission's investigation will surely be relevant, competent, and undoubtedly of impeachment value, outside of any exclusionary rule for the protection of vital national secrets, diplomatic relations, national security, and otherwise confidential in character.

Actually, in this, a state criminal proceeding, our request is most reasonable as none of the problems of foreign relations, espionage, sabotage, subversive activities, counterfeiting, internal security, national defense, and the like exist except as to a showing of the dangerous character, background, motives, and nature of the professed Marxist Lee Harvey Oswald in the assassination of President Kennedy. But we must prove those facts and the Commission surely has those facts available and we must assume they exist.

We address you, not only in the realization and hope that you will surely accept our proposal in the interest of a due and proper administration of justice to the American tradition of due process of law, but in the certain knowledge that every experienced trial judge, trial lawyer, and experienced investigator of facts, knows the value of relevant, competent, and impeaching evidence of statements of the witnesses -- " * * * recording the events before time dulls treacherous memories."

The Honorable John Edgar Hoover
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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.

The only way that we can know and decide the problems confronting us is to be able to inspect the investigative reports of the Commission and then decide whether to use them in Mr. Ruby's defense.

Only after inspection of the report by Ruby's counsel, " * * * must the 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. See 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.

The letter and spirit of the rationale of American law is to the effect that our government must see that justice is done, because " * * * it is unconscionable to allow it to undertake prosecution and then invoke its governmental privileges to deprive the accused of anything which might be material to his defense. * * *" 345 U. S. 12.

The mere fact that this is a State prosecution rather than Federal does not develop a conflict with this tenet, for in Jencks (353 U. S. 657) we find: "In United States v. Andolschek (C. A. 2d N. Y.) 142 F. 2d 503, 506," Judge Learned Hand said:

" * * * While we must accept it as lawful for a department of the Government to suppress documents, even when they will help determine controversies between third persons, we cannot agree that this should include their suppression in a criminal prosecution, founded upon those very dealings to which the documents relate, and whose criminality they will, or may, tend to exculpate. So far as they directly touch the criminal dealings, the prosecution necessarily ends any confidential character the documents may possess, it must be conducted in the open, and will they bear their subject matter."

The Dallas Morning News for January 4, 1964, in a column by Victor Riesel, refers to Lee Harvey Oswald as "the alleged assassin," and reads:

Honorable J. Lee Rankin
January 9, 1964
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"There appears to be no doubt that they will talk at great length with Ruby, the cocky killer of the alleged assassin. That will come after the trial, it is presumed. Some insiders expect a swift court session for Ruby. Then, Ruby will be placed under oath by the Commission and will testify as a regular witness."

Further, in the Dallas Morning News for January 7, 1964, the Dallas District Attorney is quoted as saying the Commission would make two reports of its findings: "I anticipate there will be one report on the deaths of President Kennedy and Officer J. D. Tippett and the wounding of Governor John Connally, and a second report on the shooting of Oswald," Wade said.

"If this second report is ready before Ruby's trial, I expect the Commission to withhold it until the trial is over."

Please be assured that Mr. Jack Ruby, the defendant, Mr. Belli, Mr. Brody, and I are all agreeable to the Commission conducting interviews now or at any time you prefer with the defendant, Jack Ruby. In addition, you may have such scientific tests on Mr. Ruby of your choosing, including, but not limited to, truth tests by sodium pentothal and polygraph and otherwise.

Finally, we urge you to consider this request for the investigative products of the Commission with the view of making same available to us at the earliest possible date for inspection and copying in order that the Ruby defense will be able to give Ruby, Texas, and America the defense in this trial that will add vitality and strength to the path and growth of due process.

By this means we petition and formally move you and through you the President's Commission which proceeds under Executive Order 11130 of November 29, 1963 and Public Law 88-202, 88th Congress, S. J. Resolution 137 of December 13, 1963, to provide instanter the defendant Jack Ruby's defense team the right and privilege of inspecting and copying the investigative effects and products in the Commission's possession growing out of its duty and function of ascertaining, evaluating, and reporting to President Lyndon B. Johnson upon the facts relating to the assassination of the late President John F. Kennedy and the subsequent shooting of Lee Harvey Oswald.

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The Honorable John Edgar Hoover
Honorable J. Lee Rankin
January 9, 1964
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We shall be pleased to appear before the Commission personally
in this behalf if the Commission so decides.

Very respectfully submitted,

MELVIN M. BELLI
Belli Building
722 Montgomery Street
San Francisco, California

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

JOE H. TONAHILL
Tonahill Building
Jasper, Texas

By 
Joe H. Tonahill

JHT:vm

cc: The President
The White House
Washington, D. C.

The Chief Justice
of the Supreme Court
of the United States
Washington, D. C.

The Honorable Robert F. Kennedy
Attorney General
Department of Justice
Washington, D. C.

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OFFICE OF THE DIRECTOR



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON 25, D.C.

January 10, 1964

Honorable J. Lee Rankin
General Counsel
The President's Commission
200 Maryland Avenue, N. E.
Washington, D. C. 20002

Dear Lee:

Reference is made to your letter of January 7, 1964, wherein you enclosed a copy of a letter dated December 30, 1963, from Mr. Waggoner Carr, Attorney General of Texas.

In addition to the request of Mr. Carr in his letter to the Commission, you were advised today by J. R. Malley of this Bureau of the request made by District Attorney Henry Wade, Dallas County, Texas, wherein he requests any reports available covering interviews of Jack Ruby by FBI Agents. Mr. Wade also requested that he be furnished with background information concerning Ruby and any information reflecting Ruby's activities during the pertinent period of November 21 through 24, 1963.

The FBI is ready to furnish to State authorities whatever information the Commission and the Department of Justice agree would be proper under the circumstances.

As you are aware, the President's Commission has been furnished a number of reports concerning the Ruby phase of the investigation and these reports have also been furnished to the Department of Justice. Inasmuch as this Bureau conducted the investigation at the request of the President and the Department of Justice, we would appreciate being advised what information should be made available to the State authorities of Texas.

You were also advised that in view of the requests of Attorney General Carr and District Attorney Wade, the FBI is advising them that their requests had been made known to the

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Honorable J. Lee Rankin

President's Commission and to the Department of Justice and that the FBI is ready to furnish them whatever information the President's Commission and the Department would release.

During this discussion you indicated you were in full agreement with this proposed action, that you would appreciate the Department being advised that the Commission would like to have its views with regard to information that could be disseminated to District Attorney Wade of Dallas County, Texas, and that the Department should also be advised that this matter should be handled as expeditiously as possible in order to forestall any criticism on the part of State authorities.

Your request has been made known to Assistant Attorney General Herbert J. Miller of the Criminal Division of the Department.

Sincerely,

J. Edgar Hoover

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OFFICE OF THE DIRECTOR



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON 25, D. C.

January 14, 1964

Honorable J. Lee Rankin
General Counsel
The President's Commission
200 Maryland Avenue, Northeast
Washington, D. C. 20002

Dear Mr. Rankin:

Reference is made to a letter from Joe H. Tonahill, attorney for Jack Ruby, dated January 9, 1964. Since the letter was also addressed to you, a copy is not enclosed. There is enclosed a copy of my reply to Mr. Tonahill.

For your information, the allegation Mr. Tonahill attributes to the press concerning the possibility that Oswald may have been an FBI informant is absolutely false and no attempt was ever made to develop him as an informant.

Mr. Tonahill's letter also incorrectly indicates that we have conducted investigation for the prosecution and furnished the results to the District Attorney on a daily basis. Although we have made technical examinations of physical evidence submitted by the Dallas Police Department and informed the Dallas Police of the results of such examinations, we have not furnished local authorities with the results of our investigations.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "J. Edgar Hoover", is written over the typed name. The signature is stylized and includes a large, looped initial "J".

Enclosure

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Honorable J. Lee Rankin

"None of this information will be released to the press, radio or television, nor to anyone else outside of this office, and will be used exclusively in the trial of this case for the purposes of cross-examining the defendant should he testify and also cross-examining the character witnesses, and should any of these witnesses wherein you have a statement from them testify, if they vary from the statements made to your Agent, they will be used for the purpose of cross-examining this witness. I hope that this can be arranged as soon as possible since we will have to read and digest these prior to the trial on February 3."

This information has been furnished to Assistant Attorney General Miller.

Please advise us as to the action the Commission plans to take regarding Mr. Wade's request.

Sincerely yours,

J. Edgar Hoover



*In Reply, Please Refer to
File No.*

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON 25, D. C.

January 14, 1964

Mr. Joe H. Tonahill
Post Office Box 179
Jasper, Texas 75951

Dear Mr. Tonahill:

Your letter of January 9, 1964, has been received.

Inasmuch as all information in the possession of the FBI, with regard to the matters to which you refer, has been furnished to the President's Commission on the Assassination of President Kennedy, the questions raised by your letter are within the discretion of this Commission.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover
Director

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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON 25, D. C.

January 15, 1964

Honorable J. Lee Rankin
General Counsel
The President's Commission
200 Maryland Avenue, N. E.
Washington, D. C. 20002

Dear Mr. Rankin:

At the request of Assistant Attorney General Herbert J. Miller, Jr., Dallas County District Attorney Henry Wade was interviewed on January 14, 1964. He was asked to state specifically and categorically wherein the preparation of his case is in any way handicapped by lack of access to material in the possession of the Federal Government.

Mr. Wade when interviewed indicated he cannot state how he is handicapped as he does not know what information has been collected by the Federal Government but he believes the investigation has developed information concerning Ruby's background and associates. He said that without reviewing the oral and written statements taken by the Federal Government, he has no way of knowing what they contain.

Insofar as Texas Attorney General Waggoner Carr is concerned, Wade said Mr. Carr has no authority to speak for him and Mr. Wade has never stated he was handicapped by not having statements that are in the possession of the FBI. He said that he has made it known that he needs all available information concerning the background and associates of Jack Ruby and the circumstances surrounding the shooting of Lee Harvey Oswald. The Dallas Police Department conducted very little investigation concerning Ruby as it spent most of its time submitting a report defending itself with regard to the shooting of Oswald.

Mr. Wade wants the results of FBI investigation for use in cross-examining Ruby and any character witnesses who testify.

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Honorable J. Lee Rankin

Mr. Wade submitted the following letter to the FBI office in Dallas on January 14, 1964.

"As you are aware, we have a bond hearing on Jack Ruby set on January 20 and the trial for the murder of Lee Oswald set for February 3 in Criminal District Court No. 3 of Dallas County, Texas. In that trial all of the information we can gather with reference to the background of Jack Ruby from the time he was born up to the present, the names of all his business or social associates together with what they might have said concerning him or his mental capacity will be very important. I feel that you have some of this information or all of it in your present files. I would appreciate your obtaining the following:

"1. Copies of all interviews had by your Agents concerning Jack Ruby or any of his associates.

"2. The names of any persons in any way connected with Ruby together with their statements made concerning him.

"3. Any physical evidence that you might have in the Ruby case.

"4. Any summary you might have of the whole activities of Ruby during and at the time of this murder.

"5. Any statements that you might have tending to show any connection between Oswald and Ruby.

"6. Any statements that you might have dealing with whether or not Ruby belonged or had belonged to any subversive groups.

"7. Copies of the interviews had by your Agents at the City Hall and also the Dallas County Jail and what Ruby told them.

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SUGGESTED DRAFT

Dear Mr. Hoover:

I have your letters of January 10th, 14th and 15th concerning the request of District Attorney Wade of Dallas County, Texas, and Mr. Joe Tonahill and his associates in the defense of Jack L. Ruby for release to them for their respective uses of information concerning the assassination of President Kennedy and the subsequent killing of Lee H. Oswald, his alleged assassin. The same request has been made to the Commission through me by Mr. Tonahill. For your information, I am enclosing a copy of my letter to him.

The Commission, of course, is not a prosecuting agency. It is not the custodian of any originals. The copies of documents in its possession have come to it through the cooperation of the various federal, state and local agencies as authorized by Executive Order 11130. It considers itself only as a trustee of this information for the specific purposes enumerated in that Executive Order by the President.

While the work of the Commission would be greatly handicapped if the information contained in the summaries and work reports submitted to it by the agencies should become common knowledge before its work is completed, it does not have the authority nor the desire to limit the normal powers or responsibilities of any agency of government, federal, state or local, in relation to the prosecution or defense of any criminal case.

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The Commission has, therefore, authorized me to advise you and the other federal agencies that it will not respond favorably to such requests, and that it will not urge you or them to make any deviation from your own judgment of what is required of your agency by law.

Very truly yours,

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SUGGESTED DRAFT

Dear Mr. Hoover:

I have your letters of January 10th, 14th and 15th concerning the request of District Attorney Wade of Dallas County, Texas, and Mr. Joe Tonahill and his associates in the defense of Jack L. Ruby for release to them for their respective uses of information concerning the assassination of President Kennedy and the subsequent killing of Lee H. Oswald, his alleged assassin. The same request has been made to the Commission through me by Mr. Tonahill. For your information, I am enclosing a copy of my letter to him.

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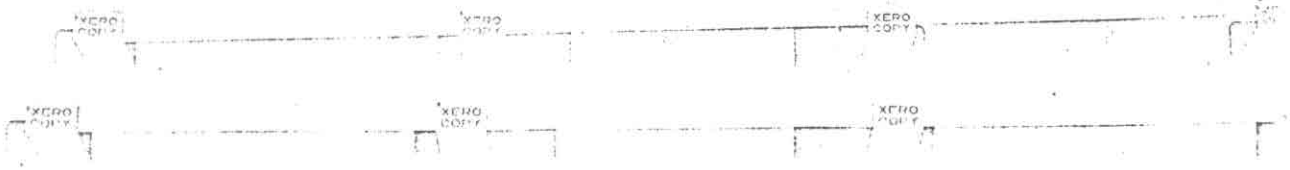
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The Commission has, therefore, authorized me to advise you and the other federal agencies that it will not respond favorably to such requests, and that it will not urge you or them to make any deviation from your own judgment of what is required of your agency by law.

Very truly yours,



SUGGESTED DRAFT

Dear Mr. _____:

I have your letter of January 9th requesting "the reports, minutes and all evidence of the Commission created by Executive Order 11130 dated November 29, 1963, created by President Lyndon B. Johnson to report upon the assassination of President John F. Kennedy, and the shooting of his assailant, Lee Harvey Oswald," and stating your reasons for desiring the same.

This is to advise you that the President's Commission is not a prosecuting agency, and up to the present time has before it for consideration, evaluation and eventually a report to the President, only summaries and copies of working papers of other federal, state and local agencies. These documents, because of lack of time, have not been evaluated, and no conclusions have been reached concerning them. The originals are in the agencies from which they were received, and any relationship between them and the case of your client must be established with those agencies.

This Commission in no way changes or limits the powers and responsibilities of any law enforcement agency in performing its duties incident to the prosecution or defense of criminal cases.

After discussion of your request with the Commission, I am authorized to advise you that it is not within the province of the Commission to respond favorably to your request.

Very truly yours,

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PRESIDENT'S COMMISSION
ON THE
ASSASSINATION OF PRESIDENT KENNEDY

DRAFT

EARL WARREN,
Chairman
RICHARD B. RUSSELL
JOHN SHERMAN COOPER
HALE BOGGS
GERALD R. FORD
JOHN J. McCLOY
ALLEN W. DULLES

200 Maryland Ave. NE.
WASHINGTON, D.C. 20002

J. LEE RANKIN,
General Counsel

Mr. Mark Lane
164 West 79th Street
New York, New York

Dear Mr. Lane:

On behalf of the Commission I wish to acknowledge receipt of your recent telegram informing the Commission that you have been retained by Mrs. Marguerite C. Oswald to represent her deceased son.

As you know, the Commission is interested in developing all the pertinent facts relating to the assassination of President John F. Kennedy and the subsequent killing of Lee Harvey Oswald by Jack L. Ruby. Any documentary material which Mrs. Marguerite C. Oswald or others wish to submit to the Commission will receive careful consideration.

The Commission does not believe that it would be useful or desirable to permit an attorney representing Lee Harvey Oswald to have access to the investigative materials within the possession of the Commission or to participate in any hearings to be conducted by the Commission. I can assure you that every effort will be made to ascertain the facts regarding Lee Harvey Oswald's implication in the assassination of President Kennedy as accurately and fairly as possible.

Sincerely,

J. Lee Rankin
General Counsel

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MARK LANE

ATTORNEY AT LAW
654 MADISON AVE.
NEW YORK 21, N. Y.
—
TEMPLETON 8-1300

January 14, 1964

Hon. Earl Warren, Chairman
President's Commission on the
Assassination of President Kennedy
200 Maryland Avenue, N.E.
Washington, D.C. 20002

Dear Justice Warren:

This letter, following the telegram sent to your office yesterday, serves as the formal notice of appearance in regard to the investigation and hearings being conducted by the Commission. I have been retained by Mrs. Marguerite C. Oswald of Fort Worth Texas, the mother of the accused assassin, to represent the interests of the deceased Lee Harvey Oswald before your Commission. I enclose herewith an affidavit, signed by Mrs. Marguerite C. Oswald, and duly notarized on the 11th day of January, 1964, within the State of Texas, City of Fort Worth and County of Tarrant. The affidavit states that the deponent is the mother of Lee Harvey Oswald and that on the 11th day of January, 1964, she retained me, on his behalf, for the purposes above stated.

I enclose also an affidavit signed by Mrs. Marguerite C. Oswald on the 11th day of January, 1964, stating that Marina Oswald told her that the alleged murder weapon displayed to her by the Dallas Police on the 22nd day of November, 1963, was, in fact, not the rifle owned by the deceased Lee Harvey Oswald.

In view of the above I request permission at this time to visit with Mrs. Marina Oswald to determine the nature of her confinement and to discover if unfair and inappropriate methods have been utilized to tamper with or influence her testimony. The very secret nature of her confinement must, of course, raise serious doubts.

I also request permission to examine the reports thus far submitted to you which make reference to my deceased client and for the right to present witnesses at the hearings that you contemplate holding. Along these lines I request that you inform me of the proposed dates for the hearings.

I would appreciate it if communication from your office were directed to me at 164 West 79th Street, New York, New York.

Respectfully,


Mark Lane

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AFFIDAVIT

State of Texas)
County of Tarrant: ss:
City of Fort Worth)

MARGUERITE OSWALD, being duly sworn, deposes and says:

That I reside at Number 2220 Thomas Place, City of Fort Worth,
State of Texas.

That I am the mother of LEE HARVEY OSWALD, who was arrested on
the 22nd day of November, 1963, and charged with the murder of PRESIDENT
JOHN F. KENNEDY.

That the President of the United States has caused to be formed
a committee to investigate the assassination of President Kennedy and
the killing of my son and that the said committee in known as the PRESIDENT'S
COMMISSION ON THE ASSASSINATION OF PRESIDENT KENNEDY.

That I have, on this eleventh day of January, 1964, retained
MARK LANE, Esq., as my attorney to represent the interests of my deceased
son before the aforesaid committee, and to represent in addition any
rights and interests which I may derive from the investigation and hearings
now being conducted or about to be conducted by the aforesaid committee.

Marguerite C. Oswald

Sworn to before me this
11th day of January, 1964.

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NEED COPY

AFFIDAVIT

State of Texas)
County of Tarrant; ss :
City of Fort Worth)

MARGUERITE OSWALD, being duly sworn, deposes and says:
That I reside at Number 2220 Thomas Place, City of Fort Worth, State of Texas.

That I am the mother of LEE HARVEY OSWALD, who was arrested on the 22nd day of November, 1963, and charged with the murder of President John F. Kennedy.

That on the 22nd day of November, 1963, both Marina Oswald, then the wife and now the widow of my deceased son, and I were questioned by police officials in the police station located in the City of Dallas, State of Texas.

That on the 23rd day of November, 1963, Marina Oswald stated to me that she was asked by police officials if the alleged murder weapon, then showed to her was the rifle that was owned by Lee Oswald. Marina Oswald stated to me that she told the police officials that the rifle displayed to her was not the rifle owned by her husband, Lee Oswald and that it was in her opinion a different rifle from the rifle owned by Lee Oswald. Marina also said that in stating to the police that the rifle displayed to her was not the rifle belonging to Lee Oswald she was telling the truth.

Marguerite C. Oswald

Sworn to before me this
11th day of January, 1963.

Marguerite C. Oswald
John F. Kennedy

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MICRO COPY

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JUSTICE EARL WARREN, PRESIDENT'S COMMISSION ON
ASSASSINATION OF PRESIDENT KENNEDY
200 Maryland Ave. , N. E. ,
Washington, D. C.

I have been retained by Mrs. Marguerite C. Oswald to represent
her deceased son in the investigation and hearings being conducted
before your Commission. A more formal notice of appearance and
affidavit will follow.

Mark Lane, Attorney, 164 West 79th St. , New York City

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Attachment 12 - Letter to Secret Service regarding
recommendations and Status re
Security procedures

Bubble Top

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JAN 10 1964

Gowd

Mr. James J. Rowley
Chief, United States Secret Service
Treasury Department
Washington 25, D. C.

Dear Mr. Rowley:

Thank you for your letter of January 6, 1964 responding to my letter of December 10, 1963.

I appreciate your report on the handling of the Presidential automobile since November 22, 1963. I suggest that we protest for use the question of whether a representative of the Commission should examine the windshield presently stored in the Secret Service storeroom at the White House garage. As you know, we are interested in being kept advised as to the progress of the work currently in process at Cincinnati for the manufacture and installation of a bullet resistant "bubbletop" on the automobile.

In accord with your letter Inspector Malley and I have discussed further the review which he is currently making of the investigative materials relative to your report of December 10, 1963. The arrangements you suggest are completely agreeable to me, and I shall wait for Inspector Malley to furnish copies of reports which he considers pertinent to our investigation. At that time the Commission may consider it desirable for a member of the staff to review the additional reports in your possession as you suggest.

During my meeting with Inspector Malley on January 7, 1964 we discussed whether the Secret Service had made any changes in the procedures designed to protect the President since the assassination. I would appreciate being advised whether any such changes have been made and whether the Commission may review any memoranda or studies pertaining to existing procedures which have been prepared by your Service since the assassination.

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In addition, I asked Inspector Kelley if the Secret Service would supply the Commission with a formal statement of your recommendations regarding the entire matter of Presidential security. As you are aware, it is possible that this Commission may wish eventually to make certain recommendations regarding this problem which would enable the Service to perform its job more effectively. We are interested, of course, in having the advantage of your expertise as we consider various possible improvements.

On behalf of the Commission I wish to thank you and your representatives for your continued assistance to the work of the Commission.

Sincerely,

J. Lee Rankin
General Counsel

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