would behave in a very angry and overly emotional manner. He stated that it was RUBY's general nature to want to be in on activities that were going on in Dallas and WISE has observed him in the past at many sports events. WISE pointed out that on the occasion of WISE's transfer from TV Channel 6 to TV Channel 4, he was given a going away party which was held at the Carousel Club. On this occasion, WISE was given a bottle of champagne for having won first prize in a twist contest at the club. A man took the bottle of champagne and RUBY observed him take it and became very angry with the man and actually was violent in his reaction to the man having taken the champagne. WISE thought at the time that RUBY was going to strike this man and WISE interceded in an effort to calm RUBY down.

THE SECRETARY OF DEFENSE
WASHINGTON

21 SEP 1964

Honorable Earl Warren
Chairman, President's Commission on the Assassination of
President Kennedy
Washington, D.C., 20002

Dear Mr. Chairman:

In accordance with your letter of September 10, 1964, attached is my affidavit that Lee Harvey Oswald was never an informant or agent of any intelligence agency under the jurisdiction of the Department of Defense.

There is also attached a copy of a report concerning Lee Harvey Oswald which does not appear to have been previously furnished the Commission. Otherwise, all known information that the Department of Defense has that relates to the assassination of President John F. Kennedy has been sent to the Commission. The Department of Defense does not have any information suggesting that the assassination of President Kennedy was caused by a domestic or foreign conspiracy.

Sincerely yours,

[Signature]

Enclosures

COMMISSION EXHIBIT NO. 3040
AFFIDAVIT

COMMONWEALTH OF VIRGINIA
COUNTY OF ARLINGTON

This certifies that Lee Harvey Oswald was never an informant or agent of any intelligence agency under the jurisdiction of the Department of Defense.

Subscribed and sworn to before me this
21st September 1964.

Commission Exhibit No. 3041—Continued