

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of  
the Maine Attorney General as transferred to  
the Maine State Law and Legislative Reference  
Library on January 19, 2022**

September 14, 1960

Governor John H. Reed

Executive

Thomas W. Tavenner, Asst. Atty. Gen.

Attorney General

**Extradition of John Bernard Jenks**

On or about July 1, 1960, you received from the Governor of Massachusetts a request for the extradition of John Bernard Jenks who stands charged in that state with the crime of begetting a woman with child, he not being her husband. At the request of Harold Rubin, Esquire, attorney for Mr. Jenks, you asked this office to investigate the demand, and for that purpose we held an informal hearing at our office on Tuesday, August 2, 1960. Persons present at the hearing were John Bernard Jenks; Harold Rubin, Esquire, counsel for Mr. Jenks; Teresa Landis; Frank E. Hancock, Attorney General; James G. Frost, Deputy Attorney General; Thomas W. Tavenner, Assistant Attorney General; Walter C. Ripley, Investigator for the Office of Attorney General; Donald McGowan, and William J. Powers.

At the hearing it appeared that there were several formal defects in the papers as they had been sent up from Massachusetts. These defects have now been corrected by the Commonwealth and the corrected papers sent back to us. There are, however, several other defects which should be called to your attention, as they have caused us quite a bit of concern. Mrs. Landis, the complaining witness, testified that she was married at the time of the alleged crime and that she had placed her husband's name on the child's birth record at the Boston City Hospital. This indicates to us grave doubts as to whether or not the Commonwealth of Massachusetts can rebut the presumption that Mr. Landis was the father of the child. This question is, of course, a matter of proof and should not influence your decision as to whether or not to honor this request. We thought, however, that it should be brought to your attention.

More important, was Mrs. Landis's statement that she had agreed to be the complaining witness in this action only because the Welfare Department of the Commonwealth of Massachusetts would otherwise have cut off the aid that she had been receiving for her two children. It would seem that such a motive is directly in conflict with Mrs. Landis's statement in the official papers that she had no direct or indirect financial interest in this prosecution. This is a defect which goes to the very substance of the extradition papers and because of this defect we recommend that you refuse to extradite the above-mentioned John Bernard Jenks.

TWT:H

Thomas W. Tavenner  
Assistant Attorney General