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UNITED STATES GOVERNMENT

Memorandum

- 1 - Mr. Belmont
- 1 - Mr. Rosen
- 1 - Mr. Sullivan
- 1 - Mr. Malley
- 1 - Mr. Conrad
- 1 - Mr. Jevons
- 1 - Mr. Neill
- 1 - Mr. Herndon
- 1 - Mr. Frazier
- 1 - Office, Room 7133

DATE:
8-7-64

Tolson	_____
DeLoach	_____
Mohr	_____
Casper	_____
Callahan	_____
Conrad	_____
DeLoach	_____
Evans	_____
Gale	_____
Rosen	_____
Sullivan	_____
Tavel	_____
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Holmes	_____
Gandy	_____

TO :
FROM :
SUBJECT:

Mr. Conrad

E. H. Jevons

ASSASSINATION OF
PRESIDENT JOHN F. KENNEDY,
DALLAS, TEXAS; 11-22-63

The Commission has referred to us for review a Report of the Proceedings Held at Dallas, Texas, Saturday, July 18, 1964, (polygraph examination of Ruby) and a transcript of SA E. P. Herndon's deposition. Both transcripts were reviewed and minor typographical errors were corrected.

On 8-5-64, SA Robert E. Neill delivered to Mr. Howard P. Willens of the President's Commission the corrected transcripts.

Corrected copies of the Report of the Proceedings and SA Herndon's deposition are attached.

ACTION: None. For information only.

Enclosures (2)

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FOR THE DIRECTOR
ENCLOSURE

FOR THE DIRECTOR

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THE PRESIDENT'S COMMISSION
ON THE
ASSASSINATION OF PRESIDENT KENNEDY

Dallas, Texas
Room 7-M, Dallas County
Jail
Saturday, July 18, 1964
11:00 a.m.

The President's Commission met, pursuant to recess,
at 11:00 a.m., in Room 7-M, Dallas County Jail at Dallas,
Texas, Staff Counsel Arlen Specter presiding.

PRESENT:

Arlen Specter, Staff Counsel

Bell P. Herndon, Special Agent, FBI, Washington

W. James Wood, Special Agent, FBI, Dallas

Clayton Fowler, Chief Counsel for Jack Ruby, Dallas

Joe H. Tonahill, Co-Counsel for Jack Ruby, Jasper

William F. Alexander, Assistant District Attorney
for Dallas County, Texas

Allan L. Sweatt, Chief Criminal Deputy and
Polygraph Operator for
Dallas County, Texas

Odell Oliver, Court Reporter

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Preliminary Statements regarding Polygraph-- 2-38
Test to be given Jack Ruby

"Consent to Interview with Polygraph" ----- 38
signed by Jack Ruby

Polygraph Proceedings as Conducted by ----- 39-211
Mr. Bell P. Herndon of FBI

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Monday - July 18, 1964
Dallas County Jail, 7-M
Dallas, Texas

PROCEEDINGS

MR. SPECTER: May the record show that present at this time are Mr. Clayton Fowler, Chief Counsel for Jack Ruby; Mr. Joe H. Tonahill, Co-Counsel for Jack Ruby; Mr. William F. Alexander, Assistant District Attorney for Dallas County, Texas; Mr. Allan L. Sweatt, Chief Criminal Deputy and polygraph operator for Dallas County, Texas; Mr. Bell P. Herndon, the polygraph operator with the FBI, Special Agent for the Federal Bureau of Investigation; Mr. W. James Wood, Special Agent of the Federal Bureau of Investigation; Odell Oliver, court reporter; and Arlen Specter, Assistant Counsel of the President's Commission.

We have discussed preliminarily the procedure to be followed on the polygraph examination, where those currently present may remain while the polygraph operators, Mr. Herndon and Mr. Wood, explain the questions to Mr. Ruby, and then everyone would leave except the operators, Messrs. Herndon and Wood, and the court reporter and me, and the question now subject to resolving is the issue of whether anyone will be present from the Sheriff's Office.

As you know, we with the Warren Commission are trying to bring our work to a close and the Chief Justice promised

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1 a polygraph test and that was six weeks ago tomorrow, but
2 there have been a lot of things we have had to work out, and
3 I think it all ought to be on the record and I would want to
4 give him every opportunity to put his request right on the
5 record in any way you want and of course I think that all
6 your objections and comments about it should go on the record,
7 and after you have so stated, I will state responsively the
8 Commission's conclusion on that.

9 I will say further that there is no closed mind on
10 these issues and that they will have to be weighed and
11 evaluated by the members of the Commission themselves.

12 MR. FOWLER: Let me first suggest then---why don't
13 I discuss this with Jack?

14 MR. SPECTER: That's fine.

15 MR. FOWLER: And then Jack may say whether he
16 wants to go ahead with this and how I have advised him, and
17 that he has on numerous occasions requested it, and I will
18 tell him that the Chief Justice promised to give it to him
19 and they are here ready to do it, which I am going to tell
20 him, and if he insists on it, I can't and won't try to hold
21 him back.

22 MR. TONAHILL: That's a good suggestion.

23 MR. SPECTER: Fine, and if he has changed his mind
24 for any reason, I will just actually want to have it on the
25 record, and that will conclude the issue, so far as the

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1 Commission concerned.

2 MR. FOWLER: Let's see---he's on what floor?

3 MR. TONAHILL: 6-M.

4 MR. FOWLER: Let me step down and chat with him for
5 just a few minutes.

6 MR. TONAHILL: Do you want me to go with you?

7 MR. FOWLER: I may need you later.

8 MR. SPECTER: Let the record show that Mr. Fowler
9 left the room, and in approximately five minutes thereafter,
10 returned to the room from his conference with Mr. Ruby.

11 MR. FOWLER: He says he's going to take this test
12 regardless of his lawyers, and he says---"By God, I'm going
13 to take the test".

14 MR. TONAHILL: Well, you know the law is in his
15 favor and that he is presumed to be sane, and there can't
16 anybody speak for him but himself.

17 MR. FOWLER: I have advised him, and I have read
18 this letter to him, and I have explained all of this to him
19 when I talked to him.

20 MR. TONAHILL: If he wouldn't take it now----

21 MR. FOWLER: Well, I won't want to go back there
22 then.

23 MR. TONAHILL: If he ever gets his hands on you,
24 they'll let him have it.

25 MR. SPECTER: (addressing the court reporter) If

1 you have had a chance to put these observations on the
2 record---I hope you have.

3 MR. FOWLER: I also want this further put into the
4 record as to how many requests, in addition to this one,
5 that were made for this test.

6 MR. SPECTER: We would be willing to accede to that
7 request, and as you know, we have been trying to set this up
8 for a long while, and the circumstances of the Commission's
9 time table require us to proceed today, that is, either pro-
10 ceed or find out from Mr. Ruby that we would not ever pro-
11 ceed along this line.

12 I have requested Sheriff Decker to have a physician
13 standing by so that he may protect to the fullest extent
14 possible Mr. Ruby's physical condition if he needs medical
15 attention, but without Dr. Tanay from Detroit being present.
16 There is no way we can implement that, although we have no
17 objection to having any other doctor who can be present
18 here today.

19 With respect to Request Number 2 made during our
20 preliminary discussion, that the results of the tests be held
21 confidential, The Commission has heretofore on other
22 questions refused to make any commitment because of the
23 high nature of its responsibility in disclosing or not dis-
24 closing what it concludes is in the public interest, or
25 stated differently, they just won't be committed.

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1 The results of this examination will not be dis-
2 closed to anyone until the Commission itself has reviewed
3 the results and makes a decision, bearing many factors in
4 mind, including your request, to have the information remain
5 confidential.

6 MR. FOWLER: All right, now in the past, of course
7 we feel this---that as to the other information that we
8 assumed would be confidential and would not be released to
9 the press, this of course has been done, and we strenuously
10 request that this matter not be released to the press.

11 (At this point Sheriff Decker entered the room.)

12 MR. DECKER: (Addressing Mr. Fowler) Jim Kerr
13 caught you making a 50 yard dash and they are circling
14 around downstairs and Jim Kerr is just going in circles
15 wanting to know what Clayton Fowler is doing up in the jail.

16 (At this point Sheriff Decker left the room.)

17 MR. SPECTER: Mr. Fowler, as to your last statement,
18 I don't know what you are referring to specifically, and
19 without taking them up in terms of specific items, I couldn't
20 comment about them but I don't know that it would be really
21 useful to go into those at this time.

22 The material given to the Commission, where the Com-
23 mission says it will be kept confidential, to the best of my
24 knowledge has always been honored. There are in these pro-
25 ceedings many chains and it is not possible in some cases to

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1 pinpoint responsibility, but the Chief Justice and the Com-
2 mission have honored every commitment they have made hereto-
3 fore, and if they feel in their judgment, of course, they
4 have the paramount responsibility for the entire investiga-
5 tion, that the results of this proceeding ought to be kept
6 secret, you may be assured that it will be implemented to
7 the fullest extent possible.

8 MR. FOWLER: Well, of course, our request is that
9 this matter be held strictly confidential because it is
10 being given at the request of the Commission and for the
11 benefit of the Commission, and we feel that the Commission
12 and only the Commission should have this information, and
13 before any of it is released for public consumption or
14 private consumption, Number (1)--the Sheriff's Office, the
15 District Attorney's Office, the Federal Bureau of Investiga-
16 tion, or any other agency of the Government outside the
17 Warren Commission---that we be told that this is going to be
18 done.

19 MR. SPECTER: That request, I think, can be honored
20 in that you will be notified in advance of any publication,
21 that the Commission will make a publication if in fact it
22 ultimately decides to make such a publication.

23 Now, there is one facet of this matter which is
24 difficult to control and that is the fact itself that a
25 polygraph examination is being administered. I do not know

1 at this time what circulation has been given to this fact,
2 if any, by any of the people who are involved, since it has
3 touched many bases among many parties in this proceeding.
4 That fact itself may have already been disclosed, but with
5 respect to the results of this examination, I propose to
6 keep those within the custody of the Commission through the
7 Federal Bureau of Investigation and its operators, who are
8 conducting this test, and their report will be made avail-
9 able only to the Commission until the Commission decides
10 whether it should be made public to any further extent or
11 made public at all.

12 MR. FOWLER: All right. Now then, I would like for
13 this record to also show that this letter from Mr. Gordon
14 Shanklin has been handed to you and that you are fully
15 appraised of what this letter contains, and I want the
16 record to further show that on this date (1:05 p.m.), not
17 later than ten minutes ago, I talked with Jack Ruby. I
18 read the letter to him. I explained it to him to the best
19 of my ability. I also advised him that the family legal
20 advisor, Mr. Sol Dann, an attorney of Detroit, had made these
21 requests, and that following these requests that I as Jack
22 Ruby's attorney advised him not to take the test, and that
23 if he did so he would be doing it against the advice of his
24 attorney, against the advice of his family advisor's attor-
25 ney, and against the advice of the family, and that notwith-

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1 standing (), Jack said that he had () uested this before
2 either Mr. Sol Dann or myself came into this case as
3 attorneys, and that Chief Justice Warren had promised that
4 he would give him this test, and that regardless of what
5 Mr. Dann's wishes would be, together with his entire family
6 and together with his attorneys of record, that he insisted
7 on this test, but that a further proceeding of it would be
8 against the advice of his lawyers, and at this time we do
9 respectfully request that the Commission not disclose any
10 of the questions that will be submitted to Jack Ruby to any
11 other person other than the operators, the Investigator for
12 the Warren Commission, and his attorneys present---Mr. Joe
13 Tonahill and Clayton Fowler, and that more specifically that
14 these questions not be given to anyone connected with the
15 Dallas Sheriff's Office, the Dallas Agency of the Bureau of
16 Investigation, the Dallas District Attorney's Office, and
17 more specifically, Mr. Bill Alexander, who is present in the
18 room at this time and representing the District Attorney's
19 office, and Mr. Allan Sweatt, who is present in the room and
20 representing the Dallas Sheriff's Office.

21 Anything else, Joe?

22 MR. TONAHILL: I might go back on a little background
23 whenever you finish.

24 MR. FOWLER: I wish you would.

25 MR. SPECTER: With respect to the notation for the

1 record concerning the contents of the letter from Mr. Gordon
2 Shanklin, Special Agent in Charge of the FBI Office here in
3 Dallas, that identical information has been conveyed through
4 the Federal Bureau of Investigation to Mr. J. Lee Rankin,
5 General Counsel of the Commission, and having considered
6 those requests and those factors, the General Counsel has
7 instructed me to proceed to have this polygraph taken today
8 if Mr. Jack Ruby wanted to have this polygraph taken in
9 accordance with his prior request to the Commission on
10 June 7, 1964 and the commitment given by the Commission
11 through the Chief Justice that such a polygraph examination
12 would be given.

13 With respect to the request that none of the questions
14 be made available to anybody from the Dallas Police Depart-
15 ment or the Dallas District Attorney's Office or the Dallas
16 Sheriff's Office, the Commission's position on that is that
17 if the questions are to be submitted in advance to the
18 Counsel for the Defendant, that there is equal standing on
19 the part of the State to have similar treatment.

20 Previously, I outlined for you the procedure that we
21 proposed to adopt during the course of this polygraph
22 examination, to-wit, having the people present in the room
23 who are here at the present time, which includes Mr. Clayton
24 Fowler and Mr. Joe Tonahill, representing Mr. Ruby; Mr. William
25 F. Alexander, representing the Dallas District Attorney's

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1 Office; Mr. Allan L. Sweatt, Chief Criminal Deputy of the
2 Dallas Sheriff's Office; Mr. Bell P. Herndon, Special Agent
3 of the Federal Bureau of Investigation, and Mr. W. James
4 Wood, Special Agent of the Federal Bureau of Investigation,
5 who are going to administer the polygraph examination.

6 The questions to be asked of Mr. Ruby at the time of
7 administration of the examination would be set forth to
8 Mr. Ruby so that he would understand them fully, and with
9 the other people present it would be known what questions
10 were going to be asked of Mr. Ruby in advance of the actual
11 asking.

12 Then, it was the Commission's view that everybody
13 should leave the room except for the two Special Agents of
14 the FBI who would be administering the test, the court
15 reporter and me, so that the minimum number of people would
16 be present.

17 I have conveyed that request to Sheriff Decker and he
18 has insisted that a member of his staff be present as
19 custodian of the body of Jack Ruby, since he has that respon-
20 sibility. It is not yet determined who that will be, but
21 the Commission proposes to proceed on the administration of
22 the polygraph test under those circumstances, with the only
23 open question being the identity, if anyone, of the represen-
24 tative of the Sheriff who has charge of the custody of the
25 body of the Defendant here or Jack Ruby, since he is not a

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1 Defendant (this proceeding, actual (

2 MR. TONAHILL: I should like to say as one of Jack
3 Ruby's defense counsel along with Chief Defense Counsel
4 Clayton Fowler, that when I entered the defense of Jack Ruby
5 back in December of 1963 with Mr. Belli, at that time we in-
6 sisted before undertaking his defense that he agree to a
7 polygraph test and truth serum test or any other scientific
8 test that would reflect whether or not there was a connection
9 between him and Lee Harvey Oswald or in any respect a con-
10 spiracy. He agreed and insisted at that time that there was
11 no such conspiracy. He did not know Lee Harvey Oswald and
12 there was no connection between them and that he would under-
13 take any type of a scientific test that we could have made
14 available for him. Jack Ruby has insisted on those tests
15 ever since.

16 We have from time to time proposed to the FBI through
17 Mr. Gordon Shanklin and others, that a lie detector test be
18 given Mr. Ruby. We have filed Motions to obtain scientific
19 tests. Mr. Ruby has insisted on these tests very strenuously
20 and has felt that I have stood in the way of him obtaining
21 them.

22 I was present during the Warren Commission deposition
23 of Jack Ruby along with Mr. Jim Bowie of the District Attor-
24 ney's Office some six weeks ago when Chief Justice Earl
25 Warren on numerous occasions responded to Jack Ruby that he

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1 had it in his power to make available to him some day in
2 the future a polygraph test and would do so at Mr. Ruby's
3 request.

4 Now it has come down that Chief Justice Earl Warren
5 and the Warren Commission are now in the process of keeping
6 faith with their promise to Mr. Ruby.

7 Mr. Fowler and I have talked with the various psychia-
8 trists, Drs. Tanay, West, and Beavers, each of whom feels
9 that because Jack Ruby is of unsound mind and mentally ill,
10 this polygraph test is a mistake and would produce nothing
11 by way of an accurate result or deception, truth, or con-
12 clusiveness in any regard and feel that it should not be
13 made.

14 As Co-Counsel with Mr. Fowler, I yield to his posi-
15 tion here and concur with him, but as a personal individual,
16 very close and very knowledgeable of the entire history of
17 this polygraph demand on the part of Ruby, it is my personal
18 view that even though he is of unsound mind, does not know
19 right from wrong, is mentally ill, and his psychiatrist are
20 opposed to it, unless he is given the polygraph test there
21 will never be any satisfaction in any respect. His condi-
22 tion might even grow worse without it, and in the interest
23 of satisfying everyone concerned, the State, the Nation, and
24 the World----that in all probability if this polygraph test
25 is not given, there will be left hanging in the clouds

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1 certain doubts as to whether there was a conspiracy between
2 Ruby and others or Oswald, or whether they knew each other,
3 despite the fact that his mental condition may be such that
4 it will not demonstrate any effective results.

5 Nevertheless my personal view is that it might be
6 well to go forward with it, and certainly if all appellate
7 efforts are exhausted on behalf of Jack Ruby and his case is
8 affirmed all the way up, which I feel that it won't be; if
9 his family and Jack Ruby should refuse to undergo a polygraph
10 test, certainly the Board of Pardons and Parole may look
11 with disfavor upon that fact and infer possible premeditation
12 on his part in the shooting of Oswald or a possible con-
13 spiracy and might rule against him in granting clemency, in
14 the event it ever reached that stage. And, irrespective
15 of whether an effective polygraph test can be run of this
16 man at this time in his present mental state or not, I
17 personally feel that an effort should be made to do it.

18 MR. SPECTER: For the record I want to add that
19 requests have been received by the Commission, requests made
20 on behalf of Mr. Ruby, to have a polygraph test, prior to
21 the time the Commission heard his testimony on June 7 of this
22 year, and that the Commission has not initiated any effort
23 whatsoever to have a polygraph test taken but is only con-
24 ducting these proceedings today to make available to
25 Mr. Ruby this examination if he wishes to have it at this

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1 time, in accordance with the promise made by the Commission
2 through the Chief Justice on June 7.

3 I want to be emphatic and clear on this question
4 that we do not now and have never asked for or insisted on
5 a polygraph examination, that if Mr. Ruby does not want to
6 have such an examination taken, that is acceptable to the
7 President's Commission on the Assassination, and as we dis-
8 cussed informally before we started a record proceeding, in
9 this event we are willing to have anything put on the record
10 that Mr. Fowler or Mr. Tonahill wish to place on the record
11 as his attorneys, and of course, we do not wish to, have not,
12 and will not interfere in any way with your representation
13 of Mr. Ruby, as his counsel, so that he may take your advice
14 and proceed in accordance with your advice.

15 If you wish to put on the record any medical evidence,
16 I am authorized to have that done here today or at a later
17 date. Mr. Tonahill and I discussed this matter by tele-
18 phone last Wednesday and I indicated to him at that time
19 that the Commission was willing to have such evidence placed
20 on the record as an aid to their evaluation of whether to
21 place its credence in the tests which are going to be ad-
22 ministered.

23 It has been somewhat uncertain as to whether this
24 proceeding would go forward today, so that counsel for
25 Mr. Ruby wish to provide any supplemental data by way of

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1 testimony, letter, affidavit or in whatever form you choose,
2 the Commission will be glad to receive it and to weigh it
3 in evaluating whatever these tests may disclose.

4 May the record further show that arrangements have
5 been made to have Dr. Norman Beavers available, adjacent to
6 the room where these proceedings will take place, in the
7 event that there is any medical attention required for
8 Mr. Ruby.

9 MR. TONAHILL: Sheriff Decker gave me this phone
10 number and said he would be standing by.

11 I would like to add to Mr. Specter's comments that
12 it is correct that numerous letters have been written by me
13 to the Warren Commission requesting the polygraph test prior
14 to the intervention of the psychiatrist, who felt that it
15 would be a mistake.

16 At no time has the Warren Commission agreed and
17 stated that they desired the polygraph test. The test, as
18 I understand, has grown out of the agreement between Mr. Ruby
19 and Mr. Chief Justice Earl Warren at the hearing that oc-
20 curred here about six weeks ago.

21 I should like to say that I asked Sheriff Bill Decker
22 to get in touch with Dr. Norman Beavers, and this was as a
23 result of the conversation with Mr. Specter, and have
24 Dr. Norman Beavers available so that he could be interrogated
25 subsequent to the running of the polygraph test. Is that

1 agreeable?

2 MR. SPECTER: Yes, that is agreeable, if you desire
3 to do just that.

4 MR. FOWLER: Further, let's add this, Joe, that in
5 whatever capacity or degree it would help to substantiate
6 that in our opinion we believe that Jack Ruby is of unsound
7 mind.

8 We would like to submit at a later date a report by
9 Dr. Emanuel Tanay, a practicing psychiatrist in Detroit,
10 Michigan, a report by him based upon the examination of
11 Jack Ruby, together with the report of Dr. West, and we would
12 respectfully request that this matter be furnished to you at
13 a later date. We have it available but not for today, and
14 we would like to make it a part of this record, as suggested
15 by Counsel.

16 MR. SPECTER: Mr. Fowler, the Commission will be
17 glad to receive any evidence that you may wish to submit on
18 all the questions which you have raised during the course
19 of this proceeding.

20 MR. TONAHILL: Whoever is in charge of his body
21 ought not to be an expert on this thing (referring and indi-
22 cating the polygraph machine).

23 MR. FOWLER: You and I have done all we can do on it.
24 I am not going to physically manhandle Jack Ruby.

25 MR. TONAHILL: No, Jack Ruby is going to insist on

1 doing it, and until he is declared a ward through an insanity
2 proceedings, he is presumed to be able to exercise his own
3 consent.

4 MR. FOWLER: That's right.

5 MR. SPECTER: Let us discuss this off the record a
6 moment.

7 (Discussion between Mr. Specter and Messrs. Tonahill
8 and Fowler off the record regarding presence in the
9 room of anyone able to operate polygraph machine
10 other than the FBI operator, Mr. Herndon.)

11 MR. FOWLER: Let us put this into the record, that
12 we would further object to anyone in the Sheriff's Office
13 being present, if the only valid reason is one of security,
14 and I would like the record to reflect that we are within the
15 confines of the Dallas County Jail, namely, on 7-M, which is
16 a part of the Dallas County Jail, and that it would appear
17 to me to be virtually escape proof, and as I understand
18 previously when Mr. Warren was here, that he was allowed to
19 talk with Jack Ruby by himself and without the presence of
20 anyone from the Sheriff's Department, which further leads
21 me to believe that this is not for security purposes only,
22 and we will object to the presence of anyone from the Dallas
23 County Sheriff's Office.

24 MR. SPECTER: In response to your objection,
25 Mr. Fowler, for the record I will state that the Commission

1 has requested that its preference be honored to have no one
2 other than the FBI personnel administering the test, the
3 court reporter, and me present, but that Sheriff Decker
4 has taken the position that the prisoner, Jack Ruby, is his
5 responsibility and that he must have someone on his staff
6 present. Sheriff Decker did agree to substitute as that
7 person the Chief Jailer, who has no knowledge of or exper-
8 ience with polygraph operation, so that the confidentiality
9 of these proceedings is secure in my view.

10 Sheriff Decker's position is not that Mr. Ruby may
11 escape, but there may be an incident which would require
12 having someone present, and the Sheriff feels that someone
13 from his staff ought to be present, and in view of his
14 position on that, it is my conclusion that such a proviso
15 is justifiable under all the circumstances.

16 With respect to the conversations between the Chief
17 Justice and Mr. Ruby, I was present at the time those conver-
18 sations were held and they were held in the corner of the
19 room in which we are now sitting, following the formal testi-
20 mony of Mr. Ruby at the time when there were numerous people
21 in another portion of this room in which we now sit, so that
22 at no time was the Chief Justice alone with Mr. Ruby in any
23 separate room.

24 Mr. Tonahill was present at that time and I think can
25 confirm my version.

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1 MR. TONAHILL: We were all present and the Sheriff's
2 Department men did leave, the personnel there---the Sheriff
3 and his deputies. He left him in the custody---we left
4 Ruby's body in charge of a Secret Service man.

5 MR. SPECTER: Elmer Moore.

6 MR. TONAHILL: Yes, sir.

7 MR. SPECTER: And that time there were also present
8 Mr. Tonahill, Mr. Rankin, Congressman Ford, Mr. Ball of the
9 Commission's Staff, and I was present. At no time did the
10 Chief Justice have any conversations privately with Mr. Ruby
11 except that, at the very end, Mr. Ruby, the Chief Justice and
12 I were in a corner of the room conversing, and there were
13 many others present at that time, and I think Mr. Tonahill
14 can verify that.

15 MR. TONAHILL: I was present.

16 MR. SPECTER: Now, for the record, I want to state
17 that Mr. Fowler has previously gone to discuss the matter
18 with Mr. Ruby to determine what are Mr. Ruby's desires in
19 terms of having a polygraph examination, in view of the
20 stated position of the Commission that it does not request
21 such an examination, but has made such an examination avail-
22 able to Mr. Ruby if he wants one, pursuant to his request to
23 have such an examination, made during the course of Commission
24 proceedings on June 7, 1964 and the response by Chief Justice
25 Warren that the Commission would offer him such a polygraph

1 examination in response to his repeated requests.

2 MR. FOWLER: Now, I would like to answer regarding
3 the presence of a Deputy Sheriff here. I believe you
4 advanced the theory that it was thought by Mr. Decker that
5 there might be something that might occur during the giving
6 of the polygraph tests that perhaps might disrupt things.

7 We further feel and respectfully request that if
8 there is this feeling by the polygraph operator himself,
9 that he will be conducting this test some ten or 12 feet
10 from a door, and if the Sheriff is allowed at all, that he
11 be allowed to stand at the door and any other exit that might
12 be in the building, to not be able to view the chart or any
13 part of it. This would be our request to that.

14 MR. SPECTER: The conditions set forth in your
15 request will be granted and the Sheriff's custodian will be
16 present at the door so that he may not have access to the
17 chart, to insure the confidential nature of these proceed-
18 ings.

19 I think we are now ready to have Mr. Ruby come in,
20 but before he comes in, let's take a five minute recess.

21 Let the record show we are taking a five minute
22 recess.

23 (Proceedings recessed and resumed as stated.)

24 MR. ALEXANDER: I assume that once Jack is brought
25 in, there will be complete silence.

1 MR. SPECTER: Yes. Mr. Alexander, do you want to
2 make your request for the information?

3 MR. ALEXANDER: Yes, please. At this time for and
4 on behalf of the Dallas County, Texas District Attorney's
5 Office, a request is made that the Warren Commission furnish
6 the District Attorney's Office a list of the questions asked
7 Jack Ruby in this polygraph examination, and that a copy of
8 the recording made by the polygraph machine be furnished the
9 Dallas County District Attorney's Office.

10 We would also like a copy of the interpretation of
11 the test, but whether or not we are given an interpretation
12 of the test, we do want the aforementioned questions and
13 actual tape on the polygraph machine.

14 MR. SPECTER: Mr. Fowler, you may want to make a
15 similar request as to the results.

16 MR. FOWLER: In behalf of Jack Ruby and as attorney
17 for Jack Ruby, I respectfully request that the Warren Com-
18 mission deny the request of the Dallas District Attorney's
19 Office for the following reasons: Number One---that this
20 is a matter of request that has been made by Mr. Ruby to the
21 Warren Commission only, that if the District Attorney's
22 Office were furnished with these questions and answers and
23 any other matters pertaining to the giving of this polygraph
24 test, it might and could and very well well affect the out-
25 come of his case that is now on appeal before the Court of

1 Criminal Appeals here in the State of Texas,
2 fully request that the request by the District Attorney's
3 Office be denied by the Warren Commission in all of their
4 requests for this information.

5 On the other hand, we who represent Jack Ruby,
6 respectfully request that we be furnished a copy of the
7 questions that will be asked and that if some determination
8 is made as to the answers and the outcome is ever made public,
9 that we be furnished the information of the outcome of the
10 tests.

11 Now, this is off the record.

12 (Statement by Mr. Fowler to Mr. Specter, off the
13 record, requesting that Mr. Ruby be advised again
14 when brought into the room for the test, the requests
15 of his attorneys and family with respect to taking the
16 test.)

17 MR. SPECTER: In response to those two statements,
18 no commitment can be made on behalf of the Commission an-
19 ticipating the action of the Commission in advance of knowledge
20 by the Commission of the results of the tests, and any addi-
21 tional evidence which may be submitted on the competency of
22 Mr. Ruby which may aid the Commission in the evaluation of
23 the results of the polygraph examination, the request of
24 Mr. Alexander and Mr. Fowler will be transmitted to the
25 Commission and will be carefully studied by the Commission

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1 before any final decision is reached.

2 With respect to a list of questions, the procedure
3 as previously outlined will permit all parties to be present
4 when the questions are enumerated, so that the questions
5 asked of Mr. Ruby will be a surprise to no one, but will be
6 discussed in his presence and in the presence of representa-
7 tives of both the District Attorney's Office and with respect
8 to Mr. Ruby, specifically his defense counsel, so that there
9 is no limitation to the taking of notes on the questions that
10 may be asked.

11 With respect to the results, including a copy of the
12 results themselves and a copy of the interpretation, no
13 commitment can be made until the Commission has examined
14 the results in this matter fully.

15 With respect to affecting the outcome of any subse-
16 quent proceedings, the Commission has exercised the greatest
17 possible care in avoiding the influencing of the State Court
18 proceedings.

19 The action taken by the Commission has been designed
20 to fulfill its function, while at the same time not inter-
21 fering or interfering to the minimal possible extent with
22 the State Court proceedings.

23 Now, before we get Mr. Ruby in, do you want to make
24 a request for his doctor, and when we get Mr. Ruby in, we
25 will make the other statement and then we will be able to go

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1 ahead, but don't think we want to go through any more
2 with him present than we have to.

3 MR. TONAHILL: Yes. It is requested that
4 Dr. Norman Beavers, who has been retained by Jack Ruby's
5 family to observe and treat Jack Ruby, be present during
6 the examination in order that he may observe and render any
7 expression that he may have to offer that will be of benefit
8 to the Commission as well as to Jack Ruby's mental health
9 condition, with special reference to interpreting the results
10 of the polygraph tests, and as an aid and guide to the Com-
11 mission in its interpretation of it as to what weight and
12 value to give to it.

13 MR. SPECTER: Does that request, Mr. Tonahill, go
14 only for the time that everyone is present, or do you want
15 him present while the examination itself is going on?

16 MR. TONAHILL: While the examination itself is going
17 on---before and during the examinations---before the examina-
18 tion and during the actual examination, so that he can
19 actually observe the actual examination.

20 MR. SPECTER: In view of the expression of concern
21 that has been made by Dr. Tanay, that request will be granted,
22 since it is made by Counsel for Mr. Ruby at this time.

23 THE JAILER HOLMAN (on entering the room) He will be
24 right up.

25 (Mr. Ruby entered the hearing room at 2:23 p.m.)

1 MR. SPECTER: May the record now show that Mr. Ruby
2 is present.

3 Mr. Ruby, I am Arlen Specter. How are you today?

4 MR. RUBY: Fine---how are you?

5 MR. TONAHILL: Jack, that's Mr. Specter of the
6 Warren Commission.

7 MR. SPECTER: Mr. Ruby, why don't you have a chair
8 over here----we've been getting things set up, and let me
9 introduce you to everybody so you will know who everybody
10 is.

11 This is Miss Odell Oliver, who is the Court Reporter,
12 and she will take your testimony just like we did before.

13 MISS OLIVER: How do you do, Mr. Ruby?

14 MR. SPECTER: And I guess you know Dr. Beavers, and
15 this is Mr. Wood. He is one of the polygraph operators with
16 the FBI, and this is Mr. Herndon, one of the operators and
17 with the FBI also. This is Mr. Alexander, and your name,
18 Sir?

19 THE JAILER: Mr. Holman, E. L.

20 MR. SPECTER: This is Mr. Holman.

21 MR. RUBY: Can Fowler remain here after I start with
22 the interrogation?

23 MR. SPECTER: Yes, Mr. Ruby. The procedure which
24 we've discussed is this and this is subject to agreement of
25 all sides, and we've been through it, but let me go through

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1 it with you

2 We are going to conduct the polygraph examination in
3 a standard way, which involves a series of questions, about
4 8 or 9 in duration. Before we start with the series, the
5 questions will be explained to you in advance so that you
6 will know exactly what the questions are to be and you will
7 know what the operator means by the questions. He will
8 explain them so that there is no possibility of any confusion
9 in terms of what the questions mean so they won't surprise
10 you. You will have full awareness of what is going to be
11 asked.

12 At that time, everybody who is present in this room
13 will be present when the discussions are discussed in a
14 general way. So that the record may be complete, let us show
15 that Mr. Fowler is here and Mr. Tonahill is here, and
16 Mr. Alexander is here, and Mr. Herndon and Mr. Wood are here,
17 Dr. Beavers is here, and Chief Jailer E. L. Holman is here,
18 Odell Oliver is here, and of course I am here. Those are
19 the only people who are here now and they are the only people
20 who will be present when we explain each series of questions.
21 to you, so that you understand what is happening and what
22 questions are going to be asked.

23 Now, scientifically, it's preferable to have as few
24 people possible at the time the examination is administered
25 as we can, so for that purpose, we are trying to cut down the

1 number as much as we can. We had originally thought that
2 the only people present would be the two operators, the
3 court reporter and me, and now we have had Mr. Holman here
4 on the custody question, and then your Counsel requested
5 especially that Dr. Beavers be present at the time of the
6 administration of the tests, and it is our desire to have
7 only those people present, which would mean Mr. Alexander
8 wouldn't be here and Mr. Tonahill wouldn't be here and
9 Mr. Fowler wouldn't be here at the time the test is ad-
10 ministered.

11 MR. RUBY: I would like to have Mr. Fowler here
12 in preference of Dr. Beavers. May I request that?

13 MR. SPECTER: Yes, you may request that.

14 MR. RUBY: And how soon will the answers be
15 released, as soon as possible?

16 MR. SPECTER: Well, the answers are going to be
17 compiled by the FBI and then they're going to go to the
18 Commission, to Chief Justice Warren of the Commission, and
19 I am not in a position to say to you when the answers will
20 be released. That will be up to the Commission. They will
21 have to study the results of the tests and make a decision
22 on the time of release of the tests. Everything is up to
23 them as to whether they will be released, what the release
24 will be, and when it will be made.

25

I want to say preliminarily before we start, that the

1 Commission has not requested the test, but it is responding
2 to the request which was made on your behalf by letter,
3 before the Chief Justice questioned you on June 7.

4 MR. RUBY: Yes.

5 MR. SPECTER: You requested then that a test be
6 given.

7 MR. RUBY: Yes.

8 MR. SPECTER: We want it to be perfectly plain for
9 the record that the Commission isn't pushing this matter,
10 but it's only in response to your request, and that you have
11 learned counsel here who are representing you, and you are
12 aware, and we want to make it pointed and clear that anything
13 you say could be used against you, and it is possible for
14 adverse or unfavorable inferences to be drawn. Whenever
15 a Defendant who is involved in a criminal proceedings says
16 anything, anything he says could be held against him.

17 I know Mr. Fowler and Mr. Tonahill have advised you
18 of that and that has been brought to your attention, but
19 this record should show that we called it to your attention
20 as forcefully and as clearly as we could so that you would
21 understand what we are doing here.

22 MR. ALEXANDER: Mr. Specter, let me explain one
23 thing. Under Texas law, nothing that Jack says here could
24 be used against him in Texas.

25 MR. RUBY: Bill, I'm not quarreling with that, and I

1 know you certainly are not going to help me, I know that,
2 but I want get a copy to the Chief as soon as I can,
3 Chief Holman over there.

4 MR. SPECTER: You would like to do what, Mr. Ruby?

5 MR. RUBY: To have the report as soon as the results
6 are analyzed.

7 MR. SPECTER: That, as I say, is up to the Commission,
8 but you understand what I have said to you here?

9 MR. RUBY: Yes.

10 MR. SPECTER: And under those circumstances do you
11 continue to request that such an examination be given you?

12 MR. RUBY: Yes---any questions you want to ask,
13 anything pertaining to this---I will answer anything without
14 reluctance. There's no punches to be pulled. I want to
15 answer anything and everything.

16 MR. SPECTER: Mr. Fowler, I think, wants to make a
17 statement for the record too.

18 MR. RUBY: In fact, Bill, you can stay here if you
19 want to.

20 MR. FOWLER: Jack, let me ask you this: A little
21 while ago I came up into the jail cell and talked with you,
22 is that correct?

23 MR. RUBY: Yes.

24 MR. FOWLER: And at that time I advised you that the
25 Warren Commission people were here at your request to give

1 you a polygraph test?

2 MR. RUBY: Yes.

3 MR. FOWLER: I also showed you a letter from
4 Mr. Gordon Shanklin of the FBI here in Dallas, that he had
5 received requests that were submitted to him by Mr. Sol Dann,
6 who is the legal advisor to your family?

7 MR. RUBY: Right.

8 MR. FOWLER: And that certain requests were made
9 there, Number (1), that the tests would be given in the
10 presence of Dr. Tanay, with no outsiders present, with particu-
11 lar reference to anyone from the District Attorney's Office
12 or the Sheriff's Office, and further, that it would have to
13 be assured that the results of the tests would be held con-
14 fidential by the Commission, and that under no circumstances
15 made available to the District Attorney or the press.

16 Further, that written authority for such examination
17 be obtained from Mr. Earl Ruby.

18 Now, I have explained this to you, have I not?

19 MR. RUBY: Yes---can I change that now?

20 MR. FOWLER: Well, let me go on further, Jack, and
21 as your attorney of record, at that time I advised that you
22 not take nor submit to this polygraph test.

23 MR. RUBY: Yes.

24 MR. FOWLER: And at this time, as your attorney of
25 record, I advise you in the presence of these gentlemen and

1 Commission these people representing the Commission, that
2 you will be doing so against the advice of your counsel.

3 MR. RUBY: Right.

4 MR. FOWLER: And against the advice and wishes of
5 your family.

6 MR. RUBY: Right.

7 MR. FOWLER: Now, do you still at this time wish to
8 take the tests?

9 MR. RUBY: Yes, and I would also like to add that,
10 if I have a right to say this---I want it be made immediately
11 that the District Attorney's Office should receive whatever
12 is necessary in regard to the answers to the District
13 Attorney, and as I once wrote to District Attorney Henry
14 Wade, that I didn't want to publicize it, but if possible
15 they may---I would prefer that naturally, but at that time
16 it was so easy to get a lie detector test, I wrote to Henry
17 Wade; that it is not for publicity purposes but only for
18 authenticity and the truth.

19 So, I agree with everything except that if I may
20 supersede the attorney and say I'm not concerned about with-
21 holding anything. I want it to be released immediately to
22 all parties concerned.

23 MR. SPECTER: Well, Your request on that, Mr. Ruby,
24 will be transmitted to the Commission and they will consider
25 that very carefully in reaching whatever conclusion they do

1 about releasing it.

2 MR. RUBY: I want to supersede the attorney,
3 Mr. Dann, in stating that I want everything to come out
4 immediately, as soon as possible, and whoever wants to know
5 the results---what the results are---I want it to be known,
6 regardless of which way it turns.

7 MR. SPECTER: Mr. Ruby, you want Mr. Fowler to
8 remain with you during the course of the examination?

9 MR. RUBY: Yes.

10 MR. SPECTER: In view of Mr. Ruby's request, it is
11 my view that it ought to be honored and that the group is
12 of such a size now that it ought to remain as it is consti-
13 tuted at the present time for both sessions.

14 We have done our best to limit it, but since it is a
15 legitimate request here to include Mr. Fowler, we will sit
16 in this group during all portions of the test.

17 Mr. Ruby has indicated that he has no objection to
18 having Mr. Alexander here, and if one side is here, the other
19 may be.

20 MR. ALEXANDER: Mr. Specter, if it will help the
21 ultimate in the tests, I have no objection to leaving the
22 room, and perhaps Mr. Tonahill, I think, could very well
23 leave, or if Jack has no objections and perhaps wants us
24 here, we will stay.

25 MR. SPECTER: I am advised by Mr. Herndon that the

1 technical considerations are not persuasive as to one or
2 two more people, with this many present, so that if it's
3 acceptable to all parties, specifically Mr. Ruby, we will
4 just proceed with the group that's present here during all
5 portions, the explanatory portion of to Mr. Ruby and the
6 actual testing itself.

7 Is that agreeable, gentlemen? Is that agreeable
8 with you, Mr. Ruby?

9 MR. RUBY: Well----

10 MR. FOWLER: Jack, let me make this request. I
11 don't think Bill can read a polygraph test, but I would
12 feel better as your attorney if Mr. Alexander were not
13 present.

14 MR. RUBY: I don't mind everyone remaining here.

15 MR. FOWLER: Well, of course, again---let me advise
16 you that if Mr. Alexander remains---let me advise you of
17 your rights---that if Mr. Alexander remains, he is a member
18 of the District Attorney's staff, the answers to these
19 questions could be used against you at some later date, if
20 they are adverse to your rights, and as your attorney, I
21 advise you that it would be my suggestion to you and request
22 to you that Mr. Alexander not be allowed to remain.

23 MR. RUBY: (Addressing Mr. Alexander) Will you
24 object?

25 MR. ALEXANDER: Not at all, Jack.

1 MR. RUBY: All right.

2 MR. SPECTER: If Mr. Alexander is willing to abide
3 by your request, Mr. Ruby, then your request will govern
4 as far as the proceeding is concerned.

5 MR. FOWLER: Now, Mr. Alexander and I---when it
6 comes to me representing you or any other client---I
7 represent one client and he represents the other. He, in
8 my opinion, is a perfect gentleman, but in the courtroom he
9 is a perfect prosecutor, and I like to be as near a perfect
10 defense lawyer as I can, and I believe that by allowing him
11 to stay here----

12 MR. RUBY: No, Fowler---

13 MR. FOWLER: Well, I'm thinking of you now. I'm
14 asking you to do this, and again, this is entirely up to
15 you, so it's your decision. I think I have fully explained
16 to you the reason why we would not want him here.

17 MR. RUBY: Now, I've got the monkey on my back now.

18 MR. FOWLER: Well, you've got more than a monkey
19 on your back, Jack. This is your decision.

20 (Conference between Mr. Fowler and Mr. Ruby out of
21 the hearing of this reporter and others in the room.)

22 MR. RUBY: Well, whatever my attorney suggests, I
23 guess I will have to follow through.

24 MR. SPECTER: Your request then is that Mr. Alexander
25 not be present?

1 MR. RUBY: Yes.

2 MR. ALEXANDER: That will be fine.

3 MR. SPECTER: If it is all right with you, we will
4 proceed on that basis, but of course, that will go only for
5 the time the test is actually being administered to you.

6 MR. FOWLER: That's right.

7 MR. SPECTER: Mr. Bell Herndon will now start to
8 explain the proceedings to you. He is the operator of the
9 polygraph, the principal operator here, Mr. Ruby. As I
10 explained to you, Mr. Herndon and Mr. Wood, are joint
11 operators for the FBI on the polygraph or lie detector test
12 and Mr. Herndon will take over now to explain just how it's
13 going to work.

14 MR. HERNDON: Thank you. Mr. Ruby, first of all,
15 I want to show you my credentials so you will know that I
16 am a Special Agent and I am from the FBI Laboratory in
17 Washington, D. C. (Exhibited instruments to Mr. Ruby)

18 MR. RUBY: Yes.

19 MR. HERNDON: Perhaps to set the record straight,
20 Mr. Specter, I might mention that my colleague, Special
21 Agent Wood, is not actually a polygraph examiner, but he is
22 here to assist me in this examination. Is that all right?

23 MR. SPECTER: Yes, that's fine to specify that
24 exact status.

25 MR. HERNDON: He is here to assist me and to help me

1 in the interrogation of this gentleman.

2 MR. DIRECTOR: Mr. Herndon, before you start on the
3 questioning, we will want to put Mr. Ruby under oath, so
4 pause at that point, but proceed now to explain what is
5 going to happen.

6 MR. HERNDON: Mr. Ruby, actually prior to any poly-
7 graph examination which the Federal Bureau of Investigation
8 gives to anyone, we have a consent form that I want to read
9 to you, and as I want to remind you, of course, you have
10 been advised of your rights, and there is no sense of my
11 going over it again, but I want to remind you that your
12 counsel and your attorneys are here.

13 I will now read to you this consent form that we use
14 as a standard procedure on this type of examination.

15 "Consent to Interview with Polygraph". "I, Jack L.
16 Ruby"----I believe that's the way you sign your name?

17 MR. RUBY: Yes.

18 MR. HERNDON: "I, Jack L. Ruby, consent freely and
19 voluntarily to be interviewed by Special Agents of the
20 Federal Bureau of Investigation, which I also know as the
21 FBI, in connection with the President's Commission on the
22 Assassination of President Kennedy investigation. I agree
23 to the use of the polygraph or so-called lie detector during
24 this interview or any part of it, and I am willing to be
25 present at the time and place of interview for such time as

1 is necessary to complete the interview

2 "No threats or promises of any kind have been made to
3 me to obtain my consent to this interview".

4 Now, I can let you read that if you would like or
5 your attorney might like to read it.

6 MR. RUBY: That's perfectly all right.

7 MR. HERNDON: If it's agreeable with you, I would
8 appreciate it if you would sign it, Mr. Ruby, if that's
9 agreeable with your counsel?

10 MR. RUBY: Yes.

11 MR. HERNDON: And Mr. Wood and I will witness that.

12 MR. RUBY: Do you want it "Jack Ruby" or "Jack L.
13 Ruby"?

14 MR. HERNDON: You sign it as you usually sign, but
15 do you want to read it any further, Sir?

16 MR. RUBY: I'll just sign it.

17 (Mr. Ruby at this time signed the instrument referred
18 to, which was thereafter signed by witnesses Special
19 Agents Herndon and Wood.)

20 MR. RUBY: Did you get your pants sewed up, Joe?

21 MR. TONAHILL: It went through to my leg.

22 MR. RUBY: That was a pretty rough brawl we had,
23 wasn't it, Joe?

24 MR. TONAHILL: Yes.

25 MR. RUBY: Joe, I'd appreciate it if you weren't in

1 the room. n I ask you to leave, Joe'

2 MR. TONAHILL: I'll be glad to leave, if you want me
3 to, Jack.

4 MR. RUBY: As a matter of fact, I prefer Bill
5 Alexander to you, you're supposed to be my friend.

6 MR. TONAHILL: Let the record show that Mr. Ruby says
7 he prefers Bill Alexander being here during this investiga-
8 tion, who is the Assistant District Attorney who asked that
9 a Jury give him the death sentence, to myself, who asked the
10 Jury to acquit him, his attorney.

11 MR. HERNDON: May we proceed?

12 MR. SPECTER: Please do, Mr. Herndon.

13 MR. HERNDON: Mr. Ruby, as you know, we have a
14 doctor here, and before we begin anything, I want you to try
15 to relax. I realize that there is some tension here, and
16 before we proceed any further, I want to ask you very gener-
17 ally, how do you feel today, right now, specifically speak-
18 ing?

19 MR. RUBY: Very good, except---may I be very honest?

20 MR. HERNDON: Of course.

21 MR. RUBY: What is the preference of the doctor
22 being here? Is he supposed to be my doctor, I mean
23 Dr. Beavers?

24 MR. HERNDON: Mr. Specter, do you want to answer
25 that?

1 MR. SPECTER: Yes, Mr. Ruby, he is here at the
2 request of Mr. Tonahill, and I believe concurred in, by
3 your Chief Counsel, Mr. Fowler.

4 MR. HERNDON: The reason I asked you about your
5 health, Mr. Ruby, obviously I don't want to proceed with this
6 interrogation of the polygraph type when you obviously may
7 not feel well physically today. I wouldn't want to subject
8 you to the examination unless you felt well enough to take
9 it, and I will ask you some very general questions about
10 your health in regard to your history in that regard.

11 Have you ever had any respiratory diseases or ill-
12 nesses such as asthma or trouble with breathing, Mr. Ruby?

13 MR. RUBY: None whatever.

14 MR. HERNDON: Any sinus condition or trouble?

15 MR. RUBY: No.

16 MR. HERNDON: Have you ever had any heart
17 ailments?

18 MR. RUBY: No, sir.

19 MR. HERNDON: No heart trouble to your knowledge.

20 MR. RUBY: (No response).

21 MR. HERNDON: Mr. Ruby, have you had any medication
22 of any type whatsoever today, such as tranquilizers, aspirin,
23 any drugs at all today?

24 MR. RUBY: None whatsoever.

25 MR. HERNDON: While you've been here in custody,

1 have you been under any medication?

2 MR. RUBY: None whatever.

3 MR. SPECTER: Mr. Herndon, perhaps at this time
4 I shall administer the oath to Mr. Ruby.

5 MR. RUBY: You want me to stand up?

6 MR. SPECTER: Yes, sir, if you would please.

7 During the testimony before the Commission and as Assistant
8 Counsel, I have the authority under the law to administer
9 an oath to you before proceedings in the nature of deposi-
10 tions.

11 Do you solemnly swear that the answers and informa-
12 tion you shall give in this proceeding before the President's
13 Commission on the Assassination of President Kennedy will
14 be the truth, the whole truth and nothing but the truth?

15 MR. RUBY: I do.

16 MR. SPECTER: Have the answers you have heretofore
17 given in response to the informal questions already asked
18 of you been the truth, Sir?

19 MR. RUBY: Repeat that again?

20 MR. SPECTER: Have the answers which you have
21 already given in response to the informal questions put to
22 you by Mr. Herndon and others here, are they all true?

23 MR. RUBY: Yes, about my health---are all true---
24 yes.

25 MR. SPECTER: All right, Mr. Herndon, will you

1 proceed.

2 MR. HERNDON: Yes. Thank you.

3 I understand, Mr. Ruby, that you have had your
4 lunch today, is that correct? I want to make sure you
5 have had a chance to eat?

6 MR. RUBY: Yes, I did.

7 MR. HERNDON: When did you eat, how long ago?

8 MR. RUBY: I would guess approximately 12:30.

9 MR. HERNDON: You've had no digestive problems
10 while you've been here?

11 MR. RUBY: No.

12 MR. HERNDON: Have you had any coffee today----
13 these are questions that will help us later on?

14 MR. RUBY: One early in the morning.

15 MR. HERNDON: Early in the morning?

16 MR. RUBY: Yes.

17 MR. HERNDON: Did you have more than one cup?

18 MR. RUBY: One and a half cups.

19 MR. HERNDON: That's your usual amount of coffee
20 you have?

21 MR. RUBY: Yes.

22 MR. HERNDON: Did you have any coffee at lunch,
23 Mr. Ruby?

24 MR. RUBY: No, I did not.

25 MR. HERNDON: Now, Mr. Ruby, have you ever had a

1 polygraph examination?

2 MR. RUBY: Never have---no, I haven't.

3 MR. HERNDON: I'm going to refer to this as a
4 polygraph. That's the word technically used, and as you
5 know, it's often referred to as a lie detector test. They
6 are one and the same, but I will refer to it as a polygraph
7 test.

8 Inasmuch as this is your first examination, I want
9 you to be fully aware of what I'm going to do and give you a
10 little, in layman's terms if I can, general idea of how the
11 polygraph works, and what I'm going to record and measure.
12 I want you to be fully aware of that.

13 However, before I take you over here and put you in
14 this polygraph chair, I usually like to give anybody an
15 opportunity to make any statements they wish to make prior
16 to actually taking the tests, the polygraph tests.

17 MR. RUBY: I feel well and I am not reluctant, as
18 I repeat.

19 First, I would like to know----do I sound as though
20 I have all my senses to you when I answer your questions?

21 MR. HERNDON: Well, I'm not in a position to
22 answer that, Mr. Ruby.

23 MR. RUBY: The main job is to my sanity.

24 MR. HERNDON: Mr. Ruby, you are cooperating very
25 fine with me.

1 MR. RUBY: The reason why I say this, there
2 was some newspaper items recently that brought up the
3 fact that I was of unsound mind.

4 Do I sound that way to you at the present time?

5 MR. HERNDON: I don't feel that I am qualified at
6 this time to make any statement in that regard. I'm sure
7 you would understand that that is something you can't give
8 in a moment's notice.

9 MR. RUBY: Yes.

10 MR. HERNDON: Would you care to sit over here,
11 Mr. Ruby, and I will further explain the test to you.

12 MR. RUBY: Surely.

13 (At this time Mr. Ruby conferred with Mr. Fowler
14 out of the hearing of this reporter and others in
15 the room.)

16 MR. RUBY: All right.

17 (At this time Mr. Ruby seated himself in the poly-
18 graph test chair.)

19 MR. HERNDON: This is a polygraph chair. The
20 reason it is so constructed, we want to take advantage of
21 these high arms (indicating arms on the polygraph chair) so
22 that we can get a better tracing, and very frankly, Mr. Ruby,
23 I want to give you as best an examination as I can. So,
24 it's going to take a little time and I want you to relax as
25 best you can. I realize you might be a little nervous, and

1 I will certainly take that into consideration.

2 Let me just briefly, Mr. Ruby, tell you about the
3 polygraph examination and what we're going to do today.

4 I want to proceed by hooking up some of these pieces
5 of equipment and briefly tell you what it is.

6 Now, may I ask you to remove the material you have
7 in your pocket, Sir, and you might want to give it to your
8 Counsel.

9 MR. SPECTER: Let the record show that Mr. Ruby
10 has removed all the objects from his upper lefthand
11 pocket.

12 (After removing objects mentioned, Mr. Ruby handed
13 the same to Mr. Fowler.)

14 MR. HERNDON: I gather from looking at your overalls
15 that you don't have any restrictive garments or belts or
16 anything underneath on you which would hinder you or your
17 relaxation?

18 MR. RUBY: No, sir.

19 MR. HERNDON: You are very comfortable?

20 MR. RUBY: Yes.

21 MR. HERNDON: Very fine, Mr. Ruby.

22 Now, Mr. Ruby, there are two ways I can do this. I
23 can do two things---I can either go ahead and put this equip-
24 ment on you right now and describe briefly how it's going
25 to work, or if you want, I can go over these first series of

1 questions and give you some instructions, and then put the
2 equipment on. Which do you prefer?

3 MR. RUBY: Which is the most effective way to get
4 what you want?

5 MR. HERNDON: Well, I think in view of the fact
6 that we will have some discussion here, I want to make sure
7 that you perfectly understand these questions, I will go
8 ahead and give you some basic instructions about how these
9 questions are going to be asked and how I want you to answer
10 them.

11 MR. RUBY: All right.

12 MR. HERNDON: And then later on, as I hook you up,
13 I will briefly describe what this equipment is going to do.

14 MR. RUBY: Yes.

15 MR. HERNDON: The polygraph examination will
16 entail, as Mr. Specter indicated, just approximately 8 to 9
17 questions, Mr. Ruby, and what we call a series.

18 Now, I'm going to go over these questions with you
19 right now very carefully. I want to make sure that the
20 way I have them phrased is in such a way that you understand
21 perfectly what I mean by them. We will discuss the
22 question and you may if you want to, even answer the question
23 at this time.

24 MR. RUBY: I would appreciate it myself.

25 MR. HERNDON: In other words, I'm going to tell you

1 what the question is going to be and you shall feel free to
2 answer it "Yes" or "No".

3 MR. FOWLER: Excuse me, Sir.

4 MR. HERNDON: Certainly.

5 MR. FOWLER: At this time, Jack, I request that in
6 view of the fact that you're not hooked up, that you do not
7 answer the question and reserve those until such time as you
8 will be on the machine.

9 MR. RUBY: That's fine.

10 MR. HERNDON: Then, we will just discuss the
11 questions.

12 MR. RUBY: Do it to your advantage, may I add.

13 MR. HERNDON: I generally prefer in my practice
14 with the polygraph to have the gentleman answer the question
15 so that he knows he has already answered it, and as a matter
16 of record, he knows that that question is coming along.

17 MR. RUBY: Please let me do it, will you?

18 (Addressing Mr. Fowler)

19 MR. FOWLER: (No response)

20 MR. HERNDON: I will bow to whatever Mr. Specter
21 or counsel wants to do in this regard.

22 MR. RUBY: Fowler, I hate to dispute with you, but
23 let me do it this way?

24 MR. FOWLER: Well, Jack, again, Mr. Alexander is
25 here and again I tell you this---that the answers to some of